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

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR part 457

[Docket No. FCIC–18–0001]

RIN 0563–AC55

Common Crop Insurance Regulations; Sugar Beet Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule with request for comments.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the Common Crop Insurance Regulations, Sugar Beet Crop Insurance Provisions (Crop Provisions). The intended effect of this action is to update existing policy provisions and definitions to better reflect current agricultural practices. The changes will be effective for the 2019 and succeeding crop years in states with a November 30 contract change date and for the 2020 and succeeding crop years in all other states.

DATES: This final rule is effective November 30, 2018. However, FCIC will accept written comments on this final rule until close of business October 10, 2018. FCIC will consider these comments and make changes to the rule if warranted.

ADDRESSES: FCIC prefers that interested persons submit comments electronically through the Federal eRulemaking Portal. Interested persons may submit comments, identified by Docket ID No. FCIC–18–0001, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205.

All comments received, including those received by mail, will be posted without change to *http://www.regulations.gov,* including any personal information provided. Once these comments are posted to this website, the public can access all comments at its convenience from this website. All comments must include the agency name and docket number or Regulatory Information Number (RIN) for this rule. For detailed instructions on submitting comments and additional information, see *http://www.regulations.gov.* If interested persons are submitting comments electronically through the Federal eRulemaking Portal and want to attach a document, FCIC requests use of a text-based format. If interested persons wish to attach a document that is a scanned Adobe PDF file, it must be scanned as text and not as an image, thus allowing FCIC to search and copy certain portions of the submissions. For questions regarding attaching a document that is a scanned Adobe PDF file, please contact the Risk Management Agency (RMA) Web Content Team at (816) 823–4694 or by email at *rmaweb.content@rma.usda.gov.*

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FOR FURTHER INFORMATION CONTACT: Chandra Mason, Chief, Policy Administration Branch, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, Beacon Facility, Stop 0812, Room 421, P.O. Box 419205, Kansas City, MO 64141–6205, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION:

Background

FCIC amends the Common Crop Insurance Regulations (7 CFR part 457) by revising 7 CFR 457.109 Sugar Beet Crop Insurance Provisions (Crop Provisions), to be effective for the 2019 and succeeding crop years in states with a November 30 contract change date and for the 2020 and succeeding crop years in all other states. The intended effect of this action is to update existing policy provisions and definitions to better reflect current agricultural practices.

The changes are as follows:

1. FCIC is removing the paragraph immediately preceding section 1, which refers to the order of priority if a conflict exists among the policy provisions. This same provision is contained in the Basic Provisions. Therefore, the appearance here is duplicative and should be removed from the Crop Provisions.

2. FCIC is removing parentheticals identifying the titles of sections of the Basic Provisions throughout the Crop Provisions as the parenthetical section name is unnecessary and removing these titles will prevent FCIC from having to revise the Crop Provisions should these section titles change in the Basic Provisions.

3. Section 1—FCIC is revising the definition of ''Crop Year.'' The previous definition required a reference to specific counties, as the crop year was defined differently for several California counties. In 2013, the actuarial information that made insurance available was removed from all California counties except Imperial County, which has the same definition of ''crop year'' as used in all remaining insurable states and counties. Consequently, the revised definition removes references to specific counties such that all insurable counties have the same definition of ''crop year.''

FCIC is removing the definition of ''Local Market Price'' as this term is no longer used in the Crop Provisions.

FCIC is revising the definition of ''Practical to Replant.'' FCIC is removing those provisions that are duplicative of the definition in the Basic Provisions and leaves the requirement that it is practical to replant if the terms of the processor contract can be met.

FCIC is adding a definition of ''Processor Contract'' and removing the definition of ''Sugar Beet Processor Contract.'' FCIC has identified several different Crop Provisions contain a variation of a definition for a ''processor contract,'' which has created ambiguity across Crop Provisions, and poses challenges for insurance providers to administer the program consistently across different crops. The definition of ''processor contract'' matches the definition found in other Crop Provisions, in order to improve

standardization of language regarding use of contracts across crop insurance programs. References throughout the Crop Provisions will be revised accordingly. The new definition also requires that contracts be executed by the acreage reporting date, which is consistent with all other crop insurance policies that insure contract crops. Contracts must be executed by the acreage reporting date so that liabilities and prices can be established for the purpose of determining guarantees and premium.

FCIC is removing the definition of ''Production Guarantee (per acre).'' The definition is contained in the Basic Provisions. This definition was previously necessary due to inclusion of stage guarantees, which, as stated below, have been removed from the policy. Further, as stated below, section 3 specifies that the production guarantee is expressed in pounds of raw sugar.

FCIC is removing the definitions of ''Standardized Ton'' and ''Ton.'' The definitions are no longer necessary, since, as stated below, FCIC is changing the basis of insurance from ''tons'' to ''pounds of raw sugar'' in section 3(c).

FCIC is removing the definition of ''Thinning'' as this term is no longer used in the Crop Provisions.

4. Section 3—FCIC is revising the basis of insurance from ''standardized tons'' to ''pounds of raw sugar.'' This change is made to align the policy with the current sugar beet industry standard for payment. All references to the basis of insurance throughout the Crop Provisions will consequently be revised.

FCIC is removing stage guarantees from the policy. FCIC had previously offered an option to obtain coverage without the stage guarantees for an additional premium. FCIC has observed an increasing number of sugar beet producers electing the stage removal option, such that very few producers have coverage with stage guarantees. Removal of stage guarantees from the policy will better reflect the risk management needs of producers and simplify their existing coverage options. Premiums will be revised to reflect the removal of the stage guarantees from the policy.

5. Section 4—FCIC is removing references to a July 15 contract change date because, since 2013, this date was removed from the actuarial information for all counties. Additionally, FCIC proposes to edit the remaining date references to apply to states instead of counties. The edit does not change any county dates, merely provides consistency in reference to states or counties within the Crop Provisions and actuarial documents.

6. Section 5—FCIC is removing the table of county-specific cancellation and termination dates since many of the counties with differing cancellation and termination dates no longer have insurance for sugar beets. With the removal of insurance from these counties, there are only two remaining cancellation and termination dates, so the provisions have been revised to only refer to these dates. The revision will not result in any changed dates for counties where insurance for sugar beets is currently available.

7. Section 6—FCIC is removing and reserving this section. With the removal of stage guarantees, this section is no longer necessary. The premium computation method appears in the Basic Provisions and will reflect this removal.

8. Section 7—In section 7(b)(2), FCIC is replacing ''duly promulgated'' with ''executed and adopted'' and ''sets forth'' with ''contains.'' FCIC is also adding the modifier ''corporate'' to ''resolution.'' This revised terminology uses more common language, makes clear the connection to later uses of the term ''corporate resolution,'' and provides consistency with other Crop Provisions.

9. Section 8—FCIC is removing the parenthetical in 8(b) referring to counties without a final planting date because all insurable counties now have a specified final planting date.

10. Section 9—FCIC is removing the list of end of insurance dates by geographic region and instead referring to the calendar date shown in the actuarial documents for the end of the insurance period. This change will simplify the provision and allow FCIC to timely provide area-specific dates, allow for future program expansion, and provide greater flexibility to adjust end of insurance period dates to new or evolving regional conditions as needed in the future.

11. Section 11—In section 11(b), FCIC is removing the formula for calculating a replanting payment and replacing it with the phrase ''dollar amount of the replant payment is specified in the Special Provisions'' because the costs for replanting the crop may vary by county or region and this change gives FCIC the flexibility to ensure that the costs of replanting are reflected in the actuarial documents and adjusted as needed.

12. Section 12—FCIC is decapitalizing the words ''in the'' in the section heading for consistency throughout these Crop Provisions. In section 12(b), FCIC is adding a comma after ''processor contract'' to separate the two requirements. This change provides clarity on the issue of provision of contracts or corporate resolutions for specific entity types: For non-processors, a processor contract is required. For insureds who are also processors, a corporate resolution is required.

13. Section 13—In section 13(c)(1)(iii) FCIC is removing the parenthetical following the term ''unharvested production,'' which is no longer necessary due to the use of pounds of raw sugar as the basis of insurance, removal of stage guarantees, and the inclusion of an early harvest factor.

FCIC is removing section 13(c)(1)(iv), which is unnecessary due to the removal of stage guarantees. This also results in the redesignation of section 13(c)(1)(v) as section 13(c)(1)(iv).

In section 13(d) and (e), FCIC is revising the language to clarify the determination of production to count by referring to pounds of raw sugar and including the use of the raw sugar percentage specified in the Special Provisions only if a sugar test is not performed or is not deemed acceptable.

FCIC is adding a new subsection (f) to allow for an ''early harvest factor.'' The addition of this factor comes in response to a lack of clarity in the event of the periodic decisions by sugar beet processors to request a portion of their contracted acres be harvested early. In these events, the actual harvested beets are often lower in weight and sugar content, resulting in what could appear to be a production loss. This provision provides more clear guidance for insurance providers in the event of early harvested acres and eliminates the unnecessary reduction in grower APH. The adjustment for early harvest will not be made if the sugar beets are damaged by an insurable cause of loss and leaving the crop in the field would reduce production, and cannot result in a production to count in excess of the insured's actual production history. Further, the adjustment will only be made in the event that the portion of a unit harvested early exceeds a percentage of acreage threshold specified in the actuarial documents.

14. Section 14—FCIC is removing and reserving this section. This section was necessary because of the distinction between certain counties in California. Now that insurance is no longer available in those counties, the provision is no longer necessary and the late planting provisions in the Basic Provisions will apply.

15. Section 15—FCIC is removing section 15(a), because insurance is no longer available for those counties that

previously had a July 15 contract change date.

Effective Date

The FCIC is issuing this final rule without opportunity for prior notice and comment. The Administrative Procedure Act (APA) exempts rules ''relating to agency management or personnel or to public property, loans, grants, benefits, or contracts'' from the statutory requirement for prior notice and opportunity for public comment (5 U.S.C. 553(a)(2)). A Federal crop insurance policy is a contract and is thus exempt from APA notice-and-comment procedures. Previously, changes made to the Federal crop insurance policies codified in the Code of Federal Regulations were required to be implemented through the notice-and-comment rulemaking process. Such action was not required by the APA, which exempts contracts. Rather, the requirement originated with a notice USDA published in the **Federal Register** on July 24, 1971 (36 FR 13804), stating that the Department of Agriculture would, to the maximum extent practicable, use the notice-and-comment rulemaking process when making program changes, including those involving contracts. FCIC complied with this notice over the subsequent years. On October 28, 2013, USDA published a notice in the **Federal Register** (78 FR 64194) rescinding the prior notice, thereby making contracts again exempt from the notice-and-comment rulemaking process. This exemption applies to the 30-day notice prior to implementation of a rule. Therefore, the policy changes made by this final rule are effective upon publication in the **Federal Register**.

However, FCIC is providing a 30-day comment period and invites interested persons to participate in this rulemaking by submitting written comments. FCIC will consider the comments received and may conduct additional rulemaking based on the comments.

The changes will be effective for the 2019 and succeeding crop years in states with a November 30 contract change date and for the 2020 and succeeding crop years in all other states.

Executive Orders 12866, 13563, 13771 and 13777

Executive Order 12866, ''Regulatory Planning and Review,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review,'' direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' established a federal policy to alleviate unnecessary regulatory burdens on the American people. The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866, ''Regulatory Planning and Review,'' and, therefore, OMB has not reviewed this rule. The rule is not subject to Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs.''

Paperwork Reduction Act of 1995

Pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, subchapter I), the collections of information in this rule have been approved by OMB under control number 0563–0053.

E-Government Act Compliance

FCIC is committed to complying with the E-Government Act of 2002, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 13132

It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the States. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

This 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. FCIC 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 requests consultation, FCIC will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

Regulatory Flexibility Act

FCIC certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Program requirements for the Federal crop insurance program are the same for all producers regardless of the size of their farming operation. For instance, all producers are required to submit an application and acreage report to establish their insurance guarantees and compute premium amounts, and all producers are required to submit a notice of loss and production information to determine the indemnity amount for an insured cause of crop loss. Whether a producer has 10 acres or 1000 acres, there is no difference in the kind of information collected. To ensure crop insurance is available to small entities, the Federal Crop Insurance Act (FCIA) authorizes FCIC to waive collection of administrative fees from limited resource farmers. FCIC believes this waiver helps to ensure that small entities are given the same opportunities as large entities to manage their risks through the use of crop insurance. A Regulatory Flexibility Analysis has not been prepared since this regulation does not have a significant impact on a substantial number of small entities, and, therefore, this regulation is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605).

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See 2 CFR part 415, subpart C.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. With respect to any direct action taken by FCIC or action by FCIC directing the insurance provider to take specific action under the terms of the crop insurance policy, the administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action against FCIC for judicial review may be brought.

Environmental Evaluation

This action is not expected to have a significant economic impact on the quality of the human environment, health, or safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

List of Subjects in 7 CFR Part 457

Crop insurance, Sugar Beet, Reporting and recordkeeping requirements.

Final Rule

Accordingly, as set forth in the preamble, FCIC amends 7 CFR part 457 effective for the 2019 and succeeding crop years in states with a November 30 contract change date and for the 2020 and succeeding crop years in all other states as follows:

PART 457—COMMON CROP INSURANCE REGULATIONS

■ 1. The authority citation for part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(o).

■ 2. Amend § 457.109 as follows:

■ a. In the introductory text remove the phrase ''for the 2017 and succeeding crop years in counties with a contract change date of November 30, and for the 2018 and succeeding crop years in counties with a contract change date of April 30'' and add the phrase ''for effective for the 2019 and succeeding crop years in states with a November 30 contract change date and for the 2020 and succeeding crop years in all other states.'' in its place;

■ b. Remove the undesignated paragraph immediately following the heading ''Sugar Beet Crop Provisions'';

■ c. In section 1:

■ i. Revise the definition of ''crop year'';

■ ii. Remove the definition of ''local market price'';

■ iii. Revise definition of ''practical to replant'';

■ iv. Add a definition of ''processor contract'' in alphabetical order; and

■ v. Remove the definitions of ''production guarantee (per acre)'', ''standardized ton'', ''sugar beet processor contract'', ''thinning'', and ''ton'';

■ d. In section 2 remove the term ''sugar beet'' in all three instances;

■ e. Revise sections 3 through 5:

■ f. Remove and reserve section 6;

■ g. In section 7:

■ i. In paragraph (a) introductory text, remove the parenthetical ''(Insured Crop)''; and

■ ii. Revise paragraphs (a)(3) and (b)(2);

■ h. In section 8:

■ i. In the introductory text, remove the parenthetical ''(Insurable Acreage)''; and

■ ii. In paragraph (b) remove the parenthetical ''(or within 30 days of initial planting for those counties without a final planting date)'';

■ i. Revise section 9;

■ j. In section 10 introductory text, remove the parenthetical ''(Causes of Loss)'';

■ k. In section 11:

■ i. In paragraph (a), remove the parenthetical ''(Replanting Payment)'' and the term ''final stage''; and

■ ii. Revise paragraph (b);

■ l. In section 12:

■ i. In the introductory text, remove parenthetical ''(Duties in the Event of Damage or Loss)''; and

■ ii. Revise paragraph (b);

■ m. In section 13:

■ i. In paragraph (c) introductory text, remove the parenthetical ''(in standardized tons)'';

■ ii. In paragraph (c)(1)(iii), remove the parenthetical ''(unharvested production that is appraised prior to the earliest delivery date that the processor accepts harvested production will not be eligible for a conversion to standardized tons in accordance with section 13 (d) and (e))'';

■ iii. Remove paragraph (c)(1)(iv);

■ iv. Redesignate paragraph (c)(1)(v) as (c)(1)(iv);

■ v. Revise paragraphs (d) and (e); and

■ vi. Add paragraph (f);

■ n. Remove and reserve section 14; and

■ o. Revise section 15.

The revisions and additions read as follows:

§ 457.109 Sugar Beet Crop Insurance Provisions.

* * * * *

1. Definitions

Crop year. The period within which the sugar beets are normally grown, which is designated by the calendar year in which the sugar beets are normally harvested.

* * * * *

Practical to replant. In addition to the definition in section 1 of the Basic Provisions, it will not be considered practical to replant if production from the replanted acreage cannot be delivered under the terms of the processor contract, or 30 days after the initial planting date for all counties where a late planting period is not applicable, unless replanting is generally occurring in the area.

* * * * *

Processor contract. A written agreement between you and the processor, executed on or before the acreage reporting date, which is in effect for the crop year, containing at a minimum:

(1) Your commitment to plant, grow, and deliver the sugar beet production to the processor;

(2) The processor's commitment to purchase the production stated in the contract; and

(3) A price or formula for a price based on third party data that will be paid to you for the production stated in the contract.

* * * * *

3. Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities.

(a) In addition to the requirements of section 3 of the Basic Provisions, you may select only one price election for all the sugar beets in the county insured under this policy.

(b) The production guarantee will be expressed in pounds of raw sugar.

4. Contract Changes

In accordance with the provisions of section 4 of the Basic Provisions, the contract change date is April 30 preceding the cancellation date for California and November 30 preceding the cancellation date for all other states.

5. Cancellation and Termination Dates

In accordance with section 2 of the Basic Provisions, the cancellation and termination dates are August 31 for California and March 15 for all other states.

* * * * *

7. Insured Crop

* * * * *

(a) * * *

(3) That are grown under a contract and are not excluded from the processor

contract at any time during the crop year; and

* * * * *

(b) * * *

(2) The Board of Directors or officers of the processor must have adopted and executed a corporate resolution that contains essentially the same terms as a processor contract. Such corporate resolution will be considered a processor contract under the terms of the sugar beet crop insurance policy;

* * * * *

9. Insurance Period

In accordance with section 11 of the Basic Provisions, the dates for the end of insurance period are contained in the actuarial documents.

* * * * *

11. Replanting Payments

* * * * *

(b) The dollar amount of the replant payment is specified in the Special Provisions.

* * * * *

12. Duties in the Event of Damage or Loss

* * * * *

(b) You must provide a copy of your processor contract, or corporate resolution if you are the processor.

13. Settlement of Claim

* * * * *

(d) Harvested production or unharvested production that is appraised after the earliest delivery date that the processor accepts harvested production and that meets the minimum acceptable standards contained in the processor contract or corporate resolution will be converted to pounds of raw sugar by multiplying the tons of such production by 2,000 and by the average percentage of raw sugar to determine the production to count. The average percentage of raw sugar will be determined from tests performed by the processor at the time of delivery.

(1) If individual tests of raw sugar content are not made at the time of delivery, the average percent of raw sugar may be based on the results of previous tests performed by the processor during the crop year if it is determined that such results are representative of the total production.

(2) If not representative, the average percent of raw sugar will equal the raw sugar content percent shown in the Special Provisions.

(e) Harvested production or unharvested production that is appraised after the earliest delivery date that the processor accepts harvested production and that does not meet the minimum acceptable standards contained in the processor contract or corporate resolution due to an insured peril will be converted to pounds of raw sugar by multiplying the tons of such damaged production by 2,000 and by the average percent of raw sugar contained in such production.

(1) If individual tests of raw sugar content are not made at the time of delivery, the average percent of raw sugar may be based on the results of previous tests performed by the processor during the crop year if it is determined that such results are representative of the total production.

(2) If not representative, the average percent of raw sugar will equal the raw sugar content percent shown in the Special Provisions.

(f) Production lost due to harvest prior to full maturity. If the percentage of insured acreage in the unit harvested prior to full maturity exceeds the threshold specified in the actuarial documents, production to count from such acreage will be determined by increasing the amount of harvested production by 1 percent per day for each day the sugar beets were harvested prior to the date the sugar beets would have reached full maturity.

(1) The date the sugar beets would have reached full maturity will be considered to be 45 days prior to the calendar date for the end of the insurance period, unless otherwise specified in the Special Provisions.

(2) This adjustment will not be made if the sugar beets are damaged by an insurable cause of loss and leaving the crop in the field would reduce production.

(3) The adjustment cannot result in production to count in excess of the insured's actual production history;

* * * * *

15. Prevented Planting

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

Martin R. Barbre,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2018–19152 Filed 9–7–18; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0454; Product Identifier 2017–NM–056–AD; Amendment 39–19387; AD 2018–18–08]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS 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 SAS Model A330–200 Freighter series airplanes, Model A330–200 and –300 series airplanes, and Model A340–200 and –300 series airplanes. This AD was prompted by reports of cracked slat tracks at the location of the front stop attachment to the track. This AD requires a detailed inspection, repetitive special detailed inspections, and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 15, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 15, 2018.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; phone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com;* internet: *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0454.

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–2018–0454; 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 in the **ADDRESSES** section.

FOR FURTHER INFORMATION CONTACT:

Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3229.

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 SAS Model A330–200 Freighter series airplanes, Model A330–200 and –300 series airplanes, and Model A340–200 and –300 series airplanes. The NPRM published in the **Federal Register** on May 29, 2018 (83 FR 24427). The NPRM was prompted by reports of cracked slat tracks at the location of the front stop attachment to the track. The NPRM proposed to require a detailed inspection, repetitive special detailed inspections, and corrective actions if necessary.

We are issuing this AD to address cracked slat tracks which could affect the structural integrity of the slat surface, possibly leading to detachment of an outer or inner slat surface, and resulting in reduced control 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 2017–0060, dated April 7, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A330–200 Freighter series airplanes; Model A330–200 and –300 series airplanes; and Model A340–200 and –300 series airplanes. The MCAI states:

Several cases of cracked slat tracks at the location of front stop attachment to track have been reported by operators. Analysis of the affected slat tracks (Airbus pre-modification (mod) 45967 design) revealed that induced torque loads during normal installation of the front stop, in combination with an incorrect shaft length of the attachment bolts and geometry of the front stop, are the root cause.

This condition, if not detected and corrected, would affect the structural integrity of the slat surface, which could lead to detachment of an outer or inner slat surface, possibly resulting in reduced control of the aeroplane and/or injury to persons on the ground.

To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A330–57–3123 and SB A340–57–4130, to provide inspection instructions.

For the reasons described above, this [EASA] AD requires a one-time detailed inspection (DET) of the front stop lateral and aft surfaces [for marks (dents or scratches),] and repetitive special detailed inspections (SDI) of the front stop attachment areas, of slat tracks number (No.) 5 to No. 16 inclusive, both left hand (LH) and right hand (RH) wings [for cracks], and, depending on findings, accomplishment of applicable corrective action(s) [corrective actions include rework, repair, and slat rigging].

This [EASA] AD also includes reference to an optional modification (Airbus mod 205378) of the affected slat tracks, for which the associated SBs (SB A330–57–3126 and SB A340–57–4133, as applicable) are expected to become available in July 2017, which constitutes terminating action for the repetitive inspections required by this [EASA] AD.

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–2018–0454.

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 has issued Service Bulletin A330–57–3123, Revision 01, dated September 27, 2017; and Service Bulletin A340–57–4130, Revision 01, dated September 27, 2017. This service information describes procedures for a detailed inspection of the front stop lateral and aft surfaces for marks (dents or scratches), repetitive special detailed inspections of the front stop attachment areas, of slat track numbers 5 to 16 inclusive, both LH and RH wings for cracks, and corrective actions. These documents are distinct since they apply to different airplane models.

Airbus has also issued Service Bulletin A330–57–3126, dated December 21, 2017; and Service Bulletin A340–57–4133, dated December 21, 2017. This service information describes procedures for modification of all affected slat tracks on an airplane. 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 101 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
Detailed Inspection	25 work-hours × $85 per hour = $2,125	$0	$2,125	$214,625.
Special Detailed Inspection.	25 work-hours × $85 per hour = $2,125 per inspection cycle.	0	$2,125 per inspection cycle.	$214,625 per inspection cycle.
Reporting	1 work-hour × $85 per hour = $85 per inspection cycle.	0	$85 per inspection cycle.	$8,585 per inspection cycle.
Modification	49 work-hours × $85 per hour = $4,165	8,150	$12,315	$1,243,815.

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

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):

2018–18–08 Airbus SAS: Amendment 39–19387; Docket No. FAA–2018–0454; Product Identifier 2017–NM–056–AD.

(a) Effective Date

This AD is effective October 15, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Airbus SAS Model A330–223F and –243F airplanes.

(2) Airbus SAS Model A330–201, –202, –203, –223, and –243 airplanes.

(3) Airbus SAS Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(4) Airbus SAS Model A340–211, –212, –213 airplanes.

(5) Airbus SAS Model A340–311, –312, and –313 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by reports of cracked slat tracks at the location of the front stop attachment to the track. We are issuing this AD to detect and correct cracked slat tracks which could affect the structural integrity of the slat surface, possibly leading to detachment of an outer or inner slat surface, and resulting in reduced control of the airplane.

(f) Compliance

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

(g) Definitions

(1) For the purpose of this AD, ''affected slat track'' is defined as a pre-modification 45967 slat track, located at the wing positions as indicated in figure 1 to paragraph (g) of this AD, and having a part number specified in figure 2 to paragraph (g) of this AD. In case the part number identification (ID) plate is missing or cannot be read, the slat track can be identified by the ink marking. If the operator cannot determine the part number, then that airplane is in Group 1.

(2) For the purpose of this AD: Group 1 airplanes are those that, on the effective date of this AD, have an affected slat track installed. Group 2 airplanes are those that, on the effective date of this AD, do not have any affected slat track installed.

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Figure 1 to paragraph (g) of this AD – *Positions of Affected Slat Tracks*

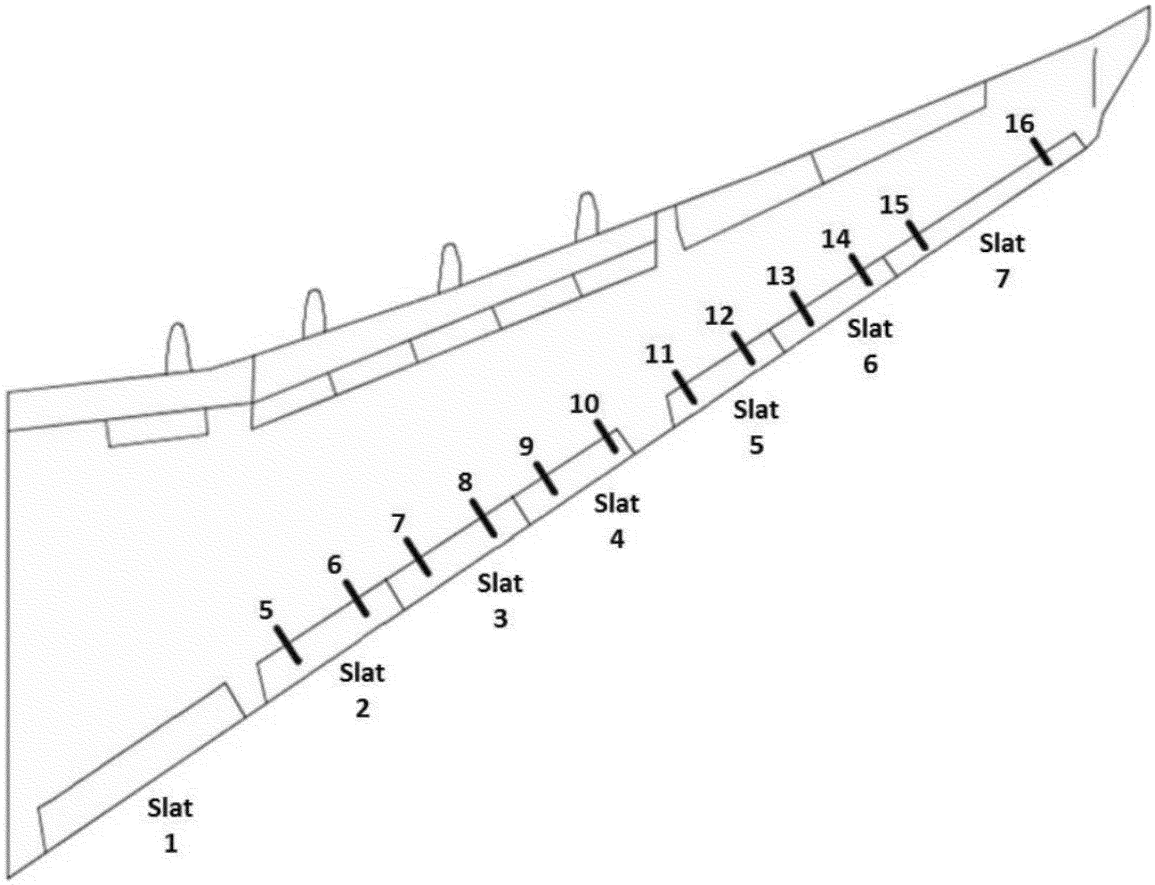

Figure 2 to paragraph (g) of this AD – *Affected Slats, Slat Track Positions, and Part Numbers (P/Ns)*

Slat	Slat Track Position	Track Assembly P/N (according to ID plate)	Track Assembly and Linkage P/N (according to ink marking)
No. 2	Track 5	F57464105-000 F57464105-002 F57464105-004	F57464005-000/001 F57464005-002/003 F57464005-004/005
	Track 6	F57464106-000 F57464106-002 F57464106-004	F57464006-000/001 F57464006-002/003 F57464006-004/005
No. 3	Track 7	F57464107-000 F57464107-002	F57464007-000/001 F57464007-002/003
	Track 8	F57464108-000 F57464108-002 F57464108-004	F57464008-000/001 F57464008-002/003 F57464008-004/005
No. 4	Track 9	F57464109-000 F57464109-002	F57464009-000/001 F57464009-002/003
	Track 10	F57464110-000 F57464110-002 F57464127-000	F57464010-000/001 F57464010-002/003 F57464082-000/001
No. 5	Track 11	F57464111-000 F57464111-002 F57464111-004	F57464011-000/001 F57464011-002/003 F57464011-004/005
	Track 12	F57464112-000 F57464112-002	F57464012-000/001 F57464012-002/003
No. 6	Track 13	F57464113-000 F57464113-002 F57464113-004	F57464013-000/001 F57464013-002/003 F57464013-004/005
	Track 14	F57464114-000 F57464114-002 F57464114-004	F57464014-000/001 F57464014-002/003 F57464014-004/005
No. 7	Track 15	F57464115-000 F57464115-002 F57464115-004	F57464015-000/001 F57464015-002/003 F57464015-004/005
	Track 16	F57464116-000 F57464116-002	F57464016-000/001 F57464016-002/003

(h) One-Time Detailed Inspection and Repetitive Special Detailed Inspections

For Group 1 airplanes: At the applicable times specified in figure 3 to paragraph (h) of this AD, do a detailed inspection of the front stop lateral and aft surfaces, and do a special detailed inspection of the front stop attachment areas of each affected slat track, both right hand (RH) and left hand (LH) wings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; or Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; as applicable. Thereafter, repeat the special detailed inspection for the front stop attachment areas of each affected slat track, both RH and LH wings, at intervals not to exceed the applicable compliance times specified in figure 4 to paragraph (h) of this AD.

Figure 3 to Paragraph (h) of this AD – *Initial Inspection Compliance Times*

Compliance Time: (whichever occurs later, **A** or **B**)		
A	A330:	Before exceeding 15,000 flight cycles (FC) or 50,000 flight hours (FH), whichever occurs first since airplane first flight
	A340:	Before exceeding 15,000 FC or 78,000 FH, whichever occurs first since airplane first flight
B	Within 24 months after the effective date of this AD	

Figure 4 to Paragraph (h) of this AD – *Repetitive Inspection Interval*

Airplane	**Compliance Times** (FC or FH, whichever occurs first)
A330:	7,000 FC or 24,000 FH
A340:	4,400 FC or 23,000 FH

BILLINGCODE 4910–13–C

(i) Corrective Actions

(1) If, during any special detailed inspection required by paragraph (h) of this AD, any crack is detected at the front stop attachment area of an affected slat track: Before further flight, obtain corrective action instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus SAS's EASA Design Organization Approval (DOA), and accomplish them within the compliance time specified therein. If approved by the DOA, the approval must include the DOA-authorized signature.

(2) If, during any inspection required by paragraph (h) of this AD, marks (dents or scratches) are found on the front stop lateral or aft surfaces of an affected slat track; provided that no crack is detected; before further flight, rework the affected lateral front stop surface of that slat track, and accomplish slat rigging, as applicable, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; or Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017. Accomplishment of rework or slat rigging on an airplane, as required by this paragraph, does not constitute terminating action for the repetitive special detailed inspection required by paragraph (h) of this AD.

(3) If, during any inspection required by paragraph (h) of this AD, marks (dents or scratches) are found on the front stop lateral or aft surfaces of an affected slat track, and any crack is detected at the front stop attachment area of that slat track: Before further flight, obtain corrective action instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA DOA, and accomplish them within the compliance time specified therein. If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Reporting

At the applicable time specified in paragraph (j)(1) or (j)(2) of this AD: Report the results of the inspections required by paragraph (h) of this AD to Airbus Service Bulletin Reporting Online Application on Airbus World (*https://w3.airbus.com/*), or submit the results to Airbus in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017, or Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017. The report must include the inspection results (including no findings), a description of any discrepancies found, the airplane serial number, and the number of landings and flight hours on the airplane.

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

(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.

(k) Optional Terminating Actions

(1) Replacement of an affected slat track at any position with a post-modification 45967 slat track, if accomplished as part of the corrective actions specified in paragraph (i)(1) or (i)(3) of this AD, terminates the repetitive inspections required by paragraph (h) of this AD, for that slat track position.

(2) Modification of all affected slat tracks on an airplane in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–57–3126, including Appendixes 02 and 03, dated December 21, 2017; or Airbus Service Bulletin A340–57–4133, including Appendixes 02 and 03, dated December 21, 2017; as applicable, terminates the repetitive inspections required by paragraph (h) of this AD for that airplane, provided that, prior to modification, the affected slat tracks pass an inspection (crack free) in accordance with the instructions of Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; or Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; as applicable.

(l) Parts Installation Limitations

(1) Except as specified in paragraph (l)(2) of this AD: For Group 1 airplanes, after the effective date of this AD, an affected slat track may be installed, provided the installation is accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(2) After modification of a Group 1 airplane as specified in paragraph (k)(2) of this AD, no person may install an affected slat track on that airplane.

(3) For Group 2 airplanes: As of the effective date of this AD, no person may install an affected slat track on any Group 2 airplane.

(m) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (h), (i), and (j) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A330–57–3123, dated June 14, 2016; or Airbus Service Bulletin A340–57–4130, dated June 14, 2016, provided that within 12 months after the effective date of this AD, the additional work identified in Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; or Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; as applicable, has been completed in accordance with Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; or Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; as applicable.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to the attention of the person identified in paragraph (o)(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 EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Reporting Requirements:* 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 work-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.

(4) *Required for Compliance (RC):* Except as required by paragraph (i) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0060, dated April 7, 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–2018–0454.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax 206 231 3229.

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

(p) 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 Service Bulletin A330–57–3123, Revision 01, dated September 27, 2017.

(ii) Airbus Service Bulletin A330–57–3126, dated December 21, 2017.

(iii) Airbus Service Bulletin A340–57–4130, Revision 01, dated September 27, 2017.

(iv) Airbus Service Bulletin A340–57–4133, dated December 21, 2017.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700Blagnac Cedex, France; phone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com*; internet *http://www.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 22, 2018.

James Cashdollar,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–18907 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0613; Product Identifier 2018–SW–041–AD; Amendment 39–19391; AD 2018–18–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters Model AS350B, AS350B1, AS350B2, AS350B3, and AS350BA helicopters with a Pall Aerospace Corporation inlet barrier filter (IBF) element. This AD requires revising the Rotorcraft Flight Manual Supplement to

prohibit operating a helicopter with an IBF element in wet weather and replacing the IBF element if wet. This AD is prompted by a forced landing after an engine flameout. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD becomes effective September 25, 2018.

We must receive comments on this AD by November 9, 2018.

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

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

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0613; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for Docket Operations (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this final rule, contact Pall Aerospace Corporation, 10540 Ridge Road, Suite 300, Newport Richey, Florida 34654; telephone 727–514–6491; email *cam_dipronio@pall.com*; website *www.pall.com/aerospace.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Todd Jackson, Aerospace Engineer, Atlanta ACO Branch, Compliance and Airworthiness Division, FAA, 1701 Columbia Ave., College Park, GA 30337, telephone 404–474–5567, email *Todd.Jackson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Discussion

In June 2017, we received a report of an incident involving an Airbus Helicopters Model AS350B3 helicopter fitted with an IBF. The helicopter took off in heavy rain and experienced an engine flameout as the pilot increased power. The helicopter was less than 10 feet off the ground when the pilot was forced to land immediately. An inspection showed that violent water ingestion damaged six axial compressor blades. During our investigation, the FAA received additional reports of previous incidents of helicopters equipped with IBFs or induction filter installations experiencing abnormal engine operations during heavy precipitation.

The FAA issued Special Airworthiness Information Bulletin SW–17–30, dated October 13, 2017 [1] (SAIB), to warn operators that persistent or heavy rains may result in the inlet barrier filter media collecting and retaining water. The SAIB recommended the following to affected owners and operators:

- Use IBF covers when the rotorcraft is parked or towed outside, particularly when precipitation is reported in the area;
- During the helicopter preflight inspection, visually inspect the inlet and filter to verify that the inlet and filter medium are dry and free of accumulated moisture;
- If the filter medium has moisture during the preflight inspection, or if the rotorcraft is operating in heavy precipitation, open the bypass doors if equipped; and
- When operating in precipitation, sudden and rapid power transients should be avoided whenever practical.

[1] SAIB SW–17–30, dated October 13, 2017, may be viewed online at *http://rgl/faa/gov.*

Action Since the SAIB Was Issued

After the SAIB was issued, we continued to investigate this issue and determined that AD action was necessary for certain Pall Corporation IBF dry-media filter elements. Filters that have a hydrophobic coating resist water accumulation, while the dry-media filters that are the subject of this AD accumulate water. The risk of engine failure caused by the ingestion of an excessive amount of water through the IBF element results in an unsafe condition that requires AD action.

FAA's Determination

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 these same type designs.

Related Service Information

We reviewed Pall Corporation Service Information Letter CE01301F2SINFOL, Revision A, dated July 15, 2015, which recommends covering the engine inlet if the helicopter is outside while not operating. The letter also recommends conducting pre-flight inspections to ensure the engine inlet is clear of water.

AD Requirements

This AD requires, within 30 days, revising the rotorcraft flight manual supplement by inserting Appendix A of this AD into the limitations section.

Differences Between This AD and the Service Information

The service information allows for removing water and reinstalling the IBF element if there is standing water on the engine inlet. This AD prohibits operation unless the IBF element is dry.

Interim Action

We consider this AD to be an interim action. The design approval holder is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this AD will affect 81 helicopters of U.S. Registry and that labor costs average $85 per work-hour. Based on these estimates, we expect the following costs:

- Incorporating Appendix A of this AD into the rotorcraft flight manual requires 1 work-hour and no parts for a cost of $85 per helicopter and $6,885 for the U.S. fleet.
- Replacing the inlet barrier filter, if required, requires 2 work-hours and parts cost $3,995 for a cost of $4,165 per filter replacement.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because the unsafe condition requires corrective action within 30 days. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reason stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–18–12 Airbus Helicopters: Amendment 39–19391; Docket No. FAA–2018–0613; Product Identifier 2018–SW–041–AD.

(a) Applicability

This AD applies to Model AS350B, AS350B1, AS350B2, AS350B3, and AS350BA helicopters, certificated in any category, with a Pall Aerospace Inlet Barrier Filter element part number CE01301F2 or CE01301F2B installed.

(b) Unsafe Condition

This AD defines the unsafe condition as ingestion of an excessive amount of water by the engine. This condition could result in engine flame out and failure, leading to loss of helicopter control.

(c) Effective Date

This AD becomes effective September 25, 2018.

(d) Compliance

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

(e) Required Actions

Within 30 days, revise the rotorcraft flight manual supplement (RFMS) by inserting Appendix A of this AD into the limitations section of the RFMS.

(f) Special Flight Permits

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Todd Jackson, Aerospace Engineer, Atlanta ACO Branch, Compliance and Airworthiness Division, FAA, 1701 Columbia Ave., College Park, GA 30337, telephone 404–474–5567, email *Todd.Jackson@faa.gov.*

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

(h) Additional Information

Pall Corporation Service Information Letter CE01301F2SINFOL, Revision A, dated July 15, 2015, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Pall Aerospace Corporation, 10540 Ridge Road, Suite 300, Newport Richey, Florida 34654; telephone 727–514–6491; email *cam_dipronio@pall.com;* website *www.pall.com/aerospace.* You may review this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 7160, Engine Air Intake System.

Appendix A to AD 2018–18–12

Rotorcraft Flight Manual Supplement

(1) Helicopter operation is prohibited if the filter is wet or when visible moisture (rain/snow/ice/water) is present in the inlet or on the filter (inspect filter by hand for wetness). If the filter is wet, it must be dried or replaced prior to operation.

(2) Helicopter flight is prohibited in visible moisture.

(3) If the helicopter inadvertently enters precipitation (rain/snow/ice/water), open bypass doors (if equipped), avoid sudden and rapid power transients, and land as soon as practical.

(4) Inlet covers must be installed when the rotorcraft is not in flight to prevent moisture from collecting in the inlet or on the filter.

(5) Inspect inlet and filter for visible moisture accumulation prior to flight. If moisture is present, helicopter operation is prohibited.

Issued in Fort Worth, Texas, on August 23, 2018.

Scott A. Horn,

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

[FR Doc. 2018–19431 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0273; Product Identifier 2018–NM–017–AD; Amendment 39–19382; AD 2018–18–03]

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 737–100, –200, –200C, –300, –400, and –500 series airplanes. This AD was prompted by several reports of cracks in a certain floor beam lower chord at door stop fitting No. 1 of the forward airstair door cutout. This AD requires repetitive inspections for any cracks and applicable on-condition actions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 15, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 15, 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–2018–0273.

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–2018–0273; 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: Galib Abumeri, Aerospace Engineer, Airframe Section, Los Angeles ACO Branch, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5324; fax: 562–627–5210; email: *galib.abumeri@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 737–100, –200, –200C, –300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on April 13, 2018 (83 FR 16010). The NPRM was prompted by several reports of cracks in a certain floor beam lower chord at door stop fitting No. 1 of the forward airstair door cutout. The NPRM proposed to require repetitive inspections for any cracks and applicable on-condition actions.

We are issuing this AD to address such cracking, which could result in the inability of a principal structural element to sustain limit loads and possible rapid decompression.

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.

Support for the NPRM

Boeing stated that it concurs with the NPRM.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing supplemental type certificate (STC) ST01219SE does not affect the actions specified in the NPRM.

We agree with the commenter's request. 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 ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE 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 To Allow Manual Operation of Airstair Door

Swiftair S.A. requested that a note be included in this AD to allow for fully manual operation of the forward airstair door instead of the electrical operation as specified in Appendix A of Boeing Alert Requirements Bulletin 737–53A1370 RB, dated December 13, 2017. Swiftair S.A. observed that two steps in Appendix A of Boeing Alert Requirements Bulletin 737–53A1370 RB, dated December 13, 2017, cannot be performed on aircraft that have incorporated Boeing Service Bulletin 737–52–1092. Boeing Service Bulletin 737–52–1092 provides instructions for temporary or permanent removal of the forward airstair assembly, deactivation of the electrical system, and removal of the forward airstair door motor, among other actions.

We agree because the forward airstair door cannot be operated electrically if the electrical system is deactivated and the motor is removed. We have changed paragraph (h) of this AD to include exceptions to certain steps of Appendix A of Boeing Alert Requirements Bulletin 737–53A1370 RB, dated December 13, 2017, that allow for both manual and electrical operation of the airstair door.

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 Requirements Bulletin 737–53A1370 RB, dated December 13, 2017. The service information describes procedures for repetitive high frequency

eddy current inspections of the station (STA) 312 floor beam lower chord, and door stop fittings No. 2, No. 5, and No. 8 on the forward airstair door for any cracks and applicable on-condition actions. 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 67 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	Up to 11 work-hours × $85 per hour = $935 per inspection cycle.	$0	Up to $935 per inspection cycle	Up to $62,645 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions 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):

2018–18–03 The Boeing Company: Amendment 39–19382; Docket No. FAA–2018–0273; Product Identifier 2018–NM–017–AD.

(a) Effective Date

This AD is effective October 15, 2018.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 737–53A1370 RB, dated December 13, 2017.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE 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 52, Doors; 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by several reports of cracks in the station (STA) 312 floor beam lower chord at door stop fitting No. 1 of the forward airstair door cutout. We are issuing this AD to address such cracking, which could result in the inability of a principal structural element to sustain limit loads and possible rapid decompression.

(f) Compliance

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

(g) Required Actions

(1) For airplanes identified as Group 1 in Boeing Alert Requirements Bulletin 737–53A1370 RB, dated December 13, 2017: Within 120 days after the effective date of this AD, inspect the STA 312 floor beam lower chord and door stop fittings No. 2, No. 5 and No. 8 for any cracks and do applicable on-condition actions, using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(2) Except as required by paragraph (h) of this AD: For airplanes identified as Group 2 in Boeing Alert Requirements Bulletin 737–53A1370 RB, dated December 13, 2017, at the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–53A1370 RB, dated December 13, 2017, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–53A1370 RB, dated December 13, 2017.

Note 1 to paragraph (g)(2) of this AD: Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–53A1370, dated December 13, 2017, which is referred to in

Boeing Alert Requirements Bulletin 737–53A1370 RB, dated December 13, 2017.

(h) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Requirements Bulletin 737–53A1370 RB, dated December 13, 2017, uses the phrase ''the original issue date of Requirements Bulletin 737–53A1370 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin 737–53A1370 RB, dated December 13, 2017, specifies contacting Boeing, this AD requires repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(3) Where Step 2. of Appendix A of Boeing Alert Requirements Bulletin 737–53A1370 RB, dated December 13, 2017, specifies ''Electrically close the door,'' this AD allows closing the door electrically or manually.

(4) Where Step 6. of Appendix A of Boeing Alert Requirements Bulletin 737–53A1370 RB, dated December 13, 2017, specifies to ''Cycle the door electrically and make sure it operates smoothly,'' this AD allows cycling the door electrically or manually and making sure it operates smoothly.

(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 Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Except as required by paragraph (h) of this AD: For service information that contains steps that are labeled as RC, the provisions of paragraphs (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 Galib Abumeri, Aerospace Engineer, Airframe Section, Los Angeles ACO Branch, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5324; fax: 562–627–5210; email: *galib.abumeri@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 Requirements Bulletin 737–53A1370 RB, dated December 13, 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 21, 2018.

James Cashdollar,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–18740 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0789; Product Identifier 2018–NM–120–AD; Amendment 39–19395; AD 2018–18–16]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 2018–12–08, which applied to certain Airbus SAS Model A330–200 and –300 series airplanes, and Model A340–212, –213, –312, and –313 airplanes. AD 2018–12–08 required repetitive inspections of certain fastener holes, and related investigative and corrective actions if necessary. This new AD corrects certain compliance time references. This AD was prompted by a report of cracking at fastener holes located at a certain frame (FR) on the lower shell panel junction. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 25, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of August 22, 2018 (83 FR 33821, July 18, 2018).

We must receive comments on this AD by October 25, 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac

Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com*; internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0789.

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–2018–0789; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (telephone 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3229.

SUPPLEMENTARY INFORMATION:

Discussion

We issued AD 2018–12–08, Amendment 39–19312 (83 FR 33821, July 18, 2018) (''AD 2018–12–08''), which applied to certain Airbus SAS Model A330–200 and -300 series airplanes, and Model A340–212, –213, –312, and –313 airplanes. AD 2018–12–08 was prompted by a report of cracking at fastener holes located at FR40 on the lower shell panel junction. AD 2018–12–08 required repetitive inspections of certain fastener holes, and related investigative and corrective actions if necessary. We issued AD 2018–12–08 to address cracking at FR40 on the lower shell panel junction; such cracking could lead to reduced structural integrity of the fuselage.

Since we issued AD 2018–12–08, we have determined that it is necessary to correct certain service bulletin table references, which provide the compliance times for the initial inspection. Table 1 to paragraph (g)(1) of AD 2018–12–08 pointed to ''table 1'' of the service information for the initial compliance time. However, table 2 and table 3 in the service bulletins also apply to certain airplanes (those in Configuration 1). All airplanes belonging to affected U.S. operators are in Configuration 2 or Configuration 3, which use only table 1 in the service bulletins. This AD corrects the service bulletin table references for the compliance times. We have changed table 1 to paragraph (g)(1) of this AD by removing the limitation to ''table 1'' of the service bulletins, and instead referring to the compliance times in ''paragraph 1.E., 'Compliance,' '' of the service bulletins.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0063, dated April 12, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A330–200, A330–300, and A340–200 series airplanes, and Model A340–312 and –313 airplanes. The MCAI states:

> During full scale fatigue test of the Frame (FR) 40 to fuselage skin panel junction, fatigue damage was found. Corrective actions consisted of in-service installation of an internal reinforcing strap on the related junction, as currently required by DGAC [Direction Générale de l'Aviation Civile] France AD 1999–448–126(B), which refers to Airbus Service Bulletin (SB) A340–53–4104 Revision 02, and [DGAC] AD 2001–070(B), which refers to Airbus SB A330–53–3093 Revision 04; retrofit improvement of internal reinforcing strap fatigue life through recommended Airbus SB A330–53–3145; and introducing a design improvement in production through Airbus mod 44360.
>
> After those actions were implemented, cracks were found on both left-hand (LH) and right-hand (RH) sides on internal strap, butt strap, keel beam fitting, or forward fitting FR40 flange. These findings were made during embodiment of a FR40 web repair on an A330 aeroplane, and during keel beam replacement on an A340 aeroplane, where the internal strap was removed and a special detailed inspection (SDI) was performed on several holes.
>
> This condition, if not detected and corrected, could affect the structural integrity of the centre fuselage of the aeroplane.
>
> Prompted by these findings, Airbus issued SB A330–53–3215 and SB A340–53–4215, providing inspection instructions. Consequently, EASA issued AD 2014–0136 [which corresponds to FAA AD 2017–07–07, Amendment 39–18845 (82 FR 18547, April 20, 2017) (''AD 2017–07–07'')] to require repetitive SDI (rototest) of 10 fastener holes located at the FR40 lower shell panel junction on both LH and RH sides and, depending on findings, accomplishment of applicable corrective action(s).
>
> Since that [EASA] AD was issued, prompted by the results of complementary fatigue analyses, it was determined that postmod 55792 aeroplanes could be also affected by crack initiation and propagation at this area of the fuselage. These analyses demonstrated that post-mod 55792 aeroplanes must follow the same maintenance program as aeroplanes in postmod 55306 and pre-mod 55792 configuration. Consequently, Airbus published SB A330–53–3215 Revision 02 and SB A340–53–4215 Revision 02 to expand the Effectivity accordingly.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2014–0136, which is superseded, which now also apply to aeroplanes in post-mod 55792 configuration [the applicability identifies airplanes in post-mod 44360 configuration].

AD 2017–07–07 included Model A340–211 airplanes in its applicability. Airbus SAS Model A340–211 airplanes are not identified in the applicability of this AD because those airplanes are not affected by the identified unsafe condition. All of those airplanes are in the pre-Airbus SAS modification 44360 configuration. The MCAI also does not include Model A340–211 airplanes in its applicability.

The compliance time ranges between 20,000 flight cycles or 65,400 flight hours and 20,800 flight cycles or 68,300 flight hours, depending on airplane utilization and configuration. The repetitive inspection interval ranges between 14,000 flight cycles or 95,200 flight hours and 24,600 flight cycles or 98,700 flight hours, depending on airplane utilization and configuration.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0789.

Related Service Information Under 1 CFR Part 51

Airbus SAS has issued Service Bulletin A330–53–3215, Revision 03, dated January 22, 2018; and Service Bulletin A340–53–4215, Revision 02, dated November 23, 2016. This service information describes procedures for repetitive rototest inspections of certain fastener holes, and related investigative and corrective actions if necessary. 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.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the

MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Justification and Determination of the Effective Date

This AD corrects an error that affects compliance for non-U.S.-registered airplanes only. 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 precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0789; Product Identifier 2018–NM–120–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 99 airplanes of U.S. registry. This AD adds no new economic burden. The current costs for this AD are repeated for the convenience of affected operators, as follows:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
42 work-hours × $85 per hour = $3,570	$0	$3,570	$353,430

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
46 work-hours × $85 per hour = $3,910	$2,358	$6,268

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

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

For the reasons discussed 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 removing airworthiness directive (AD) 2018–12–08, Amendment 39–19312 (83 FR 33821, July 18, 2018), and adding the following new AD:

2018–18–16 Airbus SAS: Amendment 39–19395; Docket No. FAA–2018–0789; Product Identifier 2018–NM–120–AD.

(a) Effective Date

This AD is effective September 25, 2018.

(b) Affected ADs

This AD replaces AD 2018–12–08, Amendment 39–19312 (83 FR 33821, July 18, 2018) (''AD 2018–12–08'').

(c) Applicability

This AD applies to the airplanes, certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD, all manufacturer serial numbers on which Airbus SAS Modification 44360 has been embodied in production.

(1) Airbus SAS Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(2) Airbus SAS Model A340–212, –213, –312, and –313 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by a report of cracking at fastener holes located at frame (FR) 40 on the lower shell panel junction. We are issuing this AD to address this cracking, which could lead to reduced structural integrity of the fuselage.

(f) Compliance

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

(g) Retained Compliance Times for Paragraph (h) of This AD, With Corrected Compliance Time Locations

This paragraph restates the requirements of paragraph (g) of AD 2018–12–08, with corrected compliance time locations in table 1 to paragraph (g)(1) of this AD. Accomplish the actions required by paragraph (h) of this AD at the times specified in paragraphs (g)(1) and (g)(2) of this AD, as applicable.

(1) For airplanes having serial numbers 0176 through 0915 inclusive: Within the compliance times defined in table 1 to paragraph (g)(1) of this AD, and thereafter at intervals not to exceed the compliance times defined in Airbus Service Bulletin A330–53–3215, Revision 03, dated January 22, 2018 (''SB A330–53–3215R3''); or Airbus Service Bulletin A340–53–4215, Revision 02, dated November 23, 2016 (''SB A340–53–4215R2''); as applicable, depending on airplane utilization and configuration. As of August 22, 2108 (the effective date of AD 2018–12–08), where paragraph 1.E., ''Compliance,'' of SB A330–53–3215R3, specifies weight variant (WV) 050 in the condition column of table 1, configuration 003, for the purposes of this AD, WV060 and WV080 are also included.

Table 1 to paragraph (g)(1) of this AD – *Compliance time for initial inspection*

	Compliance time (whichever occurs later, A or B)
A	Before exceeding the compliance time "threshold" defined in paragraph 1.E., "Compliance," of SB A330-53-3215R3 or SB A340-53-4215R2, as applicable, depending on airplane utilization and configuration and to be counted from airplane first flight.
B	For Model A330 airplanes: Within 2,400 flight cycles or 24 months, whichever occurs first after May 25, 2017 (the effective date of AD 2017-07-07). For Model A340 airplanes: Within 1,300 flight cycles or 24 months, whichever occurs first after May 25, 2017 (the effective date of AD 2017-07-07).

(2) For all airplanes except those identified in paragraph (g)(1) of this AD: Before exceeding the applicable compliance time ''threshold'' defined in paragraph 1.E., ''Compliance,'' of SB A330–53–3215R3 or SB A340–53–4215R2, as applicable, depending on airplane utilization and configuration and to be counted from airplane first flight, and, thereafter, at intervals not to exceed the compliance times specified in paragraph 1.E., ''Compliance,'' of SB A330–53–3215R3 or SB A340–53–4215R2, as applicable, depending on airplane utilization and configuration. Where paragraph 1.E., ''Compliance,'' of SB A330–53–3215R3 specifies weight variant WV050 in the condition column of table 1, configuration 003, for the purposes of this AD, WV060 and WV080 are also included.

(h) Retained Repetitive Inspections and Related Investigative and Corrective Actions, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2018–12–08, with no changes. At the applicable compliance time specified in paragraph (g) of this AD: Accomplish a special detailed inspection of the 10 fastener holes located at FR40 on the lower shell panel junction on both left-hand and right-hand sides, in accordance with the Accomplishment Instructions of SB A330–53–3215R3 or SB A340–53–4215R2, as applicable.

(1) If, during any inspection required by the introductory text of paragraph (h) of this AD, any crack is detected, before further flight, accomplish all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of SB A330–53–3215R3 or SB A340–53–4215R2, as applicable; except, where SB A330–53–3215R3 or SB A340–53–4215R2 specifies to contact Airbus SAS for repair instructions, and specifies that action as ''RC'' (required for compliance), this AD requires repair before further flight using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or European Aviation Safety Agency (EASA); or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(2) If, during any inspection required by the introductory text of paragraph (h) of this AD, the diameter of a fastener hole is found to be outside the tolerances of the transition fit as specified in SB A330–53–3215R3 or SB A340–53–4215R2, as applicable, and SB A330–53–3215R3 or SB A340–53–4215R2 specifies to contact Airbus SAS for repair instructions, and specifies that action as RC, before further flight, repair using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) Accomplishment of corrective actions, as required by paragraph (h)(1) of this AD, does not constitute terminating action for the repetitive inspections required by the introductory text of paragraph (h) of this AD.

(4) Accomplishment of a repair on an airplane, as required by paragraph (h)(2) of this AD, does not constitute terminating action for the repetitive inspections required by the introductory text of paragraph (h) of this AD for that airplane, unless indicated otherwise as specified in the method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA DOA.

(i) Retained Reporting Provision, With No Changes

This paragraph restates the provisions of paragraph (i) of AD 2018–12–08, with no changes. Although SB A330–53–3215R3 and SB A340–53–4215R2 specify to submit certain information to the manufacturer, and specify that action as RC, this AD does not include that requirement.

(j) Retained Credit for Previous Actions, With Revised Formatting

This paragraph restates the provisions of paragraph (j) of AD 2018–12–08, with a reformatted service bulletin listing. This paragraph provides credit for the inspections required by the introductory text of paragraph (h) of this AD and the related investigative and corrective actions specified by paragraph (h)(1) of this AD, if those actions were performed before May 25, 2017 (the effective date of AD 2017–07–07), using the applicable service information specified in paragraphs (j)(1) through (j)(5) of this AD.

(1) Airbus Service Bulletin A330–53–3215, dated June 21, 2013.

(2) Airbus Service Bulletin A330–53–3215, Revision 01, dated April 17, 2014.

(3) Airbus Service Bulletin A330–53–3215, Revision 02, dated November 23, 2016.

(4) Airbus Service Bulletin A340–53–4215, dated June 21, 2013.

(5) Airbus Service Bulletin A340–53–4215, Revision 01, dated April 17, 2014.

(k) 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 (l)(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:* As of the effective date of this AD, 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 EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as specified by paragraphs (g)(1), (g)(2), (h)(1), (h)(2), and (i) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0063, dated April 12, 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–2018–0789.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3229.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(4) and (m)(5) of this AD.

(m) 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.

(3) The following service information was approved for IBR on August 22, 2018.

(i) Airbus Service Bulletin A330–53–3215, Revision 03, dated January 22, 2018.

(ii) Airbus Service Bulletin A340–53–4215, Revision 02, dated November 23, 2016.

(4) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com*; internet: *http://www.airbus.com.*

(5) 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.

(6) 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 29, 2018.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–19437 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1051; Airspace Docket No. 17–AGL–21]

RIN 2120–AA66

Revocation of Class E Airspace; Springfield, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E airspace areas designated as an extension to a Class D surface area at Springfield-Beckley Municipal Airport, Springfield, OH. This action is required as a result of an airspace review, which inadvertently overlooked the removal of the associated Class E airspace extensions when the Class D airspace was removed.

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

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

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code.

Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it supports the removal of the Class E airspace designated as an extension to Class D surface area no longer needed at Springfield-Beckley Municipal Airport, Springfield, OH.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (83 FR 19986; May 7, 2018) for Docket No. FAA–2017–1051 to remove Class E airspace designated as an extension to a Class D surface area at Springfield-Beckley Municipal Airport, Springfield, OH. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to title 14 Code of Federal Regulations (14 CFR) part 71 removes the Class E airspace designated as an extension to Class D airspace at Springfield-Beckley Municipal Airport, Springfield, OH.

The air traffic control tower has closed, and Class E extension airspace removed, as the airport no longer qualifies for controlled airspace.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL OH E4 Springfield, OH [Removed]

Issued in Fort Worth, Texas, on August 30, 2018.

Walter Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2018–19475 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Parts 801, 802, and 803

Premerger Notification; Reporting and Waiting Period Requirements

Correction

In rule document 2018–14378, appearing on pages 32768 through 32784, in the issue of Monday, July 16, 2018, make the following correction:

■ The graphic in Appendix B, beginning on page 32773, is corrected in its entirety as set forth below.

PART 803—TRANSMITTAL RULES [CORRECTED]

* * * * *

Appendix B to Part 803—Instructions to the Notification and Report Form for Certain Mergers and Acquisitions

* * * * *

BILLING CODE 1301–00–D

ANTITRUST IMPROVEMENTS ACT NOTIFICATION AND REPORT FORM for Certain Mergers and Acquisitions

INSTRUCTIONS **OMB: 3084-0005**

GENERAL

The Notification and Report Form ("the Form") is required to be submitted pursuant to § 803.1(a) of the premerger notification rules, 16 CFR Parts 801-803 ("the Rules"). These instructions specify the information that must be provided in response to the items on the Form.

Information
The central office for information and assistance concerning the Form and the Rules is:

Premerger Notification Office
Federal Trade Commission, Room #5301
400 7th Street, S.W.
Washington, D.C. 20024
Phone: (202) 326-3100
E-mail: HSRhelp@ftc.gov

Copies of the Form, Instructions and Rules as well as information to assist in completing the Form are available at the PNO website.

Definitions
The definitions used in this Form are set forth in the Rules. See Statute, Rules and Formal Interpretations for copies of the Hart-Scott-Rodino Act ("the Act"), the Rules, and the Federal Register Notices issuing the Rules and Rule amendments ("Statements of Basis and Purpose").

The term "documentary attachments" refers only to materials submitted in response to Item 3(b), Item 4 and to submissions pursuant to § 803.1(b) of the Rules.

The terms "person filing" or "filing person" mean the ultimate parent entity ("UPE"). (See § 801.1(a)(3)). The terms are used herein interchangeably.

Filing
Parties should file the completed Form, together with all documentary attachments, with the Premerger Notification Office ("PNO") of the Federal Trade Commission ("FTC") and the Premerger Unit of the Antitrust Division of the Department of Justice ("DOJ") (together, "the Agencies"). Filers have the option of submitting a DVD filing or a paper filing. Filings should be submitted to:

Premerger Notification Office
Federal Trade Commission, Room #5301
400 7th Street, S.W.
Washington, D.C. 20024

and

Department of Justice
Antitrust Division
Premerger and Division Statistics Unit
450 Fifth Street, N.W., Suite 1100
Washington, D.C. 20530

If one or both delivery sites are unavailable, the Agencies may announce alternate sites for delivery through the media and, if possible, at the PNO website.

If submitting a DVD filing

1) Provide the FTC with:

   TWO (2) DVDs, each containing the Form, affidavit, certification and all documentary attachments, along with the original hard copies of the cover letter, certification and affidavit.

2) Provide DOJ with:

   TWO (2) DVDs containing the same content as above, along with **THREE** (3) hard copies of the cover letter.

The Form must be a searchable PDF document. All other files must be in searchable PDF or MS Excel spreadsheet format and saved in color, if applicable. This includes the affidavit and certification.

Label each DVD with the name of the person filing, the name of a contact person and that person's phone number. Leave space on the DVD for the Agencies to write the assigned transaction number and date of receipt.

If the DVD or files contain viruses, passwords, or are not readable, the filing will not be accepted and the waiting period will not start.

For further instructions on DVD filing and specific DVD requirements, go to HSR Resources on the PNO website.

If submitting a paper filing

1) Provide the FTC with:

   ONE (1) original and **ONE** (1) copy of the Form, certification page and affidavit, along with an original cover letter and **ONE** (1) set of documentary attachments.

2) Provide DOJ with:

   TWO (2) copies of the Form, certification page and affidavit, along with **THREE** (3) copies of the cover letter, and **ONE** (1) set of documentary attachments.

Affidavits
Affidavit(s) are required by § 803.5 and must attest to the good faith of the persons filing to complete the transaction. Affidavits must be notarized or use the language found in 28 U.S.C. § 1746 relating to unsworn declarations under penalty of perjury. If an entity is filing on behalf of the acquiring or acquired person, the affidavit must still attest to the good faith of the UPE.

In non-§ 801.30 transactions, the affidavit(s) (submitted by both persons filing) must attest that a contract, agreement in principle or letter of intent to merge or acquire has been executed, and further attest to the good faith intention of the person filing notification to complete the transaction. (See § 803.5(b)).

In § 801.30 transactions, the affidavit (submitted only by the acquiring person) must attest:

1) that the issuer whose voting securities or the unincorporated entity whose non-corporate interests are to be acquired has received notice, as described below, from the acquiring person;

2) in the case of a tender offer, that the intention to make the tender offer has been publicly announced; and

3) the good faith intention of the person filing notification to complete the transaction.

Acquiring persons in § 801.30 transactions are required to submit a copy of the notice received by the acquired person pursuant to § 803.5(a)(3) along with the filing. This notice must include:

1) the identity of the acquiring person and the fact that the acquiring person intends to acquire voting securities of the issuer or non-corporate interests of the unincorporated entity;

2) the specific notification threshold that the acquiring person intends to meet or exceed in an acquisition of voting securities;

3) the fact that the acquisition may be subject to the Act, and that the acquiring person will file notification under the Act;

4) the anticipated date of receipt of such notification by the Agencies; and

5) the fact that the person within which the issuer or unincorporated entity is included may be required to file notification under the Act. (See § 803.5(a)).

Responses
Enter the name of the person filing notification in Item 1(a) on page 1 of the Form, and enter the same name and the date on which the Form is completed at the top of each page of the Form.

If there is insufficient room on the Form for a response to a particular item, attach "additional pages" behind that item on the Form. Filers must submit a complete set of additional pages within each copy of the Form.

Each additional page should identify, at the top of the page, the name of the person filing notification, the date on which the Form is completed and the item to which it is addressed.

Voluntary submissions pursuant to § 803.1(b) should be identified as V-1, V-2, etc.

If unable to answer any item fully, provide such information as is available and a statement of reasons for non-compliance as required by § 803.3. If exact answers to any item cannot be given, enter best estimates and indicate the source or basis of such estimates. Add an endnote with the notation "est." to any item where data are estimated.

All financial information should be expressed in millions of dollars rounded to the nearest one-tenth of a million dollars.

Limited Response
The acquired person should limit its response in Items 5-7:

1) in the case of an acquisition of assets, to the assets being acquired;

2) in the case of an acquisition of voting securities, to the issuer(s) whose voting securities are being acquired and all entities controlled by such acquired entities; and

3) in the case of an acquisition of non-corporate interests, to the unincorporated entity(s) whose non-corporate interests are being acquired and all entities controlled by such acquired entities.

Separate responses may be required where a person is both acquiring and acquired. (See § 803.2(b)).

Information need not be supplied regarding assets, voting securities or non-corporate interests currently being acquired when their acquisition is exempt under the Act or Rules. (See § 803.2(c)).

Year
All references to "year" refer to calendar year. If data are not available on a calendar year basis, supply the requested data for the fiscal year reporting period that most nearly corresponds to the calendar year specified. References to "most recent year" mean the most recent calendar or fiscal year for which the requested information is available.

North American Industry Classification System (NAICS) Data
The Form requests "dollar revenues" categorized by NAICS codes for non-manufactured and manufactured products with respect to operations conducted within the United States, and for products manufactured outside of the United States and sold into the United States. (See § 803.2(d)). Filing persons must submit data at the 6-digit NAICS national industry code level to reflect non-manufacturing dollar revenues. To the extent that dollar revenues are derived from manufacturing operations (NAICS Sectors 31-33), filing persons must only submit data at the 10-digit NAICS product code levels, not the 6-digit level. (See Item 5 below).

In reporting information by 6-digit NAICS industry code, refer to the 2012 *North American Industry Classification System - United States* published by the Executive Office of the President, Office of Management and Budget. In reporting information by 10-digit NAICS product code, refer to the 2012 *Numerical List of Manufactured and Mineral Products* published by the Bureau of the Census. Information regarding NAICS is available at www.census.gov. This site also provides assistance in choosing the proper code(s) for reporting in Item 5 of the Form.

Filers should continue to use 6- and 10-digit 2012 NAICS codes when filling out Items 5, 7, and 8 of the Form. The U.S. Census Bureau is transitioning to a new classification system and the PNO will wait until that system is fully functional before switching. Please monitor the PNO's website for further announcements on this topic.

Thresholds
Filing fee and notification thresholds are adjusted annually pursuant to 15 U.S.C. § 18A(a)(2)(A) based on the change in gross national product, in accordance with 15 U.S.C. § 19(a)(5). The current threshold values can be found at Current Filing Thresholds.

END OF GENERAL SECTION

Online Style Sheet for the Form

Online Tips for the Form

THE FORM - ITEM BY ITEM

Fee Information
The fee for filing the Form is based on the aggregate total value of assets, voting securities and controlling non-corporate interests to be held as a result of the acquisition:

Value of assets, voting securities and controlling non-corporate interests to be held	Fee Amount
greater than $50 million (as adjusted) but less than $100 million (as adjusted)	$45,000
$100 million (as adjusted) or greater but less than $500 million (as adjusted)	$125,000
$500 million or greater (as adjusted)	$280,000

For current thresholds and fee information, see the PNO website.

Amount Paid
Indicate the amount of the filing fee paid. This amount should be net of any banking or financial institution charges.

Payer Identification
Provide the payer's name and 9-digit Taxpayer Identification Number (TIN). If the payer is a natural person with no TIN, provide the natural person's social security number.

Method of Payment
The preferred method of payment is by electronic wire transfer (EWT). For EWT payments, provide the EWT confirmation number and the name of the financial institution from which the EWT is being sent. If the EWT confirmation number is not available at the time of filing, provide this information to the PNO within two business days of filing.

In order for the FTC to track payment, the payer must provide information required by the Fedwire Instructions to the financial institution initiating the EWT. A template of the Fedwire Instructions is available at the PNO website on the Filing Fee Information page.

There are now specific, limited criteria for paying by certified check. Please see the Filing Fee Information page for details.

Corrective Filings
Put an X in the appropriate box to indicate whether the notification is a corrective filing (i.e., an acquisition that has already taken place without filing, in violation of the statute). See Procedures for Submitting Post-Consummation Filings for more information on how to proceed in the case of a corrective filing.

Cash Tender Offer
Put an X in the appropriate box to indicate whether the acquisition is a cash tender offer.

Bankruptcy
Put an X in the appropriate box to indicate whether the acquired person's filing is being made by a trustee in bankruptcy or by a debtor-in-possession for a transaction that is subject to Section 363(b) of the Bankruptcy Code (11 U.S.C. § 363).

Early Termination
Put an X in the "yes" box to request early termination of the waiting period. Notification of each grant of early termination will be published in the Federal Register, as required by 15 U.S.C. § 18A(b)(2), and on the PNO website. Note that if either party in any transaction requests early termination, it may be granted and published.

Transactions Subject to International Antitrust Notification
If, to the knowledge or belief of the filing person at the time of filing, a non-U.S. antitrust or competition authority has been or will be notified of the proposed transaction, list the name of each such authority. Response to this item is voluntary.

Index of Hyperlinks in these Instructions:

PNO website: https://www.ftc.gov/enforcement/premerger-notification-program

Statute, Rules and Formal Interpretations: https://www.ftc.gov/enforcement/premerger-notification-program/statute-rules-formal-interpretations

HSR Resources: https://www.ftc.gov/enforcement/premerger-notification-program/hsr-resources

Current Filing Thresholds: https://www.ftc.gov/enforcement/premerger-notification-program/current-thresholds

Online Style Sheet for the Form: https://www.ftc.gov/enforcement/premerger-notification-program/form-instructions/style-sheet

Online Tips for the Form: https://www.ftc.gov/system/files/attachments/form-instructions/hsr_form_tip_sheet_1.0.5.pdf

Filing Fee Information: https://www.ftc.gov/enforcement/premerger-notification-program/filing-fee-information

Procedures for Submitting Post-Consummation Filings: https://www.ftc.gov/enforcement/premerger-notification-program/post-consummation-filings-hsr-violations

Online Tips for Item 4(c): https://www.ftc.gov/sites/default/files/attachments/hsr-resources/4ctipsheet.pdf

Online Tips for Item 4(d): https://www.ftc.gov/enforcement/premerger-notification-program/hsr-resources/pno-guidance-item-4d

Online Tips for Item 5: https://www.ftc.gov/enforcement/premerger-notification-program/hsr-resources/reporting-revenues-item-5

Online Tips for Item 6: https://www.ftc.gov/enforcement/premerger-notification-program/hsr-resources/tips-completing-item-6-hsr-form

Online Tips for Item 7: https://www.ftc.gov/enforcement/premerger-notification-program/hsr-resources/tips-completing-item-7-hsr-form

ITEM 1

Item 1(a)
Provide the name, headquarters address and website (if one exists) of the person filing notification. The name of the person filing is the name of the UPE. (See § 801.1(a)(3)).

Item 1(b)
Indicate whether the person filing notification is an acquiring person, an acquired person, or both an acquiring and acquired person. (See § 801.2).

Item 1(c)
Put an X in the appropriate box to indicate whether the person in Item 1(a) is a corporation, unincorporated entity, natural person, or other (specify). (See § 801.1).

Item 1(d)
Put an X in the appropriate box to indicate whether data furnished in Item 5 is by calendar year or fiscal year. If fiscal year, specify the time period.

Item 1(e)
Put an X in the appropriate box to indicate if the Form is being filed on behalf of the UPE by another entity within the same person authorized by it to file notification on its behalf pursuant to § 803.2(a), or if the Form is being filed pursuant to § 803.4 on behalf of a foreign person. Then provide the name and mailing address of the entity filing notification on behalf of the filing person named in Item 1(a) of the Form.

Item 1(f)
For the acquiring person, if an entity other than the UPE listed in Item 1(a) is making the acquisition, provide the name and mailing address of that entity and the percentage of its voting securities or non-corporate interests held directly or indirectly by the person named in Item 1(a) above.

For the acquired person, if the assets, voting securities or non-corporate interests of an entity other than the UPE listed in Item 1(a) are being acquired, provide the name and mailing address of that entity and the percentage of its voting securities or non-corporate interests held directly or indirectly by the person named in Item 1(a) above.

Item 1(g)
Provide the name and title, firm name, address, telephone number, and e-mail address of the primary and secondary individuals to contact regarding the Form. A second contact person is required. (See § 803.20(b)(2)(ii)).

Item 1(h)
Foreign filing persons must provide the name, firm name, address, telephone number, and e-mail address of an individual located in the United States designated for the limited purpose of receiving notice of the issuance of a request for additional information or documentary material. (See § 803.20(b)(2)(iii)).

Note: The Form has fields for fax numbers in Item 1. Providing fax numbers is no longer necessary. The fields will be deleted during the next update of the HSR Form.

END OF ITEM 1

ITEM 2

Item 2(a)
Provide the names of all UPEs of acquiring and acquired persons that are parties to the transaction, whether or not they are required to file notification. If a person is not required to file, check the non-reportable box.

Item 2(b)
Put an X in all the boxes that apply to the transaction.

Item 2(c)
This item should only be completed by the acquiring person where voting securities are being acquired. If more than voting securities are being acquired, respond to this item only regarding voting securities. Put an X in the box to indicate the highest applicable threshold for which notification is being filed: $50 million (as adjusted), $100 million (as adjusted), $500 million (as adjusted), 25% (if the value of voting securities to be held is greater than $1 billion, as adjusted), or 50%. (See § 801.1(h)).

Note that the 50% notification threshold is the highest threshold and should be used for any acquisition of 50% or more of the voting securities of an issuer, regardless of the value of the voting securities. For instance, an acquisition of 100% of the voting securities of an issuer, valued in excess of $500 million (as adjusted) would cross the 50% notification threshold, not the $500 million (as adjusted) threshold.

Item 2(d)
Provide the requested information on assets, voting securities and non-corporate interests. If a combination of assets, voting securities and/or non-corporate interests are being acquired and allocation is not possible, note such information in an endnote.

For determining percentage of voting securities, evaluate total voting power per § 801.12.

For determining percentage of non-corporate interests, evaluate the economic interests per § 801.1(b)(1)(ii).

Item 2(d)(i)
State the value of voting securities already held. (See § 801.10).

Item 2(d)(ii)
State the percentage of voting securities already held. (See § 801.12).

Item 2(d)(iii)
State the total value of voting securities to be held as a result of the acquisition. (See § 801.10).

Item 2(d)(iv)
State the total percentage of voting securities to be held as a result of the acquisition. (See § 801.12).

Item 2(d)(v)
State the value of non-corporate interests already held. (See § 801.10).

Item 2(d)(vi)
State the percentage of non-corporate interests already held. (See § 801.1(b)(1)(ii)).

Item 2(d)(vii)
State the total value of non-corporate interests to be held as a result of the acquisition. (See § 801.10).

ITEM 2 cont.

Item 2(d)(viii)
State the total percentage of non-corporate interests to be held as a result of the acquisition. (See §§ 801.10 and 801.1(b)(1)(ii)).

Item 2(d)(ix)
State the value of assets to be held as a result of the acquisition. (See § 801.10).

Item 2(d)(x)
State the aggregate total value of assets, voting securities and non-corporate interests of the acquired person to be held as a result of the acquisition. (See §§ 801.10, 801.12, 801.13 and 801.14).

END OF ITEM 2

Most Common Mistakes When Completing the HSR Form

- Noncompliant affidavit
- Missing contact information in Item 1(g)
- Failure to describe target in Item 3(a)
- Incomplete privilege log
- Failure to properly identify authors and recipients of Item 4c/4d documents
- Failure to properly round revenues in Item 5 to nearest tenth of a million and failure to list in ascending order
- Failure to provide required geographic information (e.g., state, county, and city or town) in Item 7(c)(iv)(b)
- Failure to provide the total number of states and territories in response to Item 7(c)

ITEM 3

Item 3(a)
At the top of Item 3(a), list the name and mailing address of each acquiring and acquired person, and acquiring and acquired entity, whether or not required to file notification. It is not necessary to list every subsidiary wholly-owned owned by an acquired entity.

In the Transaction Description section, briefly describe the transaction, indicating whether assets, voting securities or non-corporate interests (or some combination) are to be acquired. Describe the business operation(s) being acquired. If assets, describe the assets and whether they comprise a business operation. Also, indicate what consideration will be received by each party and the scheduled consummation date of the transaction.

If any attached transaction documents use coded names to refer to the parties, please provide an index identifying the codes.

If there are additional filings, such as shareholder backside filings, associated with the transaction, identify those. Also, identify any special circumstances that apply to the filing, such as whether part of the transaction is exempt under one of the exemptions found in Part 802.

Item 3(b)
Furnish copies of all documents that constitute the agreement(s) among the acquiring person(s) and the person(s) whose assets, voting securities or non-corporate interests are to be acquired. Also furnish agreements not to compete and other agreements between the parties. Do not submit schedules and the like unless they contain agreements not to compete, other agreements between the parties, or other important terms of the transaction. For purposes of Item 3(b), responsive documents must be submitted; identifying an internet address or providing a link is not sufficient.

Documents that constitute the agreement(s) (e.g., a Letter of Intent, Merger Agreement, Purchase and Sale Agreement) must be executed, while agreements not to compete may be provided in draft form if that is the most recent version.

If parties are filing on an executed Letter of Intent, they may also submit a draft of the definitive agreement, if one exists.

Note that transactions subject to § 801.30 and bankruptcies under 11 U.S.C. § 363 do not require an executed agreement or letter of intent. For bankruptcies, provide the order from the bankruptcy court.

END OF ITEM 3

ITEM 4

Item 4(a)
Provide the names of all entities within the person filing notification, including the UPE, that file annual reports (Form 10-K or Form 20-F) with the United States Securities and Exchange Commission, and provide the Central Index Key (CIK) number for each entity.

Item 4(b)
Provide the most recent annual reports and/or annual audit reports (or, if audited is unavailable, unaudited) of the person filing notification.

The acquiring person should also provide the most recent reports of the acquiring entity(s) and any controlled entity whose dollar revenues contribute to an overlap reported in Item 7.

The acquired person should also provide the most recent reports of the acquired entity(s).

Natural persons need only provide the most recent reports for the highest level entity(s) they control. Do not provide personal balance sheets or tax returns.

If the most recent reports do not show sales or assets sufficient to meet the size of person test, and the size of person test is relevant given the size of the transaction, the filing person must stipulate in Item 4(b) that it meets the test.

Note that the person filing notification may incorporate a document by reference to an internet address directly linking to the document. (See § 803.2(e)).

Items 4(c) and 4(d)
For each document responsive to Items 4(c) and 4(d), provide the:

1) document's title;
2) date of preparation; and
3) name and title of each individual who prepared the document.

If a specific date is not available, indicate the month and year the document was prepared.

If a large group of people prepared the document, list all the authors and their titles, identifying the principal authors.

Alternatively, it is acceptable to indicate that the document was prepared under the supervision of the lead author and to provide the name and title of that author. If a third party prepared the document, the date of preparation and the name of the third party will suffice.

Numbering
Number each document provided in response to Items 4(c) and 4(d). Number 4(c) documents 4(c)-1, 4(c)-2, 4(c)-3, etc. Likewise, number 4(d) documents 4(d)-1, 4(d)-2, 4(d)-3, etc., regardless of the three sub-categories within Item 4(d). If providing only one document, identify it as 4(c)-1 or 4(d)-1.

When submitting a document responsive to both 4(c) and 4(d), list it only once, under 4(c) or 4(d). If a document is responsive to both 4(c) and 4(d), do not cross-reference.

Privilege
Note that if the filing person withholds or redacts portions of any document responsive to Items 4(c) and 4(d) based on a claim of privilege, the person must provide a statement of reasons for non-compliance (a "privilege log") detailing the claim of privilege for each withheld or redacted document. (See § 803.3(d)).

For each document, include the:

1) title of the document;
2) its author;
3) author's title/position;
4) addressee;
5) addressee's title/position;
6) date;
7) subject matter;
8) all recipients of the original and any copies;
9) recipients' titles/positions;
10) document's present location; and
11) who has control over it.

Additionally, the filing person must state the factual basis supporting the privilege claim in sufficient detail to enable staff to assess the validity of the claim for each document without disclosing the protected information.

If a privileged document was circulated to a group, such as the Board or an investment committee, the name of the group is sufficient, but the filing person should be prepared to disclose the names and titles/positions of the individual group members, if requested. If the claim of privilege is based on advice from inside and/or outside counsel, the name of the inside and/or outside counsel providing the advice (and the law firm, if applicable) must be provided. If several lawyers participated in providing advice, identifying lead counsel is sufficient. In identifying who controls a document, the name of the law firm is sufficient.

When creating a privilege log, use a separate numbering system for withheld documents, such as P-1, P-2, etc. Redacted documents should also be listed in a separate log that complies with § 803.3(d).

Item 4(c)
Provide all studies, surveys, analyses and reports which were prepared by or for any officer(s) or director(s) (or, in the case of unincorporated entities, individuals exercising similar functions) for the purpose of evaluating or analyzing the acquisition with respect to market shares, competition, competitors, markets, potential for sales growth or expansion into product or geographic markets.

Item 4(d)
Item 4(d)(i)
Provide all Confidential Information Memoranda prepared by or for any officer(s) or director(s) (or, in the case of unincorporated entities, individuals exercising similar functions) of the UPE of the acquiring or acquired person or of the acquiring or acquired entity(s) that specifically relate to the sale of the acquired entity(s)

ITEM 4 cont.

or assets. If no such Confidential Information Memorandum exists, submit any document(s) given to any officer(s) or director(s) of the buyer meant to serve the function of a Confidential Information Memorandum. This does not include ordinary course documents and/or financial data shared in the course of due diligence, except to the extent that such materials served the purpose of a Confidential Information Memorandum when no such Confidential Information Memorandum exists. Documents responsive to this item are limited to those produced up to one year before the date of filing.

Item 4(d)(ii)
Provide all studies, surveys, analyses and reports prepared by investment bankers, consultants or other third party advisors ("third party advisors") for any officer(s) or director(s) (or, in the case of unincorporated entities, individuals exercising similar functions) of the UPE of the acquiring or acquired person or of the acquiring or acquired entity(s) for the purpose of evaluating or analyzing market shares, competition, competitors, markets, potential for sales growth or expansion into product or geographic markets that specifically relate to the sale of the acquired entity(s) or assets. This item requires only materials developed by third party advisors during an engagement or for the purpose of seeking an engagement. Documents responsive to this item are limited to those produced up to one year before the date of filing.

Item 4(d)(iii)
Provide all studies, surveys, analyses and reports evaluating or analyzing synergies and/or efficiencies prepared by or for any officer(s) or director(s) (or, in the case of unincorporated entities, individuals exercising similar functions) for the purpose of evaluating or analyzing the acquisition. Financial models without stated assumptions need not be provided in response to this item.

END OF ITEM 4

Tip for Item 4
If there is insufficient room on the Form for a response, attach "additional pages" behind that item on the Form. (See Responses on page II).

Online Tips for Item 4(c)

Online Tips for Item 4(d)

ITEMS 5 THROUGH 7

Limited response for acquired person. For Items 5 through 7, the acquired person should limit its response in the case of an acquisition of:

1) assets, to the assets to be acquired;

2) voting securities, to the issuer(s) whose voting securities are being acquired and all entities controlled by such issuer; and/or

3) non-corporate interests, to the unincorporated entity(s) being acquired and all entities controlled by such unincorporated entity(s).

A person filing as both acquiring and acquired persons may be required to provide a separate response to Items 5 through 7 in each capacity so that it can properly limit its response as an acquired person. (See §§ 803.2(b) and (c)).

ITEM 5

This item requests revenue information by NAICS code regarding dollar revenues. (See NAICS Data section on page II). All persons must submit data on non-manufacturing dollar revenues at the 6-digit NAICS industry code level. To the extent that dollar revenues are derived from manufacturing operations (NAICS Sectors 31-33), only submit data at the 10-digit product code level (NAICS-based codes).

List all NAICS codes in ascending order.

Persons filing notification should include the total dollar revenues for all entities included within the person filing notification at the time the Form is prepared. If no dollar revenues are reported, check the "None" box and provide a brief explanation.

Item 5(a)
Provide 6-digit NAICS industry data concerning the aggregate U.S. operations of the person filing notification for the most recent year in all non-manufacturing NAICS Sectors in which the person engaged. If the dollar revenues for a non-manufacturing NAICS code totaled less than one million dollars in the most recent year, that code may be omitted from Item 5(a).

Provide 10-digit NAICS product code data for each product code within all manufacturing NAICS Sectors (31-33) in which the person engaged in the U.S., including dollar revenues for each product manufactured outside the U.S. but sold into the U.S. Sales of any manufactured product should be reported in a manufacturing code only, even if sold through a separate warehouse or retail establishment.

If such data have not been compiled for the most recent year, estimates of dollar revenues by 6-digit NAICS industry codes and 10-digit NAICS product codes may be provided.

Check the Overlap box for a NAICS code if both parties to the transaction generate dollar revenues in that NAICS code. If there is only a 6-digit overlap in a manufacturing code in Item 7, do not check the Overlap box for a related 10-digit code in Item 5.

ITEM 5 cont.

Item 5(b)
Complete only if the acquisition is the formation of a joint venture corporation or unincorporated entity. (See §§ 801.40 and 801.50). If the acquisition is not the formation of a joint venture, check the "Not Applicable" box.

Item 5(b)(i)
List the contributions that each person forming the joint venture corporation or unincorporated entity has agreed to make, specifying when each contribution is to be made and the value of the contribution as agreed by the contributors.

Item 5(b)(ii)
Describe fully the consideration that each person forming the joint venture corporation or unincorporated entity will receive in exchange for its contribution(s).

Item 5(b)(iii)
Describe generally the business in which the joint venture corporation or unincorporated entity will engage, including its principal types of products or activities, and the geographic areas in which it will do business.

Item 5(b)(iv)
Identify each 6-digit NAICS industry code in which the joint venture corporation or unincorporated entity will derive dollar revenues. If the joint venture corporation or unincorporated entity will be engaged in manufacturing, also specify each 10-digit NAICS product code in which it will derive dollar revenues.

END OF ITEM 5

Tip for Item 5
Remember, all financial information should be expressed in millions of dollars, rounded to the nearest one-tenth of a million dollars.

Online Tips for Item 5

ITEM 6

An acquired person does not complete Item 6 if the transaction involves only the acquisition of assets. If the transaction involves a mix of assets along with voting securities and/or non-corporate interests, the acquired person must complete Item 6 as related to the voting securities and non-corporate interests.

Item 6(a)
Subsidiaries of filing person. List the name, city and state/country of all U.S. entities, and all foreign entities that have sales in or into the U.S., that are included within the person filing notification. Entities with total assets of less than $10 million may be omitted. Alternatively, the filing person may report all entities within it.

Item 6(b)
Minority shareholders. For the acquired entity(s) and for the acquiring entity(s) and its UPE or, in the case of natural persons, the top-level corporate or unincorporated entity(s) within that UPE, list the name and headquarters mailing address of each shareholder that holds 5% or more but less than 50% of the outstanding voting securities or non-corporate interests of the entity, and the percentage of voting securities or non-corporate interests held by that person. (See § 801.1(c))

For limited partnerships, only the general partner(s), regardless of percentage held, should be listed.

Item 6(c)
Minority holdings. Item 6(c) requires the disclosure of holdings of 5% or more but less than 50%, of any entity(s) that derives dollar revenues in any 6-digit NAICS code reported by the other person filing notification. Holdings in those entities that have total assets of less than $10 million may be omitted.

The acquiring person may rely on its regularly prepared financials that list its investments, and those of its associates that list their investments, to respond to Items 6(c)(i) and (ii), provided the financials are no more than three months old.

If NAICS codes are unavailable, holdings in entities that have operations in the same industry, based on the knowledge or belief of the acquiring person, should be listed. In responding to Items 6(c)(i) and 6(c)(ii), it is permissible for the acquiring person to list all entities in which it or its associate(s) holds 5% or more but less than 50% of the voting securities of any issuer or non-corporate interests of any unincorporated entity. Holdings in those entities that have total assets of less than $10 million may be omitted.

Item 6(c)(i)
Minority holdings of filing person. If the person filing notification holds 5% or more but less than 50% of the voting securities of any issuer or non-corporate interests of any unincorporated entity, list the issuer and percentage of voting securities held, or in the case of an unincorporated entity, list the unincorporated entity and the percentage of non-corporate interests held.

The acquiring person should limit its response, based on its knowledge or belief, to entities that derived dollar revenues in the most recent year from operations in industries within any 6-digit NAICS industry code in which the acquired entity(s) or assets also derived dollar revenues in the most recent year.

The acquired person should limit its response, based on its knowledge or belief, to entities that derive dollar revenues in the

ITEM 6 cont.

same 6-digit NAICS industry code as the acquiring person.

Item 6(c)(ii)
Minority holdings of associates.
This item should only be completed by the acquiring person. Based on the knowledge or belief of the acquiring person, for each associate (see § 801.1(d)(2)) of the acquiring person holding:

1) 5% or more but less than 50% of the voting securities or non-corporate interests of the acquired entity(s); and/or

2) 5% or more but less than 50% of the voting securities of any issuer or non-corporate interests of any unincorporated entity that derived dollar revenues in the most recent year from operations in industries within any 6-digit NAICS industry code in which the acquired entity(s) or assets also derived dollar revenues in the most recent year;

list the associate, the issuer or unincorporated entity and the percentage held.

END OF ITEM 6

Tip for Item 6(c)
Remember, if NAICS codes are unavailable, holdings in entities that have operations in the same industry, based on the knowledge or belief of the acquiring person, should be listed.

Online Tips for Item 6

ITEM 7

If, to the knowledge or belief of the person filing notification, the acquiring person, or any associate (see § 801.1(d)(2)) of the acquiring person, derived any amount of dollar revenues (even if omitted from Item 5) in the most recent year from operations:

1) in industries within any 6-digit NAICS industry code in which any acquired entity that is a party to the acquisition also derived any amount of dollar revenues in the most recent year; or

2) in which a joint venture corporation or unincorporated entity will derive dollar revenues;

then for each such 6-digit NAICS industry code follow the instructions below for this section.

Note that if the acquired entity is a joint venture, the only overlaps that should be reported are those between the assets to be held by the joint venture and any assets of the acquiring person or its associates not contributed to the joint venture.

Also, if the acquiring person reports an associate overlap only, the acquired person does not need to respond to Item 7.

Item 7(a)
Industry Code Overlap Information
Provide the 6-digit NAICS industry code and description for the industry, and indicate whether the overlap is from the person, an associate or both.

Item 7(b)
Item 7(b)(i)
If the UPE of the other person(s) filing notification derived dollar revenues in the same 6-digit industry code(s) listed in Item 7(a), list the name of that UPE and the name of the entity(s) within that UPE that actually derived those dollar revenues, if different from the entity(s) listed in Item 3(a).

Item 7(b)(ii)
This item should only be completed by the acquiring person. List the name of each associate of the acquiring person that also derived dollar revenues through a controlled operating company(s) in the 6-digit industry and, if different, the name of the entity(s) that actually derived those dollar revenues.

Item 7(c)
Geographic Market Information
Use the 2-digit postal codes for states and territories and provide the total number of states and territories at the end of the response.

Note that except in the case of those NAICS industries in the Sectors and Subsectors mentioned in Item 7(c)(iv)(b), the person filing notification may respond with the word "national" if business is conducted in all 50 states.

Item 7(c)(i)
NAICS Sectors 31-33
For each 6-digit NAICS industry code within NAICS Sectors 31-33 (manufacturing industries) listed in Item 7(a), list the relevant geographic information in which, to the knowledge or belief of the person filing the notification, the products in that 6-digit NAICS industry code produced by the person filing notification are sold without a significant change in their form (whether they are sold by the person filing notification or by others to whom such products have been sold or resold). Except for industries covered

ITEM 7 cont.

by Item 7(c)(iv)(b), the relevant geographic information is all states or, if desired, portions thereof.

Item 7(c)(ii)
NAICS Sector 42
For each 6-digit NAICS industry code within NAICS Sector 42 (wholesale trade) listed in Item 7(a), list the states or, if desired, portions thereof in which the customers of the person filing notification are located.

Item 7(c)(iii)
NAICS Industry Group 5241
For each 6-digit NAICS industry code within NAICS Industry Group 5241 (insurance carriers) listed in Item 7(a), list the state(s) in which the person filing notification is licensed to write insurance.

Item 7(c)(iv)(a)
Other NAICS Sectors
For each 6-digit NAICS industry code listed in item 7(a) within the NAICS Sectors or Subsectors below, list the states or, if desired, portions thereof in which the person filing notification conducts such operations.

11	agriculture, forestry, fishing and hunting
21	mining
22	utilities
23	construction
48-49	transportation and warehousing
511	publishing industries
515	broadcasting
517	telecommunications
71	arts, entertainment and recreation

Item 7(c)(iv)(b)
For each 6-digit NAICS industry code listed in item 7(a) within the NAICS Sectors or Subsectors below, provide the address, arranged by state, county and city or town, of each establishment from which dollar revenues were derived in the most recent year by the person filing notification.

2123	nonmetallic mineral mining and quarrying
32512	industrial gases
32732	concrete
32733	concrete products
44-45	retail trade, except 442 (furniture and home furnishings stores), and 443 (electronics and appliance stores)
512	motion picture and sound recording industries
521	monetary authorities - central bank
522	credit intermediation and related activities
532	rental and leasing services
62	health care and social assistance
72	accommodations and food services, except 7212 (recreational vehicle parks and recreational camps), and 7213 (rooming and boarding houses)
811	repair and maintenance, except 8114 (personal and household goods repair and maintenance)
812	personal and laundry services

Item 7(c)(iv)(c)
For each 6-digit NAICS industry code listed in item 7(a) within the NAICS Sectors or Subsectors below, list the states or, if desired, portions thereof in which the person filing notification conducts such operations.

442	furniture and home furnishings stores
443	electronics and appliance stores
516	internet publishing & broadcasting
518	internet service providers
519	other information services
523	securities, commodity contracts and other financial investments and related activities
5242	insurance agencies and brokerages, and other insurance related activities
525	funds, trusts and other financial vehicles
53	real estate and rental and leasing
54	professional, scientific and technical services
55	management of companies and enterprises
56	administrative and support and waste management and remediation services
61	educational services
7212	recreational vehicle parks and recreational camps
7213	rooming and boarding houses
813	religious, grantmaking, civic, professional, and similar organizations
8114	personal and household goods repair and maintenance

Item 7(d)
This item should only be completed by the acquiring person. Use the geographic markets listed in Items 7(c)(i) through 7(c)(iv) to respond to this item, providing the information for associates of the acquiring person. Provide separate responses for each associate of the acquiring person and, if different, the controlled operating company(s) that actually derived the dollar revenues.

END OF ITEM 7

Online Tips for Item 7

ITEM 8

This item should only be completed by the acquiring person. Determine each 6-digit NAICS industry code listed in Item 7(a), in which the acquiring person derived dollar revenues of $1 million or more in the most recent year and in which either:

1) the acquired entity derived dollar revenues of $1 million or more in the recent year (or in the case of the formation of a joint venture corporation or unincorporated entity, the joint venture corporation or unincorporated entity reasonably can be expected to derive dollar revenues of $1 million or more); or

2) in the case of acquired assets, to which dollar revenues of $1 million or more were attributable in the most recent year.

For each such 6-digit NAICS industry code, list all acquisitions of entities or assets deriving dollar revenues in that 6-digit NAICS industry code made by the acquiring person in the five years prior to the date of the instant filing, even if the transaction was non-reportable. List only acquisitions of 50% or more of the voting securities of an issuer or 50% or more of non-corporate interests of an unincorporated entity that had annual net sales or total assets greater than $10 million in the year prior to the acquisition, and any acquisitions of assets valued at or above the statutory size-of-transaction test at the time of their acquisition.

This item pertains only to acquisitions of U.S. entities/assets and foreign entities/assets with sales in or into the U.S., i.e., with dollar revenues that would be reported in Item 5.

For each such acquisition, supply:

1) the 6-digit NAICS industry code (by number and description) identified above in which the acquired entity derived dollar revenues;

2) the name of the entity from which the assets, voting securities or non-corporate interests were acquired;

3) the headquarters address of that entity prior to the acquisition;

4) whether assets, voting securities or non-corporate interests were acquired; and

5) the consummation date of the acquisition.

END OF ITEM 8

CERTIFICATION

See § 803.6 for requirements.

The certification must be notarized or use the language found in 28 U.S.C. § 1746 relating to unsworn declarations under penalty of perjury.

PRIVACY ACT STATEMENT

Section 18a(a) of Title 15 of the U.S. Code authorizes the collection of this information. Our authority to collect Social Security numbers is 31 U.S.C. § 7701. The primary use of information submitted on this Form is to determine whether the reported merger or acquisition may violate the antitrust laws. Taxpayer information is collected, used, and may be shared with other agencies and contractors for payment processing, debt collection and reporting purposes. Furnishing the information on the Form is voluntary. Consummation of an acquisition required to be reported by the statute cited above without having provided this information may, however, render a person liable to civil penalties up to the amount listed in 16 C.F.R. §1.98(a) per day.

We also may be unable to process the Form unless you provide all of the requested information.

DISCLOSURE NOTICE

Public reporting burden for this report is estimated to vary from 8 to 160 hours per response, with an average of 37 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this report, including suggestions for reducing this burden to:

Premerger Notification Office
Federal Trade Commission, Room #5301
400 7th Street, S.W.
Washington, D.C. 20024

and

Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D.C. 20503

Under the Paperwork Reduction Act, as amended, 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 operative OMB control number, 3084-0005, appears within the Notification and Report Form and these Instructions.

END OF FORM INSTRUCTIONS

* * * * *

[FR Doc. C2–2018–14378 Filed 9–7–18; 8:45 am]
BILLING CODE 1301–00–C

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0813]

RIN 1625–AA00

Safety Zone; Upper Mississippi River Mile Markers 824 to 832, St. Paul, MN

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the navigable waters of the Upper Mississippi River from mile marker (MM) 824 to MM 832. The safety zone is needed to protect persons, vessels, and the marine environment from potential hazards created by an oil spill response exercise. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Upper Mississippi River or a designated representative.

DATES: This rule is effective from 8 a.m. through 5 p.m. on September 12, 2018, or until the exercise concludes, whichever occurs first.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0813 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 Lieutenant Commander Christian Barger, Sector Upper Mississippi River Waterways Management Division, U.S. Coast Guard; telephone 314–269–2560, email *Christian.J.Barger@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Upper Mississippi River
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)(3)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. This safety zone must be established by September 12, 2018, and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the safety zone until after the date of the oil spill response exercise and compromise public safety.

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 contrary to the public interest because immediate action is necessary to respond to the potential hazards associated with the oil spill response exercise.

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 Sector Upper Mississippi River (COTP) has determined that potential hazards associated with oil spill response exercise activities and equipment deployment will be a safety concern for anyone on the navigable waters of the Upper Mississippi River from mile marker (MM) 824 to MM 832. This rule is needed to protect persons, vessels, and the marine environment on the navigable waters within the safety zone while the oil spill response crews are operating in the area and while the oil spill removal equipment is deployed in the river.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 8 a.m. through 5 p.m. on September 12, 2018. The safety zone will cover all navigable waters of the Upper Mississippi River from MM 824 to MM 832. The duration of the zone is intended to protect persons, vessels, and the marine environment in these navigable waters while the oil spill response crews are operating in the area and while the oil spill removal equipment is deployed in the river. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Upper Mississippi River.

Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted by telephone at 314–269–2332 or on VHF–FM channel 16. Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

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 safety zone impacts an eight mile stretch of the Upper Mississippi River for eight hours on one day. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about 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 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 temporary safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting approximately eight hours on one day that will prohibit entry on the navigable waters of the Upper Mississippi River from MM 824 to MM 832. 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 (REC) supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0813 to read as follows:

§ 165.T08–0813 Safety zone; Upper Mississippi River mile markers 824 to 832, St. Paul, MN.

(a) *Location.* The following area is a safety zone: All navigable waters of the Upper Mississippi River from mile marker (MM) 824 to MM 832, extending the entire width of the river.

(b) *Effective period.* This section will be enforced from 8 a.m. through 5 p.m. on September 12, 2018, or until the exercise concludes, whichever occurs first.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to

units under the operational control of USCG Sector Upper Mississippi River.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. To seek entry into the safety zone, contact the COTP or the COTP's designated representative by telephone at 314–269–2332 or on VHF–FM channel 16.

(3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: August 27, 2018.

Scott A. Stoermer,

CAPT, U.S. Coast Guard, Captain of the Port Sector Upper Mississippi River.

[FR Doc. 2018–19511 Filed 9–7–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0763]

RIN 1625–AA00

Safety Zone; Helocast Water Insertion Operation; Black River Bay, Sackets Harbor, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 1,000-foot radius of the water insertion site located 600 feet offshore of Sackets Harbor Battlefield, Black River Bay, Sackets Harbor, NY. This safety zone is intended to restrict vessels from portions of the Black River Bay during the Helocast Water Insertion Training Event. 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 2:00 p.m. on September 14, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0763 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 because the event sponsor did not submit notice to the Coast Guard with sufficient time remaining before the event to publish an NPRM. Delaying the effective date would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of persons and vessels in vicinity of the fireworks display.

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 Helocast Water Insertion Training Event.

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 Helocast Water Insertion Training takes place.

IV. Discussion of the Rule

This rule establishes a safety zone on September 14, 2018, from 6:00 a.m. until 2:00 p.m. The safety zone will encompass all waters of the Black River Bay, Sackets Harbor, NY contained within a 1,000-foot radius of: 43°57′11.1″ N, 76°07′26.3″ 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.T09–0763 to read as follows:

§ 165.T09–0763 Safety Zone; Helocast Water Insertion Training; Black River Bay, Sackets Harbor, NY.

(a) *Location.* The safety zone will encompass all waters of the Black River Bay; Sackets Harbor, NY contained within a 1,000-foot radius of: 43°57′11.1″ N, 76°07′26.3″ W.

(b) *Enforcement period.* This regulation will be enforced from 6:00 a.m. until 2:00 p.m. on September 14, 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: September 5, 2018.

Kenneth E. Blair,

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

[FR Doc. 2018–19562 Filed 9–7–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0575]

RIN 1625–AA00

Safety Zone; Boston Harbor's Improvement Dredging Project, Boston, MA

AGENCY: Coast Guard, DHS.

ACTION: Temporary interim rule and request for comments.

SUMMARY: The Coast Guard is establishing two temporary safety zones on the navigable waters of Boston Harbor. The first safety zone will be around any vessel, barge, or dredging equipment actively engaged in dredging operations, drilling, or blasting. The second safety zone will be around any blasting worksites. These safety zones are needed to protect personnel, vessels, and the marine environment from the potential hazards created by the dredging, drilling, and blasting operations in support of the U.S. Army Corps of Engineers Boston Harbor's Improvement Dredging Project. When enforced, this regulation prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port Boston or a designated representative.

DATES: This rule is effective from September 10, 2018 through August 31, 2023.

Comments and related material must be received by the Coast Guard during the effective period on or before December 10, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0575 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule. You may submit comments identified by docket number USCG–2018–0575 using the Federal eRulemaking Portal at *http://www.regulations.gov. See the ''Public Participation and Request for Comments'' portion for further instructions on submitting comments.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mark Cutter, Waterways Management Division, U.S. Coast Guard Sector Boston, telephone 617–223–4000, email *Mark.E.Cutter@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
TIR Temporary Interim Rule
NPRM Notice of Proposed Rule Making
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On June 1, 2018, U.S. Army Corps of Engineers issued a notice allowing the Joint Venture of Cashman Dredging Inc. and Dutra Group to proceed with the improvement-dredging project of Broad Sound North Channel, Boston's Inner Harbor Main Ship Channel, Conley Terminal including the turning basin or ''MSC Notch,'' and President Roads Anchorage. The project consists of deepening Broad Sound North Channel to 51 feet below the surface, and Boston's Inner Harbor Main Ship Channel, Conley Terminal including the turning basin or ''MSC Notch,'' and President Roads Anchorage each to 47 feet below the surface.

The project includes dredging approximately 11.7 million cubic yards of silt, blue clay, till and weathered rock from the Broad South North Channel, Boston's Inner Harbor Main Ship Channel, Conley Terminal, and President Roads Anchorage. Most of the material dredged will be placed at the Massachusetts Bay Disposal Site (MBDS) approximately 20 miles offshore of Boston Harbor. A small fraction of the material dredged will be placed as a cap to the Main Ship Channel Confined Aquatic Disposal Cell, just downstream of the inner confluence of the Chelsea and Mystic Rivers. The initial phase of the dredge operation involves using mechanical dredges and does not involve any type of blasting or drilling operation. At some point, once the silt, blue clay, till and weathered rock have been removed, blasting or drilling may be needed to remove the hard rock. Whether blasting or drilling will be required, it will not be known until the top material has been removed and the contractor can locate the hard rock spots. The dredge operation has begun and will continue for 24 hours a day, seven days a week for approximately four years. The Coast Guard is publishing this rule to be effective, and enforceable, through August 31, 2023, in case the project is delayed due to unforeseen circumstances. If the project is completed prior to August 31, 2023, enforcement of the safety zones will be suspended and notice given via Broadcast Notice to Mariners, Local Notice to Mariners, or both.

The Coast Guard is issuing this temporary interim 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 NPRM with respect to this rule because doing so would be impracticable and contrary to the public interest. The notice allowing the dredging project to proceed and providing dates for the project was only recently finalized and provided to the Coast Guard, and timely action is needed to respond to the potential safety hazards associated with this dredging project. The late finalization of project details did not give the Coast Guard enough time to publish a NPRM, take public comments, and issue a final rule before dredging operations begin. It would be impracticable and contrary to the public interest to publish a NPRM because a safety zone must be established as soon as possible to protect the safety of the waterway users, construction crew, and other personnel associated with the dredging project. A delay of the dredging project to accommodate a full notice and comment period would delay necessary operations, result in increased costs, and delay the date when the dredging project is expected to be completed and reopen Boston Harbor for normal operations.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. For reasons stated in the preceding paragraph, delaying the effective date of this rule would be impracticable and contrary to the public interest because timely action is needed to respond to the potential safety

hazards associated with the dredging project.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231.

The COTP Boston has determined that potential hazards exist associated with a dredging project that has already commenced, and will continue through August 31, 2023. This rule is needed to protect personnel, vessels, and the marine environment on the navigable waters of Broad Sound North Channel, Boston's Inner Harbor Main Ship Channel, Conley Terminal including the turning basin or ''MSC Notch,'' and President Roads Anchorage during the dredging project.

IV. Discussion of Comments, Changes, and the Rule

This rule establishes two safety zones that will continue through August 31, 2023.

The first safety zone will have a 100-yard radius centered on any vessel, barge, or dredging equipment while actively engaged in dredging operations, drilling, or blasting. If blasting is needed for hard rock, the second safety zone will have a 500-yard radius centered on the worksite on each day of blasting, to be established once explosives are laid and ready for detonation, and subsequently suspended once a successful detonation has been confirmed. The Coast Guard will notify the public and local mariners of this 500-yard safety zone through appropriate means, which may include, but are not limited to, publication in the Local Notice to Mariners and Broadcast Notice to Mariners via marine Channel 16 (VHF–FM) in advance of any enforcement.

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, it 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 following reasons: (1) These safety zones will only impact a small designated area of the waterway at any given time; (2) vessels wishing to transit the waterway will have sufficient room to transit around the the safety zones; (3) dredging vessel(s) conducting operations will move out of the channel for deep draft vessels that need to pass through that area and deep draft vessel traffic will be well coordinated though daily communications with U.S. Army Corps of Engineers, Contractor, Ship Pilots, and the U.S. Coast Guard; (4) local lobstermen can still set pots in some areas of Boston harbor; (5) the 500-yd safety zone around blasting operations will only be enforced when blasting is in progress for short durations and with substantial public notice days in advance of enforcement through a Broadcast Notice to Mariners (BNM) via marine channel 16 (VHF–FM) of the exact location. The Coast Guard will place a notice in the Local Notice to Mariner (LNM); issue Broadcast Notice to Mariners (BNM) via marine channel 16 (VHF–FM), Safety Marine Information Port Bulletin, discuss updates at the monthly Boston Port Operators Group (POG) meeting, and at the Massachusetts Bay Harbor Safety Committee meetings.

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 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 V.A above, this rule will not have a significant 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 temporary interim 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 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 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 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 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 rule under Department of Homeland Security Directive 023–01, which guides 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 rule involves the establishment of two safety zones on the navigable waters of Broad Sound North Channel, Boston's Inner Harbor Main Ship Channel, Conley Terminal including the turning basin or ''MSC Notch,'' and President Roads Anchorage: (1) A 100-yard radius centered on any vessel, barge, or dredging equipment while actively engaged in dredging operations, drilling, or blasting. (2) If blasting is needed for hard rock, the second safety zone will have a 500-yard radius centered on the worksite on each day of blasting, to be established once explosives are laid and ready for detonation, and subsequently suspended once a successful detonation has been confirmed. 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 for Categorically Excluded Actions 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 temporary interim 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.

VI. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 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.T01–0575 to read as follows:

§ 165.T01–0575 Safety Zone; Boston Harbor's Improvement Dredging Project, Boston, MA.

(a) *Location.* The following areas are safety zones: All navigable waters from surface to bottom, within a 100-yard radius centered on any vessel, barge or dredging equipment while actively engaged in dredging operations, drilling, or blasting. All navigable waters from surface to bottom, within a 500-yard radius centered on the blasting worksite while setting up for blasting, during blasting, and in the immediate aftermath.

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

(1) *Designated representative* means any Coast Guard commissioned, warrant, petty officer, or any federal, state, or local law enforcement officer who has been designated by the Captain of the Port (COTP) Boston, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official patrol vessels* means any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Boston to enforce this section.

(c) *Enforcement periods.* This section is enforceable 24 hours a day through August 31, 2023. When enforced as deemed necessary by the COTP Boston, vessels will be prohibited from entering this safety zone unless granted permission from the COTP Boston or the COTP's designated representative.

(d) *Regulations.* When this safety zone is enforced, the following regulations, along with those contained in 33 CFR 165.23 apply:

(1) No person or vessel may enter or remain in this safety zone without the permission of the COTP Boston or the COTP's designated representatives. However, any person or vessel permitted to enter the safety zone must comply with the directions and orders of the COTP Boston or the COTP's designated representatives.

(2) To obtain permission required by this regulation, individuals may reach the COTP Boston or a COTP designated representative via Channel 16 (VHF–FM) or 617–223–5757 (Sector Boston Command Center).

(3) Upon being hailed by a U.S. Coast Guard vessel by radio, siren, flashing lights, or other means, the operator of a vessel must proceed as directed.

(e) *Penalties.* Those who violate this section are subject to the penalties set forth in 33 U.S.C. 1232.

Dated: September 5, 2018.

Eric. J. Doucette,

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

[FR Doc. 2018–19518 Filed 9–7–18; 8:45 am]

BILLING CODE 9110–04–P

Proposed Rules

Federal Register
Vol. 83, No. 175
Monday, September 10, 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.

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Chapter X

[Docket No. CFPB–2018–0023]

Policy to Encourage Trial Disclosure Programs

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of proposed policy guidance; request for comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) invites the public to take this opportunity to comment on its proposal to create a Disclosure Sandbox through its revised Policy to Encourage Trial Disclosure Programs (Policy or TDP Policy), which is intended to carry out the Bureau's authority under Section 1032(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act).

DATES: Written comments are encouraged and must be received on or before October 10, 2018.

ADDRESSES: You may submit comments, identified by Docket No. [CFPB–2018–0023], by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. [CFPB–2018–0023] in the subject line of the email.
- *Mail/Hand Delivery/Courier:* Comment Intake, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

Instructions: All submissions should include the agency name and docket number. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning (202) 435–7275. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: For additional information about the revised Policy, contact Paul Watkins, Assistant Director, Office of Innovation at *officeofinnovation@cfpb.gov* or 202–435–7000. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In subsection 1032(e) of the Dodd-Frank Act, Congress gave the Bureau authority to provide certain legal protections to companies to conduct trial disclosure programs.[1] This authority furthers the Bureau's statutory purpose, stated in subsection 1021(a) of the Act, to ensure that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive.[2] Furthermore, this authority advances the Bureau's statutory objectives in subsection 1021(b) of the Act to ensure consumers are provided with timely and understandable information to make responsible decisions about financial transactions; outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens; and markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.[3]

More specifically, under section 1032(e), the Bureau may permit companies to conduct trial disclosure programs, limited in time and scope, to improve upon existing disclosures.[4] Such permission may include providing a legal safe harbor; *i.e.,* the Bureau may deem a company conducting such a program to be in compliance with, or exempt from, a requirement of a rule or enumerated consumer law.[5] Such trial disclosure programs must be subject to standards and procedures that are designed to encourage companies to conduct such programs.[6] Similarly, although Bureau rules must provide for public disclosure of such programs, such public disclosure may be limited to the extent necessary to encourage covered persons to conduct effective trials.[7]

Pursuant to the purposes, objectives, and authority listed above, the Bureau proposed its Policy to Encourage Trial Disclosure Programs in December 2012, and finalized the Policy in September 2013. However, the Policy failed to effectively encourage trial disclosure programs: The Bureau did not permit a single such program in the nearly five years since the Policy was issued.

II. Summary of the Proposed Revised Policy

In line with the above authority, the Bureau is proposing to revise the Policy in order to more effectively encourage companies to conduct trial disclosure programs. The proposed revisions have the following goals: (1) Reducing the application burden and review time frame; (2) increasing guidance regarding the testing time frame; (3) specifying procedures for extensions of successful trial disclosure programs; and (4) providing for coordination with existing or future programs offered by other regulators designed to facilitate innovation.

More specifically, the Bureau is proposing to streamline the application process by eliminating several elements it determined were redundant or otherwise unnecessary. The list of factors the Bureau intends to consider when reviewing applications has been substantially reduced for similar reasons. As a result, the Bureau's proposed review will now focus on the quality and persuasiveness of the application, especially the extent to which the trial disclosures are likely to

[1] 12 U.S.C. 5532(e).
[2] 12 U.S.C. 5511(a).
[3] 12 U.S.C. 5511(b)(1), (b)(3), (b)(5).
[4] 12 U.S.C. 5532(e)(1).
[5] 12 U.S.C. 5532(e)(2).
[6] 12 U.S.C. 5532(e)(1), (2).
[7] 12 U.S.C. 5532(e)(3).

be an improvement over existing disclosures, and the extent to which the testing program mitigates risks to consumers. Accordingly, under the proposed Policy, the Bureau intends to grant or deny a formal, complete application for a trial disclosure waiver within 60 days of submission. In addition, the proposed Policy reiterates that the Bureau may grant waivers for disclosures that improve upon existing requirements based upon cost-effectiveness, delivery mechanism, or consumer understanding.

As under the current Policy, during the testing period, the Bureau proposes to deem a testing company's trial disclosure, to the extent that it is used in accordance with the terms and conditions permitted by the Bureau, to be in compliance with, or exempted from, applicable Federal disclosure requirements.[8] To facilitate the Bureau's awareness of the effects of trial disclosures on consumers, the proposed Policy clarifies that the Bureau intends to require recipients of such a waiver to notify the Bureau of material changes in complaint patterns or other information that should be investigated by the Bureau to determine if the trial disclosures may be causing a material, adverse, impact on consumer understanding.

The proposed Policy informs potential applicants of the Bureau's expectation that a two-year testing period will be appropriate in most cases. It also adds a new section on the important subject of extensions of waivers for successful trial disclosure programs. The new section specifies the procedures for requesting such an extension and clarifies the Bureau's intention to grant such requests where there is evidence that the trial disclosures have tested successfully. To the extent that testers are able to show that trial disclosures succeed in improving upon existing requirements, the Bureau will endeavor to amend disclosure rules accordingly and to permit the use of validated trial disclosures until such amendment is effective.

The proposed Policy also adds a new section regarding Bureau coordination with other regulators that offer similar programs designed to facilitate consumer-beneficial innovation. This new section provides that the Bureau intends to coordinate operation of the TDP Policy—the Bureau's Disclosure Sandbox—with similar programs offered by State, Federal, or international regulators. It provides that the Bureau is interested in entering into agreements with other regulators where testing companies could be permitted to conduct a trial program pursuant to the Bureau's agreement with the regulator on specified procedures, rather than through the application and approval process described in Sections A and B.

Finally, the proposed Policy clarifies that applications may be submitted by a group, such as a trade association, on behalf of its members, and may propose a scaled or iterative approach to testing.[9]

The Bureau believes significant opportunities exist to enhance consumer protection by facilitating innovation in financial products and services and enabling companies to research informative, cost-effective disclosures. The Bureau also recognizes that in-market testing, involving companies and consumers in real world situations, may offer particularly valuable information for improving disclosure rules and model forms.

The Bureau invites public comment on any aspect of the revised Policy. The Bureau will publish a final revised Policy after considering comments received. The Bureau will not accept formal applications until the comment period has closed and the Bureau has adopted a final revised Policy. However, the Bureau welcomes informal inquires during the comment period.

III. Regulatory Requirements

The Bureau has concluded that, if finalized, this Policy Guidance would constitute an agency general statement of policy and/or a rule of agency organization, procedure, or practice exempt from the notice and comment rulemaking requirements under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(b). Notwithstanding this conclusion, the Bureau invites public comment on the proposed Policy. Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.[10]

IV. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies are generally required to seek the Office of Management and Budget (OMB) approval for information collection requirements prior to implementation. According to the PRA, the Bureau may not conduct or sponsor, and, notwithstanding any other provision of law, a person is not required to respond to an information collection unless the information collection displays currently a valid control number assigned by OMB. The information requested in Section A of this Policy has been previously approved by OMB and assigned OMB control number 3170–0039. It expires on 07/31/2019. You may access documentation for this OMB number on *www.reginfo.gov* by selecting ''Information Collection Review'' from the main menu, clicking on ''Search,'' and then entering the OMB control number.

The time required to complete this information collection is estimated to average between 2 and 10 hours per response, including the time for reviewing any instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection of information is required to obtain a benefit to the extent that the information is to establish eligibility for a temporary waiver, as described in this Policy.

The Bureau has determined that the revisions to this Policy do not introduce any new or substantively or materially revised collections of information beyond what has been previously approved by OMB. The Bureau has an interest in the public's opinions regarding this determination as well as the public's comments regarding the estimated response time, suggestions for improving the usefulness of the information, or suggestions for reducing the burden to respond to this information collection. Comments regarding PRA aspects of this revised Policy may be submitted to the Bureau as outlined above in the **ADDRESSES** section of this document.

IV. Revised Policy To Encourage Trial Disclosure Programs

The text of the proposed Policy is as follows.

Consumers need timely and understandable information to make the financial decisions that they believe are best for themselves and their families. Much Federal consumer protection law, therefore, rests on the assumption that accurate and effective disclosures will help Americans understand the costs,

[8] 12 U.S.C. 5532(e)(2). For convenience, this statutory authority to deem companies in compliance with or to exempt them from disclosure requirements—in each case for a limited period of time—is hereinafter referred to as the authority to issue waivers for permitted programs, irrespective of whether this authority is effectuated through granting a waiver directly to a testing company under Sections A, B and C or indirectly through an agreement with another regulator under Section E.

[9] The Bureau has also made a number of technical changes to the Policy to accommodate the above-described substantive revisions and to increase clarity.

[10] 5 U.S.C. 603(a), 604(a).

benefits, and risks of consumer financial products and services.

In Section 1032 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), Congress gave the Bureau of Consumer Financial Protection (Bureau) authority to prescribe rules to ensure that consumers receive such disclosures, and to include in such rules model forms to facilitate compliance.[11] Furthermore, in subsection 1032(e) of the Dodd-Frank Act, Congress gave the Bureau authority to provide certain legal protections to companies to conduct trial disclosure programs.[12] This authority furthers the Bureau's statutory purpose, stated in subsection 1021(a) of the Act, to ensure that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent and competitive.[13] Furthermore, this authority advances the Bureau's statutory objectives in subsection 1021(b) of the Act to ensure consumers are provided with timely and understandable information to make responsible decisions about financial transactions; outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens; and markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.[14]

More specifically, under section 1032(e), the Bureau may permit companies to conduct trial disclosure programs, limited in time and scope, to improve upon existing disclosures.[15] Such permission may include providing a legal safe harbor; *i.e.,* the Bureau may deem a company conducting such a program to be in compliance with, or exempt from, a requirement of a rule or enumerated consumer law.[16] Such trial disclosure programs must be subject to standards and procedures that are designed to encourage companies to conduct such programs.[17] Similarly, although Bureau rules must provide for public disclosure of such programs, such public disclosure may be limited to the extent necessary to encourage covered persons to conduct effective trials.[18]

For permitted trial disclosure programs, therefore, the Bureau will, for a defined period, deem a participating company to be in compliance with, or exempt from, identified Federal disclosure requirements.[19] As a result of this determination by the Bureau, no basis exists under those provisions for a private suit based on the company's use of the trial disclosure. The same is true with respect to other Federal and State regulators even if they have enforcement or supervisory authority as to the enumerated consumer laws for which the Bureau has rulemaking authority. There can be no predicate for an enforcement or supervisory action by such a regulator that is based on a statutory or regulatory provisions waived by the Bureau.

The Bureau also encourages applicants to confer with other Federal and State government officials where a proposed trial disclosure implicates requirements administered by such authorities. Applications that involve the Bureau coordinating with other such officials should identify the other authorities applicants have contacted with respect to the proposal.

The Bureau believes that there may be significant opportunities to enhance consumer protection by facilitating innovation in financial products and services through enabling responsible companies to research informative, cost-effective disclosures in test programs. The Bureau also recognizes that in-market testing, involving companies and consumers in real world situations, may offer particularly valuable information with which to improve disclosure rules and model forms.

The Policy implements the statutory requirement to issue standards and procedures for trial disclosure programs and is designed to encourage financial services companies to innovate by proposing and conducting such programs, consistent with the protections for consumers described in the Policy.[20]

The Policy consists of six sections:

- Section A describes information that should be included in an application for a trial disclosure program waiver;
- Section B lists factors the Bureau may consider in deciding whether to grant an application for a waiver and specifies the expected time frame for the Bureau's review of formal, complete applications;
- Section C describes the Bureau's procedures for issuing waivers;
- Section D describes the Bureau's procedures for issuing extensions of waivers;
- Section E describes how the Bureau will coordinate with other regulators with respect to the Policy; and
- Section F describes disclosure of information relating to permitted trial disclosure program.

A. Submitting Applications for Trial Disclosure Program Waivers

Applications for a waiver should:

1. Identify the testing company or group of companies;[21]
2. Describe the new disclosures or delivery mechanisms that are to be tested;[22] and how these changes are expected to improve upon existing disclosures or delivery mechanisms

[11] 12 U.S.C. 5532(a)–(d). For purposes of the TDP Policy, disclosures encompass all notifications, including notifications of any adverse action.

[12] 12 U.S.C. 5532(e).

[13] 12 U.S.C. 5511(a).

[14] 12 U.S.C. 5511(b)(1), (b)(3), (b)(5).

[15] 12 U.S.C. 5532(e)(1).

[16] 12 U.S.C. 5532(e)(2).

[17] 12 U.S.C. 5532(e)(1), (2).

[18] 12 U.S.C. 5532(e)(3).

[19] For convenience, this statutory authority to deem companies in compliance with or to exempt them from disclosure requirements—in each case for a limited period of time—is hereinafter referred to as the authority to issue waivers for permitted programs, irrespective of whether this authority is effectuated through granting a waiver to a testing company under Sections A, B and C or pursuant to an agreement with another regulator under Section E.

[20] 12 U.S.C. 5532(e). As specified in section C of the Policy, if the Bureau permits a trial disclosure program, the terms of its permission will specify certain legal rights granted to the recipient or recipients of the waiver with respect to that program. Those rights, however, are based on the terms of permission, and not on the Policy. The Policy is not intended to nor should it be construed to: (1) Restrict or limit in any way the Bureau's discretion in exercising its authorities; (2) constitute an interpretation of law; or (3) create or confer upon any covered person (including one who is the subject of Bureau supervisory, investigation, or enforcement activity) or consumer, any substantive or procedural rights or defenses that are enforceable in any manner. Nor should the Policy be viewed as substituting for the normal process of rulemaking. In the event that information learned from trial disclosure programs triggers or otherwise informs follow-on rulemaking, the Bureau would follow the standard rulemaking process, which affords the public the opportunity of submitting comments on a proposed regulation.

[21] The Bureau intends to consider applications that involve testing by more than one company. A trade association or other group may apply on behalf of its members to test a certain disclosure. If a disclosure is permitted for a group, each testing company must notify the Bureau that the company will utilize the disclosure under the terms permitted for the group. Either the group must commit to providing testing data to the Bureau for all permitted companies broken down by individual company or each individual company must commit to providing data to the Bureau.

[22] An application could include the elimination of disclosure requirements, modifications to an existing model form or other disclosures, changed delivery mechanisms, or replacement of a model form or existing disclosure requirements with new disclosures or forms. Applications should include a copy of the trial disclosures to be tested, a description of what they would replace, and a clear statement of how they would be provided to consumers. When applications consist of revised disclosure content—as opposed to revisions to delivery mechanisms—that content should be in plain language, reflect a clear format and design, and be succinct. If an application is for iterative testing, it should specify the initial disclosure and a description of the range or type of modifications intended for iterative testing.

with respect to cost effectiveness, increased consumer understanding, or otherwise;

3. Provide a reasonable basis for expecting and measuring these improvements, such as comparisons with existing costs, or consumer payment/response rates for the company or the relevant industry;

4. Identify the requested duration of the test,[23] and the size, location, and nature of the consumer population involved in the test, and explain why those parameters were selected, including whether the population will be scaled or modified over the duration of the test; [24]

5. Identify any risks to consumers that may be associated with the proposed program, describe how the program intends to mitigate such risks, and explain the procedures that will be used to assess for potential risks to consumers during the course of the test;

6. Identify the statutory and regulatory requirements [25] to be temporarily waived in connection with the trial disclosure program; [26]

7. Contain a commitment to and schedule for sharing test result data with the Bureau after the conclusion of the program, as well as indicating any test result data to be shared during the program; and

8. Explain how the testing company or companies will address disclosure requirements for the test population at the conclusion of the test period.

All applications should be submitted via email to: *officeofinnovation@cfpb.gov.* Submitted applications may be withdrawn at any time. Potential applicants are encouraged to contact the Office of Innovation for informal preliminary discussion of a contemplated proposal prior to submitting a formal, complete application.[27]

B. Bureau Assessment of Applications for Trial Disclosure Program Waivers

To decide whether to permit a proposed trial disclosure program,[28] the Bureau will consider the quality and persuasiveness of the application, with a particular emphasis on items covered in subsections A.2 and A.5.

The Bureau intends to grant or deny formal, complete applications within 60 days of submission.

C. Waiver Procedures for Permitted Trial Disclosure Programs

When the Bureau grants a waiver, it intends to provide the company or companies that receive the waiver with the specific terms and conditions of its permission.[29] If a company does not follow the terms and conditions of the waiver, or if the Bureau determines that the disclosure is causing a material, adverse, impact on consumer understanding, the Bureau may revoke the waiver in whole or in part.[30] To facilitate such a determination, the Bureau intends to require companies to notify the Bureau of material changes in customer service inquiries, complaint patterns, default rates, or other information that should be investigated by the Bureau to determine if the trial disclosures may be causing a material, adverse, impact on consumer understanding.

The Bureau expects that waiver terms and conditions will be specified in writing in an integrated document entitled ''1032(e) Trial Disclosure Waiver: Terms and Conditions.'' The document will be signed by the Assistant Director of the Office of Innovation or other member of the Office of Innovation to whom the Director of the Bureau delegates such signature authority.

In addition, the Bureau expects the document will:

1. Identify the company or group of companies that are receiving a waiver;

2. Specify the new disclosure(s) or delivery methods to be used by the company or companies under the terms of the waiver;

3. Specify the scope of the waiver provided by the Bureau during the test period for the testing company or companies; [31]

4. Specify the duration of the waiver;

5. Describe the test population(s);

6. State that, in the exercise of its discretion, the Bureau will not make supervisory findings or bring a supervisory or enforcement action against the company or companies under its authority to prevent unfair, abusive, or deceptive acts or practices predicated upon its or their use of the trial disclosures during the waiver period, provided the company engages in good faith, substantial, compliance with the terms of the waiver; and

7. Specify any other conditions on the effectiveness of the waiver, such as the terms of testing, data sharing, certification of compliance with the terms of the waiver, and/or public disclosure.[32]

D. Procedures for Extension of Trial Disclosure Program Waivers

Waiver recipients may reapply by resubmitting the entirety of the information required under Section A. As an alternative, waiver recipients may request an extension for a specified period of time based upon the quality and persuasiveness of the test result data required to be provided to the Bureau under subsection A.7. The Bureau expects to place particular weight upon whether the data supports the objectives identified in the application under subsections A.2 and A.5 to improve upon existing disclosures, without causing a material, adverse, impact on consumer understanding. Such requests for an extension should include the duration of the requested extension and should be submitted no later than 150-days prior to the expiration of the waiver.[33]

[23] The Bureau expects that a two-year testing period will be appropriate in most cases.

[24] If the applicant wishes the Bureau to coordinate with other regulators, the applicant should identify any governmental authorities that have allowed or been contacted about the trial disclosure in question.

[25] Applicants should describe the scope of the requested waiver with as much specificity as practicable, in part to enable the Bureau to respond expeditiously to the application. The Bureau recognizes that in some cases it may be difficult to determine precisely which regulatory requirements would apply, in the normal course, to a proposed test disclosure. In other cases, the applicant may lack the legal resources to make a fully precise determination. In such circumstances, the applicant should provide the maximum specification practicable under the circumstances and explain the limits on further specification.

[26] Under subsection 1032(e)(2), the Bureau has authority to waive a requirement of a rule or an enumerated consumer law, as that term is defined in the Dodd-Frank Act. 12 U.S.C. 5481(12). As used in subsection 1032(e)(2), the term ''rule'' includes: (i) Rules implementing an enumerated consumer law; and (ii) rules implementing the Consumer Financial Protection Act of 2010, including rules promulgated by the Bureau under its authority to prevent unfair, abusive, or deceptive acts or practices, or to enable full, accurate and effective disclosure.

[27] The email subject line should begin ''Trial Disclosure Program.''

[28] The decision whether to permit a trial disclosure program will be within the Bureau's sole discretion. The Bureau will review reasonable requests to reconsider its denial of a trial disclosure program.

[29] If the Bureau determines not to permit a proposed trial disclosure program, it will inform the company of its determination.

[30] Before issuing a revocation, the Bureau will notify the affected company (or companies) of the grounds for revocation, and permit an opportunity to respond. If the Bureau nonetheless determines that the company failed to follow the terms of the waiver, it may offer an opportunity to correct any such failure before revoking the waiver. If the Bureau revokes or partially revokes a waiver for failure to follow the waiver's terms, it will do so in writing and it will specify the reason or reasons for its action.

[31] The waiver may be as limited as a specific provision or as broad as all requirements applicable to a particular disclosure, including specifically identified provisions.

[32] The procedures specified in section C may be modified pursuant to coordination efforts with other regulators. *See* section E below.

[33] Assuming the two-year testing period the Bureau expects to be appropriate in most cases, the Bureau believes the testing company(s) would have sufficient time to gather evidence supportive of an extension request.

Upon the presentation of persuasive test result data, the Bureau anticipates permitting such extension requests for a period at least as long as the period of the original waiver. The Bureau anticipates permitting longer extensions where the Bureau is considering amending disclosure requirements in a manner consistent with the trial disclosures in question.[34] During the time period pending a rule amendment, the Bureau intends to consider means of making the improved disclosure available to other covered entities.

E. Regulatory Coordination

Subsection 1015 of the Dodd-Frank Act instructs the Bureau to coordinate with . . . Federal agencies and State regulators, as appropriate, to promote consistent regulatory treatment of consumer financial and investment products and services.[35] Similarly, subsection 1042(c) of the Act instructs the Bureau to provide guidance in order to further coordinate actions with the State attorneys general and other regulators.[36] The Bureau's direction to coordinate includes coordinating circumstances where States have chosen to limit their enforcement or other regulatory authority. One method of limiting such authority is through a State sandbox, or group of State sandboxes, or other limited scope State authorization program (''State sandbox'').[37] The Bureau is interested in entering into agreements with State authorities designed to improve upon existing disclosure requirements [38] by allowing covered persons to test disclosures within the state sandbox. Specifically, the Bureau expects that, in specified circumstances, such entities could receive permission to conduct a trial disclosure program pursuant to the Bureau's agreement with the State authority, rather than through the process described in Sections A, B, and C. The Bureau is interested in negotiating agreements that include the following features. First, the State sandbox must contain safeguards that protect consumers from deception. Second, the State sandbox must be limited in time or scope. Third, the State sandbox entity must agree to provide the Bureau with data to assist the Bureau in assessing whether the disclosure (or disclosures) used within the scope of the state sandbox improves upon existing disclosures based upon cost effectiveness, consumer understanding, or otherwise. Alternatively, the State authority may agree to periodically provide the Bureau with such data regarding the disclosures used by participants in the State sandbox.

Under this Section, a State sandbox entity's authorization under the TDP Policy will be limited to the parameters of the State sandbox. If the entity seeks wider authorization under the TDP Policy, it must submit an application following the standard permission process detailed in Sections A, B, and C. Successful results from disclosures used within a State or other jurisdiction will be highly persuasive in supporting such an application under the TDP Policy.

Furthermore, the Bureau wishes to coordinate with other regulators. To this end, the Bureau intends to enter into agreements whenever practicable to coordinate permission to conduct trial programs with similar programs operated by State, Federal, or international regulators.

F. Bureau Disclosure of Information Regarding Trial Disclosure Programs

The Bureau intends to publish notice on its website of any trial disclosure program permitted under Section C or D.[39] The notice will: (i) Identify the company or companies conducting the trial disclosure program; (ii) summarize the new disclosures to be used and the duration of their intended use; and (iii) state that the waiver applies only to the testing company or companies in accordance with the permitted terms of use.

Public disclosure of any other information regarding trial disclosure programs is governed by the Bureau's Rule on Disclosure of Records and Information.[40] For example, the rule requires the Bureau to make available records requested by the public unless they are subject to a FOIA exemption or exclusion. To the extent the Bureau wishes to disclose information regarding trial disclosure programs, the terms of such disclosure will be included in the 1032(e) Trial Disclosure Waiver: Terms and Conditions document. Consistent with applicable law and its own rules, the Bureau will not seek to disclose any test data that would conflict with consumers' privacy interests.

Dated: August 30, 2018.

Mick Mulvaney,

Acting Director, Bureau of Consumer Financial Protection.

[FR Doc. 2018–19385 Filed 9–7–18; 8:45 am]

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[34] Rule amendments that follow successful trial disclosure tests could continue to permit all existing disclosure practices—allowing an additional and alternative method of compliance, rather than replacing existing requirements with new ones. If the period of an extension were tied to the Bureau's consideration of amending relevant disclosure requirements and the Bureau announced it was discontinuing its plans to amend the disclosure rules in question, such a waiver would be revised to be for a period of a fixed length or revoked after reasonable notice to the testing company(s).

[35] 12 U.S.C. 5495.

[36] 12 U.S.C. 5552(c).

[37] The concept of a regulatory sandbox is relatively new and does not have a precise, generally accepted definition. The term is used in this Policy to refer to a regulatory structure where a participant obtains limited or temporary access to a market in exchange for reduced regulatory barriers to entry or reduced regulatory uncertainty.

[38] See note 26.

[39] The Bureau will at minimum publish the names of companies conducting trial disclosure programs pursuant to Section E, but reserves the discretion to negotiate any additional disclosure terms with the corresponding regulator.

[40] *See* 12 CFR 1070 *et seq.*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1085; Product Identifier 2016–SW–094–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Airbus Helicopters Deutschland GmbH (Airbus Helicopters) Model MBB–BK 117 A–1, MBB–BK 117A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, MBB–BK 117 C–1, and MBB–BK 117 C–2 helicopters. This proposed AD would require repetitive inspections of the tail rotor (T/R) gearbox housing. This proposed AD is prompted by a report that a crack was found in a T/R gearbox housing. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 9, 2018.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

• *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1085; 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 proposed AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received, and other information. The street address for Docket Operations (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: David Hatfield, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *david.hatfield@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2016–0134, dated July 8, 2016, to correct an unsafe condition on Airbus Helicopters Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, MBB–BK 117 C–1, MBB BK 117 C–2, and MBB–BK 117 C–2e helicopters. EASA advises that a crack was found in the T/R gearbox housing of a Model MBB–BK117 C–2 helicopter. According to EASA, investigations determined high vibrations caused by T/R imbalance were a contributing factor to the crack. EASA states that this condition, if not detected and corrected, could lead to the loss of the T/R gearbox and subsequent loss of control of the helicopter. As a result, the EASA AD requires repetitive inspections of the T/R gearbox housing and replacing the housing if a crack is found.

FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Alert Service Bulletin (ASB) MBB–BK117–30A–119, Revision 0, dated May 24, 2016, for Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters and ASB MBB–BK117 C–2–65A–007, Revision 0, dated May 24, 2016, for MBB–BK 117 C–2 helicopters. This service information specifies an initial and repetitive inspections of the T/R gearbox housing for cracks.

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.

Proposed AD Requirements

This proposed AD would require within 100 hours time-in-service (TIS) and thereafter at intervals not to exceed 100 hours TIS, cleaning and visually inspecting the T/R gearbox housing for a crack. If there is a crack, this proposed AD would require replacing the T/R gearbox before further flight.

Differences Between This Proposed AD and the EASA AD

The EASA AD applies to Model MBB–BK117 C–2e helicopters, and this proposed AD would not because it is not an FAA type-certificated model. The EASA AD allows a non-cumulative tolerance of 10 hours TIS for the inspections, and this proposed AD would not. The EASA AD requires performing the inspection after a certain maintenance action and before a T/R gearbox housing is installed, and this proposed AD would not.

Costs of Compliance

We estimate that this proposed AD would affect 176 helicopters of U.S. Registry and that labor costs average $85 a work-hour. Based on these estimates, we expect that inspecting the T/R gearbox would require 1 work-hour and no parts would be required for a cost of $85 per helicopter and $14,960 for the U.S. fleet per inspection cycle. Replacing the T/R gearbox would require 4.5 work-hours and parts would cost $69,219 for a cost of $69,602 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters Deutschland GmbH: Docket No. FAA–2017–1085; Product Identifier 2016–SW–094–AD.

(a) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, MBB–BK 117 C–1, and MBB–BK 117 C–2 helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a tail rotor (T/R) gearbox housing. This condition could result in the loss of the T/R gearbox and subsequent loss of helicopter control.

(c) Comments Due Date

We must receive comments by November 9, 2018.

(d) Compliance

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

(e) Required Actions

Within 100 hours time-in-service (TIS) and thereafter at intervals not to exceed 100 hours TIS, clean and visually inspect the T/R gearbox housing for a crack in the area depicted in Figure 1 of Airbus Helicopters Alert Service Bulletin (ASB) MBB–BK117–30A–119, Revision 0, dated May 24, 2016, or ASB MBB–BK117 C–2–65A–007, Revision 0, dated May 24, 2016, as applicable to your model helicopter. If there is a crack, replace the T/R gearbox before further flight.

(f) Special Flight Permits

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: David Hatfield, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *david.hatfield@faa.gov.*

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

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2016–0134, dated July 8, 2016. You may view the EASA AD on the internet at *http://www.regulations.gov* in the AD Docket.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6520, Tail Rotor Gearbox.

Issued in Fort Worth, Texas, on August 27, 2018.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2018–19436 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1125; Product Identifier 2017–SW–078–AD]

RIN 2120–AA64

Airworthiness Directives; MD Helicopters Inc. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for MD Helicopters Inc. (MDHI) Model 600N helicopters. This proposed AD would require establishing a life limit for the main rotor (M/R) blade upper control collective/longitudinal link assembly (link assembly). This proposed AD is prompted by the discovery that the life limit was omitted from the maintenance manual. The actions of this proposed AD are intended to prevent an unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 9, 2018.

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

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

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1125; or in person at the Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact MD

Helicopters, Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, AZ 85215–9734; telephone 1–800–388–3378; fax 480–346–6813; or at *http://www.mdhelicopters.com.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Galib Abumeri, Aerospace Engineer (Structures), Airframe Section, Los Angeles ACO Branch, Compliance and Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone 562–627–5324; email *galib.abumeri@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

We propose to adopt a new AD for MDHI Model 600N helicopters with a yaw stability augmentation system and with a link assembly part number (P/N) 600N7617–1 installed. This proposed AD would require establishing a life limit of 15,000 hours time-in-service (TIS) for the link assembly.

This proposed AD is prompted by a report from MDHI that during a review of the Airworthiness Limitations section of the applicable maintenance manual, MDHI discovered that it did not include a life limit for link assemblies installed on MDHI Model 600N helicopters with a yaw stability augmentation system. Link assembly P/N 600N7617–1, which is made of aluminum, is a life-limited part with a life limit of 15,000 hours TIS. MDHI subsequently revised the Airworthiness Limitations section of the maintenance manual to include the life limit. The proposed actions are intended to prevent a link assembly remaining in service beyond its life limit, which could result in fatigue failure, loss of M/R blade pitch control, and subsequent loss of helicopter control.

Related Service Information

We reviewed MDHI CSP–HMI–2 MDHI Maintenance Manual, Chapter 04, Airworthiness Limitations, Revision 47, dated September 30, 2016. This service information specifies a 15,000-hour TIS life limit for link assembly P/N 600N7617–1 for helicopters with a yaw stability augmentation system.

FAA's Determination

We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Proposed AD Requirements

This proposed AD would require creating a component history card or equivalent record for each affected link assembly, if one does not exist, and recording a life limit of 15,000 hours TIS. This proposed AD would also require determining the hours TIS of the link assembly and replacing each link assembly that has reached or exceeded its life limit.

Costs of Compliance

We estimate that this proposed AD would affect 26 helicopters of U.S. Registry and that labor costs average $85 a work-hour. Based on these estimates, we expect it would take 30 minutes to determine the hours TIS of each link assembly and update the aircraft records for a cost of $85 per helicopter and $2,210 for the U.S. fleet. Replacing a link assembly, if needed, would require 2 work-hours, and parts would cost $984 for a cost of $1,154 per link per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

MD Helicopters Inc.: Product No. FAA–2017–1125; Product Identifier 2017–SW–078–AD.

(a) Applicability

This AD applies to MD Helicopters Inc. (MDHI) Model 600N helicopters, certificated in any category, with a yaw stability augmentation system and with a main rotor (M/R) blade upper control collective/longitudinal link assembly (link assembly) part number (P/N) 600N7617–1 installed.

(b) Unsafe Condition

This AD defines the unsafe condition as a link assembly remaining in service beyond its fatigue life. This condition could result in failure of the link assembly, failure of M/R blade pitch control, and subsequent loss of helicopter control.

(c) Comments Due Date

We must receive comments by November 9, 2018.

(d) Compliance

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

(e) Required Actions

Within 100 hours time-in-service (TIS):

(1) Determine the total hours time-in-service (TIS) of each link assembly P/N 600N7617–1. If the hours TIS are unknown, use the hours TIS of the helicopter. Remove from service any link assembly that has 15,000 or more hours TIS. Thereafter, remove from service any link assembly before accumulating 15,000 hours TIS.

(2) Create a component history card or equivalent record for each link assembly P/N 600N7617–1 and record a life limit of 15,000 hours TIS.

(f) Special Flight Permits

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOC)

(1) The Manager, Los Angeles ACO Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Galib Abumeri, Aerospace Engineer (Structures), Airframe Section, Los Angeles ACO Branch, Compliance and Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone 562–627–5324; email *galib.abumeri@faa.gov.*

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

(h) Additional Information

For service information identified in this AD, contact MD Helicopters, Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, AZ 85215–9734; telephone 1–800–388–3378; fax 480–346–6813; or at *http://www.mdhelicopters.com.* You may review a copy of information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6710, Main Rotor Control.

Issued in Fort Worth, Texas, on August 27, 2018.

Scott A. Horn,

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

[FR Doc. 2018–19435 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 18

Rescission of Guides for the Nursery Industry

AGENCY: Federal Trade Commission.

ACTION: Proposed rule; rescission of Guides and removal of Guides from the CFR.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission''), following its initial review of the Guides for the Nursery Industry (''Nursery Guides'' or ''Guides''), proposes to rescind the Guides and remove them from the Code of Federal Regulations.

DATES: Written comments must be received on or before November 5, 2018.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Nursery Guides (Matter No. P994248)'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/nurseryguides,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex A), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, (202) 326–2889, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Room CC–9541, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission issued the Guides for the Nursery Industry in 1979.[1] These Guides address various sales claims for outdoor plants, including representations regarding quantity, size, grade, kind, species, age, maturity, condition, vigor, hardiness, growth ability, price, and origin or place where grown. The Commission amended the Guides in 1994 to update legal terminology, and again in 2007 to make a technical correction.[2]

The Commission reviews its rules and guides periodically to seek information about their costs and benefits to consumers and businesses, regulatory and economic impact, and general effectiveness in protecting consumers and helping industry avoid deceptive claims. These reviews assist the Commission in identifying rules and guides that may warrant modification or rescission.

On February 22, 2018, the Commission initiated its scheduled regulatory review of the Guides and solicited public comment on several issues.[3] Specifically, the Commission sought input on, among other things, the continuing need for the Guides; their economic impact; possible conflict between the Guides and state, local, federal, or international laws; and the effect of any technological, economic, environmental, or other industry changes. The Commission also solicited comment on issues specific to the Guides, such as whether the Commission should update plant name classification references. The Commission received one comment, discussed below.

[1] The Commission issued the Guides in 1979 (44 FR 11176 (Feb. 27, 1979)) to replace trade practice rules for the nursery industry (16 CFR part 34) first promulgated in the 1950's (23 FR 4803 (June 28, 1958)). The Guides help marketers avoid making claims that are unfair or deceptive under Section 5 of the FTC Act, 15 U.S.C. 45. Industry guides, such as the Nursery Guides, are administrative interpretations of laws administered by the Commission. They do not have the force of law and are not independently enforceable. Failure to follow industry guides may result, however, in enforcement action under the FTC Act, 15 U.S.C. 45. In any such action, the Commission must prove that the act or practice at issue is unfair or deceptive in violation of Section 5 of the FTC Act.

[2] *See* 59 FR 64546 (Dec. 14, 1994); 72 FR 901 (Jan. 9, 2007).

[3] *See* 83 FR 7643 (Feb. 22, 2018).

II. Comment Received

The sole commenter, the National Federation of Independent Business (''NFIB''), urged the Commission to rescind the Guides as an unnecessary federal regulatory burden. NFIB asserted that most nursery businesses are small businesses and ''a significant portion of the industry is predominantly intrastate rather than interstate in practical character.'' Therefore, they contend that regulation or guidance concerning the nursery business is more properly conducted at the state, rather than federal, level. NFIB, however, did not address any of the Commission's specific questions.

III. Proposed Rescission of the Guides

The Commission proposes to rescind the Guides because, as discussed below, they no longer appear necessary, and thus serve little purpose to industry or consumers. In proposing this approach, the Commission has considered the prevalence of practices covered by the Guides, industry use of the Guides, and the Commission's ability to address deceptive practices through enforcement actions or issuance of other educational materials in the Guides' absence.

First, the types of practices detailed in the Guides do not appear to be prevalent in the nursery industry. The Guides focus on misrepresentations about species, size, rate of growth, and other plant characteristics. Recent FTC complaints related to nurseries and outdoor plant sales, however, suggest that current consumer concerns have little to do with these types of practices. Indeed, nearly all recent complaints received by the Commission regarding plant sales involve online plant orders that were either dormant or dead upon arrival, incomplete, not delivered in the time promised (or at all), or not refunded upon request.[4]

Furthermore, the Commission lacks evidence that industry members currently use the Guides to help avoid deceptive practices. For example, FTC staff found no mention of the Guides on websites for industry associations, nurseries, or other industry entities. Additionally, the Commission is unaware of any unique, pervasive consumer protection issues currently associated with the advertising or labeling of outdoor plants. The sole comment submitted to the Commission argued that there was no continuing need for special guidance in the nursery industry. The absence of comments from nursery-related entities in response to the February 2018 notice reinforces the conclusion that the Guides have limited utility or significance to the industry in today's market.

Finally, the Guides' rescission will have no impact on the FTC's ability to address unfair and deceptive practices in the nursery industry. If the Commission determines that certain practices in the sale of outdoor plants are materially misleading, it can address such practices through enforcement actions under Section 5 of the FTC Act.[5] Should industry members desire continued guidance, FTC staff can provide informal guidance through business education materials (*e.g.,* FAQ's) posted on the Commission's website.

IV. Request for Comment

The Commission seeks comments on all aspects of the proposed rescission. Among other things, commenters should address any continuing need for the Guides, the impacts of their rescission on industry members and consumers, and other measures the Commission should consider in their place (*e.g.,* business education materials).

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before November 5, 2018. Write ''Nursery Guides (Matter No. P994248)'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public FTC website, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/nurseryguides,* by following the instruction on the web-based form. If this Notice appears at *http://www.regulations.gov,* you also may file a comment through that website.

If you file your comment on paper, write ''Nursery Guides (Matter No. P994248)'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex A), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610, Washington, DC 20024. If possible, please submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at *www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which is . . . privileged or confidential''—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under

[4] The Guides address some of the practices identified in the complaints indirectly or in limited ways. For instance, § 18.1(c)(2) states it is deceptive to represent ''[t]hat industry products are healthy . . . when such is not the fact.'' In addition, some complaints involve incorrect orders, which are covered by § 18.1(a). However, the Commission sees no need to maintain the Guides simply to preserve such limited, self-evident guidance.

[5] Section 5 of the FTC Act, 15 U.S.C. Section 45(a)(1), prohibits unfair or deceptive acts or practices in or affecting commerce.

FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website to read this NPRM and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before November 5, 2018. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, *see https://www.ftc.gov/site-information/privacy-policy.*

List of Subjects in 16 CFR Part 18

Advertising, Nursery, Trade practices.

PART 18—[REMOVED]

■ For the reasons stated in the preamble, and under the authority of 15 U.S.C. 45, the Federal Trade Commission proposes to remove 16 CFR part 18.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2018–19227 Filed 9–7–18; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0736]

RIN 1625–AA00

Safety Zones; Coast Guard Sector New Orleans Annual and Recurring Safety Zones

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its safety zone regulations for annual events in Coast Guard Sector New Orleans' area of responsibility. This proposed rule would add four new recurring safety zones and amend the location or dates for two events already listed in the table. This action is necessary to protect spectators, participants, and vessels from the hazards associated with annual marine events. This proposed rulemaking would prohibit entry into the safety zones during the events unless authorized by the Captain of the Port Sector New Orleans 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 10, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0736 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Commander Benjamin Morgan, Sector New Orleans, U.S. Coast Guard; telephone 504–365–2281, email *Benjamin.P.Morgan@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector New Orleans
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

The Captain of the Port Sector New Orleans (COTP) proposes to amend Table 5 of 33 CFR 165.801 to update the table of annual firework displays and other marine events in Coast Guard Sector New Orleans. The current list of annual and recurring safety zones in Sector New Orleans is published in Table 5 of 33 CFR 165.801. That most recent table was created through the interim final rule published on April 22, 2014 (79 FR 22398). The current Table 5 in 33 CFR 165.801 needs to be amended to include new safety zones expected to recur annually and provide new information on two existing safety zones.

The proposed annually recurring safety zones are necessary to provide for the safety of life on navigable waters during marine events. Based on the nature of these marine events, large numbers of participants and spectators, and locations of the events, the COTP has determined that the events listed in this proposed rule could pose a risk to participants or waterway users if the normal vessel traffic were to interfere with the events. Possible hazards include risks of injury or death from near or actual contact among participant vessels and spectators or mariners traversing through the safety zones. In order to protect the safety of all waterway users, including event participants and spectators, this proposed rule would establish safety zones for the time and location of each marine event.

This purpose of this proposed rulemaking is to ensure the safety of vessels on the navigable waters in the safety zones during the scheduled events. Vessels would not be permitted to enter the safety zone unless authorized by the COTP or a designated representative. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to amend its safety zone regulations for annual events in Coast Guard Sector New Orleans listed in Table 5 of 33 CFR 165.801. From time to time this section needs to be amended to properly reflect recurring safety zones in Sector New Orleans' area of responsibility. This rule would add four new recurring safety zones and amend the location or dates of two safety zones already listed in the current table. Other than the described changes, the regulations of 33 CFR 165.801 and other provisions in Table 5 of § 165.801 would remain unchanged.

The Coast Guard proposes to revise regulations in Table 5 of 33 CFR 165.801 by adding four new safety zones. The safety zones being added to Table 5 are below:

Date	Sponsor/name	Sector New Orleans location	Safety zone
Saturday before Labor Day	Baton Rouge Paddle Club and Muddy water Paddle Co./Big River Regional.	Baton Rouge, LA	Mississippi River from mile marker 215 to 230.4, Baton Rouge, LA.
July 4th	L'Auberge Casino Baton Rouge/July 4th Celebration.	Baton Rouge, LA	Mississippi River from mile marker 216.0 to 217.5, Baton Rouge, LA.

Date	Sponsor/name	Sector New Orleans location	Safety zone
July 4th	Madisonville Old Fashion 4th of July.	Madisonville, LA	Tchefuncte River, at approximate position 30°24′11.63″ N 090°09′17.39 W, in front of the Madisonville Town Hall.
Weekend before July 4th	Mandeville July 4th Celebration.	Mandeville, LA	Approximately 600′ off the shore of the Mandeville Lakefront 30 21′12.03″ N 90 04′28.95″ W.

The Coast Guard also proposes to revise regulations in Table 5 of 33 CFR 165.801 by amending two existing safety zones listed in the table. The first safety zone to be amended is tiled as St. John the Baptist Parish Independence Celebration Fireworks. This safety zone is currently listed to occur at the location of mile marker (MM) 175 to MM 176 on the Lower Mississippi River, above Head of Passes, Reserve, LA. This location contains a typo, which the Coast Guard proposes to amend to reflect the correct location in Reserve, LA. The second safety zone to be amended is titled as Independence Day Celebration, Main Street 4th of July (Fireworks Display). The date for this safety zone is currently listed as 4th of July. The Coast Guard proposes to amend the date format to conform to the format of other dates listed in the table. The proposed amendments are below:

Date	Sponsor/name	Sector New Orleans location	Safety zone
2. July 3	St. John the Baptist Parish Independence Celebration Fireworks.	Reserve, LA	Mississippi River from mile marker 137.5 to 138.5, Reserve, LA.
5. July 4	Independence Day Celebration, Main Street 4th of July (Fireworks Display).	Morgan City, LA	Morgan City Port Allen Route mile marker 0.0 to 1.0, Morgan City, LA.

The proposed amendments to these safety zones are necessary to ensure the safety of vessels, spectators, and participants during annual events taking place on or near the navigable waters in Sector New Orleans' area of responsibility. Although this proposed rule would be in effect year-round, the specific safety zones listed in Table 5 of 33 CFR 165.801 would only be enforced during a specified period of time coinciding with the happening of the annual events listed. In accordance with the regulations listed in 33 CFR 165.801(a)–(d), entry into these safety zones would be prohibited unless authorized by the COTP or a designated representative. The regulatory text of the proposed updates to Table 5 of § 165.801 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, and duration of the safety zones. These safety zones are limited in size and duration, and are usually positioned away from high vessel traffic zones. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zones, and the rule would allow vessels to seek permission to enter the zones.

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 proposed safety zones 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.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this proposed action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the establishment of safety zones limiting access to certain areas in Sector New Orleans' area of responsibility. 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 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 *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice.*

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the U.S. 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. In § 165.801, revise Table 5 to read as follows:

TABLE 5 OF § 165.801—SECTOR NEW ORLEANS ANNUAL AND RECURRING SAFETY ZONES

Date	Sponsor/name	Sector New Orleans location	Safety zone
1. Monday before Mardi Gras	Riverwalk Marketplace/Lundi Gras Fireworks Display.	Mississippi River, New Orleans, LA.	Mississippi River mile marker 93.0 to 96.0, New Orleans, LA.
2. July 3rd	St. John the Baptist/Independence Day celebration.	Mississippi River, Reserve, LA	Mississippi River mile marker 137.5 to 138.5, Reserve, LA.
3. July 4th	Riverfront Marketing Group/Independence Day Celebration.	Mississippi River, New Orleans, LA.	Mississippi River mile marker 94.3 to 95.3, New Orleans, LA.
4. July 4th	Boomtown Casino/Independence Day Celebration.	Harvey Canal, Harvey, LA	Harvey Canal mile marker 4.0 to 5.0, Harvey, LA.
5. July 4th	Independence Day Celebration, Main Street 4th of July (Fireworks Display).	Morgan City, LA	Morgan City Port Allen Route mile marker 0.0 to 1.0, Morgan City, LA.
6. July 4th	WBRZ—The Advocate 4th of July Fireworks Display.	Baton Rouge, LA	In the vicinity of the USS Kidd, the Lower Mississippi River from mile marker 228.8 to 230.0, Baton Rouge, LA.

TABLE 5 OF § 165.801—SECTOR NEW ORLEANS ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector New Orleans location	Safety zone
7. The Saturday before July 4th or on July 4th if that day is a Saturday.	Independence Day Celebration/ Bridge Side Marine.	Grand Isle, LA	500 Foot Radius from the Pier located at Bridge Side Marine, 2012 LA Highway 1, Grand Isle, LA (Lat: 29°12′14″ N; Long: 090°02′28.47″ W).
8. 1st Weekend of September	LA Shrimp and Petroleum Festival Fireworks Display, LA Shrimp and Petroleum Festival and Fair Association.	Morgan City, LA	Atchafalaya River at mile marker 118.5, Morgan City, LA.
9. 1st Weekend in December (Usually that Friday, subject to change due to weather).	Office of Mayor-President/Downtown Festival of Lights.	Baton Rouge, LA	Located on Left Descending Bank, Lower Mississippi River north of the USS Kidd, at mile marker 230, Baton Rouge, LA.
10. December 31st	Crescent City Countdown Club/ New Year's Celebration.	Mississippi River, New Orleans, LA.	Mississippi River mile marker 93.5–96.5, New Orleans, LA.
11. December 31st	Boomtown Casino/New Year's Celebration.	Harvey Canal, Harvey, LA	Harvey Canal mile marker 4.0 to 5.0, Harvey, LA.
12. July 4th	USS Kidd Veterans Memorial/ Fourth of July Star-Spangled Celebration.	Baton Rouge, LA	In the vicinity of the USS Kidd, the Lower Mississippi River from mile marker 228.8 to 230.0, Baton Rouge, LA.
13. Saturday before Labor Day	Baton Rouge Paddle Club and Muddy water Paddle Co./Big River Regional.	Baton Rouge, LA	Mississippi River from mile marker 215 to 230.4, Baton Rouge, LA
14. July 4th	L'Auberge Casino Baton Rouge/ July 4th Celebration.	Baton Rouge, LA	Mississippi River from mile marker 216.0 to 217.5, Baton Rouge, LA
15. July 4th	Madisonville Old Fashion 4th of July.	Madisonville, LA	Tchefuncte River, at approximate position 30°24′11.63″ N 090°09′17.39 W, in front of the Madisonville Town Hall.
16. Weekend before July 4th	Mandeville July 4th Celebration	Mandeville, LA	Approximately 600′ off the shore of the Mandeville Lakefront 30 21′12.03″ N 90 04′28.95″ W

Dated: August 10, 2018.

K.M. Luttrell,

Captain, U.S. Coast Guard, Captain of the Port Sector New Orleans.

[FR Doc. 2018–19588 Filed 9–7–18; 8:45 am]

BILLING CODE 9110–04–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1236

[FDMS No. NARA–18–0003; NARA–2018–058]

RIN 3095–AB98

Electronic Records

AGENCY: National Archives and Records Administration (NARA).

ACTION: Proposed rule.

SUMMARY: We are revising our electronic records management regulation to include standards for digitizing temporary Federal records so that agencies may dispose of the original source records, where appropriate and in accordance with the Federal Records Act amendments of 2014.

DATES: Submit comments on or before November 9, 2018.

ADDRESSES: You may submit comments on this rule, identified by RIN 3095–AB98, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Regulation_comments@nara.gov.* Include RIN 3095–AB98 in the subject line of the message.
- *Mail (for paper, disk, or CD–ROM submissions):* Send comments to: Regulation Comments Desk (External Policy Program, Strategy & Performance Division (MP)); Suite 4100; National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001.

Hand delivery or courier: Deliver comments to front desk at 8601 Adelphi Road, College Park, MD, addressed to: Regulations Comments Desk, External Policy Program; Suite 4100.

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, by email at *regulation_comments@nara.gov,* or by telephone at 301–837–3151. Contact *acps@nara.gov* with any questions on records management and digitization.

SUPPLEMENTARY INFORMATION:

Background

In 2014, the Federal Records Act at 44 U.S.C. 3302 was amended by Public Law 113–87 to require NARA to issue standards for reproducing records digitally 'with a view toward the disposal of original records.' The amendment applies to both temporary and permanent records.

This rule proposes standards for temporary records so that agencies may establish appropriate processes for digitizing temporary records. Temporary records constitute the majority of Federal records; agencies retain them for a specific period of time, as established by records schedules. At the end of the scheduled retention period, temporary records are then destroyed. Digitization standards for temporary records ensure that agencies can continue to use the digital versions for the same purposes as the original records for the duration of that time period.

This rule would provide agencies with guidance necessary to proceed with significant digitization and destruction projects for temporary records. We are currently developing standards for digitizing permanent records, which we will publish as a

separate rulemaking. Until these standards are published as a final rule, we recommend that agencies discuss digitization projects with their general counsel before disposing of original records.

While we develop the standards necessary for digitizing permanent Federal records, agencies should continue to follow the process in the General Records Schedule, 36 CFR 1225.24, and NARA Bulletin 2010–04, Guidance Concerning Notifications for Previously Scheduled Permanent Records (*https://www.archives.gov/records-mgmt/bulletins/2010/2010-04.html*).

In addition to issuing digitization standards for temporary records, we are also removing 36 CFR 1236.1 because it restates the authorities already cited in the authority line. We are also working on revisions to the rest of this regulation regarding electronic records management, but those revisions will be reflected in future rulemakings.

Regulatory Review Information

This rule is not a significant regulatory action for the purposes of E.O. 12866 and a significance determination was requested from the Office of Management and Budget (OMB). As a result, this rule is also not subject to deregulatory requirements contained in E.O. 13771. It is also not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking. As required by the Regulatory Flexibility Act, we certify that this rule will not have a significant impact on a substantial number of small entities; it applies only to agency efforts to digitize temporary records. This rule also does not have any Federalism implications and does not contain any collections of information under the Paperwork Reduction Act.

List of Subjects in 36 CFR Part 1236

Archives and records.

For the reasons stated in the preamble, NARA amends 36 CFR part 1236 as follows:

■ 1. Revise the authority citation for part 1236 to read as follows:

Authority: 44 U.S.C. 2904, 3101, 3102, 3105, 3301, 3302, and 3312.

■ 2. Revise the table of contents by:

■ a. Removing the entry for 1236.1, What are the authorities for part 1236?, and

■ b. Adding a new Subpart D to read as follows:

Subpart D—Digitizing Federal Records

1236.30 Digitizing temporary records.

(a) Agencies must apply the following standards when digitally reproducing (digitizing) temporary records in order to destroy the original source records.

(b) When digitizing temporary records, agencies must:

(1) Capture all information contained in the source records;

(2) Include all the pages or parts in the source records;

(3) Ensure they can use the digital versions for the purposes the source records served; and

(4) Ensure they can locate, retrieve, access, and use the digital versions for the records' entire retention period.

(c) Agencies must validate that the digital versions meet the standards in subparagraph (b). When an agency has validated that the digital versions meet these standards, the agency can destroy the original source records pursuant to a NARA-approved GRS and agency-specific records schedule.

David S. Ferriero,

Archivist of the United States.

[FR Doc. 2018–19497 Filed 9–7–18; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 52, and 60

[EPA–HQ–OAR–2017–0355; FRL–9983–51–OAR]

RIN 2060–AT67

Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Revisions to New Source Review Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing and extension of comment period.

SUMMARY: On August 31, 2018, the Environmental Protection Agency (EPA) published a document in the **Federal Register** to announce its proposed Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Revisions to New Source Review Program, also being called the Affordable Clean Energy (ACE) rule. The document also requested public comment on the proposed action. The EPA is announcing that it will hold a public hearing. The hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposed action. In addition, the EPA is extending the comment period by 1 day to allow for 30 days of public comment following the public hearing.

DATES: *Public Hearing:* The EPA will hold a public hearing on October 1, 2018, in Chicago, Illinois. Please refer to the **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing.

Comments: The EPA must receive comments on this proposed action no later than October 31, 2018.

ADDRESSES: The hearing will be held in the Lake Michigan Room of the Ralph Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, Illinois. The hearing will convene at 9:00 a.m. (local time) and will conclude at 8:00 p.m. There will be a lunch break from 12:00 p.m. to 1:00 p.m. and a dinner break from 5:00 p.m. to 6:00 p.m.

Because this hearing is being held at a U.S. government facility, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff to gain access to the meeting room. Please note that the REAL ID Act, passed by Congress in 2005, established new requirements for entering federal facilities. For purposes of the REAL ID Act, the EPA will accept government-issued IDs, including driver's licenses, from the District of Columbia and all states and territories except from American Samoa. If your identification is issued by American Samoa, you must present an additional form of identification to enter the Federal building where the public hearing will be held. Acceptable alternative forms of identification include: Federal employee badges, passports, enhanced driver's licenses, and military identification cards. For additional information on the status of your state regarding REAL ID, go to: *https://www.dhs.gov/real-id.* Any objects brought into the building need to fit through the security screening system, such as a purse, laptop bag, or small backpack. Demonstrations will not be allowed on federal property for security reasons.

FOR FURTHER INFORMATION CONTACT: The EPA will begin pre-registering speakers for the hearing upon publication of this document in the **Federal Register**. To register to speak at the hearing, please use the online registration form available at *https://www.epa.gov/stationary-sources-air-pollution/forms/affordable-clean-energy-rule-proposal-public-hearing* or contact Adrian Gates

at (919) 541–4860 or at *gates.adrian@epa.gov.* The last day to pre-register to speak at the hearing will be September 24, 2018. On September 28, 2018, the EPA will post at *https://www.epa.gov/stationary-sources-air-pollution/forms/affordable-clean-energy-rule-proposal-public-hearing* a general agenda for the hearing that will list pre-registered speakers in approximate order. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule. Additionally, requests to speak will be taken the day of the hearing at the hearing registration desk. The EPA will make every effort to accommodate all speakers who arrive and register, although preferences on speaking times may not be able to be fulfilled.

SUPPLEMENTARY INFORMATION: Each commenter will have 5 minutes to provide oral testimony. The EPA encourages commenters to provide the EPA with a copy of their oral testimony electronically (via email) or in hard copy form.

The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. Commenters should notify Adrian Gates if they will need specific equipment or if there are other special needs related to providing comments at the hearing. Verbatim transcripts of the hearing and written statements will be included in the docket for the rulemaking.

Please note that any updates made to any aspect of the hearing will be posted online at *https://www.epa.gov/stationary-sources-air-pollution/forms/affordable-clean-energy-rule-proposal-public-hearing.* While the EPA expects the hearing to go forward as set forth above, please monitor our website or contact Adrian Gates at (919) 541–4860 or *gates.adrian@epa.gov* to determine if there are any updates. The EPA does not intend to publish a document in the **Federal Register** announcing updates.

The EPA will not provide audiovisual equipment for presentations unless we receive special requests in advance. Commenters should notify Adrian Gates when they pre-register to speak that they will need specific equipment. If you require the service of a translator or special accommodations such as audio description, please pre-register for the hearing and describe your needs by September 24, 2018. We may not be able to arrange accommodations without advanced notice.

Dated: September 4, 2018.

Panagiotis Tsirigotis,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2018–19505 Filed 9–7–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R02–OAR–2018–0564, FRL–9983–42—Region 2]

Approval and Promulgation of State Plans for Designated Facilities; New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the State plan submitted by New York State to implement and enforce Emission Guidelines (EG) for existing large municipal waste combustor (MWC) units. The State plan is consistent with the amended EG promulgated by EPA on May 10, 2006. New York's plan establishes emission limits and other requirements for the purpose of reducing emissions of lead, mercury, cadmium, organics, hydrogen chloride and other air pollutants from large MWC units throughout the State. New York submitted its plan to fulfill the requirements of sections 111(d) and 129 of the Clean Air Act.

DATES: Comments must be received on or before October 10, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R02–OAR–2018–0564 to *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make.

The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Anthony (Ted) Gardella (*Gardella.anthony@epa.gov*), Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3892.

SUPPLEMENTARY INFORMATION: The following table of contents describes the format for the **SUPPLEMENTARY INFORMATION** section:

I. EPA Action
- A. What action is EPA proposing today?
- B. Who is affected by New York's revised State plan?
- C. How does this approval affect sources located in Indian Nation Land?

II. Background
- A. What is a State plan?
- B. Why is EPA requiring New York to submit a revised large MWC State plan?
- C. What are the requirements for a revised large MWC State plan?
- D. What revisions did EPA make to subpart Cb as amended on May 10, 2006?

III. New York's State Plan
- A. What is contained in the New York State revised plan?
- B. What approval criteria did we use to evaluate New York's revised State plan?

IV. What is EPA's conclusion?

V. Statutory and Executive Order Reviews

I. EPA Action

A. What action is EPA proposing today?

EPA is proposing to approve New York's revised State plan, submitted on July 12, 2013, for the control of air emissions from existing large municipal waste combustor (MWC) units throughout the State, except for any existing large MWC units located in Indian Nation Land. In accordance with the Clean Air Act (CAA), New York previously submitted a State plan on December 15, 1997, as supplemented on June 22, 1998, which was approved by EPA on August 4, 1998, 63 FR 41427. New York also submitted a revised State plan on October 7, 1998, as supplemented on November 5, 1998 which was approved by the EPA on February 9, 1999, 64 FR 6237. New York

submitted its July 2013 revised plan to fulfill the requirements of section 111(d) and 129 of the CAA. The revised State plan adopts and implements the Emission Guidelines (EG) amended by EPA on May 10, 2006 applicable to existing large MWC units, and establishes revised emission limits and other requirements for units constructed on or before September 20, 1994. This proposed approval, once finalized and effective, will make New York's revised large MWC rules included in the State plan federally enforceable.

B. Who is affected by New York's revised State plan?

New York's revised State plan regulates all the units designated by the amended EG applicable to existing large MWC units with a combustion capacity greater than 250 tons per day of municipal solid waste for which construction commenced on or before September 20, 1994.

C. How does this approval affect sources located in Indian Nation Land?

New York's revised State plan is not applicable to units located in Indian Nation Land. Therefore, if there are any existing large MWC units located in Indian Nation Land these existing large MWC units will be subject to the Federal plan.[1]

II. Background

A. What is a State plan?

Section 111 of the CAA, ''Standards of Performance for New Stationary Sources,'' authorizes EPA to set air emissions standards for certain categories of sources. These standards are called New Source Performance Standards (NSPS). When a NSPS is promulgated for new sources, section 111(d) and EPA regulations also require that EPA publish an EG applicable to control the same pollutants from existing (or designated) facilities. States with designated facilities must then develop a State plan to adopt the requirements of the EG into the State's body of regulations. States must also include in their State plan other requirements, such as inventories, legal authority, reporting and recordkeeping, and public participation documentation, to demonstrate their ability to enforce the State plans.

Section 129 of the CAA requires EPA to establish performance standards and emission guidelines for various types of new and existing solid waste incineration units. Section 129(b)(2) requires States to submit to EPA for approval section 111(d)/129 plans that implement and enforce the promulgated EG. Section 129(b)(3) requires EPA to promulgate a Federal plan (FP) within two years from the date on which the EG, or when revision to the EG, is promulgated. The FP is applicable to affected facilities when the state has failed to receive EPA approval of the section 111(d)/129 plan. The FP remains in effect until the state submits and receives EPA approval of its section 111(d)/129 plan.

State plan submittals under CAA sections 111(d) and 129 must be consistent with the relevant EG, in this instance 40 CFR part 60, subpart Cb, and the requirements of 40 CFR part 60, subpart B and part 62, subpart A. Section 129 of the CAA regulates air pollutants that include organics (dioxins/furans), carbon monoxide, metals (cadmium, lead, and mercury), hydrogen chloride, sulfur dioxide, nitrogen oxides, particulate matter, and opacity (as appropriate).

B. Why is EPA requiring New York to submit a revised large MWC State plan?

When EPA developed the amended NSPS for large MWC units, we simultaneously developed the amended EG to control air emissions from existing units (see 71 FR 27324, May 10, 2006). Under section 129 of the CAA, the EG is not federally enforceable; therefore, section 129 of the CAA also requires states to submit to EPA for approval State plans that implement and enforce the EG. Under section 129 of the CAA, these State plans must be at least as protective as the EG, and they become federally enforceable upon approval by EPA.

The procedures for adopting and submitting State plans are located in 40 CFR part 60, subpart B. If a state fails to have an approvable plan in place, the EPA is required to promulgate a federal plan to establish requirements for those sources not under an EPA-approved State plan. New York has developed and submitted a revised State plan, as required by sections 111(d)/129 of the CAA, to gain federal approval to implement and enforce the requirements of the amended EG for existing large MWC units. The procedures for EPA's approval and disapproval of State plans are located in 40 CFR part 62, subpart A. EPA is proposing to approve New York's State plan since it is deemed at least as protective as the standards set in the EG, as amended on May 10, 2006.

C. What are the requirements for a revised large MWC State plan?

A section 111(d) State plan submittal must meet the requirements of 40 CFR part 60, subpart B, sections 60.23 through 60.26, and the amended EG found at 40 CFR part 60, subpart Cb (see 71 FR 27324, May 10, 2006). Subpart B contains the procedures for the adoption and submittal of State plans. This subpart addresses public participation, legal authority, emission standards and other emission limitations, compliance schedules, emission inventories, source surveillance, and compliance assurance and enforcement requirements.

EPA promulgated the amended EG at 40 CFR part 60, subpart Cb on May 10, 2006. Subpart Cb contains guidelines to the states for submittal of plans that address existing large MWC units. In addition, subpart Cb contains the technical requirements for existing large MWC units located at a facility designed to combust municipal solid waste and applies to each MWC unit with a combustion capacity greater than 250 tons per day for which construction was commenced on or before September 20, 1994. A state can address the large MWC technical requirements by adopting its own regulation that includes all the applicable requirements of subpart Cb or by incorporating by reference subpart Cb if the state meets certain requirements. States with affected facilities are required to submit to EPA a section 111(d)/129 plan to implement and enforce all provisions of subpart Cb, as amended on May 10, 2006. Prior to submittal to EPA, the State must make available to the public the State plan and provide opportunity for public comment, including a public hearing.

D. What revisions did EPA make to subpart Cb as amended on May 10, 2006?

Section 129(a)(5) of the CAA requires EPA to conduct 5-year reviews of NSPS for solid waste incinerators and amend standards and requirements as appropriate. Accordingly, EPA promulgated amended standards and requirements for large MWCs on May 10, 2006. This rulemaking resulted in two major revisions as well as other revisions. The two major revisions include revisions to emission limits and revisions to compliance testing provisions.

Relative to the 1995 EG, the emission limits in the May 2006 rulemaking for existing large MWC units are revised for dioxin/furans (only for units equipped with electrostatic precipitators), mercury, cadmium, lead, particulate

[1] The EPA has not yet promulgated a Federal plan for the May 2006 large MWC EG. The current Federal plan was promulgated on May 24, 2000 (65 FR 33461) and amended on July 14, 2004 (69 FR 42117) for the large MWC EG promulgated on August 25, 1997 (62 FR 45124) as amended on July 12, 2001 (66 FR 36473).

matter, and nitrogen oxides (for some types of units). The second major revision to the EG included revisions to the compliance testing provisions to require increased data availability from continuous emissions monitoring Systems (CEMS). CEMS are required to generate at least 95% data availability on a calendar year basis and at least 90% data availability on a calendar quarter basis. Also, the compliance testing provisions have also been revised to allow the optional use of CEMS to monitor particulate matter and mercury.

Other revisions include the following:

- Operator stand-in provisions to clarify how long a shift supervisor is allowed to be off site when a provisionally certified control room operator is standing in;
- An 8-hour block average for measuring activated carbon injection rate;
- A provision for waiver of operating parameter limits during the mercury performance tests and two weeks preceding the test, as is already allowed for dioxin testing;
- A revision to the relative accuracy criterion for sulfur dioxide and carbon monoxide CEMS;
- Flexibility to the annual compliance testing schedule so that a facility tests once per calendar year, but no less than 9 months and not more than 15 months since the previous test;
- Allowing the use of parametric monitoring limits from an exceptionally well-operated MWC unit to be applied to all identical units at the same plant site without retesting for dioxin;
- The option of monitoring the activated carbon injection pressure or equivalent parameter; and
- Clarifying the exclusion of monitoring data from compliance calculations under certain conditions.

New York's revised State plan submittal in July 2013 for existing large MWCs includes all the revisions to subpart Cb, as amended on May 10, 2006.

III. New York's State Plan

A. What is contained in the New York State revised plan?

On July 12, 2013,[2] the New York State Department of Environmental Conservation (NYSDEC) submitted to EPA its section 111(d)/129 State plan to implement EPA's amended EG for existing large MWC units located in New York State.

New York has incorporated by reference the applicable requirements of the amended EG in Part 200 of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) of the State of New York, entitled ''General Provisions.'' The amended regulation became effective on October 20, 2007. New York will enforce the requirements under Part 201, entitled ''Permits and Registration.'' By adopting the requirements of the amended EG into Part 200, NYSDEC has the authority to include them as applicable requirements in permits of emission sources subject to such requirements. As a result, the Part 200 requirements are enforceable by New York and become federally enforceable once the State plan is approved by EPA.

New York's revised State plan includes all of EPA's required elements as described in the amended EG and 40 CFR subpart B, as summarized herein:

(1) A demonstration of the State's legal authority to implement the sections 111(d) and 129 State plan;

(2) State rules adopting the amended EG (6 NYCRR Part 200) as the mechanism for implementing and enforcing the State plan;

(3) An inventory of seven known large MWC facilities, including eighteen large MWC units, along with an inventory of their air pollutant emissions (see section C of New York's State plan);

(4) Emission limits, emission standards, operator training and qualification requirements, and operating limits that are at least as protective as the amended EG;

(5) Enforceable compliance schedules as indicated in the amended EG. Compliance with revised emission limits (see 60.39b) is required as expeditiously as practicable, but not later than April 28, 2009 except as noted in 60.39b(g)(2) for a facility planning an extensive emission control system upgrade who petitions the Administrator for a longer compliance schedule. If approved by the Administrator, the longer compliance schedule may be extended but not later than May 10, 2011. In the event that no plan for implementing the amended EG is approved by EPA, the applicable large MWC units must be in compliance with all requirements of the amended EG no later than May 10, 2011 (see 60.39b(h)).

(6) Testing, monitoring, reporting and recordkeeping requirements for the designated facilities;

(7) Records of the public hearing on the revised State plan; and,

(8) Provisions for annual state progress reports to EPA on implementation of the revised State plan.

EPA proposes to determine that New York's revised State plan for large MWC units includes all the required State plan elements described in the amended EG and 40 CFR subpart.

B. What approval criteria did we use to evaluate New York's revised State plan?

EPA reviewed New York's revised State plan for approval against the following criteria: 40 CFR 60.23 through 60.26, ''Subpart B—Adoption and Submittal of State Plans for Designated Facilities;'' and ''Subpart Cb Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994;'' and 40 CFR 62, subpart A, ''General Provisions'' for ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants.''

IV. What is EPA's conclusion?

The EPA has determined that New York's revised State plan meets all the applicable approval criteria as discussed above and, therefore, EPA is proposing to approve New York State's sections 111(d) and 129 revised State plan for existing large municipal waste combustor units.

V. Statutory and Executive Order Reviews

Pursuant to EPA regulations, the Administrator may approve a plan or any portion thereof upon a determination that it meets Sections 111(d) and 129 of the Act and applicable regulations. 40 CFR Section 62.02.

Accordingly, this action, if finalized, would merely approve state law as meeting Federal requirements and would not impose additional requirements beyond those imposed by state law.

For that reason, this action, if finalized:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993); and 13563 (76 FR 3821, January 21, 2011);
- is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

[2] In an email dated 12/06/2017, the New York State Department of Environmental Conservation provided a copy of the NYS Office of Attorney General opinion finding that NY state administrative agencies are authorized to incorporate by reference federal statutes and regulations that are applicable to the state, and that such action is not prohibited by the NYS constitution.

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

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

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides, waste treatment and disposal.

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

Dated: August 19, 2018.

Peter D. Lopez,

Regional Administrator, Region 2.

[FR Doc. 2018–19598 Filed 9–7–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 232, 242, and 252

[Docket DARS–2018–0042]

RIN 0750–AJ28

Performance-Based Payments and Progress Payments (DFARS Case 2017–D019)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule; extension of registration deadline for public meeting.

SUMMARY: For the public meeting to be held on September 14, 2018, from 9 a.m. to 12 p.m., EST, regarding the proposed rule published in the **Federal Register** on August 24, 2018, at 83 FR 42831, the registration deadline is extended from September 6, 2018, to September 11, 2018, at 12 p.m., EST.

DATES: *Comment Date:* Comments on the proposed rule should be submitted in writing to the address shown below on or before October 23, 2018, to be considered in the formation of a final rule.

Public Meeting Date: The public meeting will be held on September 14, 2018, from 9 a.m. to 12 p.m., EST. Registration to attend this meeting must be received by September 11, 2018, at 12 p.m., EST. Further information for the public meeting may be found under the heading **SUPPLEMENTARY INFORMATION.**

ADDRESSES:

Public Meeting: The public meeting will be held at the Mark Center Auditorium, 4800 Mark Center Drive, Alexandria, VA 22350–3603. The Mark Center Auditorium is located on level B–1 of the building.

Submission of Comments: Submit comments identified by DFARS Case 2017–D019, using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Search for ''DFARS Case 2017–D019.'' Select ''Comment Now'' and follow the instructions provided to submit a comment. Please include ''DFARS Case 2017–D019'' on any attached documents.
- *Email: osd.dfars@mail.mil.* Include DFARS Case 2017–D019 in the subject line of the message.
- *Fax:* 571–372–6094.
- *Mail:* Defense Acquisition Regulations System, Attn: Ms. Amy G. Williams, OUSD(A&S)DPC/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal 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: Ms. Amy Williams, DPC/DARS, at 571–372–6106.

SUPPLEMENTARY INFORMATION:

I. Background

On August 24, 2018, DoD published a proposed rule in the **Federal Register** on August 24, 2018 (83 FR 42831) to implement section 831 of the National Defense Authorization Act for Fiscal Year 2017, which addresses the preference for performance-based payments, and to streamline the performance-based payment process. DoD is also proposing to amend the Defense Federal Acquisition Regulation Supplement to revise progress payments and performance-based payments policies for DoD contracts in order to increase its business effectiveness and efficiency as well as to provide an opportunity for both small and other than small entities to qualify for increased customary progress payment rates and maximum performance-based payment rates based on whether the offeror/contractor has met certain performance criteria.

II. Public Meeting

DoD is hosting a public meeting on September 14, 2018, to obtain views of experts and interested parties in Government and the private sector regarding revising policies and procedures with regard to customary progress payment rates and maximum performance-based payment rates for DoD contracts.

Registration: Individuals wishing to attend the public meeting must register by 12 p.m., EST, on September 11, 2018, to ensure adequate room accommodations and to facilitate security screening and entry to the Mark Center. Individuals desiring to attend the meeting, who have not yet registered, should send the following information via email to *osd.dfars@mail.mil:*

(1) Company or organization name.

(2) Full name, valid email address, and telephone number of each person planning to attend, and whether the individual is a U.S. citizen.

(3) Name, title, organizational affiliation of presenter, if desiring to make a presentation, limited to a 5-minute presentation per company or organization. This limitation may be subject to adjustment, depending on the number of entities requesting to present, in order to ensure adequate time for discussion.

Building Entry: For each registrant, the Pentagon Force Protection Agency will send additional instructions to the email address provided at the time of registration. The registrant must follow the instructions in the email in order to be approved for entry to the Mark Center.

One valid government-issued photo identification card (*i.e.,* driver's license or passport) will be required in order to enter the building.

Attendees are encouraged to arrive at least 45 minutes early to accommodate security procedures. Public parking is not available at the Mark Center.

Presentations: If you wish to make a presentation, please submit an electronic copy of your presentation to *osd.dfars@mail.mil* no later than September 10, 2018. When submitting presentations, provide presenter's name, organization affiliation, telephone number, and email address on the cover page. Please submit presentations only and cite ''Public Meeting, DFARS Case 2017–D019'' in all correspondence related to the public meeting. There will be no transcription at the meeting. The submitted presentations will be the only record of the public meeting.

Correspondence and Comments: Please cite ''Public Meeting, DFARS Case 2017–D019'' in all correspondence related to this public meeting. The submitted presentations will be the only record of the public meeting. To have a presentation considered as a public comment for the formation of the final rule, the presentation, or pertinent excerpts, must be submitted separately as a written comment as instructed in the paragraph titled ''Submission of Comments'' in **ADDRESSES**.

List of Subjects in 48 CFR Parts 232, 242, and 252

Government procurement.

Jennifer Lee Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2018–19690 Filed 9–7–18; 8:45 am]

BILLING CODE 5001–06–P

Notices

Federal Register
Vol. 83, No. 175
Monday, September 10, 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.

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Jersey Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of bi-monthly planning meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA) that a briefing meeting of the New Jersey Advisory Committee to the Commission will convene by conference call and video conference at 11:30 a.m. (EDT) on Friday, September 21, 2018. The purpose of the meeting is to hear a presentation from a subject matter expert on a Fair Housing Act project concept that advisory committee members are considering as the topic for its civil rights project. Following the presentation, the Chair will announce the selection of the Committee Vice Chair and the members will discuss next steps for selecting the topic for its civil rights project.

DATES: Friday, September 21, 2018, at 11:30 a.m. (EDT).

Public Call-In Information: Conference call number: 1–888–778–9069 and conference call ID: 6970676.

Readytalk Video Conference Information: Joining the meeting using audio and visual is a two-step process: For audio, dial: 1–888–778–9069; ID: 6970676. For video: Go to this link to register and join the meeting: *https://cc.readytalk.com/r/28wsjsjq0j3c&eom https://cc.readytalk.com/r/28wsjsjq0j3c&eom.*

Note: Although video conference is available, it is not required in order to listen to the conference call via audio.

If you have difficulty with the video link, try a browser other than Explorer or contact ReadyTalk Technical Support at: 1–800–843–9166. Note: Upon receipt of your registration confirmation email, you will receive a link to test your computer before the meeting, it would be advisable to do so.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, DFO, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call number: 1–888–778–9069 and conference call ID: 6970676; video conference link: *https://cc.readytalk.com/r/28wsjsjq0j3c&eom https://cc.readytalk.com/r/28wsjsjq0j3c&eom.*

Please be advised that, before being placed into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number provided.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call number: 1–888–778–9069 and conference call 6970676.

Members of the public are invited to submit written comments; the comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Ave. NW, Suite 1150, Washington, DC 20425, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://facadatabase.gov/committee/meetings.aspx?cid=263;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda

I. Roll Call
II. Fair Housing Act Presentation
III. Planning Meeting
IV. Other Business
V. Adjournment

Dated: September 5, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–19585 Filed 9–7–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Michigan Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Michigan Advisory Committee (Committee) will hold a meeting on Wednesday, September 26, 2018, at 12 p.m. EDT for the purpose discussing a project proposal to study voting rights in the state.

DATES: The meeting will be held on Wednesday, September 26, 2018, at 12 p.m. EDT.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION:

Public Call Information: Dial: 1–877–260–1479, Conference ID: 7019635.

Members of the public can listen to the discussion. This meeting is available to the public through the above toll-free call-in number. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an

email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

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

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Michigan Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=255*). Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Introductions
Discussion: Civil Rights in Michigan: Voting Rights
Public Comment
Future Plans and Actions
Adjournment

Dated: September 4, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–19503 Filed 9–7–18; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: National Institute of Standards and Technology, Commerce.

Title: Analysis of Exoskeleton-Use for Enhancing Human Performance Data Collection.

OMB Control Number: 0693–XXXX.

Form Number(s): None (new submission).

Type of Request: Regular.

Number of Respondents: 180.

Average Hours per Response: 10 minutes.

Burden Hours: 30 hours.

Needs and Uses: NIST's Engineering Laboratory will be developing methods to evaluate performance of exoskeletons in two key areas (1) The fit and motion of the exoskeleton device with respect to the users' body and (2) The impact that using an exoskeleton has on the performance of users executing tasks that are representative of activities in industrial settings. The results of these experiments will inform future test method development at NIST, other organizations, and under the purview of the new American Society for Testing Materials (ASTM) Committee F48 on Exoskeletons and Exosuits.

Affected Public: Individuals participating in the study.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

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

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

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

[FR Doc. 2018–19504 Filed 9–7–18; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Change in Comment Deadline for Section 232 National Security Investigation of Imports of Uranium

AGENCY: Bureau of Industry and Security, Office of Technology Evaluation, U.S. Department of Commerce.

ACTION: Notice on change in comment period for previously published notice of request for public comments.

SUMMARY: On July 25, 2018, the Bureau of Industry and Security (BIS) published the Notice of Inquiry for Public Comments on Section 232 National Security Investigation of Imports of Uranium. The July 25 notice specified that the Secretary of Commerce initiated an investigation to determine the effects on the national security of imports of uranium. This investigation has been initiated under section 232 of the Trade Expansion Act of 1962, as amended. The July 25 notice invited interested parties to submit written comments, data, analyses, or other information pertinent to the investigation to the Department of Commerce's Bureau of Industry and Security. The deadline for the written comments was September 10, 2018. Today's notice changes the comment deadline to September 25, 2018.

DATES: Comments may be submitted at any time but must be received by September 25, 2018.

ADDRESSES: All written comments on the notice must be submitted by one of the following methods:

- *By the Federal eRulemaking Portal: http://www.regulations.gov.* Comments on this notice may be submitted to *regulations.gov* docket number BIS–2018–0011.
- By mail or delivery to Michael Vaccaro, Acting Director, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 1093, Washington, DC 20230.
- By email directly to *Uranium232@bis.doc.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Vaccaro, Acting Director, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce (202) 482–4506, *Uranium232@bis.doc.gov.* For more information about the section 232 program, including the regulations and the text of previous investigations, see *www.bis.doc.gov/232.*

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2018, (83 FR 35204), the Bureau of Industry and Security (BIS) published the *Notice of Request for Public Comments on Section 232 National Security Investigation of Imports of Uranium.* The July 25 notice specified that on July 18, 2018, the Secretary of Commerce had initiated an investigation to determine the effects on

the national security of imports of uranium. This investigation was initiated under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862). (*See* the July 25 notice for additional details on the investigation and the request for public comments.)

Change in Comment Period Deadline

The July 25 notice included a comment period deadline of September 10, 2018. The Department received three requests from the public to extend the comment period deadline, including one request from a trade association. The Department of Commerce has determined at this time that it is warranted to extend the comment period by fifteen calendar days. Today's notice specifies that comments may be submitted at any time but must be received by September 25, 2018, to be considered in the drafting of the final report. Today's notice extends the comment period by fifteen days to allow for additional time for the public to submit comments on the investigation of imports of uranium.

Dated: September 5, 2018.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2018–19651 Filed 9–7–18; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with July anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable September 10, 2018.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with July anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://access.trade.gov* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, Commerce has found that determinations concerning whether particular companies should be ''collapsed'' (*e.g.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*e.g.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on Commerce's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to Commerce no later than 30 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than July 31, 2019.

	Period to be reviewed
Antidumping Duty Proceedings	
INDIA: Corrosion-Resistant Steel Products, A–533–863	7/1/17–6/30/18
Atlantis International Services Company Ltd	
JSW Coated Products Limited	
JSW Steel Ltd	
Uttam Galva Steels, Netherlands, B.V.	
Uttam Galva Steels (BVI) Limited	
Uttam Galva Steels Limited	
Uttam Value Steels Limited	
INDIA: Polyethylene Terephthalate (Pet) Film, Sheet and Strip, A–533–824	7/1/17–6/30/18
Ester Industries Limited	
Garware Polyester Ltd.	
Jindal Poly Films Ltd (India)	
MTZ Polyesters Ltd.	
Polyplex Corporation Ltd.	
SRF Limited of India	
Uflex Ltd.	
Vacmet India Limited	
ITALY: Carbon and Alloy Steel Cut-To-Length Plate,[4] A–475–834	11/14/16–4/30/18
Evraz Palini e Bertoli SpA	
ITALY: Certain Pasta, A–475–818	7/1/17–6/30/18
Agritalia S.r.L.	
Francesco Tamma S.p.A.	
Ghigi Industria Agroalimentare in San Clemente S.r.L.	
Ghigi 1870 S.p.A.	
Industria Alimentare Colavita S.p.A.	
La Molisana S.p.A.	
Pasta Zara S.p.A.	
Tesa SrL	
MALAYSIA: Certain Steel Nails, A–557–816	7/1/17–6/30/18

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
Astrotech Steels Private Limited	
Caribbean International Co Ltd.	
Chia Pao Metal Co., Ltd.	
Inmax Industries Sdn. Bhd.	
Inmax Sdn. Bhd.	
Jinhai Hardware Co. Ltd.	
Region System Sdn. Bhd.	
Region International Co. Ltd.	
Tag Fasteners Sdn. Bhd.	
OMAN: Certain Steel Nails, A–523–808	7/1/17–6/30/18
Al Kiyumi Global LLC	
Astrotech Steels Private Ltd.	
Geekay Wires Limited	
Oman Fasteners LLC	
REPUBLIC OF KOREA: Certain Steel Nails, A–580–874	7/1/17–6/30/18
Ahri International	
Aironware Enterprise (China) Ltd.	
Ansing Fasteners Co., Ltd.	
Ansing Rich Tech & Trade Co. Ltd.	
Astrotech Steels Private Limited	
Baoding Jieboshun Trading Corp. Ltd.	
Beijing Catic Industry Ltd.	
Beijing Jin Heung Co. Ltd.	
Beijing Qin Li Jeff Trading Co., Ltd.	
Bestbond International Limited	
Bipex Co., Ltd.	
Bolung International Trading Co., Ltd.	
Cana (Rizhao) Hardware Co. Ltd.	
Canaxy Asia Inc.	
Cangzhou Nandagang Guotai Hardware Products Co., Ltd.	
Caribbean International Co. Ltd.	
China Dinghao Co., Ltd.	
China Staple Enterprise Co. Ltd.	
Chinatrans International Ltd.	
Chongqing Welluck Trading Co. Ltd.	
CKX Co. Ltd.	
Crelux International Co. Ltd.	
Daejin Steel Co., Ltd.	
Daejin Co., Ltd.	
Dezhou Hualude Hardware Products Co., Ltd.	
Dong E Fuqiang Metal Products Co. Ltd.	
Dong Yang Diecasting Co., Ltd.	
Duo-Fast Korea Co., Ltd.[5]	
ECI Taiwan Co., Ltd.	
Eco Steel Co., Ltd.	
Eco-Friendly Floor Ltd.	
Ejem Brothers Limited	
England Rich Group (China) Ltd.	
Expeditors Korea Ltd.	
Faithful Engineering Products Co. Ltd.	
Fastgrow International Co.	
General Merchandise Consolidators Inc.	
Glovis America	
Guangdong Meite Mechanical Co., Ltd.	
Guangdong TC Meite Intelligent Tool Co., Ltd.	
Hanmi Staple Co., Ltd.	
Hanon Systems	
Hebei Minmetals Co., Ltd.	
Hebei Cangzhou New Century Foreign Trade Co., Ltd.	
Hebei Tinlin Metal Products Co., Ltd.	
Heilongjiang Linke Wooden Products Co., Ltd.	
Hebei Tuohua Metal Products Co., Ltd.	
Hengtuo Metal Products Co Ltd	
Hi-Sharp Industrial Co., Ltd.	
Hong Kong Hong Xing Da Trading Co. Ltd.	
Hongyi Hardware Products Co., Ltd.	
Huanghua Yingjin Hardware Products Co., Ltd.	
Inmax Industries Sdn. Bhd.	
Inmax Sdn. Bhd.	
Integral Building Products Inc.	
Je-il Wire Production Co., Ltd.	
Jeil Tacker Co. Ltd.	
Je-Il Wire Production Co., Ltd.	
Jiaxing Slk Import & Export Co., Ltd.	

	Period to be reviewed
Jinhai Hardware Co., Ltd.	
Jinheung Steel Corporation [6]	
Jinkaiyi International Industry Co.	
Jinsco International Corp.[7]	
Konad Co., Ltd.	
Koram Inc.	
Koram Steel Co., Ltd.	
Korea Wire Co., Ltd.	
Kuehne Nagel Ltd.	
Leling Taishan Artificial Turf Industry	
Liaocheng Minghui Hardware Products	
Linyi Flying Arrow Imp. & Exp. Ltd.	
Max Co., Ltd.	
Mingguang Ruifeng Hardware Products Co., Ltd.	
Nailtech Co. Ltd.	
Nanjing Caiqing Hardware Co., Ltd.	
Neo Gls	
Nexen Corporation	
Nexen L&C Corp.	
OEC World Wide Korea Co. Ltd.	
Oman Fasteners LLC	
Overseas Distribution Services Inc.	
Overseas International Steel Industry	
Pantainer (H.K.) Limited	
Peace Industries, Ltd.	
Promising Way (Hong Kong) Limited	
Qingdao Cheshire Trading Co. Ltd.	
Qingdao D&L Group Ltd.	
Qingdao Hongyuan Nail Industry Co. Ltd.	
Qingdao JCD Machinery Co., Ltd.	
Qingdao Jisco Co., Ltd.	
Qingdao Master Metal Products Co. Ltd.	
Qingdao Meijialucky Industry and Commerce Co., Ltd.	
Qingdao Mst Industry and Commerce Co., Ltd.	
Qingdao Rainbow Bird Metal Products Co., Ltd.	
Qingdao Top Steel Industrial Co., Ltd.	
Qingdao Tiger Hardware Co., Ltd.	
Rise Time Industrial Co. Ltd.	
Sam Un Co. Ltd.	
SDC International AUST. PTY Ltd.	
Shandong Dinglong Imp. & Exp. Co. Ltd.	
Shandong Liaocheng Minghua Metal PR	
Shandong Oriental Cherry Hardware Import & Export Co., Ltd.	
Shandong Oriental Cherry Hardware Group Co. Ltd.	
Shandong Qingyun Hongyi Hardware Products Co., Ltd.	
Shanghai Haoray International Trade Co. Ltd.	
Shanghai Lucky Angle Handicraft & Gift Co., Ltd.	
Shanghai Jade Shuttle Hardware Tools Co., Ltd.	
Shanghai Pinnacle International Trading Co., Ltd.	
Shanghai Zoonlion Industrial Co., Ltd.	
Shanxi Fasteners & Hardware Products Co., Ltd.	
Shanxi Hairui Trade Co., Ltd.	
Shanxi Pioneer Hardware Industry Co., Ltd.	
Shanxi Tianli Industries Co., Ltd.	
Sherilee	
Shijiazhuang Shuangjian Tools Co. Ltd.	
Shijiazhuang Tops Hardware Manufacturing Co., Ltd.	
S-Mart (Tianjin) Technology Development Co., Ltd.	
Smile Industries Ltd.	
Speedmark International Ltd.	
Suntec Industries Co., Ltd.	
T.H.I. Group Ltd.	
The Stanley Works (Langfang) Fastening System Co., Ltd.	
Tianjin Bluekin Industries Limited	
Tianjin Coways Metal Products Co.	
Tianjin Consol International Co., Ltd.	
Tianjin Fulida Supply Co. Ltd.	
Tianjin Huixinshangmao Co. Ltd.	
Tianjin Hweschun Fasteners Manufacturing Co. Ltd.	
Tianjin Jinchi Metal Products Co., Ltd.	
Tianjin Jinzhuang Hardware Factory	
Tianjin Long Sheng Tai	
Tianjin Lianda Group Co., Ltd.	
Tianjin Liweitian Metal Technology	

	Period to be reviewed
Tianjin M&C Electronics Co., Ltd.	
Tianjin Universal Machinery Imp. & Exp.	
Tianjin Zehui Hardware Co. Ltd.	
Tianjin Zhonglian Metals Ware Co. Ltd.	
Tianjin Zhonglian Times Technology	
Toyo Boeki Co. Ltd.	
Trim International Inc.	
Unicorn (Tianjin) Fasteners Co., Ltd.	
W&K Corporation Limited	
Weifang Wenhe Pneumatic Tools Co., Ltd.	
Wire Products Manufacturing Co., Ltd.	
Wulian Zhanpeng Metals Co., Ltd.	
Xi'an Metals and Minerals Imp. Exp. Co., Ltd.	
Xinjiayuan International Trade Co.	
Xuzhou CIP International Group Co., Ltd.	
Xinjiayuan Trading Co., Limited	
Youngwoo Fasteners Co., Ltd.	
Youngwoo (Cangzhoue) Fasteners Co., Ltd.	
You-One Fastening Systems	
Yumark Enterprises Corp.	
Zhaoqing Harvest Nails Co. Ltd.	
REPUBLIC OF KOREA: Certain Corrosion-Resistant Steel Products, A–580–878	7/1/17–6/30/18
Anjeon Tech Co., Ltd.	
Benion Corp.	
Dongbu Steel, Co., Ltd.	
Dongbu Incheon Steel Co., Ltd.	
Dongkuk Steel Mill Co., Ltd.	
GS Global Corp.	
Hyosung Corporation	
Hyundai Steel Company	
Kima Steel Corporation Ltd.	
Mitsubishi Corp. (Korea) Ltd.	
POSCO	
POSCO Coated & Color Steel Co., Ltd.	
POSCO Daewoo Corporation	
Samsung C & T Corporation	
SeAH Coated Metal Corporation	
Young Steel Co., Ltd.	
SOCIALIST REPUBLIC OF VIETNAM: Certain Steel Nails, A–552–818	7/1/17–6/30/18
Airlift Trans Oceanic PVT LTD.	
CS Song Thuy	
Jinhai Hardware Co., Ltd.	
Le Phuong Trading Import Export	
Long Nguyen Trading & Service Co., Ltd.	
Orient Express Container Co., Ltd.	
Region Industries Co., Ltd.	
Rich State Inc.	
Sam Hwan Vina Co., Ltd.	
Thai Bao Im-Ex Corporation Company	
Truong Vinh Ltd.	
United Nail Products Co. Ltd.	
TAIWAN: Certain Steel Nails, A–583–854	7/1/17–6/30/18
All Precision Co., Ltd.	
Aplus Pneumatic Corp.	
Astrotech Steels Private Ltd.	
Basso Industry Corporation	
Bonuts Hardware Logistic Co.	
Chen Yu-Lan	
Challenge Industrial Co., Ltd.	
Cheng Ch International Co. Ltd.	
Chia Pao Metal Co. Ltd.	
Chite Enterprises Co., Ltd.	
Concord Int's Engineer Ing & Trading	
Crown Run Industrial Corp.	
Daejin Steel Company Ltd.	
Dragon Iron Factory Co., Ltd.	
Easylink Industrial Co., Ltd.	
ECI Taiwan Co., Ltd.	
Encore Green Co., Ltd.	
Faithful Engineering Products Co. Ltd.	
Fastenal Asia Pacific Ltd.	
Four Winds Corporation	
Fujian Xinhong Mech. & Elec. Co., Ltd.	
Fuzhou Royal Floor Co., Ltd.	

	Period to be reviewed
Fuzhou Top Golden Import & Export Co.	
General Merchandise Consolidators	
Ginfa World Co. Ltd.	
Gloex Company	
Home Value Co., Ltd.	
Hi-Sharp Industrial Corp. Ltd.	
Hor Liang Industrial Corp.	
Hyup Sung Indonesia	
Inmax Industries Sdn. Bhd.	
Inmax Sdn. Bhd.	
Interactive Corp.	
J C Grand Corporation	
Jet Crown International Co., Ltd.	
Jade Shuttle Enterprise Co., Ltd.	
Jia Jue Industry Co. Ltd.	
Jinhai Hardware Co., Ltd.	
Jinsco International Corp.	
Korea Wire Co., Ltd.	
Liang Chyuan Industrial Co., Ltd.	
Locksure Inc.	
Lu Kang Hand Tools Industrial Co., Ltd.	
Linkwell Industry Co., Ltd.	
Master United Corp.	
Nailermate Enterprise Corporation	
Newrex Screw Corporation	
NS International Ltd.	
Noble Shipping Pvt. Ltd.	
Pacific Concord Internaional Ltd.	
Panther T&H Industry Co.	
Patek Tool Co., Ltd.	
Point Edge Corp.	
President Industrial Inc.	
Pronto Great China Corp.	
Pro-Team Coil Nail Enterprise Inc.	
PT Enterprise Inc.	
Romp Coil Nail Industries Inc.	
Region Industries Co., Ltd.	
Region System Sdn. Bhd.	
Region International Co. Ltd.	
Star World Product and Trading Co., Ltd.	
Shanxi Pioneer Hardware Industrial Co., Ltd.	
Shinn Chuen Corp.	
Six-2 Fastener Imports Inc.	
Taiwan Wakisangyo Co. Ltd.	
Taiwan Shan Yin Int'l Co. Ltd.	
Techart Mechinal Corporation	
Test-Rite Int'l Co., Ltd.	
Trans-Top Enterprise Co., Ltd.	
Transworld Transporation Co., Ltd.	
Trim International Inc.	
Tsi-Translink (Taiwan) Co. Ltd.	
U-Can-Do Hardware Corp.	
UJL Industries Co., Ltd.	
Unicatch Industrial Co. Ltd.	
Universal Power Shipping Ltd.	
Vanguard International Co., Ltd.	
VIM International Enterprise Co., Ltd.	
Vision Exporters	
Wictory Co. Ltd.	
Wattson Fastner Group Inc.	
Wumax Industry Co., Ltd.	
Yeh Fong Hsin	
Yehdyi Enterprise Co., Ltd.	
Yu Tai World Co., Ltd.	
TAIWAN: Certain Corrosion-Resistant Steel Products, A–583–856	7/1/17–6/30/18
Property Tieh Enterprise Co., Ltd.	
Sheng Yu Steel Co., Ltd.	
Synn Industrial Co., Ltd.	
Yieh Phui Enterprise Co., Ltd.	
TAIWAN: Polyethylene Terephthalate (Pet) Film Film, Sheet and Strip, A–583–837	7/1/17–6/30/18
Nan Ya Plastics Corporation	
Shinkong Materials Technology Corporation	
THE PEOPLE'S REPUBLIC OF CHINA: Carbon Steel Butt-Weld Pipe Fittings, A–570–814	7/1/17–6/30/18
Jinan Mech Piping Technology Co., Ltd.	

	Period to be reviewed
Pantech Steel Industries SDN BHD	
THE PEOPLE'S REPUBLIC OF CHINA: Circular Welded Carbon Quality Steel Pipe, A–570–910	7/1/17–6/30/18
A&T Industry Co., Ltd.	
Allied Transport System Inc.	
AM Global Shipping Lines	
Ample Star Enterprises	
Apex Maritime (Tianjin) Co., Ltd.	
Artson Fuzhou Co., Ltd.	
Baoshan Iron & Steel Co., Ltd.	
Bazhou Dongsheng Hot-Dipped Galvanzied Steel Pipe Co., Ltd.	
Bazhou Zhuofa Steel Pipe Co. Ltd.	
Beijing Bell Plumbing Manufacturing Ltd	
Beijing Jia Mei Ao Trade Co., Ltd.	
Beijing Jia Mei Ao Trade Limited	
Beijing Jinghua Shunqi Trading Co., Ltd.	
Beijing Jinghua Global Trading Co.	
Beijing Kaishengao Import & Export	
Beijing Kang Jie Kong International Cargo Agent Co., Ltd.	
Beijing Sai Lin Ke Hardware Co., Ltd.	
Beijing Zhongxingtong Technology Company Limted	
Benxi Northern Steel Pipes, Co. Ltd.	
Benxi Northern Pipes Co., Ltd.	
Bestar Steel Co., Ltd.	
Boyu M/E Company Limited	
Cangzhou Huasheng Modern Casting Company Limited	
Chaoteng Group Ltd.	
CI Consolidators Services Limited	
CNOOC Kingland Pipeline Co., Ltd.	
Dalian Brollo Steel Tubes Ltd.	
Dalian Shipbuilding Import Export Company	
DSC Quanzhou Dongshan Machine Co., Ltd	
ETCO (China) International Trading Co., Ltd.	
Etco International Trading Co., Ltd.	
Feel Light Co., Ltd.	
Giant-Move Equipment Co., Ltd.	
Guangdong Walsall Steel Pipe Industrial Co., Ltd.	
Guangzhou Juyi Steel Pipe Co., Ltd.	
Hainan Standard Stone Company Ltd.	
Hangzhou Chaoteng International	
Hangzhou Shunlan Trading Company Limited	
Hebei Machinery Import & Export Co., Ltd.	
Hebei Metals & Engineering Products Co., Ltd.	
Hefei Ziking Steel Pipe Co., Ltd.	
Hengshui Jinghua Steel Pipe Co., Ltd.	
Hengyang Valin Steel Tube Group Trading Co. Ltd.	
Herede Engineering Ltd.	
Hubei Xin Yegang Special Tube Co.	
Hulado City Steel Pipe Industrial Co., Ltd.	
Huludao City Steel Pipe Industrial	
Hunan Henyang Steel Tube (Group) Co., Ltd.	
Jiangsu Changbao Steel Tube Co., Ltd.	
Jiangsu Hen-Yuan Garden Supplies Company Ltd.	
Jiangsu Yulong Steel Pipe Co., Ltd.	
Jiangsu Zhongheng Dyeing & Finishing Co., Ltd.	
Jiangyin Jianye Metal Products Co., Ltd.	
Jinan Meide Casting Co. Ltd.	
Jinan Meide Piping Technology Company Ltd.	
Jiangsu Guoqiang Zinc-Plating Industrial Company, Ltd.	
Kun Shan Sandia Special Steel Pipe Co., Ltd.	
Kunshan City Yuan Han Electronic Co., Ltd.	
Kunshan Lets Win Steel Machinery Co., Ltd.	
Kunshan Taiheiyo Precision Machinery Co., Ltd.	
LF Logistics (China) Co., Ltd.	
Lianji Chemical Industry Co Limted	
Liaoning Northern Steel Pipe Co., Ltd.	
Longyou Yilaida Electric Appliance Co., Ltd.	
Myriad Treasure Trading Co., Ltd	
Nb Bedding & Living Company Limited	
Ningbo Acei Screw Plug Inc.	
Ningbo Haishu Jiayong Xingyo Import & Export Co., Ltd.	
Ningbo Sunny Foreign Trade Co., Ltd.	
Orient Express Container Co., Ltd.	
Pacific Star Express Corporation	
Pangang Chengdu Group Iron & Steel Co., Ltd.	

	Period to be reviewed
Panyu Chu Kong Steel Pipe Co., Ltd.	
Pudong Prime International Company Limited	
Qingdao Ocean Master Steel & Plastic Co., Ltd.	
Qingdao Xiangxing Steel Pipe Co., Ltd.	
Qingdao Yongjie Import & Export Co., Ltd.	
Ritime Group Inc.	
Rizhao Xingye Import & Export Co., Ltd.	
Rogers Corporation	
Shandong Liancheng Auto Parts Company	
Shandong Xinyuan Group Co., Ltd.	
Shanghai Freeland International Trading Co. Ltd.	
Shanghai Golden Bridge Int'l Logistic Co., Ltd.	
Shanghai ITPC Import & Export Co. Ltd	
Shanghai Metals & Minerals Import & Export Corporation	
Shanghai Pudong International Transporation	
Shanghai Wor-Biz Trading Co., Ltd.	
Shanghai Zhongyou TIPO Steel Pipe Co., Ltd.	
Shaoxing Xinyue Trade Co., Ltd.	
Shenyang Boyu M/E Co., Ltd.	
Shenyang Machinery Import & Export Co., Ltd.	
Shijiazhuang Zhongqing Imp & Exp Co., Ltd.	
Sichuan Y&J Industries Company Limited	
Spat Steel International Hong Kong Limited	
Suzhou Hongsheng Lighting Products Co. Ltd	
Tangshan Fengnan District Xinlida Steel Pipe Co., Ltd.	
The Huludao Steel Tube Industry Co., Ltd.	
Tianjin Baolai Int'l Trade Co., Ltd.	
Tianjin Haoyou Industry Trade Co., Ltd.	
Tianjin Hongshengxiang Paper Company	
Tianjin Lifengyuanda Steel Group Co. Ltd.	
Tianjin Lituo Steel Products Co., Ltd.	
Tianjin Longshenghua Import & Export	
Tianjin No. 1 Steel Rolled Co., Ltd.	
Tianjin Pipe International Economic & Trading Corporation	
Tianjin Ruitong Steel Co., Ltd.	
Tianjin Shenzhoutong Steel Pipe Co., Ltd.	
Tianjin Shuangjie Steel Pipe Co., Ltd.	
Tianjin Vision International Trading Co., Ltd.	
Tianjin Xingyuda Import and Export Co., Ltd.	
Tianjin Xingyunda Steel Pipe Co., Ltd.	
Tianjin Yayi Industrial Co., Ltd.	
Translink Shipping, Inc.	
Weifang East Steel Pipe Co., Ltd.	
Wisco And Crm Wuhan Materials & Trading Co., Ltd.	
Wuhan Bosen Trade Co., Ltd.	
Wuxi Eric Steel Pipe Co., Ltd.	
Wuxi Fastube Industry Co., Ltd.	
Wuxi Marca International Imports And Exports	
Xuzhou Global Pipe & Fitting Manufacturing Co., Ltd.	
Xuzhou Guang Huan Steel Tube Products Co., Ltd.	
Xuzhou Yongsheng Pipe & Fitting Co., Ltd.	
Yangzhou Lontrin Steel Tube Co., Ltd.	
Zhangjiagang Hengchang Welding Materials Co., Ltd.	
Zhangjiangang Zhongyuan Pipe-Making Co., Ltd.	
Zhejiang Kingland Pipeline Industry Co., Ltd.	
Zhejiang Machinery & Equipment Import & Export Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Tapered Roller Bearings,[8] A–570–601	6/1/17–5/31/18
Zhejiang Jingli Bearing Technology Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Xanthan Gum, A–570–985	7/1/17–6/30/18
A.H.A. International Co., Ltd.	
CP Kelco (Shandong) Biological Company Limited	
Deosen Biochemical (Ordos), Ltd.	
Deosen Biochemical Ltd.	
Hebei Xinhe Biochemical Co. Ltd.	
Inner Mongolia Fufeng Biotechnologies Co., Ltd.	
Inner Mongolia Jianlong Biochemical Co., Ltd.	
Jianlong Biotechnology Co., Ltd.	
Langfang Meihua Bio-Technology Co., Ltd.	
Meihua Group International Trading (Hong Kong) Limited	
Neimenggu Fufeng Biotechnologies Co., Ltd.	
Shandong Fufeng Fermentation Co., Ltd.	
Shanghai Smart Chemicals Co. Ltd.	
Xinjiang Fufeng Biotechnologies Co., Ltd.	
Xinjiang Meihua Amino Acid Co., Ltd.	

	Period to be reviewed
TURKEY: Steel Concrete Reinforcing Bar, A–489–829	3/7/17–6/30/18
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S.	
Colakoglu Dis Ticaret A.S.	
Colakoglu Metalurji A.S.	
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S.	
Kaptan Demir Celik Endustrisi ve Ticaret A.S.	
Kaptan Metal Dis Ticaret ve Nakliyat A.S.	
Countervailing Duty Proceedings	
INDIA: Corrosion-Resistant Steel Products, C–533–864	1/1/17–12/31/17
Uttam Galva Steels Limited	
INDIA: Polyethylene Terephthalate (Pet) Film, Sheet and Strip, C–533–825	1/1/17–12/31/17
Ester Industries Limited	
Garware Polyester Ltd.	
Jindal Poly Films, Ltd	
MTZ Polyesters Ltd.	
Polyplex Corporation Ltd.	
SRF Limited	
Uflex Ltd.	
Vacmet India Limited	
ITALY: Certain Pasta, C–475–819	1/1/17–12/31/17
G.R.A.M.M. S.r.l.	
Industria Alimentare Colavita, S.p.A.	
Tesa SrL	
REPUBLIC OF KOREA: Certain Corrosion-Resistant Steel Products, C–580–879	1/1/17–12/31/17
Bukook Steel Co., Ltd.	
CJ Korea Express	
DK Dongshin Co., Ltd.	
Dongbu Steel Co., Ltd.	
Dongbu Incheon Steel Co., Ltd.	
Dongbu Express	
Dongkuk Steel Mill Co., Ltd.	
Hongyi (HK) Hardware Products Co., Ltd.	
Hyundai Glovis Co., Ltd.	
Hyundai Steel Company	
Jeil Sanup Co., Ltd.	
Mitsubishi International Corp.	
POSCO	
POSCO C&C	
POSCO Daewoo Corp.	
POSCO P&S	
Sejung Shipping Co., Ltd.	
SeAH Steel	
Seil Steel Co., Ltd.	
SK Networks Co., Ltd.	
Soon Hong Trading Co., Ltd.	
Taisan Construction Co., Ltd.	
TCC Steel Co., Ltd.	
Union Steel Manufacturing Co., Ltd.	
Young Sun Steel Co.	
SOCIALIST REPUBLIC OF VIETNAM: Certain Steel Nails, C–552–819	1/1/17–12/31/17
Airlift Trans Oceanic PVT LTD.	
CS Song Thuy	
Jinhai Hardware Co., Ltd.	
Le Phoung Trading Import Export	
Long Nguyen Trading & Service Co., Ltd.	
Orient Express Container Co., Ltd.	
Region Industries Co., Ltd.	
Rich State Inc.	
Sam Hwan Vina Co., Ltd.	
Thai Bao Im-Ex Corporation	
Truong Vingh Ltd.	
United Nail Products Co. Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Oil Country Tubular Goods,[9] C–570–944	1/1/17–12/31/17
Yangzhou Shengde Crafts Co., Ltd	
THE PEOPLE'S REPUBLIC OF CHINA: Circular Welded Carbon Quality Steel Pipe, C–570–911	1/1/17–12/31/17
A&T Industry Co., Ltd.	
Allied Transport System Inc.	
AM Global Shipping Lines	
Ample Star Enterprises	
Apex Maritime (Tianjin) Co., Ltd.	
Artson Fuzhou Co., Ltd.	
Baoshan Iron & Steel Co., Ltd.	
Bazhou Dongsheng Hot-Dipped Galvanzied Steel Pipe Co., Ltd.	

	Period to be reviewed
Bazhou Zhuofa Steel Pipe Co. Ltd.	
Beijing Bell Plumbing Manufacturing Ltd	
Beijing Jia Mei Ao Trade Co., Ltd.	
Beijing Jinghua Global Trading Co.	
Beijing Jinghua Shunqui Trading Co., Ltd.	
Beijing Kaishengao Import & Export	
Beijing Kang Jie Kong International Cargo Agent Co., Ltd.	
Beijing Sai Lin Ke Hardware Co., Ltd.	
Beijing Zhongxingtong Technology Company Limted	
Benxi Northern Pipes Co., Ltd.	
Benxi Northern Steel Pipes, Co. Ltd.	
Bestar Steel Co., Ltd.	
Cangzhou Huasheng Modern Casting Company Limited	
Chaoteng Group Ltd.	
CI Consolidators Services Limited	
CNOOC Kingland Pipeline Co., Ltd.	
Dalian Brollo Steel Tubes Ltd.	
Dalian Shipbuilding Import Export Company	
DSC Quanzhou Dongshan Machine Co., Ltd.	
ETCO (China) International Trading Co., Ltd.	
Etco International Trading Co., Ltd.	
Feel Light Co., Ltd.	
Giant-Move Equipment Co., Ltd.	
Guangdong Walsall Steel Pipe Industrial Co., Ltd.	
Guangzhou Juyi Steel Pipe Co., Ltd	
Hainan Standard Stone Company Ltd.	
Hangzhou Chaoteng International	
Hangzhou Shunlan Trading Company Limited	
Hebei Machinery Import & Export Co., Ltd.	
Hebei Metals & Engineering Products Co., Ltd.	
Hefei Ziking Steel Pipe Co., Ltd.	
Hengshui Jinghua Steel Pipe Co., Ltd.	
Hengyang Valin Steel Tube Group Trading Co. Ltd.	
Herede Engineering Ltd.	
Hubei Xin Yegang Special Tube Co.	
Huluado City Steel Pipe Industrial Co., Ltd.	
Hunan Henyang Steel Tube (Group) Co., Ltd.	
Jiangsu Changbao Steel Tube Co., Ltd.	
Jiangsu Guoqiang Zinc-Plating Industrial Company, Ltd.	
Jiangsu Hen-Yuan Garden Supplies Company Ltd.	
Jiangsu Yulong Steel Pipe Co., Ltd.	
Jiangsu Zhongheng Dyeing & Finishing Co., Ltd.	
Jiangyin Jianye Metal Products Co., Ltd.	
Jinan Meide Casting Co. Ltd.	
Jinan Meide Piping Technology Company Ltd.	
Kun Shan Sandia Special Steel Pipe Co., Ltd.	
Kushan City Yuan Han Electronic Co., Ltd.	
Kushan Lets Win Steel Machinery Co., Ltd.	
Kushan Taiheiyo Precision Machinery Co., Ltd.	
LF Logistics (China) Co., Ltd.	
Lianji Chemical Industry Co Limited	
Liaoning Northern Steel Pipe Co., Ltd.	
Longyou Yilaida Electric Appliance Co., Ltd.	
Myriad Treasure Trading Co., Ltd.	
Nb Bedding & Living Company Limited	
Ningbo Acei Screw Plug Inc.	
Ningbo Haishu Jiayong Xingyo Import & Export Co., Ltd.	
Ningbo Sunny Foreign Trade Co., Ltd.	
Orient Express Container Co., Ltd.	
Pacific Star Express Corporation	
Pangang Chengdu Group Iron & Steel Co., Ltd.	
Panyu Chu Kong Steel Pipe Co., Ltd.	
Pudong Prime International Company Limited	
Qingdao Ocean Master Steel & Plastic Co., Ltd.	
Qingdao Xiangxing Steel Pipe Co., Ltd.	
Qingdao Yongjie Import & Export Co., Ltd.	
Ritime Group Inc.	
Rizhao Xingye Import & Export Co., Ltd.	
Rogers Corporation	
Shandong Liancheng Auto Parts Company	
Shandong Xinyuan Group Co., Ltd.	
Shanghai Freeland International Trading Co. Ltd.	
Shanghai Golden Bridge Int'l Logistic Co., Ltd.	
Shanghai ITPC Import & Export Co. Ltd.	

	Period to be reviewed
Shanghai Metals & Minerals Import & Export Corporation	
Shanghai Pudong International Transporation	
Shanghai Wor-Biz Trading Co., Ltd.	
Shanghai Zhongyou TIPO Steel Pipe Co., Ltd.	
Shaoxing Xinyue Trade Co., Ltd.	
Shenyang Boyu M/E Co., Ltd Boyu M/E Company Limited	
Shenyang Machinery Import & Export Co., Ltd.	
Shijiazhuang Zhongqing Imp & Exp Co., Ltd.	
Sichuan Y&J Industries Company Limited	
Spat Steel International Hong Kong Limited	
Suzhou Hongsheng Lighting Products Co. Ltd.	
Tangshan Fengnan District Xinlida Steel Pipe Co., Ltd.	
The Huludao Steel Tube Industry Co., Ltd.	
Tianjin Baolai International Trade Co., Ltd.	
Tianjin Haoyou Industry Trade Co., Ltd.	
Tianjin Hongshengxiang Paper Company	
Tianjin Lifengyuanda Steel Group Co. Ltd.	
Tianjin Lituo Steel Products Co., Ltd.	
Tianjin Longshenghua Import & Export	
Tianjin No. 1 Steel Rolled Co., Ltd.	
Tianjin Pipe International Economic & Trading Corporation	
Tianjin Ruitong Steel Co., Ltd.	
Tianjin Shenzhoutong Steel Pipe Co., Ltd.	
Tianjin Shuangjie Steel Pipe Co., Ltd.	
Tianjin Vision International Trading Co., Ltd.	
Tianjin Xingyuda Import and Export Co., Ltd.	
Tianjin Xingyunda Steel Pipe Co., Ltd.	
Tianjin Yayi Industrial Co., Ltd.	
Translink Shipping, Inc.	
Weifang East Steel Pipe Co., Ltd.	
WISCO & CRM Wuhan Materials & Trading Co., Ltd.	
Wuhan Bosen Trade Co., Ltd.	
Wuxi Eric Steel Pipe Co., Ltd.	
Wuxi Fastube Industry Co., Ltd.	
Wuxi Marca International Imports and Exports	
Xuzhou Global Pipe & Fitting Manufacturing Co., Ltd.	
Xuzhou Guang Huan Steel Tube Products Co., Ltd.	
Xuzhou Yongsheng Pipe & Fitting Co., Ltd.	
Yangzhou Lontrin Steel Tube Co., Ltd.	
Zhangjiagang Hengchang Welding Materials Co., Ltd.	
Zhangjiangang Zhongyuan Pip-Making Co., Ltd.	
Zhejiang Kingland Pipeline Industry Co., Ltd.	
Zhejiang Machinery & Equipment Import & Export Co., Ltd.	
TURKEY: Steel Concrete Reinforcing Bar, C–489–830	3/1/17–12/31/17
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S.	

Suspension Agreements

None.

[4] The name of the company listed above was misspelled in the initiation notice that published on July 12, 2018 (83 FR 32270). The correct spelling of the company name is listed in this notice.

[5] Excluded from the order are certain steel nails from Korea both produced and exported by any combinations of the following: Jinheung Steel Corporation, Jinsco International Corporation, and Duo-Fast Korea Co., Ltd. *See Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Order,* 80 FR 39994 (July 13, 2015). Accordingly, we are initiating this administrative review with respect to certain steel nails (1) produced by Jinheung Steel Corporation, Jinsco International Corporation, or Duo-Fast Korea Co., Ltd., and exported by any other company other than these three companies, or (2) produced by any other company other than these three companies and exported by Jinheung Steel Corporation, Jinsco International Corporation, or Duo-Fast Korea Co., Ltd.

[6] *Id.*

[7] *Id.*

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

[8] The name of the company listed above was misspelled in the initiation notice that published on August 10, 2018 (83 FR 39688). The correct spelling of the company name is listed in this notice.

[9] The company name listed above was inadvertently omitted from the initiation notice that published on March 16, 2018 (83 FR 11685).

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under

administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (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). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted 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. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.[10] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any antidumping duty or countervailing duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[11] Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable revised certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. *See* 19 CFR 351.302. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection data; and (5) quantity and value questionnaires. Under certain circumstances, Commerce 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, Commerce 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. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: September 4, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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[10] *See* section 782(b) of the Act.

[11] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Notice of Partial Rescission of Antidumping Duty Administrative Review

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

SUMMARY: The Department of Commerce (Commerce) is rescinding, in part, the administrative review of the antidumping duty (AD) order on wooden bedroom furniture from the People's Republic of China (China) for the period January 1, 2017, through December 31, 2017.

DATES: Applicable September 10, 2018.

FOR FURTHER INFORMATION CONTACT: Patrick O'Connor, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–0989.

SUPPLEMENTARY INFORMATION:

Background

On January 2, 2018, Commerce published in the **Federal Register**, a notice of opportunity to request an administrative review of the AD order on wooden bedroom furniture from China (the Order) covering the period January 1, 2017, through December 31, 2017.[1] Commerce received multiple timely requests for an administrative review of the Order.[2] On March 16,

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 83 FR 98 (January 2, 2018).

[2] *See* letter from Decca Furniture Limited, re: ''Wooden Bedroom Furniture from the People's Republic of China: Decca Furniture Limited's Request for Administrative Review,'' dated January 5, 2018; *see* letter from Guangzhou Maria Yee Furnishings Ltd., PYLA HK LIMITED, and MARIA YEE, INC., re: ''Wooden Bedroom Furniture from the People's Republic of China; Request for Administrative Review and Request for Voluntary Respondent Treatment,'' dated January 22, 2018; *see* letter from the American Furniture Manufacturers Committee for Legal Trade and Vaughan-Bassett Furniture Company, Inc. (the

Continued

2018, in accordance with section 751(a) of Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(c)(1)(i), Commerce published in the **Federal Register** a notice initiating an administrative review of the Order with respect to 73 companies or groups of companies covering the period January 1, 2017, through December 31, 2017.[3] All requesting parties subsequently timely withdrew their requests to review the 60 companies or groups of companies listed in the Appendix to this notice.[4]

Rescission of Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested the review withdraw their requests within 90 days of the date of publication of the notice of initiation of the requested review. All requesting parties withdrew their respective requests for an administrative review of the 60 companies or groups of companies listed in the Appendix to this notice within 90 days of the date of publication of the *Initiation Notice.* Accordingly, Commerce is rescinding this review with respect to these companies, in accordance with 19 CFR 351.213(d)(1).[5] The administrative review will continue with respect to all other firms for which a review was requested and initiated.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all subject merchandise exported by the companies listed in the Appendix to this notice that was entered, or withdrawn from warehouse, for consumption during the period of review. The entries shall be assessed AD duties that are equal to the cash deposit of estimated AD duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as the only reminder to importers whose entries will be liquidated as a result of this rescission notice, of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of AD duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of the AD duties occurred and the subsequent assessment of doubled AD duties.

Notification Regarding Administrative Protective Orders

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

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: August 31, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

- Dongguan Chengcheng Furniture Co., Ltd.
- Dongguan Mu Si Furniture Co., Ltd.
- Dongguan Nova Furniture Co., Ltd.
- Dongguan Singways Furniture Co., Ltd.
- Dongguan Sunshine Furniture Co., Ltd.
- Dongguan Yujia Furniture Co., Ltd.
- Dongguan Zhisheng Furniture Co., Ltd.
- Dorbest Ltd., Rui Feng Woodwork Co., Ltd. AKA Rui Feng Woodwork (Dongguan) Co., Ltd., Rui Feng Lumber Development Co., Ltd. AKA Rui Feng Lumber Development (Shenzhen) Co., Ltd.
- Dream Rooms Furniture (Shanghai) Co. Ltd.
- Fleetwood Fine Furniture LP
- Fortune Furniture Ltd., Dongguan Fortune Furniture Ltd.
- Fujian Lianfu Forestry Co., Ltd. (Aka Fujian Wonder Pacific, Inc.)
- Fuzhou Huan Mei Furniture Co., Ltd.
- Golden Well International (HK) Ltd.
- Guangdong New Four Seas Furniture Manufacturing Ltd.
- Guangzhou Lucky Furniture Co., Ltd.
- Guangzhou Maria Yee Furnishings Ltd., Pyla Hk Ltd., Maria Yee, Inc.
- Hang Hai Woodcrafts Art Factory
- Jiangmen Kinwai Furniture Decoration Co., Ltd.
- Jiangmen Kinwai International Furniture Co., Ltd.
- Jiangsu Dare Furniture Co., Ltd.
- Jiangsu Xiangsheng Bedtime Furniture Co., Ltd.
- Jiangsu Yuexing Furniture Group Co., Ltd.
- Jiashan Zhenxuan Furniture Co., Ltd.
- Jiedong Lehouse Furniture Co., Ltd.
- King's Way Furniture Industries Co., Ltd., Kingsyear Ltd.
- Nanhai Jiantai Woodwork Co., Ltd., Fortune Glory Industrial Ltd. (H.K. Ltd.)
- Nantong Wangzhuang Furniture Co. Ltd.
- Nantong Yangzi Furniture Co., Ltd.
- Nathan International Ltd., Nathan Rattan Factory
- Perfect Line Furniture Co., Ltd.
- Putian Jinggong Furniture Co., Ltd.
- Qingdao Beiyuan Shengli Furniture Co., Ltd., Qingdao Beiyuan Industry Trading Co., Ltd.
- Shanghai Jian Pu Export & Import Co., Ltd.
- Shanghai Maoji Imp and Exp Co., Ltd.
- Shenzhen Diamond Furniture Co., Ltd.
- Shenzhen Forest Furniture Co., Ltd.
- Shenzhen Jiafa High Grade Furniture Co., Ltd., Golden Lion International Trading Ltd.
- Shenzhen New Fudu Furniture Co., Ltd.
- Shenzhen Wonderful Furniture Co., Ltd.
- Shenzhen Xingli Furniture Co., Ltd.
- Shing Mark Enterprise Co., Ltd., Carven Industries Ltd. (BVI), Carven Industries

petitioners), re: ''Wooden Bedroom Furniture from the People's Republic of China: Request for Initiation of Administrative Review,'' dated January 31, 2018; *see* letter from Kimball International, Inc., Kimball Furniture Group, Inc., and Kimball Hospitality Inc., re: ''Wooden Bedroom Furniture from the People's Republic of China: Request for Initiation of Antidumping Duty Administrative Review,'' dated January 31, 2018; *see* letter from Xiamen Yongquan Sci-Tech Development Co., Ltd., re: ''Request for Thirteenth Administrative Review of the Antidumping Duty Order on Wooden Bedroom Furniture from the People's Republic of China,'' dated January 31, 2018.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 11685 (March 16, 2018) (*Initiation Notice*).

[4] See letter from the petitioners, re: ''Wooden Bedroom Furniture From The People's Republic of China/Partial Withdrawal Of Request For Administrative Review, dated June 8, 2018; *see* letter from Kimball International, Inc., Kimball Furniture Group, Inc., and Kimball Hospitality Inc., re: ''Wooden Bedroom Furniture from The People's Republic of China: Withdrawal of Request for Administrative Review,'' dated June 11, 2018; s*ee* letter from Xiamen Yongquan Sci-Tech Development Co., Ltd., re: ''Withdrawal of Review Request: Administrative Review of the Antidumping Duty Order on Wooden Bedroom Furniture from the People's Republic of China (POR 01/01/17–12/31/17),'' dated June 11, 2018; *see* letter from Guangzhou Maria Yee Furnishings Ltd., PYLA HK LIMITED, and MARIA YEE, INC., re: ''Wooden Bedroom Furniture from the People's Republic of China; Maria Yee's Withdrawal of Request for Review,'' dated June 12, 2018; *see* letter from the petitioners, re: ''Wooden Bedroom Furniture From The People's Republic of China/Partial Withdrawal Of Request For Administrative Review, dated June 13, 2018; see letter from the petitioners, re: ''Wooden Bedroom Furniture From The People's Republic of China/Partial Withdrawal Of Request For Administrative Review, dated June 14, 2018.

[5] *See* Appendix. As stated in *Change in Practice in NME Reviews,* Commerce will no longer consider the non-market economy (NME) entity as an exporter conditionally subject to administrative reviews. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013) (*Change in Practice in NME Reviews*). The China-wide entity is not subject to this administrative review because no interested party requested a review of the entity. *See Initiation Notice.*

Ltd. (HK), Dongguan Zhenxin Furniture Co., Ltd., Dongguan Yongpeng Furniture Co., Ltd.
- Songgang Jasonwood Furniture Factory, Jasonwood Industrial Co., Ltd. S.A.
- Sunforce Furniture (Hui-Yang) Co., Ltd., Sun Fung Wooden Factory, Sun Fung Company, Shin Feng Furniture Co., Ltd., Stupendous International Co., Ltd.
- Superwood Co., Ltd., Lianjiang Zongyu Art Products Co., Ltd.
- Tradewinds Furniture Ltd., Fortune Glory Industrial Ltd. (H.K. Ltd.)
- Tube-Smith Enterprise (Zhangzhou) Co., Ltd., Tube-Smith Enterprise (Haimen) Co., Ltd., Billonworth Enterprises Ltd.
- Weimei Furniture Co., Ltd.
- Wuxi Yushea Furniture Co., Ltd.
- Xiamen Yongquan Sci-Tech Development Co., Ltd.
- Xilinmen Group Co. Ltd.
- Yihua Lifestyle Technology Co., Ltd.
- Yihua Timber Industry Co., Ltd., Guangdong Yihua Timber Industry Co., Ltd.
- Zhangjiagang Daye Hotel Furniture Co., Ltd.
- Zhangzhou Guohui Industrial & Trade Co., Ltd.
- Zhejiang Tianyi Scientific & Educational Equipment Co., Ltd.
- Zhong Shan Fullwin Furniture Co., Ltd.
- Zhongshan Fookyik Furniture Co., Ltd.
- Zhongshan Golden King Furniture Industrial Co., Ltd.
- Zhoushan For-Strong Wood Co., Ltd.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–967]

Aluminum Extrusions From the People's Republic of China: Final Results of Changed Circumstances Review

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

SUMMARY: The Department of Commerce (Commerce) is recalculating the cash deposit rate for certain Chinese exporters to reflect the revised countervailing duty (CVD) export subsidy offsets from the amended final CVD determination.

DATES: Applicable September 10, 2018.

FOR FURTHER INFORMATION CONTACT: Mark Flessner or Erin Kearney, 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) 482–6312 or (202) 482–0167, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 20, 2018, Commerce published the initiation and preliminary results of its changed circumstances review of the antidumping duty order [1] on aluminum extrusions from China pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216 and 351.221(c)(3).[2] In the *Initiation and Preliminary Results,* interested parties were provided an opportunity to comment and request a hearing regarding our preliminary finding that the cash deposit rate for the 21 exporters/producers who retain the separate rate assigned in the LTFV investigation should be recalculated to reflect the revised CVD export subsidy offsets from the amended final CVD determination.[3] We received no comments from interested parties and no request for a hearing.[4]

Scope of the Order

The merchandise covered by the *Order* is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents). Specifically, the subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 1 contains not less than 99 percent aluminum by weight. The subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 3 contains manganese as the major alloying element, with manganese accounting for not more than 3.0 percent of total materials by weight. The subject merchandise is made from an aluminum alloy with an Aluminum Association series designation commencing with the number 6 contains magnesium and silicon as the major alloying elements, with magnesium accounting for at least 0.1 percent but not more than 2.0 percent of total materials by weight, and silicon accounting for at least 0.1 percent but not more than 3.0 percent of total materials by weight. The subject aluminum extrusions are properly identified by a four-digit alloy series without either a decimal point or leading letter. Illustrative examples from among the approximately 160 registered alloys that may characterize the subject merchandise are as follows: 1350, 3003, and 6060.

Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including, but not limited to, hollow profiles, other solid profiles, pipes, tubes, bars, and rods. Aluminum extrusions that are drawn subsequent to extrusion (drawn aluminum) are also included in the scope.

Aluminum extrusions are produced and imported with a variety of finishes (both coatings and surface treatments), and types of fabrication. The types of coatings and treatments applied to subject aluminum extrusions include, but are not limited to, extrusions that are mill finished (*i.e.,* without any coating or further finishing), brushed, buffed, polished, anodized (including brightdip anodized), liquid painted, or powder coated. Aluminum extrusions may also be fabricated, *i.e.,* prepared for assembly. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, knurled, swedged, mitered, chamfered, threaded, and spun. The subject merchandise includes aluminum extrusions that are finished (coated, painted, *etc.*), fabricated, or any combination thereof.

Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, window frames, door frames, solar panels, curtain walls, or furniture. Such parts that otherwise meet the definition of aluminum extrusions are included in the scope. The scope includes the aluminum extrusion components that are attached (*e.g.,* by welding or fasteners) to form subassemblies, *i.e.,* partially assembled merchandise unless imported as part of the finished goods 'kit' defined further

[1] *See Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order,* 76 FR 30650 (May 26, 2011) (the *Order*).

[2] *See Aluminum Extrusions from the People's Republic of China: Initiation and Preliminary Results of Expedited Changed Circumstances Review,* 83 FR 34548 (July 20, 2018) (*Initiation and Preliminary Results*).

[3] *Id.,* 83 FR at 34550–34551; *Aluminum Extrusions from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination Pursuant to Court Decision,* 80 FR 69640 (November 10, 2015) (*CVD Amended Final Determination*).

[4] On August 15, 2018, the Aluminum Extrusions Fair Trade Committee (the petitioner) informed Commerce of minor grammatical errors in certain of the company names listed in *Initiation and Preliminary Results. See* Memorandum: ''Changed Circumstances Review of the Antidumping Duty Order on Aluminum Extrusions from the People's Republic of China: *Ex Parte* Telephone Conversations,'' dated August 30, 2018. We have corrected those errors (and others not pointed out by the petitioner) in these final results.

below. The scope does not include the non-aluminum extrusion components of subassemblies or subject kits.

Subject extrusions may be identified with reference to their end use, such as fence posts, electrical conduits, door thresholds, carpet trim, or heat sinks (that do not meet the finished heat sink exclusionary language below). Such goods are subject merchandise if they otherwise meet the scope definition, regardless of whether they are ready for use at the time of importation. The following aluminum extrusion products are excluded: Aluminum extrusions made from aluminum alloy with an Aluminum Association series designations commencing with the number 2 and containing in excess of 1.5 percent copper by weight; aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 5 and containing in excess of 1.0 percent magnesium by weight; and aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 7 and containing in excess of 2.0 percent zinc by weight.

The scope also excludes finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry, such as finished windows with glass, doors with glass or vinyl, picture frames with glass pane and backing material, and solar panels. The scope also excludes finished goods containing aluminum extrusions that are entered unassembled in a ''finished goods kit.'' A finished goods kit is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled ''as is'' into a finished product. An imported product will not be considered a ''finished goods kit'' and therefore excluded from the scope of the *Order* merely by including fasteners such as screws, bolts, *etc.* in the packaging with an aluminum extrusion product.

The scope also excludes aluminum alloy sheet or plates produced by other than the extrusion process, such as aluminum products produced by a method of casting. Cast aluminum products are properly identified by four digits with a decimal point between the third and fourth digit. A letter may also precede the four digits. The following Aluminum Association designations are representative of aluminum alloys for casting: 208.0, 295.0, 308.0, 355.0, C355.0, 356.0, A356.0, A357.0, 360.0, 366.0, 380.0, A380.0, 413.0, 443.0, 514.0, 518.1, and 712.0. The scope also excludes pure, unwrought aluminum in any form.

The scope also excludes collapsible tubular containers composed of metallic elements corresponding to alloy code 1080A as designated by the Aluminum Association where the tubular container (excluding the nozzle) meets each of the following dimensional characteristics: (1) Length of 37 millimeters (''mm'') or 62 mm, (2) outer diameter of 11.0 mm or 12.7 mm, and (3) wall thickness not exceeding 0.13 mm.

Also excluded from the scope of this *Order* are finished heat sinks. Finished heat sinks are fabricated heat sinks made from aluminum extrusions the design and production of which are organized around meeting certain specified thermal performance requirements and which have been fully, albeit not necessarily individually, tested to comply with such requirements.

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 6603.90.8100, 7616.99.51, 8479.89.94, 8481.90.9060, 8481.90.9085, 9031.90.9195, 8424.90.9080, 9405.99.4020, 9031.90.90.95, 7616.10.90.90, 7609.00.00, 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8414.59.60.90, 8415.90.80.45, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8473.30.20.00, 8473.30.51.00, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8508.70.00.00, 8515.90.20.00, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 8536.90.80.85, 8538.10.00.00, 8543.90.88.80, 8708.29.50.60, 8708.80.65.90, 8803.30.00.60, 9013.90.50.00, 9013.90.90.00, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.11.40.80, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99, as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.

Final Results of Changed Circumstances Review

For the reasons stated in the *Initiation and Preliminary Results,* and because no comments were submitted by interested parties, Commerce continues to find that changed circumstances exist, and that the appropriate cash deposit rate for the 21 exporters/producers who retain a separate rate assigned in the LTFV investigation should be recalculated to reflect the revised CVD export subsidy offsets from the *CVD Amended Final Determination.*[5]

The cash deposit rates for these final results are listed below:

[5] *See* Memorandum, ''Preliminary Export Subsidy Offset Calculation Memorandum,'' dated July 16, 2018.

Exporter	Producer	Weighted-average dumping margin (percent)	Cash deposit rate (percent)
Changshu Changsheng Aluminium Products Co., Ltd	Changshu Changsheng Aluminium Products Co., Ltd	32.79	32.51
Cosco (J.M) Aluminium Co., Ltd	Cosco (J.M) Aluminium Co., Ltd./Jiangmen Qunxing Hardware Diecasting Co., Ltd.	32.79	32.51
First Union Property Limited	Top-Wok Metal Co., Ltd	32.79	32.51
Foshan Jinlan Non-ferrous Metal Product Co. Ltd	Foshan Jinlan Aluminium Co. Ltd	32.79	32.51
Foshan Sanshui Fenglu Aluminium Co., Ltd	Foshan Sanshui Fenglu Aluminium Co., Ltd	32.79	32.51
Guangdong Hao Mei Aluminium Co., Ltd	Guangdong Hao Mei Aluminium Co., Ltd	32.79	32.51
Guangdong Weiye Aluminium Factory Co., Ltd	Guangdong Weiye Aluminium Factory Co., Ltd	32.79	32.51
Guangdong Xingfa Aluminium Co., Ltd	Guangdong Xingfa Aluminium Co., Ltd	32.79	32.51
Hanwood Enterprises Limited	Pingguo Aluminium Company Limited	32.79	32.51
Honsense Development Company	Kanal Precision Aluminium Product Co., Ltd	32.79	32.51
Innovative Aluminium (Hong Kong) Limited	Taishan Golden Gain Aluminium Products Limited	32.79	32.51
Jiangyin Trust International Inc	Jiangyin Xinhong Doors and Windows Co., Ltd	32.79	32.51
Longkou Donghai Trade Co., Ltd	Shandong Nanshan Aluminum Co., Ltd	32.79	32.51
Ningbo Yili Import and Export Co., Ltd	Zhejiang Anji Xinxiang Aluminum Co., Ltd	32.79	32.51
North China Aluminum Co., Ltd	North China Aluminum Co., Ltd	32.79	32.51
PanAsia Aluminium (China) Limited	PanAsia Aluminium (China) Limited	32.79	32.51
Pingguo Asia Aluminum Co., Ltd	Pingguo Asia Aluminum Co., Ltd	32.79	32.51
Popular Plastics Co., Ltd	Hoi Tat Plastic Mould & Metal Factory	32.79	32.51
Tai-Ao Aluminium (Taishan) Co., Ltd	Tai-Ao Aluminium (Taishan) Co., Ltd	32.79	32.51
Tianjin Ruixin Electric Heat Transmission Technology Co., Ltd.	Tianjin Ruixin Electric Heat Transmission Technology Co., Ltd.	32.79	32.51
Zhejiang Yongkang Listar Aluminium Industry Co., Ltd	Zhejiang Yongkang Listar Aluminium Industry Co., Ltd	32.79	32.51

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this changed circumstances review, and apply to all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by 19 CFR 351.221(b)(7): For the 21 producers and/or exporters listed above that received a separate rate in the LTFV investigation and continue to retain that separate rate, the cash deposit rate will be the producer/exporter-specific rate listed above. These deposit requirements, when imposed, shall remain in effect until further notice.

We are issuing and publishing this notice of final results in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Act and 19 CFR 351.216(e) and 351.221(c)(3).

Dated: September 4, 2018.

Gary Taverman,

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

[FR Doc. 2018–19571 Filed 9–7–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–017]

Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review and Rescission, in Part; 2016

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain producers and exporters of passenger vehicle and light truck tires (passenger tires) from the People's Republic of China (China) received countervailable subsidies during the period of review (POR) January 1, 2016, through December 31, 2016.

DATES: Applicable September 10, 2018.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

On August 10, 2015, Commerce issued a countervailing duty (CVD) order on passenger tires from China.[1] Several interested parties requested that Commerce conduct an administrative review of the *CVD Order,* and on October 16, 2017, Commerce published in the **Federal Register** a notice of initiation of an administrative review of the *CVD Order* for 42 producers/exporters for the POR.[2] Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018.[3]

Scope of the Order

The products covered by the order are certain passenger vehicle and light truck tires from China. A full description of the scope of the order is contained in

[1] *See Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 47902 (August 10, 2015) (*CVD Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 48051 (October 16, 2017) (*Initiation Notice*). The *Initiation Notice* inadvertently omitted an exporter from the review, which was corrected in a subsequent publication. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 1329 (January 11, 2018).

[3] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated January 23, 2018 (Tolling Memorandum). All deadlines in this segment of the proceeding have been extended by three days.

the Preliminary Decision Memorandum.[4]

Methodology

Commerce is conducting this CVD review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that confers a benefit to the recipient, and that the subsidy is specific.[5] For a full description of the methodology underlying our preliminary conclusions, including our reliance, in part, on adverse facts available pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Decision Memorandum.[6] A list of topics included in the Preliminary Decision Memorandum is included as Appendix I of this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. The petitioner timely withdrew its request for a review of Zhongce Rubber Group Company Limited.[7] Two other U.S. importers, ITG Voma Corporation and American Pacific Industries, Inc., also timely withdrew their requests for a review of Shandong Guofeng Rubber Plastic Co., Ltd/Shandong Guofeng Rubber Plastics.[8] Additionally, Hangzhou Yokohama Tire Co., Ltd., Kumho Tire Co., Inc., Shandong Changfeng Tyres Co., Ltd., Shandong Changhong Rubber Technology Co., Ltd., Shandong Guofeng Rubber Plastics Co., Ltd., Shandong Zhongyi Rubber Co., and Shengtai Group Co., Ltd., timely withdrew their requests for review.[9] No other party requested a review of these producers/exporters. Therefore, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this review of the CVD order on passenger tires from China with respect to these companies.

Preliminary Results of Review

As a result of this review, we preliminarily determine the countervailable subsidy rates to be:

Company	Subsidy rate (percent *ad valorem*)
Cooper (Kunshan) Tire Co., Ltd. (Cooper)	23.68
Qingdao Sentury Tire Co. Ltd. (Sentury)	26.83
Non-Selected Companies Under Review	24.71

Preliminary Rate for the Non-Selected Companies Under Review

The statute and the Commerce's regulations do not directly address the establishment of rates to be applied to companies not selected for individual examination where Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation.

Section 705(c)(5)(A)(i) of the Act instructs Commerce as a general rule to calculate an all others rate using the weighted average of the subsidy rates established for the producers/exporters individually examined, excluding any zero, *de minimis,* or rates based entirely on facts available. In this review, the preliminary subsidy rates calculated for Cooper and Sentury and their cross-owned affiliates are above *de minimis* and are not based entirely on facts available. Therefore, for the companies for which a review was requested that were not selected as mandatory company respondents and for which we did not receive a timely request for withdrawal of review, and which we are not finding to be cross-owned with the mandatory company respondents, we are preliminarily basing the subsidy rate on the subsidy rate calculated for Cooper and Sentury. For a list of these non-selected companies, please see Appendix II to this notice.

Disclosure and Public Comment

Commerce intends to disclose to interested parties the calculations performed in connection with this preliminary determination within five days of publication of this notice in the **Federal Register**.[10] Interested parties may submit case and rebuttal briefs, as well as request a hearing.[11] Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for

[4] *See* ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Countervailing Duty Order on Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China; 2016,'' dated concurrently with this notice (Preliminary Decision Memorandum) and hereby adopted by this notice.

[5] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and, section 771(5A) of the Act regarding specificity.

[6] A list of topics discussed in the Preliminary Decision Memorandum can be found as an appendix to this notice.

[7] The petitioner in this review is the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC (USW). *See* Letter from USW, ''Administrative Review of the Countervailing Duty Order on Passenger Vehicle and Light Truck Tires from the People's Republic of China (C–570–017) (01/01/16–12/31/16): Petitioner's Withdrawal of Review Request,'' dated December 13, 2017.

[8] *See* Letter from ITG Voma Corporation, ''Passenger Vehicle and Light Truck Tires from People's Republic of China: Withdrawal of Request for Administrative Review,'' dated December 28, 2017; and Letter from American Pacific Industries, Inc., ''Passenger Vehicle and Light Truck Tires from People's Republic of China: Withdrawal of Request for Administrative Review,'' dated January 5, 2018.

[9] *See* Letter from Hangzhou Yokohama Tire Co., Ltd., ''Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Yokohama Withdrawal of Request for Administrative Review,'' dated November 14, 2017; Letter from Shandong Changfeng Tyres Co., Ltd., ''Passenger Vehicles and Light Truck Tires from the People's Republic of China: Withdrawal of Request for Administrative Review (01/01/16–12/31/16),'' dated January 12, 2018; Letter from Shandong Changhong Rubber Technology Co. Ltd., ''Passenger Vehicle and Light Truck Tires from the People's Republic of China: Withdrawal of Request for Administrative Review,'' dated December 28, 2017; Letter from Shandong Guofeng Rubber Plastics Co., Ltd., ''Passenger Vehicle and Light Truck Tires from the People's Republic of China: Withdrawal of Request for Administrative Review,'' dated December 28, 2017; Letter from Shandong Zhongyi Rubber Co., Ltd, ''Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China-Withdrawal of Request for Administrative Review,'' dated January 14, 2018; and Letter from Shengtai Group Co., Ltd., ''Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China-Withdrawal of Request for Administrative Review,'' dated January 14, 2018.

[10] *See* 19 CFR 351.224(b).

[11] *See* 19 CFR 351.309(c)–(d), 19 CFR 351.310(c).

filing case briefs.[12] Rebuttal briefs must be limited to issues raised in the case briefs.[13] Parties who submit case or rebuttal briefs are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[14]

Interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system.[15] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and location to be determined.[16] Parties should confirm by telephone the date, time, and location of the hearing. Issues addressed at the hearing will be limited to those raised in the briefs.[17] All briefs and hearing requests must be filed electronically and received successfully in their entirety through ACCESS by 5:00 p.m. Eastern Time on the due date.

Unless the deadline is extended, pursuant to section 751(a)(3)(A) of the Act, we intend to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after issuance of these preliminary results.

Assessment Rates and Cash Deposit Requirement

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producers/exporters shown above. Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, CVDs on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of review. For companies for which this review is rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2016, through December 31, 2016, in accordance with 19 CFR 351.212(c)(l)(i). Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Pursuant to section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated CVDs, in the amounts shown above for each of the respective companies shown above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 31, 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 I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Partial Rescission of Review
IV. Non-Selected Companies Under Review
V. Scope of the Order
VI. Application of the Countervailing Duty Law to Imports From China
VII. Diversification of China's Economy
VIII. Subsidies Valuation
IX. Interest Rate Benchmarks, Discount Rates, Input, and Electricity Benchmarks
X. Use of Facts Otherwise Available and Application of Adverse Inferences
XI. Analysis of Programs
XII. Disclosure and Public Comment
XIII. Conclusion

Appendix II

Non-Selected Companies Under Review

1. Best Industries Ltd.
2. BC Tyre Group Limited
3. Cooper (Kunshan) Tire Co., Ltd.
4. Crown International Corporation
5. Dongying Zhongyi Rubber Co., Ltd.
6. Hankook Tire China Co., Ltd.
7. Hong Kong Tiancheng Investment & Trading Co., Limited
8. Hongtyre Group Co.
9. Jiangsu Hankook Tire Co., Ltd.
10. Jiangsu Sanhe Aluminum
11. Kenda Rubber (China) Co., Ltd.
12. Koryo International Industrial Limited
13. Mayrun Tyre (Hong Kong) Limited
14. Qingdao Jinhaoyang International Co., Ltd.
15. Qingdao Nama Industrial Co., Ltd.
16. Qingdao Odyking Tyre Co., Ltd.
17. Qingdao Sentury Tire Co., Ltd.
18. Roadclaw Tyre (Hong Kong) Limited
19. Shandong Anchi Tyres Co., Ltd.
20. Shandong Haohua Tire Co., Ltd.
21. Shandong Haolong Rubber Co., Ltd.
22. Shandong Hengyu Science & Technology Co., Ltd.
23. Shandong Linglong Tyre Co., Ltd.
24. Shandong Longyue Rubber Co., Ltd.
25. Shandong New Continent Tire Co., Ltd.
26. Shandong Province Sanli Tire
27. Shandong Province Sanli Tire Manufactured Co., Ltd.
28. Shandong Shuangwang Rubber Co., Ltd.
29. Shandong Wanda Boto Tyre Co., Ltd.
30. Shandong Yongsheng Rubber Group Co., Ltd.
31. Shouguang Firemax Tyre Co., Ltd.
32. The Yokohama Rubber Company, Ltd.
33. Tyrechamp Group Co., Limited
34. Winrun Tyre Co., Ltd.
35. Zhaoqing Junhong Co., Ltd.

[FR Doc. 2018–19572 Filed 9–7–18; 8:45 am]

BILLING CODE 3510–DS–P

[12] *See* 19 CFR 351.309(c)(l)(ii) and 351.309(d)(l).
[13] *See* 19 CFR 351.309(d)(2).
[14] *See* 19 CFR 351.309(c)(2) and (d)(2).
[15] *See* 19 CFR 351.310(c).
[16] *See* 19 CFR 351.310.
[17] *See* 19 CFR 351.310(c).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG464

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Coastal Pelagic Species Management Team (CPSMT) will hold a meeting that is open to the public.

DATES: The meeting will begin at 1 p.m. on Wednesday, September 26, 2018, and continue at 8 a.m. on Thursday and Friday, September 27–28. The meeting will end each day at 5 p.m. or until business for the day has been completed.

ADDRESSES: The meeting will be held in the Large Conference Room of the Pacific Council office in Portland, OR.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Pacific Council; telephone: (503) 820–2409.

SUPPLEMENTARY INFORMATION: The meeting is a CPSMT work session with the purpose of developing materials for consideration at the Pacific Council's November 1–8, 2018 meeting in San Diego, CA. Topics may include the live bait fishery allowance Fishery Management Plan amendment, CPS management categories, stock assessment prioritization, the Council Stock Assessment and Fishery Evaluation document, and other items. An agenda will be available in advance of the meeting, on the Pacific Council website.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The public listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2411) at least 10 days prior to the meeting date.

Dated: September 4, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–19473 Filed 9–7–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG466

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting and hearing.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a meeting of its Hawaii Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) to discuss and make recommendations on fishery management issues in the Western Pacific Region.

DATES: The Hawaii Archipelago FEP AP will meet on Thursday, September 20, 2018, between 9 a.m. and 11 a.m. All times listed are local island times.

For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The Hawaii Archipelago FEP AP will meet at the Council Office, 1164 Bishop St., Suite 1400, Honolulu, HI 96813 and by teleconference. The teleconference will be conducted by telephone. The teleconference numbers are: U.S. toll-free: 1–888–482–3560 or International Access: +1 647 723–3959, and Access Code: 5228220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided in the agenda. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for the Hawaii Archipelago FEP AP Meeting

Thursday, September 20, 2018, 9 a.m.–11 a.m.

1. Welcome and Introductions
2. Report on Previous Council Action Items
3. Council Issues
   - A. Precious Corals Essential Fish Habitat Refinement Options
   - B. Update on Aquaculture Management
   - C. Hawaii Longline Fishery Management
     - i. Mandatory Electronic Reporting
     - ii. Managing Loggerhead and Leatherback Sea Turtle Interactions
   - D. Annual Catch Limit Specifications
     - i. Non-deep 7 bottomfish
     - ii. Precious corals and deepwater shrimp
     - iii. Kona Crab
4. Hawaii FEP Community Activities
5. Hawaii FEP AP Issues
   - A. Report of the Subpanels
     - i. Island Fisheries Subpanel
     - ii. Pelagic Fisheries Subpanel
     - iii. Ecosystems and Habitat Subpanel
     - iv. Indigenous Fishing Rights Subpanel
   - B. Other Issues
6. Public Comment
7. Discussion and Recommendations
8. Other Business

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: September 4, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–19480 Filed 9–7–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG465

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Spiny Dogfish Committee will hold a meeting.

DATES: The meeting will be held on Friday September 21, 2018, from 10 a.m. to 1 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar with a telephone-only audio connection to participate: *http://mafmc.adobeconnect.com/dogcom/.* Telephone instructions are provided upon connecting, or call direct: 800–832–0736, Rm: *7833942#.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their website at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The primary purpose of the meeting is to develop recommendations for spiny dogfish specifications for the 2019–21 fishing years. The Committee may also develop recommendations for management measures, including trip limits.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to any meeting date.

Dated: September 4, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–19479 Filed 9–7–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Ocean Exploration Advisory Board (OEAB) Notice for the 11th OEAB Meeting

AGENCY: Office of Ocean Exploration and Research (OER), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Ocean Exploration Advisory Board (OEAB). OEAB members will discuss and provide advice on Federal ocean exploration programs, with a particular emphasis on National Oceanic and Atmospheric Administration (NOAA) Office of Ocean Exploration and Research (OER) activities. The OEAB will also discuss National Ocean Exploration Forums, the Atlantic Seafloor Partnership for Integrated Research and Exploration (ASPIRE) Campaign, and developments in technology related to ocean exploration, as well as review the Education Subcommittee recommendations and other matters as described in the agenda found on the OEAB website at *http://oeab.noaa.gov.*

DATES: The announced meeting is scheduled for Tuesday, September 25, 2018 from 9:00 a.m. to 5:00 p.m. EDT and Wednesday, September 26, 2018 from 9:00 to 5:00 p.m. EDT.

ADDRESSES: The meeting will be held at: Woods Hole Oceanographic Institution, Clark Building, 360 Woods Hole Road, Falmouth, MA 02543.

Status: The meeting will be open to the public with a 15-minute public comment period on Tuesday, September 25, 2018 from 11:45 a.m. to 12:00 p.m. EDT (please check the final agenda on the website to confirm the time). The public may listen to the meeting and provide comments during the public comment period via teleconference. Dial-in information may be found on the meeting agenda posted to the OEAB website.

The OEAB expects that public statements at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to three minutes. The Designated Federal Officer must receive written comments by September 22, 2018 to provide sufficient time for OEAB review. Written comments received after September 22, 2018 will be distributed to the OEAB but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis.

Special Accommodations: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to David McKinnie, Designated Federal Officer (see below) by September 22, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. David McKinnie, Designated Federal Officer, Ocean Exploration Advisory Board, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Seattle, WA 98115 (206) 526–6950.

SUPPLEMENTARY INFORMATION: NOAA established the OEAB under the Federal Advisory Committee Act (FACA) and legislation that gives the agency statutory authority to operate an ocean exploration program and to coordinate a national program of ocean exploration. The OEAB advises NOAA leadership on strategic planning, exploration priorities, competitive ocean exploration grant programs and other matters as the NOAA Administrator requests.

OEAB members represent government agencies, the private sector, academic institutions, and not-for-profit institutions involved in all facets of ocean exploration—from advanced technology to citizen exploration.

In addition to advising NOAA leadership, NOAA expects the OEAB to help to define and develop a national program of ocean exploration—a network of stakeholders and partnerships advancing national priorities for ocean exploration.

Dated: September 4, 2018.

David Holst,

Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2018–19470 Filed 9–7–18; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG462

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council, NEFMC) will hold a four-day meeting to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Monday, September 24, 2018 through Thursday, September 27, 2018, beginning at 2 p.m. on September 24 and 8:30 a.m. on September 25, 26, and 27.

ADDRESSES:

Meeting address: The meeting will be held at Hotel 1620 Plymouth Harbor, 180 Water Street, Plymouth, MA 02360; telephone: (508) 747–4900; online at *www.hotel1620.com.*

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465–0492; *www.nefmc.org.*

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492, ext. 113.

SUPPLEMENTARY INFORMATION:

Agenda

Monday, September 24, 2018

After introductions and brief announcements, the meeting will begin with the swearing-in of reappointed Council members, followed by the annual election of officers. Next, the Council will hear reports from the Council Chairman and Executive Director, NMFS's Regional Administrator for the Greater Atlantic Regional Fisheries Office (GARFO), liaisons from the Northeast Fisheries Science Center (NEFSC) and Mid-Atlantic Fishery Management Council, representatives from NOAA General Counsel and NOAA's Office of Law Enforcement, and staff from the Atlantic States Marine Fisheries Commission (ASMFC) and U.S. Coast Guard. The Council then will take up its Small-Mesh Multispecies (Whiting) Committee Report and cover three issues: (1) The

Annual Monitoring Report for Fishing Year 2017; (2) Amendment 22, which will include a review of public hearing comments and Council action on whether or not to adopt a limited access program and related measures for small-mesh multispecies; and (3) Council approval of committee recommendations to streamline small-mesh multispecies regulations. Following these actions, the Council will adjourn for the day.

Tuesday, September 25, 2018

The Council will begin the day by providing input and recommendations to the panel conducting the Research Set-Aside (RSA) Program Review. Then, the Northeast Fisheries Science Center will present the findings of recent benchmark stock assessments for Atlantic herring and Atlantic sea scallops that were conducted during the 65th Stock Assessment Workshop/Stock Assessment Review Committee (SAW/SARC 65). The Council next will take up several issues under its Scallop Committee Report, beginning with an update on Framework Adjustment 30, which includes specifications for fishing year 2019, default specifications for 2020, and several standard default measures. As part of this discussion, the Council will receive an overview of 2018 scallop surveys. The Council also will receive an update on the General Category Individual Fishing Quota (IFQ) trip limit analysis being conducted for the IFQ component of the scallop fishery. Finally, the Council will receive a progress report on work being done to address 2018 scallop priorities.

Following the lunch break, the Council will begin the Atlantic Herring Committee Report and take final action on Amendment 8 to the Atlantic Herring Fishery Management Plan (FMP). The amendment was developed to: (1) Establish an acceptable biological catch (ABC) control rule for Atlantic herring; and (2) address potential localized depletion and user conflicts in the fishery. The Council also will receive a progress report on the development of 2019–2021 Atlantic herring fishery specifications and discuss potential independent action by NMFS to set 2019 catch limits if needed. The Council then will adjourn for the day.

Wednesday, September 26, 2018

The third day of the meeting will begin with an update on the Northeast Regional Coordinating Council's progress in revising the stock assessment process and assessment scheduling, followed by a brief report on the Northeast Trawl Advisory Panel's June 19, 2018 meeting. Then, the Council will begin addressing a series of U.S./Canada issues based on information from the Transboundary Resources Assessment Committee (TRAC), the Scientific and Statistical Committee (SSC), and the Transboundary Management Guidance Committee (TMGC). The TRAC report will be first with a summary of 2017 assessment results for three U.S./Canada shared stocks—Eastern Georges Bank cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder. Next, the SSC will provide the Council with 2019–2020 overfishing limit (OFL) and ABC recommendations for Georges Bank yellowtail. The Council then will review and approve the TMGC's recommendations for 2019 total allowable catches (TACs) for shared U.S./Canada stocks. Next, the Council will hear Part 2 of the SSC's report and receive the SSC's comments on rebuilding strategies for several groundfish stocks. The Groundfish Committee Report will follow. The Council will approve the range of alternatives for Framework Adjustment 58 to the Northeast Multispecies FMP, which includes: (1) 2019 TACs for U.S./Canada stocks; (2) rebuilding plans for several groundfish stocks; (3) minimum size exemptions for vessels fishing in waters regulated by the Northwest Atlantic Fisheries Organization (NAFO); and guidance on groundfish sector overages. The Groundfish Committee Report also will include an update on Groundfish Monitoring Amendment 23 and an update on work being conducted by the Fishery Dependent Data Working Group. Just before the lunch break, the Bureau of Ocean Energy Management (BOEM) will have a brief opportunity to invite Council members and the public to attend BOEM's ''open office'' in the Plympton Room of the same hotel to provide input and speak to BOEM staff regarding: The New York Bight Area Identification; the Vineyard Wind Draft Environmental Impact Statement (DEIS); the South Fork Wind Farm Construction and Operations Plan (COP); and other issues of interest.

After the lunch break, the Groundfish Committee report will resume and continue until related business is concluded. Then, members of the public will have the opportunity to speak during an open comment period on issues that relate to Council business but are not included on the published agenda for this meeting. The Council asks the public to limit remarks to 3–5 minutes. The Council next will receive a progress report on steps being taken in response to recent recommendations made by the external Council Program Review Panel. The Highly Migratory Species (HMS) Advisory Panel (AP) report will follow, summarizing highlights from the HMS AP's September 5–6 meeting. This report will be followed by a NMFS staff presentation and Council consultation on HMS Amendment 11 to address overfishing and rebuild North Atlantic shortfin mako sharks. NMFS staff from the Marine Recreational Information Program (MRIP) will be up next with a presentation on recent changes to the program. At the conclusion of this discussion, the Council will adjourn for the day.

Thursday, September 27, 2018

The fourth day of the meeting will begin with an initial discussion of 2019 Council priorities covering tasks and actions for all committees and Council responsibilities. The Council will not take final action on priorities until its December meeting. Next, the Council will hear from its Habitat Committee, starting with the Clam Dredge Framework. The Council will discuss the alternatives being developed to consider continued surfclam dredge fishery access to the Great South Channel Habitat Management Area (HMA) and possible consideration of a mussel dredge exemption in the HMA. The Council also will receive an update on ongoing offshore energy activities in the Northeast and receive an introduction to the Responsible Offshore Development Alliance. The Research Steering Committee then will report on: (a) Recommendations regarding the future of the Research Steering Committee; (b) updates on improving the communication of research priorities and data needs; and (c) other related issues.

Following a lunch break, the Council will receive an update on ongoing fisheries-related legislation on Capitol Hill, including reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act. The Council will have an opportunity to discuss legislative activity. Next, the Council will shift to Ecosystem-Based Fishery Management (EBFM), starting with a presentation on the Center for Independent Experts EBFM Strategy Review final report. The Council also will: (1) Receive a short progress report on work being conducted to develop a Georges Bank example Fishery Ecosystem Plan (eFEP); and (2) review and approve comments on NOAA's regional implementation plan for the agency's EBFM Roadmap. Then, the Council will receive the Fishing Year 2017 Annual Monitoring Report for the Northeast Skate Complex. This report

will be followed by a discussion of NMFS's Fisheries Allocation Policy Directive. The Council will discuss the policy directive and associated procedural directives for reviewing fisheries allocations, which include identifying ''triggers'' to initiate an allocation review. Finally, the Council will close out the meeting with ''other business.''

Although non-emergency issues not contained on this agenda may come before the Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: September 4, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–19474 Filed 9–7–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Duchak Ventures, LLC

AGENCY: Department of the Navy, DoD.

ACTION: Notice; correction.

SUMMARY: The Department of the Navy published a document in the **Federal Register** on August 23, 2018, announcing an intent to grant to Duchak Ventures, LLC, a revocable, nonassignable, exclusive license. The scope of the intent to license has been revised.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than September 25, 2018.

FOR FURTHER INFORMATION CONTACT: Amanda Horansky McKinney, Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue SW, Washington, DC 20375–5320, telephone 202–767–1644. Due to U.S. Postal delays, please fax 202–404–7920, email: *techtran@.nrl.navy.mil* or use courier delivery to expedite response.

Correction

In the **Federal Register** of August 23, 2018, 83 FR 42647, document number 2018–18210, make the following correction:

In the first column, on page 42647, correct the **SUMMARY** caption to read as follows:

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Duchak Ventures, LLC., a revocable, nonassignable, exclusive license to practice in the field of use of filtering media within a respirator cartridge or respirator system and meant for human wear and the field of use of air filter media for safety and hygiene applications in public, residential, industrial, and commercial facilities and structures in the United States, the Government-owned invention described in U.S. Patent No. 7,749,438: Fluorophore Embedded/Incorporating/ Bridged Periodic Mesoporous Organosilicas as Recognition Elements for Optical Sensors, Navy Case No. 097,345.//U.S. Patent No, 7,754,145: Fluorphore Embedded/Incorporating/ Bridged Periodic Mesoporous Organosilicas as Recognition Photo-Decontamination Catalysts, Navy Case No. 097,346.//and any continuations, divisionals, or re-issues thereof.

Dated: September 4, 2018.

Meredith Steingold Werner,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2018–19446 Filed 9–7–18; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0092]

Agency Information Collection Activities; Comment Request; Comprehensive Literacy Program Evaluation: Striving Readers Implementation Study

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before November 9, 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–0092. 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 9089, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Tracy Rimdzius, 202–245–7283.

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: Comprehensive Literacy Program Evaluation: Striving Readers Implementation Study.

OMB Control Number: 1850–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or Households; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 4,824.

Total Estimated Number of Annual Burden Hours: 2,082.

Abstract: The data collection described in this submission includes activities associated with the legislatively mandated evaluation of the Striving Readers Comprehensive Literacy (SRCL) program. The purpose of this evaluation is to provide information to policymakers, administrators, and educators regarding the implementation of the SRCL program, including grant award procedures, technical assistance, continuous improvement procedures, and literacy interventions at the school level. Data collection will include interviews with state-level grantees and district administrators; school principals, reading specialists, and teachers; and teacher surveys. In addition, the study team will conduct site visits to 50 schools and observe instruction in 100 classrooms using SRCL-funded literacy interventions, however the study team does not request clearance for these observations, which impose no burden. The study team also will collect and review grantee and subgrantee applications and comprehensive literacy plans.

Dated: September 4, 2018.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–19466 Filed 9–7–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Draft Policy Statement on Developing Student Achievement Levels for the National Assessment of Educational Progress

AGENCY: National Assessment Governing Board, U.S. Department of Education.

ACTION: Notice of opportunity for public comment for policy statement on Student Achievement Levels for the National Assessment of Educational Progress (NAEP).

SUMMARY: The National Assessment Governing Board (Governing Board) is soliciting public comment for guidance in finalizing a revised policy on Developing Student Achievement Levels for the National Assessment of Educational Progress (NAEP).

The Governing Board is authorized to formulate policy guidelines for NAEP. The NAEP legislation specifies that the Governing Board is to develop appropriate student achievement levels for each subject and grade tested. Such levels are determined by identifying the knowledge and skills that can be measured and verified using widely accepted professional assessment standards. It is anticipated that the revised policy on Developing Student Achievement Levels for NAEP will be presented for approval at the National Assessment Governing Board quarterly meeting on November 15–17, 2018.

Public and private parties and organizations are invited to provide written comments and recommendations. Voluntary participation by all interested parties is urged. This notice sets forth the review schedule and provides information for accessing additional materials that will be useful for this review.

DATES: Comments must be received no later than September 30, 2018.

ADDRESSES: Comments may be provided via email at *NAEPALSpolicy@ed.gov* and may also be mailed to the following address: NAEP Achievement Level Setting Policy, National Assessment Governing Board, 800 North Capitol Street NW, Suite 825, Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Sharyn Rosenberg, National Assessment Governing Board, 800 North Capitol Street NW, Suite 825, Washington, DC 20002–4233, Telephone: (202) 357–6940.

SUPPLEMENTARY INFORMATION: All responses will be taken into consideration before finalizing the updated policy on Developing Achievement levels for NAEP for Board adoption. Once adopted, the policy will be used in setting and reporting achievement levels for NAEP assessments.

Additional information (including the materials referenced below) can be found on the Governing Board website at *https://www.nagb.gov/news-and-events/calendar/public-comment-on-als-policy.html.*

Proposed Revised Policy on Developing Student Achievement Levels for the National Assessment of Educational Progress

The proposed revised policy can be downloaded from the Governing Board website.

Existing Policy on Developing Student Performance Levels for the National Assessment of Educational Progress

The existing policy (adopted in 1995) can be downloaded from the Governing Board website.

Governing Board's Formal Response to the Evaluation of NAEP Achievement Levels

From 2014–2016, the National Academies of Sciences, Engineering, and Medicine conducted an independent evaluation of the NAEP achievement levels. The Governing Board's formal response to the recommendations put forth in the evaluation noted that the revision of the Board policy on developing achievement levels for NAEP would specify a process and timeline for conducting regularly recurring reviews of the achievement level descriptions and would be explicit about the conditions that necessitate consideration of a new standard setting. More information about the evaluation and the Governing Board's response can be found on the Governing Board website. A link to the final report from the evaluation can be found on the Governing Board website.

Summary of Proposed Revisions

Compared to the existing 1995 policy on Developing Student Performance Levels for NAEP, the proposed revised policy reflects:

- Reorganization of principles, streamlining of language, minimization of redundancies
- Minor (non-substantive) edits to the NAEP policy definitions for clarity
- A change in terminology from *Proficient* to *NAEP Proficient* to better differentiate the NAEP achievement levels from other common uses of *Basic, Proficient, Advanced*
- A new principle on periodic review of achievement level descriptions and cut scores, prompted by the Board's response to the evaluation of NAEP achievement levels
- A new principle to clarify participation of multiple stakeholders at various points throughout process
- A new principle to summarize the role of the Board
- Reference to an interpretative guide that would accompany the release of

NAEP results and explain how the achievement levels should (and should not) be used
- Reference to multiple types of achievement level descriptions (ALDs), including reporting ALDs that would be created using empirical data and written in terms of what students *do know and can do* rather than what students *should know and be able to do*
- Clarification on the standard setting participants, in particular the non-educator group
- Additional details about the achievement level setting process, including some practices that have become institutionalized over time (*e.g.,* the use of ''impact data'')
- Removal of details on implementation directed to staff and contractors, which will instead be included in a ''procedures manual''

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the internet at the following site: *http://www.ed.gov/news/fedregister/index.html.* To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *www.gpoaccess.gov/nara/index.html.*

Dated: September 5, 2018.

Lisa Stooksberry,

Deputy Executive Director, National Assessment Governing Board, U.S. Department of Education.

[FR Doc. 2018–19650 Filed 9–7–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet on September 18–19, 2018, at the Conference Centre of the French Ministry of Foreign Affairs, 27, Rue de la Convention, 75015 Paris, France.

DATES: September 18–19, 2018.

ADDRESSES: 27, Rue de la Convention, 75015 Paris, France.

FOR FURTHER INFORMATION CONTACT: Thomas Reilly, Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, 202–586–5000.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meetings is provided:

A meeting involving members of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) in connection with a workshop meeting of the IEA's Standing Group on Emergency Questions (SEQ) will be held at the French Ministry of Foreign Affairs Building (Centre de Conférence Ministériel), 27 rue de la Convention, Paris 75015, France, on September 18–19, 2018. The purpose of the workshop is to discuss relevant key issues in order to establish a basis for drafting a proposal for possible improvements to the emergency oil stockholding requirement. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a workshop meeting of the IEA's Standing Group on Emergency Questions (SEQ).

The agenda of the meeting is under the control of the IEA. It is expected that the IEA will adopt the following agenda:

Draft Agenda of the IEA's Workshop on the Review of the IEA Stockholding Requirement:

—Introduction by the Chairman
—Introduction by the IEA Secretariat
—Roundtable discussions—4 sessions on centralized topics
  —Session 1—What to prepare for
  —Session 2—How to divide the level of stocks needed
  Session 3—What to count as stocks contributing to the obligation
  —Session 4—Flexibility to make this work
—Wrap-up and conclusions
Close

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation

Act (42 U.S.C. 6272(c)(1)(A)(ii)), the meetings of the IAB are open to representatives of members of the IAB and their counsel; representatives of members of the IEA's Standing

Group on Emergency Questions and the IEA's Group of Reporting Companies; representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of Congress, the IEA, and the European Commission; and invitees of the IAB or the IEA.

Issued in Washington, DC, September 5, 2018.

Thomas Reilly,

Assistant General Counsel for International and National Security Programs.

[FR Doc. 2018–19582 Filed 9–7–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a

cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Exempt:		
1. CP17–458–000	8–20–2018	State of Oklahoma Representative Rhonda Baker.
2. CP17–458–000	8–21–2018	State of Oklahoma Representative David Perryman.
3. CP17–458–000	8–21–2018	State of Oklahoma Representative Brad Boles.
4. CP17–458–000	8–21–2018	State of Oklahoma Representative Harold Wright.
5. CP17–458–000	8–21–2018	State of Oklahoma Senator Lonnie Paxton.
6. CP17–458–000	8–22–2018	State of Oklahoma Representative Tim Downing.
7. P–2299–000, P–14581–000	8–29–2018	FERC Staff.[1]
8. CP17–101–000	8–29–2018	FERC Staff.[2]

[1] Memo reporting email conversation on August 22, 2018 with John Devine, Turlock and Modesto Irrigation Districts Consultant, with HDR Engineering.

[2] Meeting Minutes for teleconference on August 13, 2018 with the United States Environmental Protection Agency, the New Jersey Department of Environmental Protection, and the New York State Department of Environmental Conservation.

Dated: September 4, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–19557 Filed 9–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of the New York Independent System Operator, Inc. (NYISO):

NYISO Electric System Planning Working Group and Transmission Planning Advisory Meeting

September 6, 2018, 10:30 a.m.–2:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=oc_tpas&directory=2018-09-06.*

NYISO Business Issues Committee Meeting

September 12, 2018, 10:00 a.m.–1:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic&directory=2018-09-12.*

NYISO Operating Committee Meeting

September 12, 2018, 1:00 p.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=oc&directory=2018-09-12.*

NYISO Electric System Planning Working Group Meeting

September 25, 2018, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2018-09-25.*

NYISO Management Committee Meeting

September 26, 2018, 10:00 a.m.–2:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=mc&directory=2018-09-26.*

The discussions at the meetings described above may address matters at issue in the following proceedings:

New York Independent System Operator, Inc., Docket No. ER15–2059.

New York Independent System Operator, Inc., Docket No. ER17–2327.

For more information, contact James Eason, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–8622 or *James.Eason@ferc.gov.*

Dated: September 4, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–19555 Filed 9–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–190–000]

Essential Power Rock Springs, LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On September 4, 2018, the Commission issued an order in Docket No. EL18–190–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into whether Essential Power Rock Springs, LLC's proposed rate schedule for Reactive Supply and Voltage Control from Generation or Other Sources Service may be unjust and unreasonable. *Essential Power Rock Springs, LLC,* 164 FERC ¶ 61,163 (2018).

The refund effective date in Docket No. EL18–190–000, established pursuant to section 206(b) of the FPA,

will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL18–190–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, within 21 days of the date of issuance of the order.

Dated: September 4, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–19558 Filed 9–7–18; 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: RP17–346–003.
Applicants: Northwest Pipeline LLC.
Description: Compliance filing RP17–346 Phase 2 Settlement Rates Compliance Filing to be effective 10/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5215.
Comments Due: 5 p.m. ET 9/11/18.

Docket Numbers: RP18–1094–000.
Applicants: Ruby Pipeline, L.L.C.
Description: § 4(d) Rate Filing: FLU_EPC Update to be effective 10/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5181.
Comments Due: 5 p.m. ET 9/11/18.

Docket Numbers: RP18–1095–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Sep 2018 to be effective 9/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5182.
Comments Due: 5 p.m. ET 9/11/18.

Docket Numbers: RP18–1096–000.
Applicants: Northwest Pipeline LLC.
Description: § 4(d) Rate Filing: 2018 Winter Fuel Filing to be effective 10/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5184.
Comments Due: 5 p.m. ET 9/11/18.

Docket Numbers: RP18–1097–000.
Applicants: Southwest Gas Storage Company.
Description: § 4(d) Rate Filing: Negotiated Rate Provisions to be effective 10/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5189.
Comments Due: 5 p.m. ET 9/11/18.

Docket Numbers: RP18–1098–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Non-Conforming Negotiated Rate Agmt Filing (Anadarko Oct 18) to be effective 10/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5196.
Comments Due: 5 p.m. ET 9/11/18.

Docket Numbers: RP18–1099–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (APS Sept 2018) to be effective 9/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5197.
Comments Due: 5 p.m. ET 9/11/18.

Docket Numbers: RP18–1100–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: Neg Rate 2018–8–31 8 Neg Rates E2W to be effective 9/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5200.
Comments Due: 5 p.m. ET 9/11/18.

Docket Numbers: RP18–1101–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (SRP 2018) to be effective 10/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5202.
Comments Due: 5 p.m. ET 9/11/18.

Docket Numbers: RP18–1102–000.
Applicants: Destin Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Destin Revised Tariff Records Update Section 14 and 24 to be effective 9/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5207.
Comments Due: 5 p.m. ET 9/11/18.

Docket Numbers: RP18–1103–000.
Applicants: Dauphin Island Gathering Partners.
Description: § 4(d) Rate Filing: Negotiated Rate Filing 8–30–2018 to be effective 9/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5210.
Comments Due: 5 p.m. ET 9/11/18.

Docket Numbers: RP18–1104–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: Administrative Cleanup of Tariff to be effective 10/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5224.
Comments Due: 5 p.m. ET 9/11/18.

Docket Numbers: RP18–1105–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Pioneer Aug_Sept 2018) to be effective 8/31/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5226.
Comments Due: 5 p.m. ET 9/11/18.

Docket Numbers: RP11–2473–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Report Filing: 2017 Cash Pool Filing to be effective N/A.
Filed Date: 8/31/18.
Accession Number: 20180831–5077.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP11–2474–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Report Filing: 2017 Cash Pool Filing to be effective N/A.
Filed Date: 8/31/18.
Accession Number: 20180831–5074.
Comments Due: 5 p.m. ET 9/12/18.
Accession Number: 20180831–5155.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1106–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: § 4(d) Rate Filing: Fuel filing on 8–31–18 to be effective 10/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5070.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1107–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (XTO 1846 to SW Energy 2025) to be effective 9/1/2018
Filed Date: 8/31/18.
Accession Number: 20180831–5071.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1108–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Atlanta Gas 8438 to various eff 9–1–2018) to be effective 9/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5075.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1109–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Petrohawk 41455 releases eff 9–1–2018) to be effective 9/1/2018.

Filed Date: 8/31/18.
Accession Number: 20180831–5076.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1110–000.
Applicants: Dominion Energy Carolina Gas Transmission, LLC.
Description: Compliance filing DECG—2018 Penalty Crediting Sharing Report to be effective N/A.
Filed Date: 8/31/18.
Accession Number: 20180831–5083.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1111–000.
Applicants: Dominion Energy Cove Point LNG, LP.
Description: Compliance filing DECP—2018 Revenue Crediting Report to be effective N/A.
Filed Date: 8/31/18.
Accession Number: 20180831–5095.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1112–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: § 4(d) Rate Filing: Quarterly Fuel Adjustment Filing to be effective 10/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5096.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1113–000.
Applicants: MoGas Pipeline LLC.
Description: § 4(d) Rate Filing: MoGas Annual Fuel and Gas Loss Retention Percentage Adjustment to be effective 10/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5098.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1114–000.
Applicants: Enable Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Housekeeping 2018 to be effective 10/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5099.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1115–000.
Applicants: Saltville Gas Storage Company L.L.C.
Description: § 4(d) Rate Filing: SGSC Limited Section 4 Rate Case 08–31–2018 to be effective 10/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5101.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1116–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: § 4(d) Rate Filing: Vol 2—Negotiated Rate Agreement—Sequent to be effective 9/1/2018
Filed Date: 8/31/18.
Accession Number: 20180831–5102.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1117–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (EM Energy OH 35451 to Eco-Energy 37393) to be effective 9/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5103.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1118–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (RE GAs 34955 to JERA 37422) to be effective 9/1/2018
Filed Date: 8/31/18.
Accession Number: 20180831–5104.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1119–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate—ConEd to Atlantic Energy—797443 to be effective 9/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5124.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1120–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing—Chorpus Christi Liquefaction to be effective 10/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5131.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1121–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Conoco Sep_Nov 18) to be effective 9/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5132.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1122–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Modifications to Cashout Mechanism to be effective 10/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5134.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1123–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Fuel and LUF Update Filing to be effective 10/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5135.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1124–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) Rate Filing: 2018 Semi-annual Fuel & Electric Power Reimbursement to be effective 10/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5143.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1125–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Non-Conforming Agreements Filing (DCP and SW Energy Oct 18) to be effective 10/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5147.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1126–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) Rate Filing: Transco RP18–XXX Rate Case Filing to be effective 10/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5149.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1127–000.
Applicants: Dominion Energy Cove Point LNG, LP.
Description: § 4(d) Rate Filing: DECP—2018 Interim Fuel Retainage to be effective 10/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5167.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1128–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20180831 Negotiated Rate to be effective 9/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5168.
Comments Due: 5 p.m. ET 9/12/18.

Docket Numbers: RP18–1129–000.
Applicants: Enable Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate Filing—September 2018—Continental Resources 1011192 to be effective 9/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5178.
Comments Due: 5 p.m. ET 9/12/18.

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: September 4, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–19552 Filed 9–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 619–164]

Notice of Environmental Site Review: Pacific Gas and Electric Company and the City of Santa Clara

On Tuesday, October 16, 2018, the Federal Energy Regulatory Commission (FERC) staff and the Pacific Gas and Electric Company and the City of Santa Clara (licensees) will conduct an environmental site review of the Bucks Creek Hydropower Project. The project is located on Bucks, Grizzly, and Milk Ranch Creeks in Plumas County, California.

The site review is open to the public, Indian Tribes, and resource agencies and will occur from 9:00 a.m. to about 4:00 p.m. (Pacific Daylight Time). The site review will leave from the Bucks Lakeshore Resort [16001 Bucks Lake Road, Quincy, California 95971, (530) 283–2848].

To better support the safety of the group, and to the extent practicable, participants will be requested to carpool in vehicles provided by the licensees. Participants are asked not to attempt to join the site review after it departs the initial meeting location. Participants must wear appropriate footwear (*i.e.,* no sandals or open-toed shoes) and should bring sun protection, water, and lunch. Some brief hiking over unimproved dirt trails may be necessary to access some sites.

To appropriately accommodate persons interested in attending the site review, participants must contact Alan Mitchnick, FERC Project Coordinator, at (202) 502–6074 or *alan.mitchnick@ferc.gov,* no later than Tuesday, October 9, 2018.

Dated: September 4, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–19560 Filed 9–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14871–001]

New England Hydropower Company, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On August 2, 2018, New England Hydropower Company, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of hydropower at Lock 47 on the Lehigh Canal in the city of Easton, Northampton County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed Lehigh Canal Hugh Moore Park East Hydroelectric Project would consist of the following: (1) An existing 20-foot-high concrete gravity dam (*i.e.,* the Chain Dam on the Lehigh River); (2) an existing impoundment with a storage capacity of 1,197 acre-feet at a normal maximum surface elevation of 192 feet mean sea level; (3) an existing 50-foot-wide, 2.5-mile-long canal that stretches from above the Chain Dam where water enters the canal to where it reconnects with the Lehigh River downstream, approximately one half of a mile above the Easton Dam; (4) a new 20-foot-wide, 40-foot-long intake channel parallel to Lock 47; (5) a new 16-foot by 32-foot powerhouse containing two Archimedes Screw turbine-generator units with a total capacity of 485 kilowatts; (6) a new 20-foot-wide, 40-foot-long tailrace channel; (7) a new 460-kilovolt, 210-foot-long transmission line connecting the powerhouse to a nearby grid interconnection point; and (8) appurtenant facilities. The proposed project would have an average annual generation of 3,398 megawatt-hours.

Applicant Contact: Ms. Carol Wasserman, Principal, New England Hydropower Company, LLC, 100 Cummings Center Drive, Suite 451C, Beverly, MA 01915; phone: (339) 293–3157.

FERC Contact: Monir Chowdhury; phone: (202) 502–6736.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–14871–001.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14871) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: September 4, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–19553 Filed 9–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2266–102]

Nevada Irrigation District; Notice of Teleconference

a. *Project Name and Number:* Yuba-Bear Hydroelectric Project No. 2266.

b. *Applicant:* Nevada Irrigation District.

c. *Date and Time of Teleconference:* September 25, 2018, 10:00 a.m. Pacific Daylight Time (1:00 p.m. Eastern Daylight Time).

d. *FERC Contact:* Alan Mitchnick at (202) 502–6074, *alan.mitchnick@ferc.gov.*

e. *Purpose of Meeting:* The Federal Energy Regulatory Commission staff will participate in a meeting with the U.S. Fish and Wildlife Service and the Nevada Irrigation District to discuss

conservation measures needed to protect species listed under the Endangered Species Act that may be affected by continued operation of the existing Yuba-Bear Hydroelectric Project. The primary species to be discussed include the California red-legged frog and Sierra Nevada yellow-legged frog.

f. All local, state, and federal agencies, Indian tribes, and other interested parties are invited to attend by phone. Please call Alan Mitchnick at (202) 502–6074, or email *alan.mitchnick@ferc.gov* by September 18, 2018, to RSVP and to receive specific instructions on how to participate.

Dated: September 4, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–19551 Filed 9–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–149–000.
Applicants: Florida Power & Light Company.
Description: Application for Authorization under Section 203 of the Federal Power Act, et al. of Florida Power & Light Company.
Filed Date: 8/31/18.
Accession Number: 20180831–5245.
Comments Due: 5 p.m. ET 9/21/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2042–029; ER10–1942–021; ER17–696–009; ER10–1938–024; ER10–1934–023; ER10–1893–023; ER10–3051–028; ER10–2985–027; ER10–3049–028; ER11–4369–008; ER16–2218–008; ER10–1862–023.
Applicants: Calpine Energy Services, L.P., Calpine Construction Finance Company, L.P., Calpine Energy Solutions, LLC, Calpine Power America—CA, LLC, CES Marketing IX, LLC, CES Marketing X, LLC, Champion Energy, LLC, Champion Energy Marketing LLC, Champion Energy Services, LLC, North American Power and Gas, LLC, North American Power Business, LLC, Power Contract Financing, L.L.C.
Description: Notification of Change in Status of the Indicated Calpine MBR Sellers.
Filed Date: 8/31/18.
Accession Number: 20180831–5219.
Comments Due: 5 p.m. ET 9/21/18.

Docket Numbers: ER10–2527–006; ER18–1652–001; ER10–2528–002; ER10–2960–008; ER10–2400–009; ER10–2529–002; ER10–2530–003; ER10–2531–007; ER15–356–009; ER15–357–009; ER10–2532–012; ER10–1595–010; ER17–1636–004; ER10–1821–017; ER10–2533–006; ER10–2534–003; ER10–1598–010; ER10–2535–007; ER10–1616–010; ER11–4475–010; ER10–1618–010; ER18–1821–002.
Applicants: Allegheny Ridge Wind Farm, LLC, AL Mesquite Marketing, LLC, Aragonne Wind LLC, Astoria Generating Company, L.P., Blue Canyon Windpower LLC, Buena Vista Energy, LLC, Caprock Wind LLC, Cedar Creek Wind Energy, LLC, Chief Conemaugh Power, LLC, Chief Keystone Power, LLC, Crescent Ridge LLC, Crete Energy Venture, LLC, Great River Hydro, LLC, Goshen Phase II LLC, GSG, LLC, Kumeyaay Wind LLC, Lincoln Generating Facility, LLC, Mendota Hills, LLC, New Covert Generating Company, LLC, Rockland Wind Farm LLC, Rolling Hills Generating, L.L.C., Walleye Power, LLC.
Description: Notice of Non-Material Change in Status of Allegheny Ridge Wind Farm, LLC, et. al.
Filed Date: 8/31/18.
Accession Number: 20180831–5136.
Comments Due: 5 p.m. ET 9/21/18.

Docket Numbers: ER12–1316–004; ER11–2753–005.
Applicants: Silver State Solar Power North, LLC, Cedar Point Wind, LLC.
Description: Notification of Non-Material Change in Status of Silver State Solar Power North, LLC, et al.
Filed Date: 8/31/18.
Accession Number: 20180831–5217.
Comments Due: 5 p.m. ET 9/21/18.

Docket Numbers: ER17–1553–000.
Applicants: Duke Energy Progress, LLC.
Description: Report Filing: DEP Fayetteville RS No. 184 Refund Report to be effective N/A.
Filed Date: 8/31/18.
Accession Number: 20180831–5170.
Comments Due: 5 p.m. ET 9/21/18.

Docket Numbers: ER18–563–004.
Applicants: Red Pine Wind Project, LLC.
Description: Compliance filing: Red Pine Rate Schedule Compliance Filing Effective March 1 2018 to be effective 3/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5193.
Comments Due: 5 p.m. ET 9/21/18.

Docket Numbers: ER18–1169–003.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2018–08–31 Limited Tariff Waiver Petition-Postpone Effect. Date to April 1 2019 to be effective N/A.
Filed Date: 8/31/18.
Accession Number: 20180831–5174.
Comments Due: 5 p.m. ET 9/21/18.

Docket Numbers: ER18–2312–000.
Applicants: Enel Green Power Diamond Vista Wind Project, LLC.
Description: Report Filing: MBR Tariff to be effective N/A.
Filed Date: 8/31/18.
Accession Number: 20180831–5092.
Comments Due: 5 p.m. ET 9/21/18.

Docket Numbers: ER18–2370–000.
Applicants: Lackawanna Energy Center LLC.
Description: Initial rate filing: Filing of Reactive Power Rate Schedule to be effective 10/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5191.
Comments Due: 5 p.m. ET 9/21/18.

Docket Numbers: ER18–2371–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: September 2018 Membership Filing to be effective 9/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5194.
Comments Due: 5 p.m. ET 9/21/18.

Docket Numbers: ER18–2372–000.
Applicants: Florida Power & Light Company.
Description: § 205(d) Rate Filing: FPL and Seminole NITSA 162 Revisions to be effective 9/1/2018.
Filed Date: 8/31/18.
Accession Number: 20180831–5195.
Comments Due: 5 p.m. ET 9/21/18.

Docket Numbers: ER18–2373–000.
Applicants: Duke Energy Progress, LLC.
Description: § 205(d) Rate Filing: DEP–DOM IA RS. No. 196 Concurrence Filing (Battleboro) to be effective 10/26/2018.
Filed Date: 9/4/18.
Accession Number: 20180904–5074.
Comments Due: 5 p.m. ET 9/25/18.

Docket Numbers: ER18–2374–000.
Applicants: Southwestern Electric Power Company.
Description: § 205(d) Rate Filing: Hope PSA to be effective 8/1/2018.
Filed Date: 9/4/18.
Accession Number: 20180904–5080.
Comments Due: 5 p.m. ET 9/25/18.

Docket Numbers: ER18–2375–000.
Applicants: Tampa Electric Company
Description: § 205(d) Rate Filing: Underfrequency Load Shedding Update to be effective 9/5/2018.
Filed Date: 9/4/18.
Accession Number: 20180904–5135.

Comments Due: 5 p.m. ET 9/25/18.

Docket Numbers: ER18–2376–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Bylaws to Incorporate a De Minimis Investment Methodology to be effective 11/3/2018.

Filed Date: 9/4/18.

Accession Number: 20180904–5146.

Comments Due: 5 p.m. ET 9/25/18.

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: September 4, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–19559 Filed 9–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–195–000]

NorthWestern Corporation; Notice of Petition for Declaratory Order

Beaver Creek Wind I, LLC	QF17–672–002
Beaver Creek Wind II, LLC	QF17–673–003
Beaver Creek Wind III, LLC	QF17–674–002
Beaver Creek Wind IV, LLC	QF17–675–002

Take notice that on August 31, 2018, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207 and Rule 292.207(d) of the Commission's regulations under sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA),[1] 18 CFR 292.207(d), NorthWestern Corporation, (Petitioner) filed a petition for declaratory order (petition) requesting that the Commission revoke the Qualifying Facility status of Beaver Creek Wind I, LLC, Beaver Creek Wind II, LLC, Beaver Creek Wind III, LLC and Beaver Creek Wind IV, LLC, all as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the 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 proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on October 1, 2018.

Dated: September 4, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–19556 Filed 9–7–18; 8:45 am]

BILLING CODE 6717–01–P

[1] 16 U.S.C. 791A–825r.

FARM CREDIT ADMINISTRATION

[NV–18–13]

Equal Employment Opportunity and Diversity

AGENCY: Farm Credit Administration.

ACTION: Policy statement.

SUMMARY: The Farm Credit Administration (FCA) Board recently updated its Policy Statement on Equal Employment Opportunity and Diversity.

DATES: *The policy went into effect on* September 4, 2018.

FOR FURTHER INFORMATION CONTACT: Thais Burlew, Director of Equal Employment Opportunity and Inclusion, (703) 883–4290, TTY (703) 883–4352, *burlewt@fca.gov.*

SUPPLEMENTARY INFORMATION: While not required by law, the Equal Employment Opportunity Commission (EEOC) has determined that reissuance of an agency's EEO policy statement each fiscal year is a symbol of the agency leadership's commitment to EEO and Diversity principles. The FCA conducted its annual review of Policy Statement FCA–PS–62 on Equal Employment Opportunity (EEO) and Diversity. The only changes to this Policy Statement are minor technical changes and a minor change to reflect revisions to the regulations implementing the Rehabilitation Act.

The text of the updated Policy Statement is set forth below in its entirety. All FCA Board policy statements may be viewed on FCA's website. From *www.fca.gov,* select ''Laws & Regulations,'' then select ''FCA Handbook,'' then select ''FCA Board Policy Statements.''

Equal Employment Opportunity and Diversity

FCA–PS–62

Effective Date: September 4, 2018.

Previous Action: [BM–12–SEP–02–02] (70 FR 71142, 11/25/05); [BM–13–JUL–06–03] (71 FR 46481, 8/14/06); [NV–11–15, 7/08/11]; [NV–13–19] (78 FR 51187, 8/20/13); [NV–14–15] (79 FR 50908, 8/26/14); [NV–15–10] (80 FR 51806, 8/26/15); [NV–16–14] (81 FR 53482, 8/12/16). Replaces FCA–PS–62 [NV–17–24] dated August 24, 2017 (82 FR 41258, 8/31/17).

Source of Authority: Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e *et seq.*); Age Discrimination in Employment Act (29 U.S.C. 621 *et seq.*); Section 501 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 791); Equal Pay Act of 1974 (29 U.S.C. 206(d)); Civil Service Reform Act of 1978 (5 U.S.C. 3112); Notification

and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) (5 U.S.C. 2301); Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff *et seq.*); section 5.9 of the Farm Credit Act of 1971, as amended (12 U.S.C. 2243); Executive Order 11478 (Equal Employment Opportunity in the Federal Government), as amended by Executive Order 13152 to include a prohibition on discrimination based on status as a parent; Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency); 29 CFR part 1614; Equal Employment Opportunity Commission Management Directives.

The Farm Credit Administration Board Hereby Adopts the Following Policy Statement:

Purpose

The Farm Credit Administration (FCA or Agency) Board reaffirms its commitment to Equal Employment Opportunity (EEO) and Diversity (EEOD) and its belief that all FCA employees should be treated with dignity and respect. The Board also provides guidance to Agency management and staff for deciding and taking action in these critical areas.

Importance

Unquestionably, the employees who comprise the FCA are its most important resource. The Board fully recognizes that the Agency draws its strength from the dedication, experience, and diversity of its employees. The Board is firmly committed to taking whatever steps are needed to protect the rights of its staff and to carrying out programs that foster the development of each employee's potential. We believe an investment in efforts that strongly promote EEOD will prevent the conflict and the high costs of correction for taking no, or inadequate, action in these areas.

The Farm Credit Administration (FCA) Board Adopts the Following Policy Statement

It is the policy of the Farm Credit Administration (FCA or Agency) to prohibit discrimination in Agency policies, program practices, and operations. Employees, applicants for employment, and members of the public who seek to take part in FCA programs, activities, and services will be treated fairly. The FCA Board Chairman and Chief Executive Officer (CEO) is ultimately responsible for ensuring that FCA meets all EEOD requirements and initiatives in accordance with laws and regulations, to maintain a workplace that is free from discrimination and that values all employees. FCA, under the appropriate laws and regulations, will:

- Ensure equal employment opportunity based on merit and qualification, without discrimination because of race, color, religion, sex (including sexual orientation), age (40 or older), national origin, disability, status as a parent, genetic information, or filing of a complaint, participation in discrimination or harassment complaint proceedings, or other opposition to discrimination;
- Provide for the prompt and fair consideration of complaints of discrimination;
- Make reasonable accommodations for qualified applicants for employment and employees with physical or mental disabilities, and provide personal assistance services to employees with targeted disabilities, as provided under the Rehabilitation Act and its implementing regulations;
- Make reasonable accommodations based on applicants' and employees' religious beliefs or practices, consistent with Title VII;
- Provide an environment free from harassment to all employees;
- Create and maintain an organizational culture that recognizes, values, and supports employee and public diversity and inclusion;
- Develop objectives within the Agency's operation and strategic planning process to meet the goals of EEOD and this policy;
- Implement affirmative programs to carry out this policy within the Agency; and
- To the extent practicable, seek to encourage the Farm Credit System to continue its efforts to promote and increase diversity.

Diversity and Inclusion

The FCA intends to be a model employer. That is, as far as possible, FCA will build and maintain a workforce that reflects the rich diversity of individual differences evident throughout this Nation. The Board views individual differences as complementary and believes these differences enrich our organization. When individual differences are respected, recognized, and valued, diversity becomes a powerful force that can contribute to achieving superior results. Therefore, we will create, maintain, and continuously improve on an organizational culture that fully recognizes, values, and supports employee diversity. The Board is committed to promoting and supporting an inclusive environment that provides to all employees, individually and collectively, the chance to work to their full potential in the pursuit of the Agency's mission. We will provide everyone the opportunity to develop to his or her fullest potential. When a barrier to someone achieving this goal exists, we will strive to remove this barrier.

Affirmative Employment

The Board reaffirms its commitment to ensuring FCA conducts all of its employment practices in a nondiscriminatory manner. The Board expects full cooperation and support from everyone associated with recruitment, selection, development, and promotion to ensure such actions are free of discrimination. All employees will be evaluated on their EEOD achievements as part of their overall job performance. Though staff commitment is important, the role of supervisors is paramount to success. Agency supervisors must be coaches and are responsible for helping all employees develop their talents and give their best efforts in contributing to the mission of the FCA.

Workplace Harassment

It is the policy of the FCA to provide a work environment free from unlawful discrimination in any form, and to protect all employees from any form of harassment, either physical or verbal. The FCA will not tolerate harassment in the workplace for any reason. The FCA also will not tolerate retaliation against any employee for reporting harassment or for aiding in any inquiry about reporting harassment. FCA begins prompt, thorough, and impartial investigations within 10 days of receiving notice of harassment allegations.

Disabled Veterans Affirmative Action Program (DVAAP)

A disabled veteran is defined as someone who is entitled to compensation under the laws administered by the Veterans Administration or someone who was discharged or released from active duty because of a service-connected disability.

The FCA is committed to increasing the representation of disabled veterans within its organization. Our Nation owes a debt to those veterans who served their country, especially those who were disabled because of service. To honor these disabled veterans, the FCA shall place emphasis on making vacancies known to and providing opportunities for employing disabled veterans.

Dated this 4th day of September 2018.

By order of the Board.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2018–19545 Filed 9–7–18; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate Receivership

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver) as Receiver for the institution listed below intends to terminate its receivership for said institution.

NOTICE OF INTENT TO TERMINATE RECEIVERSHIP

Fund	Receivership name	City	State	Date of appointment of Receiver
10436	Inter Savings Bank, FSB d/b/a InterBank, FSB	Maple Grove	MN	4/27/2012

The liquidation of the assets for the receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing, identify the receivership to which the comment pertains, and sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated at Washington, DC, on September 5, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–19508 Filed 9–7–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of Receiverships

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for each of the following insured depository institutions, was charged with the duty of winding up the affairs of the former institutions and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

NOTICE OF TERMINATION OF RECEIVERSHIPS

Fund	Receivership name	City	State	Termination date
4632	BestBank	Boulder	CO	9/1/2018
10083	Vineyard Bank, National Association	Rancho Cucamonga	CA	9/1/2018
10096	Peoples Community Bank	West Chester	OH	9/1/2018
10204	First Lowndes Bank	Fort Deposit	AL	9/1/2018
10266	Home Valley Bank	Cave Junction	OR	9/1/2018
10519	Trust Company Bank	Memphis	TN	9/1/2018

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination dates listed above, the Receiverships have been terminated, the Receiver has been discharged, and the Receiverships have ceased to exist as legal entities.

Dated at Washington, DC, on September 5, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–19507 Filed 9–7–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 011931–009.

Agreement Name: CMA CGM/Marfret Vessel Sharing Agreement for PAD Service.

Parties: CMA CGM S.A. and Compagnie Maritime Marfret.

Filing Party: Draughn Arbona; CMA CGM (America) LLC.

Synopsis: The amendment reverts the service string to a fortnightly service frequency. The parties request expedited review.

Proposed Effective Date: 10/15/2018.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/512.

Agreement No.: 201271.

Agreement Name: MED/USEC Vessel Sharing Agreement.

Parties: American President Lines, ltd.; APL Co. Pte. Ltd.; CMA CGM S.A.; COSCO Shipping Lines Co., Ltd.; COSCO Shipping Lines (Europe) GmbH; Hapag-Lloyd AG, Ocean Network Express Pte. Ltd.; OOCL (Europe) Limited; Orient Overseas Container Line Limited; and Yang Ming Marine Transport Corporation and Yangming (UK) Ltd.

Filing Party: Josh Stein; Cozen O'Connor.

Synopsis: The Agreement authorizes the Parties to charter and exchange space on their respective vessels in the Agreement trade and to enter into cooperative working arrangements in connection therewith. The Agreement covers the trades between ports in the Mediterranean (France, Italy, Malta, Morocco and Spain) and U.S. ports in the Atlantic coast range.

Proposed Effective Date: 10/15/2018.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/16275.

Dated: September 4, 2018.

Rachel Dickon,

Secretary.

[FR Doc. 2018–19467 Filed 9–7–18; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 24, 2018.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *West Town Bancorp, Inc., Raleigh, North Carolina;* to continue to engage in the sale and underwriting of credit-related insurance, pursuant to section 225.28(b)(11)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, September 5, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–19567 Filed 9–7–18; 8:45 am]

BILLING CODE 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 October 5, 2018.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Holata Micco, LLC, and Bowlegs Creek, LLC, both of Naples, Florida*; to become bank holding companies by acquiring voting shares of The Leaders Bank, Oak Brook, Illinois.

Board of Governors of the Federal Reserve System, September 5, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–19566 Filed 9–7–18; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice-WWICC–2018–03; Docket No. 2018–0003; Sequence No. 3]

World War One Centennial Commission; Notification of Upcoming Public Advisory Meeting

AGENCY: World War One Centennial Commission.

ACTION: Meeting notice.

SUMMARY: Notice of this meeting is being provided according to the requirements of the Federal Advisory Committee Act. This notice provides the schedule and agenda for the October 2, 2018 meeting of the World War One Centennial Commission (the Commission). The meeting is open to the public.

DATES: *Meeting date:* The meeting will be held on Tuesday, October 2, 2018, starting at 1:00 p.m. Central Daylight Time (CDT), and ending no later than 4:00 p.m. CDT.

Written Comments may be submitted to the Commission and will be made part of the permanent record of the Commission. Comments must be received by 5:00 p.m. Eastern Daylight Time (EDT), September 28, 2018.

ADDRESSES: The meeting will be held at Pritzker Military Museum and Library, 104 S Michigan Ave., Chicago, IL 60603 (2nd Floor). This location is handicapped accessible. The meeting will be open to the public. Persons attending are requested to refrain from using perfume, cologne, and other fragrances (see *http://www.access-board.gov/about/policies/fragrance.htm for more information*). Written Comments may be provided by email to *daniel.dayton@worldwar1centennial.org.* Contact Daniel S. Dayton at *daniel.dayton@worldwar1centennial.org* to register to comment during the meeting's 30-minute public comment period.

Registered speakers/organizations will be allowed five (5) minutes, and will need to provide written copies of their presentations. Requests to comment, together with presentations for the meeting, must be received by 5:00 p.m. EDT, on Friday, September 28, 2018. Please contact Mr. Dayton at the email address above to obtain meeting materials.

FOR FURTHER INFORMATION CONTACT: Daniel S. Dayton, Designated Federal Officer, World War 1 Centennial Commission, 701 Pennsylvania Avenue NW, 123, Washington, DC 20004–2608, 202–380–0725 (*Note:* this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The World War One Centennial Commission was established by Public Law 112–272 (as amended), as a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes. Under this authority, the Committee will plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I, encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I, facilitate and coordinate activities throughout the United States relating to the centennial of World War I, serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I, and develop recommendations for Congress and the President for commemorating the centennial of World War I. Notice of this meeting is being provided according to the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 10(a)(2).

Agenda

Tuesday October 2, 2018

Old Business:
- Acceptance of minutes of last meeting
- Public Comment Period

New Business:
- Executive Director's Report—Executive Director Dayton
- 2019 Signature Event Proposals—Executive Director Dan Dayton
- Financial Committee Report—Commissioner Dunning
- Education Committee Report—Commissioner O'Connell
- ACE Committee Report—Commissioner Monahan
- Memorial Report—Vice Chair Fountain
- Fundraising Report—Commissioner Sedgwick
- International Report—Commissioner Seefried

Other Business:
- Chairman's Report

Upcoming Meeting Dates
- January 22, 2019, *via phone*
- April 21–22, 2019, Washington, DC
- July 2019, Kansas City, MO

Motion to Adjourn

Dated: September 4, 2018.

Daniel S. Dayton,

Designated Federal Official, World War I Centennial Commission.

[FR Doc. 2018–19491 Filed 9–7–18; 8:45 am]

BILLING CODE 6820–95–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2017–0089]

Systematic Review and Final CDC Guideline on the Diagnosis and Management of Mild Traumatic Brain Injury Among Children

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice; availability of final guidance.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the availability of the Systematic Review and Final CDC Guideline on the Diagnosis and Management of Mild Traumatic Brain Injury Among Children.

DATES: CDC published the final Systematic Review and Final CDC Guideline on the Diagnosis and Management of Mild Traumatic Brain Injury Among Children on September 4, 2018 in *JAMA Pediatrics.*

FOR FURTHER INFORMATION CONTACT: Arlene I. Greenspan, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341. Telephone: (770) 488–4694; email: *duipinquiries@cdc.gov.*

SUPPLEMENTARY INFORMATION: On September 29, 2017, CDC published a notice in the **Federal Register** announcing the opening of a docket to obtain public comment on a Systematic Review of the evidence on the diagnosis, prognosis, and management of pediatric mild traumatic brain injury (mTBI), and an evidence-based Guideline that offers clinical recommendations for healthcare providers (82 FR 45588). CDC also provided an opportunity for public comments during the National Center for Injury Prevention and Control's Board of Scientific Counselors meeting on September 7, 2016 (81 FR 49657).

The Systematic Review and Guideline were developed through a rigorous process guided by the American Academy of Neurology methodology and 2010 National Academy of Sciences methodology for the development of evidence-based guidelines. An extensive review of the scientific literature, spanning 25 years of research, formed the basis of the Guideline.

The goal of the CDC Guideline is to help healthcare providers take action to improve the health of their pediatric patients with mTBI. The Guideline consists of 19 clinical recommendation sets that cover diagnosis, prognosis, and management and treatment. These recommendations are applicable to healthcare providers working in inpatient, emergency, primary, and outpatient care settings. CDC received comments on the draft Systematic Review and Guideline from two external peer reviewers:

☐ Both provided references for literature that was published following the close of the literature review period for the Guideline and Systematic Review. Both reviewers requested details about definitions of terms such as mTBI and concussion and how they are similar or different.

☐ Other comments focused on how an existing consensus statement on sports-related concussion aligns with CDC recommendations; lack of information available on children who never seek medical attention to highlight this current information gap; and specificity of the recommendations for clinicians in the acute care and outpatient settings.

CDC also received 10 public comments from professional organizations, academia, and the public:

☐ Five were from medical and clinical professional organizations. These groups shared their perspective on diagnosis and treatment of mTBI and how specialty groups are affected differently.

☐ Two were from community members and parents sharing their support of the work.

☐ One was from a commenter who did not provide an affiliation. The commenter shared concerns regarding how the level of evidence was graded.

☐ One was from a healthcare provider who shared citations for consideration.

☐ One was from an advocacy group that provided a comment outside the scope of the docket.

A summary of the revisions made to the final Systematic Review and Guideline based on external peer reviewer comments are posted in the Supporting Documents section of the docket (document titled ''Ped mTBI Guideline Response to Peer Reviewer Comments'').

CDC also revised the document based on public comments. For example, a few commenters expressed concern regarding recommendations not being applicable in the emergency care setting. As the clinical recommendations in the guideline were created for both the acute care and primary care setting, CDC added language to emphasize that the recommendations were drafted to be relevant for both settings. As another example, multiple comments were received regarding the content in the systematic review on the use of CT imaging. Commenters explained that current evidence that provides the basis for CT imaging focus on ruling out clinically-important traumatic brain injury among pediatric patients presenting with a TBI. In response, CDC revised the conclusion to specify that the recommendations are for children presenting with mTBI versus TBI of all severity levels in the acute care setting. All public and peer reviewer comments were carefully reviewed and considered to strengthen and improve the quality of the Systematic Review and Guideline. The final Systematic Review and Guideline on the Diagnosis and Management of Mild Traumatic Brain Injury Among Children can be found at *https://jamanetwork.com/journals/jamapediatrics/fullarticle/2698456?guestAccessKey=80a9ecdc-ea57-447d-a1b3-b4a87cadd40d* (Guideline) and *https://jamanetwork.com/journals/jamapediatrics/fullarticle/2698455?guestAccessKey=24b78e3d-571f-49fb-9daf-499d2b3e2cc1* (Systematic Review).

Dated: September 5, 2018.

Lauren Hoffmann,

Acting Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2018–19536 Filed 9–7–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Tribal Maternal, Infant, and Early Childhood Home Visiting Program Quarterly Performance Reporting Form.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF), Office of Child Care, in collaboration with the Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau, administers the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program, as authorized by Title V, Section 511 of the Social Security Act. The Administration for Children and Families administers the Tribal MIECHV Program while HRSA administers the State/Territory MIECHV Program. Tribal MIECHV discretionary grants support cooperative agreements to conduct community needs assessments; plan for and implement high-quality, culturally-relevant, evidence-based home visiting programs in at-risk tribal communities; establish, measure, and report on progress toward meeting performance measures in six legislatively-mandated benchmark areas; and conduct rigorous evaluation activities to build the knowledge base on home visiting among Native populations.

The proposed data collection form is as follows: In order to continuously monitor, provide grant oversight, quality improvement guidance, and technical assistance to Tribal MIECHV grantees, ACF is seeking to collect services utilization data on a quarterly basis. The Tribal MIECHV Quarterly Data Performance Reporting Form, is made up of five categories of data—program capacity, place-based services, family engagement, staff recruitment and retention and staff vacancies. This form will be used by Tribal MIECHV grantees that receive grants under the Tribal MIECHV Program to collect data in order to determine the caseload capacity grantees are achieving, where services are being delivered, the retention and attrition of enrolled families, and the retention and attrition of program staff on a quarterly basis.

Respondents: Tribal Maternal, Infant, and Early Childhood Home Visiting Program Managers. The information collection does not include direct interaction with individuals or families that receive the services.

ANNUAL BURDEN ESTIMATES

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Tribal MIECHV Grantees	Tribal MIECHV Quarterly Reporting Form.	25	4	24	2,400
Total					2,400

Estimated Total Annual Burden Hours: 2,400.

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chap 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments 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 of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert A. Sargis,

Reports Clearance Officer.

[FR Doc. 2018–19561 Filed 9–7–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3065]

Memorandum of Understanding Addressing Certain Distributions of Compounded Drug Products Between the States and the Food and Drug Administration; Revised Draft; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability; withdrawal.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the availability for public comment of a revised draft standard memorandum of understanding (MOU) entitled ''Memorandum of Understanding Addressing Certain Distributions of Compounded Drug Products Between the State of [insert State] and the U.S. Food and Drug Administration'' (revised draft standard MOU). The revised draft standard MOU describes the responsibilities of a State that chooses to sign the MOU in investigating and responding to complaints related to compounded drug products compounded in the State and distributed outside the State and in addressing the interstate distribution of inordinate amounts of compounded drug products.

FDA is also announcing the withdrawal of an earlier draft standard MOU entitled ''Memorandum of Understanding Addressing Certain Distributions of Compounded Human Drug Products Between the State of [insert State] and the U.S. Food and Drug Administration,'' which was issued in February 2015 (2015 draft standard MOU). The 2015 draft standard MOU is superseded by the revised draft standard MOU.

DATES: FDA is withdrawing its draft standard MOU that published on February 19, 2015 (80 FR 8874), as of September 10, 2018. Submit either electronic or written comments on the revised draft standard MOU by December 10, 2018, to ensure that the Agency considers your comment on this draft MOU before it begins work on the final version of the MOU. Submit either electronic or written comments on information collection issues under the Paperwork Reduction Act of 1995 by December 10, 2018 (see the ''Paperwork Reduction Act of 1995'' section of this document).

ADDRESSES: You may submit comments on the MOU at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–N–3065 for ''Memorandum of Understanding Addressing Certain Distributions of Compounded Drug Products Between the States and the Food and Drug Administration; Revised Draft; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the draft MOU to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft document.

FOR FURTHER INFORMATION CONTACT: Sara Rothman, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5197, Silver Spring, MD 20993–0002, 301–796–3110.

SUPPLEMENTARY INFORMATION:

I. Background

Section 503A of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 353a) describes the conditions that must be satisfied for drug products compounded by a licensed pharmacist or licensed physician to be exempt from the following sections of the FD&C Act: (1) Section 501(a)(2)(B) (21 U.S.C. 351(a)(2)(B)) (concerning current good manufacturing practice (CGMP) requirements), (2) section 502(f)(1) (21 U.S.C. 352(f)(1)) (concerning the labeling of drugs with adequate directions for use), and (3) section 505 (21 U.S.C. 355) (concerning the approval of drugs under new drug applications or abbreviated new drug applications).

One of the conditions to qualify for the exemptions listed in section 503A of the FD&C Act is that: (1) The drug product is compounded in a State that has entered into an MOU with FDA that addresses the distribution of inordinate amounts of compounded drug products interstate and provides for appropriate investigation by a State agency of complaints relating to drug products distributed outside such State or (2) if the drug product is compounded in a State that has not entered into such an MOU, the licensed pharmacist, pharmacy, or physician does not distribute, or cause to be distributed, compounded drug products out of the State in which they are compounded in quantities that exceed 5 percent of the total prescription orders dispensed or distributed by such pharmacy or physician (5 percent limit) (see section 503A(b)(3)(B)(i) and (ii) of the FD&C Act).

Section 503A(b)(3)(B) of the FD&C Act directs FDA to develop, in consultation with the National Association of Boards of Pharmacy (NABP), a standard MOU for use by the States in complying with section 503A(b)(3)(B)(i).

II. Previous Efforts To Develop a Standard MOU

In the **Federal Register** of January 21, 1999 (64 FR 3301), FDA announced the availability for public comment of a draft standard MOU, developed in consultation with NABP (1999 draft standard MOU). Over 6,000 commenters submitted comments on the 1999 draft standard MOU. Because of litigation over the constitutionality of the advertising, promotion, and solicitation provision in section 503A of the FD&C Act,[1] the draft standard MOU was not completed. In 2013, section 503A of the FD&C Act was amended by the Drug Quality and Security Act (DQSA) (Pub. L. 113–54) to remove the advertising, promotion, and solicitation provisions that were held unconstitutional, and FDA took steps to implement section 503A, including the provisions on the MOU. In the **Federal Register** of February 19, 2015 (80 FR 8874), FDA withdrew the 1999 draft standard MOU and issued the 2015 draft standard MOU for public comment. FDA received more than 3,000 comments on the 2015 draft standard MOU. By this notice, FDA is withdrawing the 2015 draft standard MOU, and the revised draft standard MOU made available today supersedes the 2015 draft standard MOU.

III. 503A Guidance

Immediately after the enactment of the DQSA, in December 2013, the Agency published a draft guidance on section 503A of the FD&C Act entitled ''Pharmacy Compounding of Human Drug Products Under Section 503A of the Federal Food, Drug, and Cosmetic Act'' (2013 draft 503A guidance) (see 78 FR 72901, December 4, 2013) announcing the availability of the draft guidance). The 2013 draft 503A guidance described FDA's proposed policy with regard to specific provisions of section 503A of the FD&C Act that require rulemaking or other action by FDA, such as the MOU provisions. Several commenters on the 2013 draft 503A guidance offered FDA their views on the MOU provisions of section 503A of the FD&C Act. FDA considered these comments in developing the 2015 draft standard MOU and the revised draft standard MOU it is issuing today. The final 503A guidance (available at *https://www.fda.gov/ucm/groups/fdagov-public/@fdagov-drugs-gen/documents/document/ucm469119.pdf*), published July 2, 2014 (see 79 FR 37742 announcing the availability of the final 503A guidance), states that FDA does not intend to enforce the 5 percent limit on distribution of compounded drug products out of the State in which they are compounded until after FDA has finalized an MOU and made it available to the States for their consideration and signature. After considering any comments on the revised draft standard MOU submitted to this docket, FDA intends to finalize the MOU and make it available for signature by individual States. FDA will determine at the time of publication of the final MOU how long it will allow States to consider whether to sign the MOU before FDA begins to enforce the 5 percent limit in those States that have not signed an MOU. As discussed below, FDA is proposing a 180-day period.

IV. Revised Draft Standard MOU

FDA has now developed a revised draft standard MOU on which it is soliciting public comment. FDA has consulted with NABP in developing this revised draft standard MOU. FDA also considered the comments submitted on the 2015 draft standard MOU, as well as comments on the MOU provisions it received in connection with the 2013 draft 503A guidance. Below, FDA has summarized and discussed key provisions of the revised draft standard MOU and, where appropriate, summarized changes that the Agency made in the revised draft standard MOU. Drug products intended for veterinary use, repackaged drug products, biological products subject to licensure through a biologics license application under section 351 of the Public Health Service Act (42 U.S.C. 262), and drug products compounded by outsourcing facilities are not the subject of the revised draft standard MOU.

A. Investigation of Complaints

The revised draft standard MOU provides that States that enter into the MOU will agree to:

- Investigate complaints relating to drug products compounded by a pharmacist in the State and distributed outside the State by a pharmacy, including complaints about adverse drug experiences or product quality issues to, among other things, take steps to assess whether there is a public health risk and whether such risk is adequately contained;
- Take action, in accordance with and as permitted by State law, to ensure that the relevant compounding pharmacy investigates the root cause of the problem and addresses any public health risk identified in relation to the complaint;
- Notify FDA as soon as possible, but no later than 3 business days, after receiving any complaints relating to a drug product compounded by a pharmacist in the State and distributed outside the State involving a serious adverse drug experience or serious

[1] The conditions of section 503A of the FD&C Act originally included restrictions on the advertising or promotion of the compounding of any particular drug, class of drug, or type of drug and the solicitation of prescriptions for compounded drugs. These provisions were challenged in court and held unconstitutional by the U.S. Supreme Court in 2002. See *Thompson* v. *Western States Med. Ctr.,* 535 U.S. 357 (2002).

product quality issue, and provide FDA with certain information about the complaint, including the following:

○ Name and contact information of the complainant;

○ Name and address of the pharmacy/physician that is the subject of the complaint;

○ Description of the complaint, including a description of any compounded drug product that is the subject of the complaint; and

○ State's initial assessment of the validity of the complaint relating to a compounded drug product distributed outside the State, if available;

• Subsequent to this notification, provide FDA with the results (description and date of any State actions) of its investigation;

• Notify the appropriate regulator of physician compounding within the State of any complaints about adverse drug experiences or product quality issues related to drug products compounded by a physician in the State and distributed outside the State; and

• Maintain records of the complaints it receives, the investigation of each complaint, and any response to or action taken as a result of a complaint, beginning when the State receives notice of the complaint. The revised draft standard MOU says that the State agrees to maintain these records for at least 3 years, beginning on the date of final action or the date of a decision that the complaint requires no action.

The types of complaints of compounded drug products that should be investigated include *any* adverse drug experience and product quality issues. Even non-serious adverse drug experiences and product quality issues can be indicative of problems at a compounding facility that could result in product quality defects leading to serious adverse drug experiences if not corrected. For example, inflammation around the site of an injection can indicate drug product contamination from inadequate sterile practices at the compounding pharmacy. If the pharmacy has inadequate sterile practices, other more serious contamination could result in serious adverse events.

The revised draft standard MOU does not include specific directions to the States relating to how to conduct their investigation of complaints. Rather, as recommended by comments submitted to FDA previously, the details of such investigations are left to the States' discretion. For example, a State may review an incoming complaint describing an adverse drug experience and determine that such a complaint does not warrant further investigation. In other cases, a State may determine that an incoming complaint contains insufficient information and investigate further to determine appropriate action.

States signing the revised draft standard MOU would agree to notify FDA about certain complaints and provide FDA with certain information about the complaints so FDA could investigate the complaints itself, or take other appropriate action.[2] FDA received comments that it was not feasible for States to notify FDA of certain complaints within a 72-hour timeframe, as described in the 2015 draft standard MOU. Comments noted that gathering the information requested for submissions within just 72 hours might be difficult for States, particularly given that this period might overlap with a weekend or holiday. Some comments requested up to 7 days to provide the notification, but several others suggested that FDA revise the notification period to 3 *business* days. FDA has now revised the MOU to reflect the latter approach. The revise draft standard MOU provides that notification will occur as soon as possible, but no later than 3 business days after the State receives the complaint. This period will continue to facilitate early Federal/State collaboration on serious adverse drug experiences and serious product quality issues that have the potential to affect patients in multiple States, while providing for notification in a time frame that is more feasible for the States. We note that FDA has staff on call 24 hours a day to receive information in emergency situations.

Comments also expressed concern that certain provisions regarding complaint investigation that States entering into the MOU would agree to may require States to take action not permitted by State law and may imply that, after taking action, the State has made a legal determination that the complaint has been resolved. The revised draft standard MOU clarifies that the State should investigate and take action that the State considers to be appropriate with respect to the complaint in accordance with and as permitted by State law. FDA has also clarified that, by signing the MOU, the State agrees to assess the existence of a public health risk associated with the complaint and whether such risk is adequately contained rather than make definitive determinations of risk or confirm containment.

[2] FDA is currently considering whether to propose regulations or issue guidance documents to further its implementation of section 503A(b)(3)(B) of the FD&C Act. Notice of any such action will be provided in the **Federal Register**.

B. Inordinate Amounts

The revised draft standard MOU provides that States that enter into the MOU will agree to:

• On an annual basis (at minimum), identify, using surveys, reviews of compounding records during inspections of compounding pharmacies, or other mechanisms available to the State, compounding pharmacies that distribute inordinate amounts of compounded drug products interstate by collecting information regarding the following:

○ Total number of prescription orders for compounded drug products distributed or dispensed intrastate, and

○ Total number of prescription orders for compounded drug products distributed interstate;

• If the State becomes aware of a physician who is distributing compounded drug products interstate, coordinate with the appropriate regulator of physician compounding within the State to determine, using surveys, reviews of records during inspections, or other mechanisms available to the State, whether the physician distributes inordinate amounts of compounded drug products interstate by collecting information regarding the following:

○ Total number of prescription orders for compounded drug products distributed or dispensed intrastate, and

○ Total number of prescription orders for compounded drug products distributed interstate;

• For pharmacies or physicians that have been identified as distributing inordinate amounts of compounded drug products interstate, collect information regarding the following:

○ Total number of prescription orders for sterile compounded drugs distributed interstate;

○ Number of States in which the compounding pharmacy or physician is licensed or into which the compounding pharmacy or physician distributes compounded drug products; and

○ Whether the State inspected for and found during its most recent inspection that the compounding pharmacy or physician distributed compounded drug products without valid prescriptions for individually identified patients;

• Notify FDA if the State identifies any pharmacy or physician within its jurisdiction that has distributed inordinate amounts of compounded drug products interstate; and

• Provide FDA with the following information regarding pharmacies or physicians that distributed inordinate amounts of compounded drug products interstate:

○ Name and address of the pharmacy/physician;

○ Total number of prescription orders for compounded drug products distributed or dispensed intrastate;

○ Total number of prescription orders for compounded drug products distributed interstate;

○ Total number of prescription orders for sterile compounded drugs distributed interstate,

○ Number of States in which the compounding pharmacy or physician is licensed or into which it distributes compounded drug products, and

○ Whether the State inspected for and found during its most recent inspection that the compounding pharmacy or physician distributed compounded drug products without valid prescriptions for individually identified patients.

In the revised draft standard MOU, a pharmacy or physician is considered to have distributed an inordinate amount of compounded drug products interstate if the number of prescription orders for compounded drug products distributed interstate during any calendar month is greater than 50 percent of the number of prescription orders for compounded drug products dispensed or distributed both intrastate and interstate by such pharmacy or physician during that calendar month. This concept would be called the 50 percent threshold.

Section 503A of the FD&C Act reflects Congress' recognition that compounding may be appropriate when it is based on receiving a valid prescription or notation from a prescribing practitioner for an identified individual patient. However, drug products compounded under section 503A are not required to demonstrate that they are safe or effective, bear adequate directions for use, or conform to CGMP. Congress, therefore, imposed strict limits on the distribution of drug products compounded under section 503A to protect the public health and the integrity of the drug approval process.

In particular, Congress did not intend for compounders operating under these statutory provisions to grow into conventional manufacturing operations making unapproved drugs, operating a substantial proportion of their business interstate, without adequate oversight. Although other provisions of the FD&C Act apply to State-licensed pharmacies and physicians that may qualify for the exemptions under section 503A of the FD&C Act (*e.g.,* the adulteration provisions for making drugs under insanitary conditions), and although FDA may take action in appropriate cases against compounders that violate these provisions or that operate outside of the conditions in section 503A, Congress recognized that these compounders are primarily overseen by the States. If a substantial proportion of a compounder's drugs are distributed outside a State's borders, adequate regulation of those drugs poses significant challenges to State regulators. States face logistical, regulatory, and financial challenges inspecting compounders located outside of their jurisdiction. In addition, if a compounder distributes drugs to multiple States, it can be very difficult to gather the scattered information about possible adverse events associated with those drugs, connect them to the compounder, and undertake coordinated action to address a potentially serious public health problem.

Therefore, as a baseline measure, section 503A(b)(3)(B) of the FD&C Act limits the distribution of compounded drug products outside of the State in which they are compounded to 5 percent of the total prescription orders dispensed or distributed by a licensed pharmacist, pharmacy or physician. It then directs FDA, in consultation with NABP, to develop a standard MOU that addresses the distribution of inordinate amounts of compounded drug products interstate and provides for appropriate investigation by a State agency of complaints relating to drug products compounded in and distributed outside such State. Implementation of this provision involves FDA describing what inordinate amounts means and providing a mechanism for addressing interstate distribution of inordinate amounts of compounded drug products, as long as the States agree to appropriately investigate complaints relating to drug products compounded in and distributed out of the State.

In the 2015 draft standard MOU, FDA proposed that distribution interstate up to a 30 percent limit would not be inordinate, and that States entering into the MOU would agree to take action regarding pharmacists, pharmacies, or physicians that distribute inordinate amounts of compounded drugs interstate. FDA received a number of comments indicating that certain pharmacies, such as pharmacies located near state borders and home infusion pharmacies, distribute more than 30 percent of their compounded drugs to patients interstate because, for example, the patients are located in another nearby State, or because few pharmacies compound a particular drug to treat an uncommon condition for patients dispersed throughout the country. The comments noted that the proposed definition of inordinate amounts and the proposed provision in which States agree to take action could prevent such pharmacies from fulfilling patients' medical needs for the drugs that they supply. Other comments expressed concern about instances in which pharmacies are located near a State border and distribute compounded drugs to the other side of that border. FDA also received general comments questioning the Agency's basis for the 30 percent limit and indicating that it was too low. Some comments suggested that FDA increase the limit, including a suggestion to increase it to 50 percent.

The revised draft standard MOU addresses these comments in two respects. First, it would remove the provision in the 2015 draft standard MOU that States agree to take action with respect to the distribution of inordinate amounts of compounded drug products interstate. Second, it would change what is considered ''inordinate amounts'' from a 30 percent limit to a 50 percent threshold.

With respect to State action, the revised draft standard MOU instead provides that States entering into the MOU would agree to inform FDA of compounders that have distributed an inordinate amount of compounded drug products interstate. The Agency does not intend to take action against a compounder located in a State that has entered into the MOU solely because the compounder has exceeded the threshold for inordinate amounts. Rather, FDA proposes that States collect further information on compounders that have distributed inordinate amounts interstate and provide this information to FDA to help inform inspectional priorities.

States generally have day-to-day oversight responsibilities over State-licensed pharmacies, pharmacists, and physicians. In general, FDA considers a pharmacy or physician that distributes the majority of its compounded drugs intrastate to be primarily overseen by the State, which is responsible both for regulation of the compounder and protection of its citizens who receive the compounded drugs. However, as discussed above, if a substantial proportion of a compounder's drugs is distributed outside a State's borders, adequate regulation of those drugs poses significant challenges to State regulators. In such cases, although State oversight continues to be critical, additional oversight by FDA may afford an important public health benefit.

As stated above, in the revised draft standard MOU, FDA proposes eliminating the 30 percent limit and instead establishing 50 percent as the threshold beyond which the amount of compounded drugs distributed

interstate would be considered inordinate. Under this proposal, the threshold triggers an information collection and reporting obligation once it is reached. The Agency believes that more than 50 percent is an appropriate measure of ''inordinate amounts'' because it marks the point at which pharmacies and physicians are distributing the majority of their compounded drug products interstate, and the regulatory challenges associated with interstate distributors discussed above become more pronounced. At this tipping point, the risk posed by the distribution practices of the compounder may weigh in favor of additional Federal oversight in addition to State oversight.

FDA recognizes that in some cases, compounders may distribute more than 50 percent of a small quantity of compounded drug products to contiguous States. Although such compounders have exceeded the inordinate amounts threshold proposed in the revised draft standard MOU, FDA would consider other information, such as the number of patients that will receive the compounded drugs, if available, when assessing the compounders' priority for risk-based inspection. Accordingly, when a State identifies a pharmacy or physician that distributes an inordinate amount of compounded drug products interstate, the draft standard MOU provides that the State would supply the Agency with: (1) Information about the total number of prescription orders for compounded drug products that it distributed or dispensed intrastate; (2) the total number of prescription orders for compounded drug products that it distributed interstate; (3) the total number of prescription orders for sterile compounded drug products that it distributed interstate; (4) the number of States in which the compounder is licensed; and (5) whether the State inspected for and found during its most recent inspection that the compounding pharmacy or physician distributed compounded drug products without valid prescriptions for individually identified patients. FDA intends to use this information to prioritize its inspections of compounders based on risk, focusing on those that appear likely to distribute large volumes of compounded drug products, particularly when the distribution is to multiple States, the drug products are intended to be sterile, and there is information about a lack of valid prescriptions for individually identified patients.

FDA has further revised the calculation of inordinate amounts as follows. The 2015 draft standard MOU provided that a compounder is considered to have distributed an inordinate amount of compounded drug products interstate if the number of units of compounded drug products distributed interstate during any calendar month is equal to or greater than 30 percent of the number of units of compounded and non-compounded drug products distributed or dispensed both intrastate and interstate by such compounder during that calendar month. FDA received comments noting that because the calculation includes both compounded and non-compounded drug products, in many cases, a substantial factor in whether a compounder has distributed an inordinate amount of compounded drug products interstate is whether the compounder offers non-compounded drug products. For example, under that policy, many specialty compounding pharmacies that engage in interstate distribution and only distribute compounded drug products would be able to distribute fewer compounded drug products interstate before reaching an inordinate amount than a pharmacy that also fills prescriptions for non-compounded drug products, even if both pharmacies produced the same amount of compounded drug products. After considering the public comments, FDA does not believe that including non-compounded drug products within the calculation of inordinate amounts would help address the public health concerns associated with sending compounded drug products out of State that Congress sought to address in section 503A(b)(3)(B) of the FD&C Act. Accordingly, for purposes of the revised draft standard MOU, FDA is proposing to exclude consideration of non-compounded drug products from the calculation of inordinate amounts so that the denominator is determined by solely referencing compounded drug products.[3]

C. Definitions

Appendix A in the revised draft standard MOU defines key terms used in the MOU. FDA is retaining the definitions of ''adverse drug experience,'' ''serious adverse drug experience,'' ''product quality issue,'' and ''serious product quality issue'' from the 2015 draft standard MOU.

The revised draft standard MOU also defines ''distribution.'' With respect to that definition, for purposes of the revised draft standard MOU, FDA proposes that distribution means that a compounder has sent a compounded drug product out of the facility in which the drug was compounded. Such distribution may include, but is not limited to, delivery or shipment to a physician's office, hospital, or other health care setting for administration, and dispensing the drug product by sending it to a patient for the patient's own use. This definition is revised from the 2015 draft standard MOU and is intended to address stakeholder comments and to better effectuate the purposes of section 503A of the FD&C Act.

In the 2015 draft standard MOU, FDA proposed to define the term ''distribution'' to include, among other things, dispensing of a compounded drug product to a patient for the patient's own use. We received a number of comments on the 2015 draft standard MOU stating that distributing and dispensing are mutually exclusive activities, such that if a drug product is distributed, it is not also dispensed, and vice versa. Some comments asserted, in particular, that a compounded drug product should not be considered to be ''distributed'' when it is provided pursuant to a prescription. Other stakeholders, however, agreed with the inclusion of drug products provided pursuant to a prescription within the definition of ''distribution'' and maintained that this interpretation was important to protect the public health.

After considering these comments and the public health objectives of section 503A(b)(3)(B) of the FD&C Act, we have proposed to revise the definition of distribution to exclude dispensing that occurs at the facility in which the drug was compounded. We intend to consider that when a drug is picked up in this way, dispensing, but not distribution, occurs for purposes of calculating ''inordinate amounts'' under the MOU or applying the 5 percent limit in section 503A(b)(3)(B)(ii) of the FD&C Act.

FDA proposes that in-person dispensing, where the transaction between the compounder and the patient is completed without the compounded drug leaving the facility in which it was compounded, is appropriately overseen, primarily, by the State outside the context of the MOU, regardless of whether the compounded drug product subsequently leaves the State. Such an intrastate, local transaction generally indicates a close connection among the patient, compounder, and prescriber. By contrast, transactions by mail often have a less direct nexus among the patient, compounder, and prescriber than in-

[3] FDA also intends to exclude non-compounded drugs from the calculation of the 5 percent limit in section 503A(b)(3)(B)(ii).

person pickups and would be considered ''distributions.''

Under this revised proposed definition, drugs dispensed in-person that are later taken out of State would not contribute to reaching the threshold for inordinate amounts that would need to be reported to FDA under the MOU. Nor would complaints associated with compounded drug products dispensed this way and subsequently taken out of State be subject to the complaint investigation provisions of the MOU. FDA expects that, in practice, the State in which the initial transaction occurred would handle such complaints. The State may, in its discretion, notify FDA of the complaint. We recognize that including in-person dispensing in the definition of ''distribution'' would result in complex tracking issues in instances when a patient subsequently crosses State lines. Under the proposed revised definition, the compounder would not need to track where the patient takes the compounded drug product after it is in the patient's possession.

FDA is not persuaded by comments on the 2015 draft standard MOU urging the Agency to interpret ''distribution'' and ''dispensing'' to be entirely separate activities for purposes of section 503A(b)(3)(B) of the FD&C Act. These comments recommend using definitions for these terms used elsewhere in the FD&C Act and FDA regulations, and generally conclude that distribution does not include the transfer of a drug pursuant to a prescription.

The conditions in section 503A, including section 503A(b)(3)(B), must be interpreted consistent with the prescription requirement in section 503A(a) of the FD&C Act. If we were to interpret the word ''distribution'' to apply only if a drug is provided without a prescription, it would mean that drug products compounded under section 503A of the FD&C Act are excluded from regulation under the MOU and the 5 percent limit, because to qualify for the exemptions under section 503A, a compounder must obtain a valid prescription order for an individually identified patient. For the reasons stated previously in section IV.B, we believe this would achieve the opposite of what Congress intended. A compounded drug product may be eligible for the exemptions under section 503A of the FD&C Act only if it is, among other things, ''compounded for an identified individual patient based on the receipt of a valid prescription order or a notation, approved by the prescribing practitioner, on the prescription order that a compounded product is necessary for the identified patient.''

Nor is there anything to suggest that Congress understood distributed and dispensed to be mutually exclusive categories rather than overlapping categories for purposes of section 503A of the FD&C Act. Section 503A(b)(3)(B) of the FD&C Act does not define ''distribution'' to exclude dispensing, which Congress has done elsewhere when that was its intention.[4] The definition proposed by comments would write an exclusion for dispensing, in its entirety, into the statute where Congress did not. Indeed, with respect to comments suggesting that drugs dispensed pursuant to prescriptions could not also be ''distributed,'' we note that, in section 503A(b)(3)(B) of the FD&C Act, Congress specifically contemplated that prescription orders could be ''distributed'' when it directed the Agency to count the number of prescription orders that pharmacists and prescribers distributed.

V. Other Issues

A. Development of a Standard MOU

A number of comments on the 1999 draft standard MOU, the 2013 draft 503A guidance, and the 2015 draft standard MOU suggested that FDA negotiate MOUs with individual States, rather than develop a standard MOU. Section 503A of the FD&C Act requires the Agency to develop a standard MOU for use by the States. Furthermore, it would be impractical to develop an individualized MOU with every State, and creating individualized MOUs would create a patchwork of regulation of interstate distribution by compounders seeking to qualify for the exemptions under section 503A of the FD&C Act. This would be confusing to the health care community, as well as regulators.

[4] In other (non-compounding) contexts, where it would further a regulatory purpose, Congress and the Agency have specifically defined ''distribute'' to exclude dispensing. See, for example, section 581(5) of the FD&C Act (21 U.S.C. 360eee(5)), which applies to Title II of the DQSA, and 21 CFR 208.3. Section 503A of the FD&C Act does not contain a similar definition or a similar specific direction to exclude dispensing from the meaning of distribution. We also note that these definitions were adopted for provisions that focus on conventionally manufactured drug products, which assign different obligations to dispensers than to wholesalers, packagers, or other intermediaries in light of the different role that dispensers play with respect to product labeling and the drug distribution chain. In contrast, section 503A of the FD&C Act focuses on compounded drugs, and the reasons for defining ''distribution'' to exclude dispensing in Title II of the DQSA or part 208 do not apply.

B. Exemptions From the Interstate Distribution Provisions

Some comments on the 2013 draft 503A guidance and the 2015 draft standard MOU requested that we consider exempting certain drug products or types of compounding entities from the threshold in the MOU and the 5 percent limit. For example, some comments recommended that we exempt nonsterile products.

American consumers rely on the FDA drug approval process to ensure that medications have been evaluated for safety and effectiveness before they are marketed in the United States. Drugs made by compounders, including those made at outsourcing facilities, are not FDA-approved. This means that they have not undergone premarket review of safety, effectiveness, or manufacturing quality. Therefore, when an FDA-approved drug is commercially available, FDA recommends that practitioners prescribe the FDA-approved drug rather than a compounded drug unless the prescribing practitioner has determined that a compounded product is necessary for the particular patient and would provide a significant difference for the patient as compared to the FDA-approved commercially available drug product.

In section 503A of the FD&C Act, Congress enacted several conditions to differentiate compounders from conventional manufacturers and provided that only if the compounders meet those conditions can they qualify for the exemptions from the drug approval requirements in section 505 of the FD&C Act. One of those conditions relates to limitations on the interstate distribution of compounded drug products, and FDA intends to enforce those provisions to differentiate compounding that qualifies for the exemptions from conventional manufacturing in the guise of compounding that does not, and will apply the conditions to all types of drugs and all categories of compounding.

C. Information Sharing Between States and FDA

The revised draft standard MOU provides that States will agree to notify FDA of any complaint relating to a compounded drug product distributed outside the State involving a serious adverse drug experience or serious product quality issue, and provide information about those events and issues. The revised draft standard MOU also provides that States will notify FDA if they identify a pharmacy or physician

within their jurisdiction that has distributed inordinate amounts of compounded drug products interstate.

FDA regularly posts on its compounding website information about enforcement and other actions related to compounders that violate the FD&C Act, and it is obligated to share certain information with States under section 105 of the DQSA. In addition to these measures, FDA is taking steps to proactively share information with States about complaints that it receives, consistent with Federal laws governing information disclosure.

D. Enforcement of the 5 Percent Limit on Distribution of Compounded Drug Products Out of the State in Which They Are Compounded

In the 503A guidance, FDA stated that it does not intend to enforce the 5 percent limit on distribution of compounded drug products outside of the State in which they are compounded until 90 days after FDA has finalized a standard MOU and made it available to the States for their consideration and signature. Most comments on the 2013 draft 503A guidance said this period was too short, but did not recommend a specific alternative. A few comments recommended a different timeframe, one recommending 120 days and another recommending 365 days. The 1997 Senate Committee Report for the Food and Drug Administration Modernization Act suggests that a 180-day period for States to decide whether to sign might be appropriate.[5] Consistent with the 2015 draft standard MOU, the Agency proposes a 180-day period after the final standard MOU is made available for signature before FDA will enforce the 5 percent limit in States that have not signed the MOU, and invites public comment on whether this is an appropriate timeframe. FDA will announce at the time it publishes the final standard MOU and makes it available for signature when it intends to begin enforcing the 5 percent limit in States that do not sign.

E. Physician Compounding

Several comments advised that State boards of pharmacy do not oversee physician compounding and would not be able to agree to perform the obligations under the 2015 draft standard MOU with respect to oversight of physician compounding.

FDA recognizes that physicians often do not indicate, as part of their State licensure, that they compound drug products, and that there may not be routine mechanisms, such as inspections, to determine the extent to which such physicians distribute compounded drugs interstate. It is also FDA's understanding that physicians who compound drugs generally do so for their own patients, within their own professional practice, and they distribute or dispense them intrastate. However, there is still the potential for widespread harm if physicians ship large percentages of compounded drugs interstate without State investigation of complaints associated with those compounded drugs. Accordingly, under the revised draft standard MOU, States would agree to: (1) Notify FDA and the appropriate State agency if they receive information about serious adverse drug experiences or serious product quality issues associated with drugs compounded by physicians and (2) if they become aware of a physician distributing compounded drugs interstate, coordinate with the regulator of physician compounding within the State to determine whether the physician distributes inordinate amounts of compounded drug products interstate and notify FDA of physicians that do so.

F. Prescription Orders

Commenters expressed that the meaning of the term ''units,'' which is used in the 2015 draft standard MOU to calculate the 30 percent limit, was unclear to them.

In the revised draft standard MOU, FDA has replaced the term ''unit'' with ''prescription order'' (*i.e.,* the inordinate amounts calculation uses numbers of prescription orders for compounded drug products). ''Prescription orders'' includes chart orders for patients made in a healthcare setting. For purposes of this MOU, each refill is considered to be a new prescription order.

VI. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)), requires Federal Agencies to provide a 60-day notice in the **Federal Register** for each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Section 503A of the FD&C Act describes, among other things, the circumstances under which certain drug products compounded by a licensed pharmacist or licensed physician are exempt from certain sections of the FD&C Act. One of the conditions to qualify for the exemptions listed in section 503A of the FD&C Act is that: (1) The drug product is compounded in a State that has entered into an MOU with FDA that addresses the distribution of inordinate amounts of compounded drug products interstate and provides for appropriate investigation by a State agency of complaints relating to compounded drug products distributed outside such a State or (2) if the drug product is compounded in a State that has not entered into such an MOU, the licensed pharmacist, pharmacy, or physician does not distribute, or cause to be distributed, compounded drug products out of the State in which they are compounded, more than 5 percent of the total prescription orders dispensed or distributed by such pharmacy or physician (see section 503A(b)(3)(B)(i) and (ii).

Section 503A(b)(3) directs FDA, in consultation with the NABP, to develop a standard MOU for use by States in complying with the provisions concerning the interstate distribution of inordinate amounts of compounded drug products interstate and appropriate investigation by a State agency of complaints relating to drug products compounded in the State and distributed outside such State.

[5] ''[U]ntil the State . . . enters into a memorandum of understanding (MOU) with the Secretary or 180 days after the development of the standard MOU, whichever comes first, the [section 503A] exemption shall not apply if inordinate quantities of compounded products are distributed outside of the State in which the compounding pharmacy or physician is located.'' (U.S. Senate Committee Report)

The revised draft standard MOU contains the information collections that must be approved by OMB under the PRA. These information collections are described in this section of the document. For purposes of this analysis, FDA assumes that 45 States will sign the standard MOU with FDA.

Under section III.a. of the revised draft standard MOU, the State will notify FDA by email at *StateMOU@fda.hhs.gov* as soon as possible, but no later than 3 business days, after receiving any complaint relating to a compounded drug product distributed outside the State involving a serious adverse drug experience or serious product quality issue. The notification will include the following information: (1) The name and contact information of the complainant; (2) the name and address of the pharmacy or physician that is the subject of the complaint; (3) a description of the complaint, including a description of any compounded drug product that is the subject of the complaint; and (4) the State's initial assessment of the validity of the complaint relating to a compounded drug product distributed outside the State, if available. In addition, the States will maintain records of the complaints they receive, the investigation of each complaint, and any response to or action taken as a result of a complaint, beginning when the State receives notice of the complaint. The States will maintain these records for at least 3 years, beginning on the date of final action or the date of a decision that the complaint requires no action.

Based on our knowledge of State regulation of compounding practices and related complaints, we estimate that annually a total of approximately 45 States (''no. of respondents'' in table 1, row 2) will notify FDA within 3 business days of receiving any complaint relating to a compounded drug product distributed outside the State involving a serious adverse drug experience or serious product quality issue. We estimate that each State will notify FDA annually of approximately 3 complaints it receives (''no. of responses per respondent'' in table 1, row 2), for a total of 135 notifications of complaints sent to FDA (''total annual responses'' in table 1, row 2). We estimate that preparing and submitting this information to us as described in the MOU will take approximately 0.5 hours per response (''average burden per response'' in table 1, row 1), for a total of 67.5 hours (''total hours'' in table 1, row 2).

We also estimate that a total of approximately 45 States (''no. of recordkeepers'' in table 2) will prepare and maintain records for 3 years of the complaints they receive, investigations of complaints, and any State action taken or response to complaints. We estimate that each State will receive approximately 3 complaints annually and will prepare and maintain approximately 5 records per each complaint the State receives, for a total of 15 records per State (''no. of records per recordkeeper'' in table 2), and a total of 675 records annually across all States (''total annual records'' in table 2). We further estimate that preparing and maintaining these records will take approximately 1 hour per record (''average burden per recordkeeping (in hours)'' in table 2), for a total of 675 hours (''total hours'' in table 2).

Under section III.b of the revised draft standard MOU, on an annual basis (at minimum), the State will identify, using surveys, reviews of records during inspections, or other mechanisms available to the State, compounding pharmacies that distribute inordinate amounts of compounded drug products interstate by collecting information regarding the total number of prescription orders for compounded drug products distributed or dispensed intrastate and the total number of prescription orders for compounded drug products distributed interstate. Similarly, the State will engage in the same efforts to collect this information if it becomes aware of a physician who is distributing compounded drug products interstate. If a pharmacy or physician has been identified as distributing inordinate amounts of compounded drug products interstate, the State will also collect information regarding: (1) The total number of prescription orders for sterile compounded drug products distributed out of State; (2) the number of States in which the compounding pharmacy or physician is licensed or number of States into which the compounding pharmacy or physician distributes compounded drug products; and (3) whether the State inspected for and found during its most recent inspection that the compounding pharmacy or physician distributed compounded drug products without valid prescriptions for individually identified patients.

The States will notify FDA by email at *StateMOU@fda.hhs.gov* within 30 days of identifying a pharmacy/physician within their jurisdiction that has distributed inordinate amounts of compounded drug products interstate, as described in the revised draft standard MOU. The notification should include the name and address of the pharmacy/physician and the information that the States collected, described in the previous paragraph.

We estimate that annually a total of approximately 45 States (''no. of respondents'' in table 1, row 3) will identify compounding pharmacies or physicians that distribute inordinate amounts of compounded drug products interstate. We estimate that each State will perform surveys or inspections of 150 pharmacies or physicians to identify this information (''no. of responses per respondent'' in table 1, row 3). We estimate that this will take approximately 1 hour per response (''average burden per response'' in table 1, row 3), for a total of 6,750 hours (''total hours'' in table 1, row 3). We estimate that annually a total of 40 States (''no. of respondents'' in table 1, row 4) will notify FDA of their finding that a pharmacy or physician has distributed inordinate amounts of compounded drug products interstate. We estimate that each State will notify FDA annually of approximately 50 findings it makes (''no. of responses per respondent'' in table 1, row 4), for a total of 200 notifications (''total annual responses'' in table 1, row 4). We estimate that preparing and submitting this information to FDA as described in the MOU will take approximately 0.5 hours per response (''average burden per response'' in table 1, row 4), for a total of 100 hours (''total hours'' in table 1, row 4).

Under section V of the revised draft standard MOU, a State may designate a new liaison to the MOU by notifying FDA's administrative liaison in writing. If a State's liaison becomes unavailable to fulfill its functions under the MOU, the State will name a new liaison within 2 weeks and notify FDA.

We estimate that annually a total of approximately 13 States (''no. of respondents'' in table 1, row 5) will notify FDA of a new liaison to the MOU. We estimate that each State will submit to FDA annually approximately 1 notification of a new liaison (''no. of responses per respondent'' in table 1, row 5), for a total of 13 notifications of a new liaison (''total annual responses'' in table 1, row 5). We estimate that preparing and submitting each notification as described in the MOU will take approximately 0.2 hours per response (''average burden per response'' in table 1, row 5), for a total of 2.6 hours (''total hours'' in table 1, row 5).

Under section VI of the revised draft standard MOU, a State may terminate its participation in the MOU by submitting to FDA a 30-day notice of termination.

We estimate that annually a total of approximately 1 State (''no. of

respondents'' in table 1, row 6) will notify FDA that it intends to terminate its participation in the MOU. We estimate that this State will submit to FDA annually approximately 1 notification of termination (''no. of responses per respondent'' in table 1, row 6), for a total of 1 notification (''total annual responses'' in table 1, row 6). We estimate that preparing and submitting the notification as described in the MOU will take approximately 0.2 hours per notification (''average burden per response'' in table 1, row 6), for a total of 0.2 hours (''total hours'' in table 1, row 6).

Under section VI of the revised draft standard MOU, if a State does not adhere to the provisions of the MOU, FDA may post a 30-day notice of termination on its website. As a result of this action by FDA, the State will notify all licensed pharmacists, pharmacies and physicians within the State of the termination and advise them that compounded drug products may be distributed (or caused to be distributed) out of the State only in quantities that do not exceed 5 percent of the total prescription orders dispensed or distributed by such pharmacy or physician.

We estimate that annually a total of approximately 1 State (''no. of respondents'' in table 3) will submit to the pharmacists, pharmacies, and physicians in its State 1 notification of termination as described in the MOU (''no. of disclosures per respondent'' in table 3), for a total of 1 notification of termination (''total annual disclosures'' in table 3). We estimate that preparing and submitting each notification will take approximately 1 hour per notification (''average burden per disclosure (in hours)'' in table 3), for a total of 1 hour (''total hours'' in table 3).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Compounding MOU between FDA and States	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
State notifies FDA of compounding complaints it receives.	45	3	135	0.5 (30 minutes)	67.5
State identifies pharmacies or physicians that distribute inordinate amounts of compounded drugs interstate using surveys or inspections.	45	150	6,750	1	6,750
State notifies FDA of the distribution of inordinate amounts of compounded drug products.	40	50	200	0.5 (30 minutes)	100
State notifies FDA of a new liaison to the MOU.	13	1	13	0.2 (12 minutes)	2.6
State notifies FDA of its intent to terminate participation in the MOU.	1	1	1	0.2 (12 minutes)	0.2
Total					6,920.3

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Compounding MOU between FDA and States	Number of recordkeepers	Number of Records per recordkeeper	Total annual records	Average burden per recordkeeping (in hours)	Total hours
State recordkeeping for 3 years of compounding complaints	45	15	675	1	675
Total					675

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Compounding MOU between FDA and States	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure (in hours)	Total hours
State notification to pharmacists, pharmacies, and physicians that its participation in the MOU has been terminated by FDA	1	1	1	1	1
Total					1

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

III. Electronic Access

Persons with access to the internet may obtain the draft MOU at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: August 31, 2018.

Leslie Kux,

Associate Commissioner for Policy.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3272]

Identifying the Root Causes of Drug Shortages and Finding Enduring Solutions; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing a public meeting entitled ''Identifying the Root Causes of Drug Shortages and Finding Enduring Solutions.'' The purpose of the meeting is to give stakeholders, including health care providers, patients, manufacturers, wholesalers, pharmacists, pharmacy benefit managers, veterinarians, public and private insurers, academic researchers, and the public, the opportunity to provide input on the underlying systemic causes of drug shortages, and make recommendations for actions to prevent or mitigate drug shortages. Members of Congress have asked the Agency to examine the root causes and drivers of these shortages, and to recommend measures that will provide more enduring solutions. To this end, the Commissioner has convened an inter-Agency task force of senior Federal officials of FDA, the Centers for Medicare & Medicaid Services, the Department of Veterans Affairs, and the Department of Defense. After receiving input from stakeholders, the task force intends to provide a report to Congress regarding the root causes of drug shortages. The report will also include recommendations regarding new authorities FDA or other Federal agencies could use to help provide enduring solutions to shortages.

DATES: The public meeting will be held on November 27, 2018, from 8:30 a.m. to 4:30 p.m. Submit either electronic or written comments on this public meeting by January 11, 2019. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public meeting will be held at the Washington Marriott at Metro Center, 775 12th St. NW, Washington, DC 20005. The hotel's phone number is 202–737–2200.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before January 11, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of January 11, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–N–3272 for ''Identifying the Root Causes of Drug Shortages and Finding Enduring Solutions.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Michie Hunt, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire

Ave., Bldg. 51, Rm. 6153, Silver Spring, MD 20993, 301–796–3504.

SUPPLEMENTARY INFORMATION:

I. Background

Drug shortages are among the greatest challenges health care providers and patients face. These shortages can affect treatment options and require practitioners to make difficult decisions that can compromise care, such as rationing supplies or using less desirable, but more readily available, alternative therapies. FDA has acted within its statutory authority to prevent and mitigate drug shortages. By working with industry and other parties, the Agency has helped to steadily reduce the number of new shortages since a peak of 251 new shortages occurred in 2011, as detailed in the Agency's ''Report on Drug Shortages for Calendar Year 2017,'' which is available at *https://www.fda.gov/downloads/Drugs/DrugSafety/DrugShortages/UCM610662.pdf*.

Despite this success in preventing or mitigating individual cases, more can and must be done to better understand and address the underlying systemic factors that are leading to shortages of medically necessary drugs. Members of Congress have asked the Agency to examine the root causes and drivers of these shortages, and to recommend measures that will provide more enduring solutions. To this end, the Commissioner has convened an inter-agency task force of senior federal officials of FDA, the Centers for Medicare & Medicaid Services, the Department of Veterans Affairs, and the Department of Defense. After receiving input from stakeholders, the task force intends to provide a report to Congress regarding the root causes of drug shortages. The report will also include recommendations regarding new authorities FDA or other federal agencies could use to help provide enduring solutions to shortages.

II. Topics for Discussion at the Public Meeting

We are soliciting input from stakeholders concerning the adverse consequences of drug shortages, the underlying systemic causes and drivers of these shortages, and the policies and strategies that may help to prevent or mitigate them. We welcome any relevant information that stakeholders wish to share, as all factors contributing to shortages are matters of concern. We are particularly interested in stakeholder input in the following areas:

A. Assessing the Adverse Consequences of Drug Shortages to Patients, Health Care Providers, and the Drug Supply Chain

1. Drug Shortages' Impact on Patients

a. What clinical impacts have patients experienced: *e.g.,* adverse events, treatment delays, accelerated disease progression, or worsened outcomes due to patients' to using less effective or less safe alternatives?

b. What economic impacts have patients affected by drug shortages experienced?

c. Do drug shortages affect patients disproportionately by geographic region, age, disease or condition, socioeconomic status, or other factors? Are there specific times of year or classes of drugs that see episodic, more frequent or more severe shortages? If so, why does this happen?

2. Drug Shortages Impact on Health Care Providers

a. What economic impacts (including increased inventory management costs, substitution of more expensive drugs for drugs in shortage, and increased liability from adverse events) have health care providers, including veterinarians, experienced because of drug shortages?

b. Do the adverse consequences of shortages affect providers disproportionately by, for example, geographic region, clinical area, or other characteristics?

3. Drug Shortages' Impact on the Supply Chain

a. What economic effects have shortages had on key links in the drug supply chain: *e.g.,* wholesalers, distributors, and pharmacies?

b. Have certain links in the supply chain been disproportionately affected by shortages? If so, which ones?

4. Do available data accurately capture the differences among shortages (*e.g.,* their severity and duration) that may affect their clinical and economic adverse consequences? If not, what additional data would be needed to better capture these differences?

B. Identifying the Root Causes and Drivers of Drug Shortages

1. What factors affect the likelihood, severity, and duration of shortages? Are these factors mostly related to raw materials, management, and resilience of production facilities, or other factors such as contracting or market structure? Do they differ for various drugs?

2. What government policies and regulations may contribute to drug shortages, and how could these be modified to prevent or limit impacts of drug shortages?

3. How do manufacturers contribute to drug availability or shortages, including responses to shortages?

a. What factors do generic and brand manufacturers consider when making decisions about whether to seek approval for certain drugs, to produce and market a drug for which they already hold an approved new drug application or abbreviated new drug application, or to discontinue marketing a drug? How do those decisions contribute (directly or indirectly) to shortages?

b. How do manufacturers monitor for situations that may result in a drug shortage? Are there certain indicators that are monitored? If so, are the potential triggers the same for all drugs, for example brand and generic sterile injectable drugs?

c. When manufacturers recognize a potential shortage, what options do they have for averting one? How easy or difficult is it to implement these options, and how costly is it to implement them? What is the impact of government policy or regulation on these options?

d. What factors play a role in manufacturers' decisions to make capital investments to expand capacity or to modernize infrastructure?

e. When manufacturers are remediating or upgrading a facility, how can shortages related to production slowdowns and shutdowns be avoided?

4. Drug supply is controlled through contracts among manufacturers, distributors, and end users. What features of contracts used throughout the supply chain contribute to drug availability and shortages, including responses to shortages?

a. What is the effect of duration and scope (how many and what types of drug products are covered by each contract, and whether non-drug products are bundled into the contract), on drug availability or shortage?

b. How commonly do these contracts include incentives such as contingency clauses, performance requirements, failure-to-supply clauses, or restrictions on limiting downstream price increases? How large are these incentives currently? Are there institutional or informational impediments limiting greater use of such incentives or performance clauses?

c. What are the implications of markups on inventory management throughout the supply chain? How might these markups contribute to shortages, and to response to shortages?

d. How have the characteristics of contracts, and markups at different points in the supply chain, changed over the past 15 years?

e. What are the implications of these contracting provisions and their changes for the probability, severity, and duration of drug shortages?

f. How much competition exists throughout the supply chain? Over the past 15 years, have there been challenges to competition and if so, what factors are responsible for these challenges? For example, has consolidation in different parts of the supply chain created market barriers to entry and reduced competition? If so, what effect has the reduction in competition had on drug shortages?

C. Identifying Strategies for Preventing or Mitigating Drug Shortages

1. What policies could the Federal Government adopt, and what strategies could it implement, that would reduce the likelihood, severity, and duration of shortages? Would additional authorities be necessary or helpful? For example:

a. Establish a list of ''essential medicines'' for use in preventing and mitigating shortages. If such a list were established, what should be the criteria for inclusion? And how should such a list be maintained and administered?

b. Provide financial incentives, such as tax credits or revised reimbursement policies: *e.g.,* to allow additional payments for drugs in or at risk of shortage or to encourage investment to expand manufacturing capacity or to modernize aging infrastructure, to enhance process capability and variability control, or to prevent manufacturing problems that affect product availability;

c. Allow other entities (*e.g.,* contract manufacturers) to fill gaps in supply;

d. Require risk management plans to help manufacturers prepare to respond efficiently and effectively to potential shortages;

e. Require the extension of expiration dates for drugs in shortage or at risk of shortage, where scientifically justified;

f. Revise trade policies and authorities: *e.g.,* to allow federal purchasers to buy imported drugs or raw materials to prevent or mitigate a shortage;

g. Heighten scrutiny of proposed mergers and acquisitions that increase market concentration or the likelihood of shortages;

h. Revise payment policies and authorities: *e.g.,* that would be coupled with a requirement to establish contingency plans for supplying medicines that go into shortage; and

i. Federal investment in production capacity for essential medicines directly related to national security, emergency preparedness, and defense.

2. In designing new policies to prevent or mitigate shortages, how can the Federal Government avoid creating perverse incentives or negative cascading effects in the health care financing and delivery system? For example, how might changes to government payment and reimbursement affect the other sectors of the market?

3. Are there lessons for the Federal Government, or practices that it can emulate, from strategies used to prevent or mitigate shortages in other commodity markets that face shortage issues?

4. What challenges does the global nature of drug manufacturing and marketing pose for efforts to prevent shortages in the U.S. market?

5. As drug shortages are a national problem, what are the sources of funding that can be applied to provide incentives to remedy the root causes?

III. Participating in the Public Meeting

Registration: To register for the public meeting, please visit the following website: *https://healthpolicy.duke.edu/events/drug-shortage-task-force*. Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone. Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public meeting must register by Wednesday, November 21, 2018, midnight Eastern Time. There will be no onsite registration. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted. If you are unable to attend the meeting in person, you can register to view a live webcast of the meeting. The Duke-Margolis Center for Health Policy will post on its website if registration closes before the day of the public meeting.

If you need special accommodations due to a disability, please contact Sarah Supsiri at the Duke-Margolis Center for Health Policy (phone: 202–791–9561, email: *sarah.supsiri@duke.edu*) no later than November 20, 2018.

Streaming webcast of the public workshop: This public workshop will be webcast live. Persons interested in viewing the live webcast may register ahead of the event by visiting *https://healthpolicy.duke.edu/events/drug-shortage-task-force*. The live webcast will also be available at the website above on the day of the event without pre-registration. Archived video footage will be available at the Duke-Margolis website following the workshop.

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov*. It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet at *https://www.fda.gov/Drugs/DrugSafety/DrugShortages/default.htm*.

Other Issues for Consideration: A 1-hour lunch break is scheduled, but food will not be provided. There are multiple restaurants within walking distance of the Washington Marriott at Metro Center, 775 12th St. NW, Washington, DC 20005.

All event materials will be provided to registered attendees via email prior to the workshop and will be publicly available at the Duke-Margolis Center for Health Policy website at *https://healthpolicy.duke.edu/events/drug-shortage-task-force*.

Dated: September 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–19612 Filed 9–7–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Vascular and Hematology Integrated Review Group; Hypertension and Microcirculation Study Section.

Date: October 2–3, 2018.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Ai-Ping Zou, M.D., Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9497, *zouai@mail.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Mechanisms of Sensory, Perceptual, and Cognitive Processes Study Section.

Date: October 4–5, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW, Washington, DC 20037.

Contact Person: Kirk Thompson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301–435–1242, *kgt@mail.nih.gov.*

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Enabling Bioanalytical and Imaging Technologies Study Section.

Date: October 4–5, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Kenneth Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3218, MSC 7717, Bethesda, MD 20892, 301–435–0229, *kenneth.ryan@nih.hhs.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Interventions to Prevent and Treat Addictions Study Section.

Date: October 4–5, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Palomar Hotel, 2121 P Street NW, Washington, DC 20037.

Contact Person: Miriam Mintzer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, Bethesda, MD 20892, (301) 523–0646, *mintzermz@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Biology of the Visual System Study Section.

Date: October 4–5, 2018.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Michael H Chaitin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892, (301) 435–0910, *chaitinm@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Bioengineering, Technology and Surgical Sciences Study Section.

Date: October 4–5, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Khalid Masood, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, 301–435–2392, *masoodk@csr.nih.gov.*

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group; Neuroscience and Ophthalmic Imaging Technologies Study Section.

Date: October 4–5, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington DC Downtown Hotel, 999 9th St. NW, Washington, DC 20001.

Contact Person: Yvonne Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5199, MSC 7846, Bethesda, MD 20892, 301–379–3793, *bennetty@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Glia Study Section.

Date: October 4–5, 2018.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW, Washington, DC 20036.

Contact Person: Linda MacArthur, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–537–9986, *macarthurlh@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group; Cellular and Molecular Immunology—B Study Section.

Date: October 4–5, 2018.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 E Wacker Dr., Chicago, IL 60601.

Contact Person: Betty Hayden, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, 301–435–1223, *haydenb@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 4, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–19484 Filed 9–7–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Developing Infrastructure for Interdisciplinary Aging Research.

Date: September 24, 2018.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W–200, 7201 Wisconsin Avenue, Bethesda, MD 20892.

Contact Person: Anita H. Undale, Ph.D., MD, Scientific Review Branch, National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, 240–747–7825, *anita.undale@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 4, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–19481 Filed 9–7–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Advisory Committee to the Deputy Director for Intramural Research, National Institutes of Health.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such

as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Advisory Committee to the Deputy Director for Intramural Research, National Institutes of Health.

Date: September 28, 2018.

Time: 1:00 p.m. to 1:45 p.m.

Agenda: To discuss the Advisory Committee to the Deputy Director for Intramural Research (AC DDIR) Site Visit Review of the Intramural Research Program Trans NIH Recruitment and Innovation Programs held on September 24, 2018.

Place: National Institutes of Health Teleconference, Conference Line: 888–233–9215, Participant Passcode: 34559, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael M. Gottesman, M.D., Deputy Director for Intramural Research, Office of the Director, National Institutes of Health, Building 1, Room 160, Bethesda, MD 20892.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: August 31, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–19482 Filed 9–7–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Health Services Organization and Delivery Study Section.

Date: September 24–25, 2018.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 East Wacker Drive, Chicago, IL 60601.

Contact Person: Jacinta Bronte-Tinkew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892, (301) 806–0009, *brontetinkewjm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Development of Appropriate Pediatric Formulations and Pediatric Drug Delivery Systems.

Date: October 5, 2018.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paek-Gyu Lee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4201, MSC 7812, Bethesda, MD 20892, (301) 613–2064, *leepg@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 31, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–19485 Filed 9–7–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–17–240: Innovative Research in Cancer Nanotechnology (IRCN) (R01).

Date: September 27, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Raj K Krishnaraju, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6190, Bethesda, MD 20892, 301–435–1047, *kkrishna@csr.nih.gov.*

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group; Molecular Neurogenetics Study Section.

Date: October 4–5, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites DC Convention Center, 900 10th Street NW, Washington, DC 20001.

Contact Person: Mary G Schueler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7846, Bethesda, MD 20892, 301–915–6301, *marygs@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Developmental Therapeutics Study Section.

Date: October 4–5, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.

Contact Person: Sharon K Gubanich, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 408–9512, *gubanics@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function C Study Section.

Date: October 4–5, 2018.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue NW, Washington, DC 20036.

Contact Person: William A. Greenberg, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168, MSC 7806, Bethesda, MD 20892, (301) 435–1726, *greenbergwa@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group;

Biostatistical Methods and Research Design Study Section.

Date: October 4–5, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle NW, Washington, DC 20005.

Contact Person: Karen Nieves Lugo, Ph.D.; Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20892, *karen.nieveslugo@nih.gov*.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biomaterials and Biointerfaces Study Section.

Date: October 4–5, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.

Contact Person: Joseph D Mosca, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, (301) 408–9465, *moscajos@csr.nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function A Study Section.

Date: October 4, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Darcy Hotel, 1515 Rhode Island Avenue NW, Washington, DC 20005.

Contact Person: David R Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, (301) 408–9072, *jollieda@csr.nih.gov*.

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Social Psychology, Personality and Interpersonal Processes Study Section.

Date: October 4–5, 2018,

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Dupont Hotel, 1500 New Hampshire Avenue NW, Washington, DC 20036.

Contact Person: Marc Boulay, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, (301) 300–6541, *boulaymg@csr.nih.gov*.

Name of Committee: Immunology Integrated Review Group; Cellular and Molecular Immunology—A Study Section.

Date: October 4–5, 2018.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle NW, Washington, DC 20005.

Contact Person: David B Winter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, 301–435–1152, *dwinter@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–16–228: Metabolic Reprograming to Improve Immunotherapy.

Date: October 4, 2018.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Syed M Quadri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, 301–435–1211, *quadris@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Metabolic Reprograming to Improve Immunotherapy.

Date: October 4, 2018.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 806–2515, *chatterm@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 4, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–19483 Filed 9–7–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0279]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0044

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0044, Outer Continental Shelf Activities—Title 33 CFR Subchapter N; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before November 9, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0279] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov*. See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov*. Additionally, copies are available from: COMMANDANT (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to

your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2018–0279], and must be received by November 9, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Outer Continental Shelf Activities—Title 33 CFR Subchapter N.

OMB Control Number: 1625–0044.

Summary: The Outer Continental Shelf Lands Act, as amended, authorizes the Coast Guard to promulgate and enforce regulations promoting the safety of life and property on OCS facilities. These regulations are located in 33 CFR chapter I subchapter N.

Need: The information is needed to ensure compliance with the safety regulations related to OCS activities. The regulations contain reporting and recordkeeping requirements for annual inspections of fixed OCS facilities, employee citizenship records, station bills, and emergency evacuation plans.

Forms: CG–5432, Fixed OCS Facility Inspection Report.

Respondents: Operations of facilities and vessels engaged in activities on the OCS.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 8,441 hours to 9,582 hours a year due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: May 15, 2018.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

Editorial note: This document was received for publication by the Office of the Federal Register on September 5, 2018.

[FR Doc. 2018–19512 Filed 9–7–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0792]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0035

Correction

In notice document 2018–19326 appearing on pages 45267–45268 in the issue of September 6, 2018, make the following correction:

On page 45267, in the first column, the subject heading is corrected to read as set forth above.

[FR Doc. C1–2018–19326 Filed 9–7–18; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc. (Gonzalez, LA) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc. (Gonzalez, LA), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. (Gonzalez, LA), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of May 25, 2017.

DATES: Intertek USA, Inc. (Gonzalez, LA) was approved and accredited as a commercial gauger and laboratory as of May 25, 2017. The next triennial inspection date will be scheduled for May 2020.

FOR FURTHER INFORMATION CONTACT: Christopher J. Mocella, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 2632 Ruby Ave., Gonzalez, LA 70737, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc. (Gonzalez, LA), is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurement.

Intertek USA, Inc. (Gonzalez, LA), is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	D86	Standard Test Method for Distillation of Petroleum Products.
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.

CBPL No.	ASTM	Title
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27–46	D5002	Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer.
27–48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27–54	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.
27–58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories*.

Dated: August 29, 2018.

Dave Fluty,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2018–19613 Filed 9–7–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation (Savannah, GA), as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Inspectorate America Corporation (Savannah, GA), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation (Savannah, GA), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of October 11, 2017.

DATES: Inspectorate America Corporation (Savannah, GA) was accredited and approved, as a commercial gauger and laboratory as of October 11, 2017. The next triennial inspection date will be scheduled for October 2020.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, 151 E Lathrop Ave., Savannah, GA 31415 has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Inspectorate America Corporation is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.
12	Calculations.
17	Marine Measurement.

Inspectorate America Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–03	D 4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	D 95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–06	D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	D 86	Standard Test Method for Distillation of Petroleum Products.
27–11	D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27–13	D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27–48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–54	D 1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.
27–58	D 5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBP GaugersLabs@cbp.dhs.gov*. Please

reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: August 29, 2018.

Dave Fluty,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2018–19615 Filed 9–7–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Bennett Testing Service, Inc. (Rahway, NJ), as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Bennett Testing Service, Inc. (Rahway, NJ), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Bennett Testing Service, Inc. (Rahway, NJ), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of May 22, 2018.

DATES: Bennett Testing Service, Inc. (Rahway, NJ) was accredited and approved, as a commercial gauger and laboratory as of May 22, 2018. The next triennial inspection date will be scheduled for May 2021.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Bennett Testing Service, Inc., 1045 E Hazelwood Ave., Rahway, NJ 07065 has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Bennett Testing Service, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
1	Vocabulary.
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

Bennett Testing Service, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories*

Dated: August 29, 2018.

Dave Fluty,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2018–19611 Filed 9–7–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[Docket No. USCBP–2018–0034]

Commercial Customs Operations Advisory Committee (COAC)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security (DHS).

ACTION: Committee management; Notice of Federal Advisory Committee meeting.

SUMMARY: The Commercial Customs Operations Advisory Committee (COAC) will hold its quarterly meeting on Wednesday, October 3, 2018 in Washington, DC. The meeting will be open to the public.

DATES: The COAC will meet on Wednesday, October 3, 2018 from 1:00 p.m. to 5:00 p.m. EDT. Please note that the meeting may close early if the committee has completed its business.

ADDRESSES: The meeting will be held at the Dirksen Senate Office Building, 50 Constitution Avenue NE, Room SD–G50, Washington, DC 20002. For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs & Border Protection, at (202) 344–1440 as soon as possible.

Pre-Registration: Meeting participants may attend either in person or via webinar after pre-registering using one of the methods indicated below:

For members of the public who plan to attend the meeting in person, please register by 5:00 p.m. EDT October 2, 2018 either online at *https://teregistration.cbp.gov/index.asp?w=140;* by email to *tradeevents@dhs.gov;* or by fax to (202) 325–4290. You must register prior to the meeting in order to attend the meeting in person.

For members of the public who plan to participate via webinar, please register online at *https://teregistration.cbp.gov/index.asp?w=139* by 5:00 p.m. EDT on October 2, 2018.

Please feel free to share this information with other interested members of your organization or association.

Members of the public who are pre-registered to attend via webinar and later need to cancel, please do so by October 2, 2018 utilizing the following links: *https://teregistration.cbp.gov/cancel.asp?w=139* to cancel an in person registration or *https://teregistration.cbp.gov/cancel.asp?w=140* to cancel a webinar registration.

To facilitate public participation, we are inviting public comment on the issues the committee will consider prior to the formulation of recommendations as listed in the Agenda section below.

Comments must be submitted in writing no later than October 2, 2018, and must be identified by Docket No. USCBP–2018–0034, and may be submitted by *one (1)* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: tradeevents@dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 325–4290, Attention: Florence Constant-Gibson.
- *Mail:* Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number (USCBP–2018–0034) for this action. Comments received will be posted without alteration at *http://www.regulations.gov.* Please do not submit personal information to this docket.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* and search for Docket Number USCBP–2018–0034. To submit a comment, click the ''Comment Now!'' button located on the top-right hand side of the docket page.

There will be multiple public comment periods held during the meeting on October 3, 2018. Speakers are requested to limit their comments to two (2) minutes or less to facilitate greater participation. Contact the individual listed below to register as a speaker. Please note that the public comment period for speakers may end before the time indicated on the schedule that is posted on the CBP web page, *http://www.cbp.gov/trade/stakeholder-engagement/coac.*

FOR FURTHER INFORMATION CONTACT: Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229; telephone (202) 344–1440; facsimile (202) 325–4290; or Mr. Bradley Hayes, Executive Director and Designated Federal Officer at (202) 344–1440.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act, 5 U.S.C. Appendix.* The Commercial Customs Operations Advisory Committee (COAC) provides advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within the Department of Homeland Security and the Department of the Treasury.

Agenda

The Designated Federal Officer will announce how the COAC subcommittees will be re-organized to align with CBP's trade strategic priorities and outline how the current and future COAC activities will be structured within each subcommittee. The COAC will hear from the current subcommittees on the topics listed below and then will review, deliberate, provide observations, and formulate recommendations on how to proceed:

1. The Trusted Trader Subcommittee will present an update on CTPAT Minimum Security Criteria work and its socialization period. The subcommittee will also provide an update on the Forced Labor Strategy for CTPAT Trade Compliance and the CBP lead will report on the progress of the Trusted Trader Pilot.
2. The Trade Enforcement & Revenue Collection (TERC) Subcommittee will provide necessary updates from the Anti-Dumping and Countervailing Duty, Bond, Forced Labor and Intellectual Property Rights Working Groups.
3. The COAC Trade Modernization Subcommittee will discuss the E-Commerce Working Group's progress in addressing CBP's strategic plan regarding e-commerce threats and opportunities to both the government and trade and in light of the World Customs Organization's global framework. The Regulatory Reform Working Group will provide an overview of work accomplished in reviewing the regulations contained in Title 19 of the Code of Federal Regulations to reduce regulatory burdens and costs. The Foreign Trade Zone Working Group will present recommendations regarding the updating of 19 CFR part 146, the Foreign Trade Zone Regulations. They will also discuss a proposed revision to 19 CFR part 146 that began in 2015 and was referred to the working group for further input.
4. The Global Supply Chain Subcommittee will provide a status update on the following work group activities: Piloting the use of the Automated Commercial Environment (ACE) to electronically report and manage petroleum moving in-bond via pipeline; the Emerging Technologies Working Group's work on NAFTA/CAFTA and the Intellectual Property Rights Blockchain Proof of Concept projects; and the In-bond Working Group's review of the draft Automated In-Bond Business Process document; as well as potential automation, visibility, system issues and policy/regulatory updates.

Meeting materials will be available by October 1, 2018 at: *http://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings.*

Dated: September 5, 2018.

Bradley F. Hayes,

Executive Director, Office of Trade Relations.

[FR Doc. 2018–19614 Filed 9–7–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6127–N–01]

Agenda and Notice of Public Meeting of the Moving To Work Research Advisory Committee

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, and Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice of a federal advisory committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Moving to Work (MTW) Research Advisory Committee (Committee). The Committee meeting will be held via conference call on Wednesday, October 10, 2018. The meeting is open to the public and is accessible to individuals with disabilities.

DATES: The teleconference meeting will be held on October 10, 2018 from 1:00 p.m. to 3:30 p.m. Eastern Standard Time (EST).

FOR FURTHER INFORMATION CONTACT: Eva Fontheim, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Room 5143, Washington, DC 20410, telephone (202) 402–3461 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339 or can email: *MTWAdvisoryCommittee@hud.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5. U.S.C. App. 10(a)(2). The

Committee was established on May 2, 2016 to advise HUD on specific policy proposals and methods of research and evaluation related to the expansion of the MTW demonstration to an additional 100 Public Housing Authorities (PHAs), see **Federal Register**, 81 FR 24630. HUD has previously convened two conference call meetings of the Committee on July 26 and 28, 2016, a two-day in-person meeting on September 1 and 2, 2016, and follow-up conference call meetings on December 13, 2016 and January 25, 2018. The minutes of these meetings are available on the HUD website at: *http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/mtw/expansion.*

HUD is now convening a conference call to explore the evaluation of work requirements under the Third Cohort policy. HUD will convene the meeting on Wednesday, October 10, 2018 via teleconference from 1 p.m. to 3:30 p.m. (EST). The agenda for the meeting is as follows:

Wednesday, October 2018, From 1–3:30 p.m. EST

I. Welcome and Introductions
II. Summary of 2016–2018 Meetings
  a. Revisit Guiding Principles
  b. Confirm Committee Recommendations
III. Goal for this Meeting
  a. Discuss and provide recommendations on Third Cohort: Work Requirements for Public Housing and Section 8 Housing Choice Voucher residents (including research design, random assignment, and specific policies).
IV. BREAK
V. Policy Framework and Research Methodology—MTW Statutory Objective #2: Give Incentives to Families with Children Whose Heads of Household are Either Working, Seeking Work, or Participating in Job Training, Educational, or Other Programs that Assist in Obtaining Employment and Becoming Economically Self-Sufficient.
  a. Third Cohort: Work Requirements for Public Housing and Section 8 Housing Choice Voucher residents—Select research design, random assignment, and specific policies.
VI. Update on the MTW Expansion
VII. Public Input
VIII. Summary of Discussion
IX. Discuss Next Steps and Adjourn

The public is invited to call in to the meeting by using the following Conference Toll-Free Number in the United States: 1–800–230–1059 or the following International number for those outside the United States: (612) 234–9959. Please be advised that the operator will ask callers to provide their names and their organizational affiliations (if any) prior to placing callers into the conference line. Callers can expect to incur charges for calls they initiate over wireless lines and for international calls, and HUD will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free phone number. Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS) at 1–800–877–8339 and providing the FRS operator with the Conference Call Toll-Free Number: 1–800–230–1059.

Members of the public will have an opportunity to provide feedback during the call. The total amount of time for such feedback will be limited to ensure pertinent Committee business is completed. Further, the amount of time allotted to each individual commenter will be limited and will be allocated on a first-come first-served basis by HUD. If the number of comments exceeds the available time, HUD may ask for the submission of comments via email.

Records and documents discussed during the meeting, as well as other information about the work of this Committee, will be available for public viewing as they become available at: *http://www.facadatabase.gov/committee/committee.aspx?t=c&cid=2570&aid=77* by clicking on the ''Committee Meetings'' link.

These materials will also be available on the MTW Demonstration's expansion web page at: *http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/mtw/expansion.* Records generated from this meeting may also be inspected and reproduced at the Department of Housing and Urban Development Headquarters in Washington, DC as they become available, both before and after the meeting.

Outside of the work of this Committee, information about HUD's broader implementation of the MTW expansion, as well as additional opportunities for public input, can be found on the MTW Demonstration's expansion web page at: *http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/mtw/expansion.*

Dated: September 5, 2018.

Dominique Blom,

General Deputy Assistant Secretary for Public and Indian Housing.

Todd Richardson,

Acting General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2018–19646 Filed 9–7–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWPO350000 L1440000 PN0000; OMB Control Number 1004–0012]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Application for Land for Recreation or Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is proposing to renew and information collection.

DATES: Interested persons are invited to submit comments on or before October 10, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to the BLM at U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW, Room 2134LM, Washington, DC 20240, Attention: Jean Sonneman; or by email to *jesonnem@blm.gov.* Please reference OMB Control Number 1004–0012 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Ed Ruda by email at *eruda@blm.gov,* or by telephone at (202) 912–7338. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, the BLM provides 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. A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on April 11, 2018 (83 FR 15600). No comments were received.

We are again 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 BLM; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BLM enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BLM 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. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Bureau of Land Management (BLM) uses the information collection to decide whether or not to lease or sell certain public lands to applicants under the Recreation and Public Purposes Act, 43 U.S.C. 869 to 869–4.

Title of Collection: Application for Land for Recreation or Public Purposes.

OMB Control Number: 1004–0012.

Form Number: 2740–1.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: State, Territory, county, and local governments; nonprofit corporations; and nonprofit associations.

Total Estimated Number of Annual Respondents: 23.

Total Estimated Number of Annual Responses: 23.

Estimated Completion Time per Response: 40 hours.

Total Estimated Number of Annual Burden Hours: 920.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $2,300.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2018–19464 Filed 9–7–18; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO35000.L14400000.PN0000; OMB Control Number 1004–0029]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Color-of-Title Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 10, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov*; or via facsimile to (202) 395–5806. Please provide a copy of your comments to the BLM at U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW, Room 2134LM, Washington, DC 20240, Attention: Jean Sonneman; or by email to *jesonnem@blm.gov.* Please reference OMB Control Number 1004–0029 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact: Pamela Ridley at 202–853–0522. Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) 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 a question with the above individual. You will receive a reply during normal business hours. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, the BLM provides 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. A **Federal Register** notice soliciting comments on this collection of information was published on April 11, 2018 (83 FR 15598), and the comment period ended June 11, 2018. No comments were received.

We are again 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 BLM; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BLM enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BLM 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. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Color-of-Title Act (43 U.S.C. 1068, 1068a, and 1068b) provides for the issuance of a land patent to a tract of public land of up to 160 acres, where the claimant shows peaceful, adverse possession of the tract in good faith for more than 20 years, as well as sufficient improvement or cultivation of

the land. The information covered in this submission enables the BLM to determine whether, or not such a claimant has made a showing that is sufficient under the pertinent statutory and regulatory criteria.

Title of Collection: Color-of-Title Application.

OMB Control Number: 1004–0029.

Form Numbers: 2540–1, 2540–2, and 2540–3.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Individuals, groups, or corporations that wish to claim title to a tract of public land on grounds that such land has been held in good faith and in peaceful, adverse possession under claim or color of title, and have placed valuable improvements on such land or some part thereof has been reduced to cultivation for an amount of time sufficient under the Color-of-Title Act, 43 U.S.C. 1068, *et seq.*

Total Estimated Number of Annual Respondents: 8.

Total Estimated Number of Annual Responses: 8.

Estimated Completion Time per Response: 3 hours.

Total Estimated Number of Annual Burden Hours: 24.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $80.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2018–19463 Filed 9–7–18; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–12244, AA–12245, AA–12246, AA–12248, AA–12256, AA–12257, AA–12258, AA–12259, AA–12271, AA–12272, AA–12273, AA–12274; 18X.LLAK944000.L14100000.HY0000.P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: The Bureau of Land Management (BLM) hereby provides constructive notice that it will issue an appealable decision approving conveyance of the surface estate in certain lands to The Aleut Corporation, an Alaska Native regional corporation, pursuant to the Alaska Native Claims Settlement Act of 1971, as amended (ANCSA). Ownership of the subsurface estate will be retained by the United States.

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the time limits set out in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: You may obtain a copy of the decision from the BLM, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION CONTACT: Christy Favorite, BLM Alaska State Office, 907–271–5995 or *cfavorit@blm.gov.* The BLM Alaska State Office may also be contacted via a Telecommunications Device for the Deaf (TDD) through the Federal Relay Service (FRS) at 1–800–877–8339. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

SUPPLEMENTARY INFORMATION: As required by 43 CFR 2650.7(d), notice is hereby given that the BLM will issue an appealable decision to The Aleut Corporation. The decision approves conveyance of the surface estate in certain lands pursuant to ANCSA (43 U.S.C. 1601, *et seq.*), as amended. Ownership of the subsurface estate will be retained by the United States.

The lands are located within Izembek National Wildlife Refuge and the Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge, and aggregate 283.81 acres. The BLM will also publish notice of the decision once a week for four consecutive weeks in the *Bristol Bay Times/Dutch Harbor Fisherman* newspaper.

Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until October 10, 2018 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by facsimile will not be accepted as timely filed.

Christy Favorite,

Chief, Adjudication Section.

[FR Doc. 2018–19465 Filed 9–7–18; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026175; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Oregon Museum of Natural and Cultural History, Eugene, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Oregon Museum of Natural and Cultural History has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the University of Oregon Museum of Natural and Cultural History. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the University of Oregon Museum of Natural and Cultural History at the address in this notice by October 10, 2018.

ADDRESSES: Dr. Pamela Endzweig, Director of Collections, Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR

97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of Oregon Museum of Natural and Cultural History, Eugene, OR. The human remains were removed from Hotchkiss Mound, Contra Costa County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Oregon Museum of Natural and Cultural History professional staff in consultation with representatives of the Buena Vista Rancheria of Me-Wuk Indians of California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Jackson Band of Miwuk Indians (previously listed as the Jackson Rancheria of Me-Wuk Indians of California); Kletsel Dehe Band of Wintun Indians (previously listed as the Cortina Indian Rancheria and the Cortina Indian Rancheria of Wintun Indians of California); Picayune Rancheria of Chukchansi Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria (previously listed as the Table Mountain Rancheria of California); Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California, hereafter referred to as ''The Tribes.''

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual were removed from Hotchkiss Mound in the lower Sacramento Valley, Contra Costa County, CA. It is unknown who originally donated the human remains to the museum. Accession records attribute the human remains to Hotchkiss Mound. Although there is no documentation regarding the transfer of the human remains to the Museum, it is likely that they were donated by the archeologist Robert F. Heizer, who donated several other items from this area to the Museum in the 1940s. The human remains consist of an adult male. No known individuals were identified. No associated funerary objects are present.

Historical documents, ethnographic sources, and oral history indicate that the Plains Miwok and Northern Valley Yokuts have occupied this area of the Lower Sacramento Valley since precontact times. Based on archeological context and skeletal evidence, the individual was determined to be of Native American ancestry and Plains Miwok and/or Northern Valley Yokuts. The Plains Miwok and Northern Valley Yokuts are represented today by The Tribes.

Determinations Made by the University of Oregon Museum of Natural and Cultural History

Officials of the University of Oregon Museum of Natural and Cultural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Pamela Endzweig, Director of Collections, Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The University of Oregon Museum of Natural and Cultural History is responsible for notifying The Tribes that this notice has been published.

Dated: August 3, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19525 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026130; PPWOCRADN0–PCU00RPI4.R50000]

Notice of Inventory Completion: Alfred W. Bowers Laboratory of Anthropology, University of Idaho, Moscow, ID, and Museum of the Rockies at Montana State University, Bozeman, MT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Alfred W. Bowers Laboratory of Anthropology at the University of Idaho (''Alfred W. Bowers Laboratory of Anthropology'') and the Museum of the Rockies at Montana State University (''Museum of the Rockies'') have completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and have determined that there is no cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Alfred W. Bowers Laboratory of Anthropology or the Museum of the Rockies. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Alfred W. Bowers Laboratory of Anthropology or Museum of the Rockies at the address in this notice by October 10, 2018.

ADDRESSES: Leah Evans-Janke, Alfred W. Bowers Laboratory of Anthropology, 875 Perimeter Drive, MS 4023, Moscow, ID 83844–4023, telephone (208) 885–1771, email *leahe@uidaho.edu,* or Lisa Verwys, Museum of the Rockies, 600 West Kagy Boulevard, Bozeman, MT 59717, telephone (406) 994–6622, email *lisa.verwys@montana.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and

Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Alfred W. Bowers Laboratory of Anthropology, Moscow, ID, and of associated funerary objects under the control of the Museum of the Rockies, Bozeman, MT. The human remains and associated funerary objects were removed from Park County, MT.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Alfred W. Bowers Laboratory of Anthropology and the Museum of the Rockies professional staff in consultation with representatives of the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; Confederated Salish and Kootenai Tribes of the Flathead Reservation; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho); and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana. The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); and Crow Tribe of Montana were invited to consult, but did not participate (hereafter referred to as ''The Invited and Consulted Tribes'').

History and Description of the Remains

In 1929, human remains representing, at minimum, two individuals were removed from a small cave in Park County, MT, by a private citizen. On November 1, 1988, the private citizen donated the human remains and objects to the Museum of the Rockies. Later that month, Carolyn A. Purcell, Museum of the Rockies Registrar, transferred the human remains to Dr. Roderick Sprague, Director of the Alfred W. Bowers Laboratory of Anthropology. The associated funerary objects were retained by the Museum of the Rockies. The human remains consist of a right and left female innominate and a right male humerus. No known individuals were identified. The eight associated funerary objects are six flaked stone projectile points, one flaked stone drill or knife, and one digging stick of pine or spruce.

At the time of the excavation and removal of these human remains and associated funerary objects, the land from which the remains and objects were removed was not the tribal land of any Indian Tribe or Native Hawaiian organization. In January 2018, Alfred W. Bowers Laboratory of Anthropology and Museum of the Rockies invited the Crow Tribe of Montana, who is recognized as aboriginal to the area from which these Native American human remains and associated funerary objects were removed, to consult. The Crow Tribe of Montana did not participate in consultation and did not agree to accept control of the human remains and associated funerary objects. In April 2018, the Alfred W. Bowers Laboratory of Anthropology and Museum of the Rockies agreed to transfer control of the human remains and associated funerary objects to the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; Confederated Salish and Kootenai Tribes of the Flathead Reservation; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho); and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

Determinations Made by the Alfred W. Bowers Laboratory of Anthropology and the Museum of the Rockies

Officials of the Alfred W. Bowers Laboratory of Anthropology and Museum of the Rockies have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on the associated funerary objects found with them.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the eight objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- Pursuant to 43 CFR 10.11(c)(2)(i), the disposition of the human remains and associated funerary objects may be to the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; Confederated Salish and Kootenai Tribes of the Flathead Reservation; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho); and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Leah Evans-Janke, Alfred W. Bowers Laboratory of Anthropology, 875 Perimeter Drive, MS 4023, Moscow, ID 83844–4023, telephone (208) 885–1771, email *leahe@uidaho.edu,* or Lisa Verwys, Museum of the Rockies, 600 West Kagy Boulevard, Bozeman, MT 59717, telephone (406) 994–6622, email *lisa.verwys@montana.edu,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; Confederated Salish and Kootenai Tribes of the Flathead Reservation; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho); and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana, may proceed.

The Alfred W. Bowers Laboratory of Anthropology and Museum of the Rockies are responsible for notifying The Invited and Consulted Tribes that this notice has been published.

Dated: July 25, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19540 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026177; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Oregon Museum of Natural and Cultural History, Eugene, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Oregon Museum of Natural and Cultural History has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the University of Oregon Museum of Natural and Cultural History. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the University of Oregon Museum of Natural and Cultural History, at the address in this notice by October 10, 2018.

ADDRESSES: Dr. Pamela Endzweig, Director of Collections, University of Oregon Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of Oregon Museum of Natural and Cultural History, Eugene, OR. The human remains were removed from an unknown location in Oregon.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by University of Oregon Museum of Natural and Cultural History professional staff in consultation with representatives of the Burns Paiute Tribe (previously listed as the Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon); Confederated Tribes of the Warm Springs Reservation of Oregon; and the Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon (hereafter referred to as ''The Tribes'').

History and Description of the Remains

In 1939, human remains representing, at minimum, one individual were donated to the University of Oregon Museum of Natural and Cultural History by the McDermitt Civilian Conservation Corps Camp. The human remains were initially presented to university archeologists working in Eastern Oregon. The name ''Hardy'' is included in parenthesis in the field catalog. The human remains consist of a single adult male (museum cat. #11–105). No further information is available. No known individual was identified. No associated funerary objects are present.

It is believed that the human remains were removed from the area in Malheur County, OR, where the McDermitt Civilian Conservation Corps camp was located. Based on the geographical location, the human remains are most likely culturally affiliated with Indian Tribes whose ancestral lands lie in this area of Oregon. Historical documents, ethnographic sources, and oral history indicate that the Northern Paiute have occupied this area since pre-contact times. Tribes that are culturally affiliated to this area are represented by The Tribes.

Determinations Made by the University of Oregon Museum of Natural and Cultural History

Officials of the University of Oregon Museum of Natural and Cultural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Pamela Endzweig, Director of Collections, University of Oregon Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The University of Oregon Museum of Natural and Cultural History is responsible for notifying The Tribes that this notice has been published.

Dated: August 3, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19537 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA-NPS0026179; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Reclamation, Mid-Pacific Regional Office, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Reclamation (Reclamation), Mid-Pacific Regional Office, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Reclamation, Mid-Pacific Regional Office. If no additional requestors come forward, transfer of

control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Reclamation, Mid-Pacific Regional Office at the address in this notice by October 10, 2018.

ADDRESSES: Melanie Ryan, NAGPRA Specialist/Physical Anthropologist, Mid-Pacific Regional Office, Bureau of Reclamation, MP–153, 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 978–5526, email *emryan@usbr.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, Bureau of Reclamation, Mid-Pacific Regional Office, Sacramento, CA. The human remains and associated funerary objects were removed from Fresno County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by Reclamation, Mid-Pacific Regional Office professional staff in consultation with representatives of the Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria (previously listed as the Table Mountain Rancheria of California); Tejon Indian Tribe; and Tule River Indian Tribe of the Tule River Reservation, California, hereafter referred to as ''The Tribes.''

History and Description of the Remains

In 1951, human remains representing, at minimum, three individuals, were removed from Site CA–FRE–105, located near Firebaugh, within the current Firebaugh Wastewater of the Delta-Mendota Canal, Fresno County, CA. Site CA–FRE–105 was encountered at the bottom of a waste way at its juncture with the main canal. The ''material (was) scooped up from 7 feet deep in wet clay, from an area that was approximately 200 yards in diameter''. The site record describes the site as ''clay soil containing human remains and artifacts.'' Human remains and artifacts were collected by Robert E. Greengo of the University of California, Berkeley, and acquired by the Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley, through University Appropriation in 1951 (Accession UCAS–314). The human remains from Site CA–FRE–105 consist of three partially complete Native American individuals, including one possible male adolescent (approximately 15–20 years) and two adults of indeterminate sex. No known individuals were identified. The three associated funerary objects are: one greywacke sandstone slab mortar fragment, one large obsidian flake and one unmodified faunal long bone. An additional associated funerary object, a large obsidian point, is currently missing from the collection.

In 1952, human remains representing, at minimum, two individuals were removed from Site CA–FRE–106, Fresno County, CA, by M.A. Baumhoff of the University of California, Berkeley, and were acquired through University Appropriation in June 1952 (Accession UCAS–157). Museum records describe nearly complete remains of two individuals recovered from a vertically truncated midden site. Individual 1 is an adult female and Individual 2 is an adult male. Both burials were excavated and exhumed, and three additional burials were noted but left in situ. No known individuals were identified. The two associated funerary objects are one large, extensively-shaped greywacke sandstone bowl mortar and one unmodified deer rib bone.

Geographical affiliation is consistent with the historically documented territory of the Northern Valley Yokut. Multiple lines of evidence including oral tradition, ethnographic, archeological, historic, and linguistic information demonstrate continuity and a shared group identity between the human remains and associated funerary objects in this notice and the Yokut tribes. No lineal descendant has been identified. The Tribes identify as Yokut, and are culturally affiliated with the human remains and associated funerary objects in this notice.

Determinations Made by the Reclamation, Mid-Pacific Regional Office

Officials of Reclamation, Mid-Pacific Regional Office, have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the five objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Melanie Ryan, NAGPRA Specialist/Physical Anthropologist, Mid-Pacific Regional Office, Bureau of Reclamation, MP–153, 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 978–5526, email *emryan@usbr.gov,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Reclamation, Mid-Pacific Regional Office is responsible for notifying The Tribes that this notice has been published.

Dated: August 3, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19529 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026174; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Oregon Museum of Natural and Cultural History, Eugene, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Oregon Museum of Natural and Cultural History

has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the University of Oregon Museum of Natural and Cultural History. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the University of Oregon Museum of Natural and Cultural History at the address in this notice by October 10, 2018.

ADDRESSES: Dr. Pamela Endzweig, Director of Collections, Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of Oregon Museum of Natural and Cultural History, Eugene, OR. The human remains were removed from the Tularosa River region, NM.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Oregon Museum of Natural and Cultural History professional staff in consultation with representatives of the Fort Sill Apache Tribe of Oklahoma.

History and Description of the Remains

In 1900, human remains representing, at minimum, nine individuals were removed from the Tularosa River region in New Mexico. The human remains were donated to the museum by a private party in 1946 and accessioned into the museum's collection. The human remains consist of isolated elements from six adult individuals of indeterminate sex (cat. #s 11–202, 11–204, 11–205, 11–206, 11–207, and 11–210), one indeterminate adolescent (cat. #11–203), and two adult females (cat. #11–208, 11–209). Because of their fragmentary nature, it is not impossible that the remains represent fewer than nine individuals. No associated funerary objects are present.

Historical documents, ethnographic sources, and oral history indicate that the Chiricahua Apache have occupied the Tularosa River region since precontact times. Based on presumed archeological context and/or skeletal evidence, the nine individuals represented by the human remains were determined to be of Native American ancestry and Chiricahua Apache. The Chiricahua Apache are represented today by the Fort Sill Apache Tribe of Oklahoma.

Determinations Made by the University of Oregon Museum of Natural and Cultural History

Officials of the University of Oregon Museum of Natural and Cultural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of nine individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Fort Sill Apache Tribe of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Pamela Endzweig, Director of Collections, Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Fort Sill Apache Tribe of Oklahoma may proceed.

The University of Oregon Museum of Natural and Cultural History is responsible for notifying the Fort Sill Apache Tribe of Oklahoma that this notice has been published.

Dated: August 3, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19524 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026172; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Indian Affairs, has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Bureau of Indian Affairs. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Bureau of Indian Affairs at the address in this notice by October 10, 2018.

ADDRESSES: Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C.

3003, of the completion of an inventory of human remains under the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC. The human remains were removed from an unknown location in Alaska.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the U.S. Department of the Interior, Bureau of Indian Affairs professional staff in consultation with a physical anthropologist with extensive experience in forensic work with Alaska Native human remains. Based on the report of the physical anthropologist, the Bureau of Indian Affairs sent an inventory and letters inviting consultation to representatives of 133 Indian tribes (names of invited tribes available upon request). None of the invited tribes wished to consult.

History and Description of the Remains

At an unknown date in or about 1973, human remains representing, at minimum, two individuals were removed from an unknown location in Alaska. On or about December 5, 2014, these human remains were mailed to the Bureau of Indian Affairs Alaska Region Office in a box with a letter attached. The writer, ''Madeline Hale,'' stated that, ''sometime around 1973, [Ms. Hale's] then boyfriend Mike went to Alaska and came back with [the enclosed human remains]. He said he'd found it out in the wilderness somewhere at an Indian burial ground.'' No additional information was provided. Ms. Hale did not provide a return mailing address or any other contact information, and attempts to locate her were unsuccessful. No known individuals were identified. No associated funerary objects are present.

At the time of the excavation and removal of these human remains, the land from which the human remains were removed was not the tribal land of any Indian Tribe or Native Hawaiian organization. In May 2015, the U.S. Department of the Interior, Bureau of Indian Affairs sent letters to 133 Indian tribes who are recognized as aboriginal to the area from which these Native American human remains were most likely removed. The names of these invited tribes are available upon request. None of these Indian Tribes agreed to accept control of the human remains. In May 2018, the Bureau of Indian Affairs agreed to transfer control of the human remains to the Chinik Eskimo Community (Golovin); King Island Native Community; Native Village of Brevig Mission; Native Village of Council; Native Village of Diomede (aka Inalik); Native Village of Elim; Native Village of Gambell; Native Village of Koyuk; Native Village of Mary's Igloo; Native Village of Saint Michael; Native Village of Savoonga; Native Village of Shaktoolik; Native Village of Shishmaref; Native Village of Teller; Native Village of Unalakleet; Native Village of Wales; Native Village of White Mountain; Stebbins Community Association; and the Village of Solomon, hereafter referred to as ''The Tribes.''

Determinations Made by the U.S. Department of the Interior, Bureau of Indian Affairs

Officials of the U.S. Department of the Interior, Bureau of Indian Affairs have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on cranial analysis by a physical anthropologist with extensive experience performing such analyses.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- Pursuant to 43 CFR 10.11(c)(2)(i), the disposition of the human remains may be to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The U.S. Department of the Interior, Bureau of Indian Affairs is responsible for notifying The Tribes that this notice has been published.

Dated: August 3, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19534 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA-NPS0026290; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Boise National Forest, Boise, ID

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture (USDA), Forest Service, Boise National Forest, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Boise National Forest. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Boise National Forest at the address in this notice by October 10, 2018.

ADDRESSES: Cecilia Romero Seesholtz, Boise National Forest, 1249 South Vinnell Way, Suite 200, Boise, ID 83709, telephone (208) 373–4102, email *cseesholtz@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the USDA, Boise National Forest, Boise, ID. The human remains and associated funerary objects were removed from Elmore County, ID.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Boise National Forest professional staff in consultation with representatives of the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada.

History and Description of the Remains

In 1989, human remains representing, at minimum, one adult individual of indeterminate sex were removed from site 10–EL–01, in Elmore County, ID. The human remains were removed during a permitted archeological excavation of the site, but were not identified until 2012, when the Boise National Forest initiated a comprehensive analysis of the site's extensive faunal assemblage. The analysis was performed by Susanne Miller, Faunal Analysis & CRM Services, and completed in 2017. The human remains are extremely fragmentary and are evidence of extensive looting that occurred at the site. Boise National Forest records dating to the 1950s reference the ''churned'' nature of the site, which the 1989 excavation confirmed. Stratigraphic mixing of chronologically sensitive point types, the presence of historic artifacts (such as tobacco tins and modern trash), and the results of sediment and radiocarbon analyses document an extremely disturbed site.

The human remains primarily consist of bones from the upper and lower torso areas—scapula, ribs, and vertebrae. A patella, a few elements of the hand and foot, and two teeth were identified. The general ''adult'' estimation of age is based on the degree of epiphyseal fusion of some of the surviving elements, specifically the scapula, proximal ribs, and features of the vertebral centra. No known individuals were identified. The 662 associated funerary objects are: Two abraders; 18 bone awls and awl fragments; seven bone and shell beads; eight bone tubes; 34 modified bones (including incised, polished, and shaped specimens); 13 biface and biface fragments; 20 cores; four drills, 59 hammerstones, seven pestles; 11 knives; 21 modified flakes; one pipe fragment, one polished bobcat canine, 82 pottery sherds; 361 projectile points and point fragments; 11 scrapers; and two unifaces.

The radiocarbon dates and projectile point chronology established at 10–EL–01 indicate that Native Americans occupied the site, probably on an intermittent and seasonal basis, over a long period of time beginning in the late Early Archaic Period (8,000–5,000 B.P.) and continuing through the Protohistoric Period (A.D. 1700–1805) and possibly even into the Contact Period (1805–1870). Most of the radiocarbon dates and point types date to the Late Archaic Period (2,000–150 B.P.). The historic inhabitants of southern Idaho include the Northern Shoshone and Northern Paiute, which are distinguished primarily on the basis of language (Murphy and Murphy 1986:284). Economic lifeways and socio-political organization were similar for the Shoshone (including the Boise, Bruneau, and Weiser subgroups) and the Northern Paiute, both of which occupied southwestern Idaho at the time of historic contact (Murphy and Murphy 1960, 1986; Steward 1938). The Northern Paiute comprised the Payette, Weiser, and Bannock subgroups, with the latter defining a group of mounted hunters who moved eastward to the Fort Hall area of Idaho during the eighteenth century (Liljeblad 1957:81). The primary ethnographic sources for southern Idaho are Murphy and Murphy (1960), Steward (1938, 1941), and Steward and Wheeler-Voegelin (1974).

The cultural assemblage from 10–EL–01, when viewed in the context of the geographical, archeological, historical, and ethnographic records for southern Idaho, reasonably points to a shared group identity with the Northern Shoshone and Northern Paiute peoples who occupied the Snake River Plain. The preponderance of the evidence indicates that the human remains and associated funerary objects from 10–EL–01 are culturally affiliated with present-day Shoshone-Bannock Tribes of the Fort Hall Reservation and Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada.

Determinations Made by the USDA Forest Service, Boise National Forest

Officials of the USDA Forest Service, Boise National Forest have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 662 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Cecilia Romero Seesholtz, Boise National Forest, 1249 South Vinnell Way, Suite 200, Boise, ID 83709, telephone (208) 373–4102, email *cseesholtz@fs.fed.us,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada may proceed.

The Boise National Forest is responsible for notifying the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada that this notice has been published.

Dated: August 20, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19528 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026098; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Diego Museum of Man, San Diego, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Diego Museum of Man has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the San Diego Museum of Man. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the San Diego Museum of Man at the address in this notice by October 10, 2018.

ADDRESSES: Ben Garcia, Deputy Director, San Diego Museum of Man, 1350 El Prado, Balboa Park, San Diego, CA 32101, telephone (619) 239–2001 ext. 17, email *bgarcia@muesumofman.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the San Diego Museum of Man, San Diego, CA. The human remains were removed from the Mission San Diego de Alcala and the vicinity of the intersection of 40th Street and Meade Avenue, San Diego, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d) (3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the San Diego Museum of Man professional staff in consultation with representatives of the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California); Ewiiaapaayp Band of Kumeyaay Indians, California; Iipay Nation of Santa Ysabel, California (previously listed as the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation); Inaja Band of Diegueno Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Indian Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; and Sycuan Band of the Kumeyaay Nation (hereafter referred to as ''The Tribes'').

History and Description of the Remains

In 1959, human remains representing, at minimum, one individual were removed from the vicinity of the intersection of 40th Street and Meade Avenue in San Diego, CA, by a San Diego road crew. The human remains were initially received by the San Diego County Coroner's Office. On October 9, 1959 the human remains were transferred to the San Diego Natural History Museum and then gifted to the San Diego Museum of Man sometime between October and December of 1959. No known individuals were identified. No associated funerary objects are present.

The area of 40th Street and Meade Avenue is located within territory traditionally occupied by the Kumeyaay Nation, which is today represented by The Tribes. Based on collection research, geographic location, ethnographic information, and oral history evidence, these human remains have been identified as Kumeyaay.

In 1989, human remains representing, at minimum, four individuals were removed from an unknown site in the vicinity of Mission San Diego de Alcala, San Diego, CA. The human remains were likely excavated by Rose Tyson, a former Curator at the Museum of Man. These human remains lack specific information on the dates of collection/donation, excavation or documentation beyond a handwritten 3x5 card, reading; ''San Diego Missions burials exc. By R. Tyson 1989,'' and a label reading; ''San Diego Mission Leftovers.'' No known individuals were identified. No associated funerary objects are present.

Mission San Diego de Alcala, San Diego, CA, is located within territory traditionally occupied by the Kumeyaay Nation, which is today represented by The Tribes. Based on geographic location, ethnographic information, and oral history evidence, these human remains have been identified as Kumeyaay.

Determinations Made by the San Diego Museum of Man

Officials of the San Diego Museum of Man have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Ben Garcia, Deputy Director, San Diego Museum of Man, 1350 El Prado, Balboa Park, San Diego, CA 32101, telephone (619) 239–2001 ext. 17, email *bgarcia@muesumofman.org,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The San Diego Museum of Man is responsible for notifying The Tribes that this notice has been published.

Dated: July 25, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19522 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026101; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Haffenreffer Museum of Anthropology, Brown University, Bristol, RI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Haffenreffer Museum of Anthropology, Brown University, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Haffenreffer Museum of Anthropology, Brown University. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Haffenreffer Museum of Anthropology, Brown University at the address in this notice by October 10, 2018.

ADDRESSES: Thierry Gentis, NAGPRA Coordinator c/o. Haffenreffer Museum of Anthropology, Brown University, 300 Tower Street, Bristol, RI 02809, telephone (401) 863–5700, email *thierry_gentis@brown.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Haffenreffer Museum of Anthropology, Brown University, Bristol, RI. The human remains and associated funerary objects were removed from: Prudence Island in Bristol County, RI; East Greenwich in Kent County, RI; Block Island in Newport County, RI; Rumford in Providence County, RI; and Charleston in Washington County, RI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the professional staff of the Haffenreffer Museum of Anthropology, Brown University, in consultation with representatives of the Narragansett Indian Tribe.

History and Description of the Remains

At an unknown time, human remains representing, at minimum, one individual were removed by an unknown individual from Little Narrows Farm, Prudence Island in Bristol County, RI. The human remains, consisting of a cranium of a female of undetermined age, were donated by Stella Paine to the Haffenreffer Museum in 1957. They were said to have been removed from the ''slave burial ground'' cemetery for Little's Narrow Farm and ''neighbors.'' No known individuals were identified. No associated funerary objects are present.

Osteological characteristics indicate that the individual is Native American. The interment most likely dates to the late Woodland period or later (A.D. 1000–1650). Oral tradition and historical documentation indicate that Little Narrows Farm, Prudence Island in Bristol County, RI, is located within the aboriginal and historic homeland of the Narragansett Indian Tribe. Oral history provided during consultation with the Narragansett Indian Tribe confirms that the individual is Narragansett.

In 1964, human remains representing, at minimum, six individuals were removed from Green's Corner, East Greenwich in Kent County, RI, by William S. Simmons, and were donated to the Haffenreffer Museum by Mrs. Roderick Cruden. A letter from William S. Simmons to Mrs. Roderick Cruden dated September 13, 1964 states, ''The skeletons have been examined and one skull reconstructed. Four and perhaps even more Indians were uncovered in your foundation . . .'' The human remains include most of a male post-cranial skeleton (excluding ribs); miscellaneous post-cranial elements of an individual of indeterminate sex; miscellaneous post-cranial elements of a female; assorted post-cranial bones of at least two individuals (cranial, mandibular fragments, and teeth), and cranial, mandibular fragments, and teeth of one individual. No known individuals were identified. The 18 associated funerary objects are one clay pipe stem, one chipped pebble of English flint, one cylindrical shell bead, eight metal fragments, one square copper plate with rivet holes, one cylindrical bead of blue glass, four cylindrical beads of deep red glass, and one unfinished purple shell bead.

Osteological characteristics indicate that the six individuals are Native American. The interment most likely dates to the late Woodland period or later (A.D. 1000–1676). The associated funerary objects date the burial to the 17th century. Oral tradition and historical documentation indicate that Green's Corner, East Greenwich in Kent County, RI, is located within the aboriginal and historic homeland of the Narragansett Indian Tribe. Oral history provided during consultation with the Narragansett Indian Tribe confirms that the six individuals are Narragansett.

In 1920, human remains representing, at minimum, one individual were removed from Block Island in Newport County, RI. The nearly complete male skeleton was removed by Simon Ball. Charles F. Perry, MD donated these remains to Rudolf F. Haffenreffer in October of 1929, through an attorney named John T. Coughlin. No known individuals were identified. No associated funerary objects are present.

Osteological characteristics indicate that the individual is Native American. The interment most likely dates to the late Woodland period or later (A.D. 1000–1650). Oral tradition and historical documentation indicate that Block Island in Newport County, RI, is located within the aboriginal and historic homeland of the Narragansett Indian Tribe. Oral history provided during consultation with the Narragansett Indian Tribe confirms that the individual is Narragansett.

In 1927, human remains representing, at minimum, one individual were removed from Rumford in Providence County, RI, by an unknown individual while digging a cesspool, and were donated to Rudolf F. Haffenreffer. The human remains consist of cranial and post-cranial the remains of an adult male. No known individuals were identified. The one associated funerary object is a flat bone object, possibly a whale rib, cut transversely and broken in two pieces.

Osteological characteristics indicate that the individual is Native American. Based on the associated funerary object, the interment most likely dates to the late Woodland period or later (A.D. 1000–1650). Oral tradition and historical documentation indicate that Rumford in Providence County, RI, is located within the aboriginal and historic homeland of the Narragansett Indian Tribe. Oral history provided during consultation with the Narragansett Indian Tribe confirms that the individual is Narragansett.

In 1953, human remains representing, at minimum, one individual were removed from Charleston in Washington County, RI, by an unknown individual, and were donated to Rudolf F. Haffenreffer. The human remains comprise a nearly complete female skeleton. No known individuals were identified. The five associated funerary objects are one quartz flake, one quahog shell and three copper sheet fragments.

Osteological characteristics indicate that the individual is Native American. Based on the associated funerary objects, the interment most likely dates to the Historic Contact period (post –A.D. 1500). The three copper sheet fragments confirm a post-contact date. Oral tradition and historical documentation indicate that Charleston in Washington County, RI, is located within the aboriginal and historic homeland of the Narragansett Indian Tribe. Oral history provided during consultation with the Narragansett Indian Tribe confirms that the individual is Narragansett.

Determinations Made by the Haffenreffer Museum of Anthropology, Brown University

Officials of the Haffenreffer Museum of Anthropology, Brown University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 10 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 24 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Narragansett Indian Tribe.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Thierry Gentis, NAGPRA Coordinator c/o. Haffenreffer Museum of Anthropology, Brown University, 300 Tower Street, Bristol, RI 02809, telephone (401) 863–5700, email *thierry_gentis@brown.edu,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Narragansett Indian Tribe may proceed.

The Haffenreffer Museum of Anthropology, Brown University, is responsible for notifying the Narragansett Indian Tribe that this notice has been published.

Dated: July 25, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19527 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026289; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Michigan, Ann Arbor, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Michigan has completed an inventory of human remains and an associated funerary object, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary object and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request to the University of Michigan. If no additional requestors come forward, transfer of control of the human remains and associated funerary object to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to the University of Michigan at the address in this notice by October 10, 2018.

ADDRESSES: Dr. Ben Secunda, NAGPRA Project Manager, University of Michigan, Office of Research, 4080 Fleming Building, 503 Thompson Street, Ann Arbor, MI 48109–1340, telephone (734) 647–9085, email *bsecunda@umich.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary object under the control of the University of Michigan, Ann Arbor, MI. The human remains and associated funerary object were removed from the Riverside Cemetery site (20ME1), Menominee County, MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary object. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Michigan Museum of Anthropological Archeology (UMMAA) professional staff in consultation with representatives of the Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); and Pokagon Band of Potawatomi Indians, Michigan and Indiana (hereafter referred to as ''The Consulted Tribes'').

Requests for consultation were also sent to the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma;

Forest County Potawatomi Community, Wisconsin; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Turtle Mountain Band of Chippewa Indians of North Dakota; and Winnebago Tribe of Nebraska (hereafter referred to as ''The Tribes Invited to Consult'').

History and Description of the Remains

In 1956–57, human remains representing, at minimum, one individual were removed from the Riverside Cemetery site (20ME1), in Menominee County, MI, during excavations conducted by UMMAA archeologist, A.C. Spaulding. Riverside Cemetery is a multi-component site that has evidence of occupation dating from the Late Archaic (2550–300 B.C.) and Late Woodland Periods (A.D. 500–1100). Carbon 14 analysis of a burial feature excavated from the site produced a date of A.D. 650 +/ − 200 years for these human remains. The burial included one adult of indeterminate sex. No known individuals were identified. The one associated funerary object is a copper fragment of irregular shape.

The human remains have been determined to be Native American based on dental traits. A relationship of shared group identity can be reasonably traced between the Native American human remains from this site and the Menominee Indian Tribe of Wisconsin, based on the site's location within the lands traditionally occupied by the Menominee. Moreover, the Menominee were most likely the predominant tribe in the vicinity of the site during the date range for this burial, according to oral tradition and historical accounts.

Determinations Made by the University of Michigan

Officials of the University of Michigan have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary object and the Menominee Indian Tribe of Wisconsin.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to Dr. Ben Secunda, NAGPRA Project Manager, University of Michigan, Office of Research, 4080 Fleming Building, 503 Thompson Street, Ann Arbor, MI 48109–1340, telephone (734) 647–9085, email *bsecunda@umich.edu,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary object to the Menominee Indian Tribe of Wisconsin may proceed.

The University of Michigan is responsible for notifying The Consulted Tribes and The Tribes Invited to Consult that this notice has been published.

Dated: August 20, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19544 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026234; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: State Historical Society of North Dakota, Bismarck, ND

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The State Historical Society of North Dakota has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the State Historical Society of North Dakota. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the State Historical Society of North Dakota at the address in this notice by October 10, 2018.

ADDRESSES: Wendi Field Murray, State Historical Society of North Dakota, 612 East Boulevard Avenue, Bismarck, ND 58505, telephone (701) 328–3506, email *wmurray@nd.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the State Historical Society of North Dakota, Bismarck, ND. The human remains and associated funerary objects were removed from an unknown location in western North Dakota.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the State Historical Society of North Dakota professional staff in consultation with representatives of the Crow Tribe of Montana; Lower Sioux Indian Community in the State of Minnesota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Sisseton-Wahpeton Oyate of the Lake Traverse

Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Indian Reservation, North Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; and Upper Sioux Community, Minnesota. The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana was invited to consult but did not participate. Hereafter all tribes listed in this section are referred to as ''The Consulted and Notified Tribes.''

History and Description of the Remains

Sometime before 1931, human remains representing, at minimum, one individual were removed from the ground surface in an unknown location in western North Dakota. According to museum records, the human remains were collected by Dr. James Grassick of North Dakota, and were donated to the museum in October 1931. No known individuals were identified. The one associated funerary object is one metal projectile point, which was embedded in the human remains.

Determinations Made by the State Historical Society of North Dakota

Officials of the State Historical Society of North Dakota have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on the donor's collecting history.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and was embedded in the human remains either before or after the individual's death.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Lower Sioux Indian Community in the State of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Indian Reservation, North Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; and the Upper Sioux Community, Minnesota.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to of the Lower Sioux Indian Community in the State of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Indian Reservation, North Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; and the Upper Sioux Community, Minnesota.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Wendi Field Murray, State Historical Society of North Dakota, 612 East Boulevard Avenue, Bismarck, ND 58505, telephone (701) 325–3506, email *wmurray@nd.gov,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Lower Sioux Indian Community in the State of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Indian Reservation, North Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; and the Upper Sioux Community, Minnesota may proceed.

The State Historical Society of North Dakota is responsible for notifying The Consulted and Notified Tribes that this notice has been published.

Dated: August 9, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19543 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026188; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Oregon Museum of Natural and Cultural History, Eugene, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Oregon Museum of Natural and Cultural History has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the University of Oregon Museum of Natural and Cultural History. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the University of Oregon Museum of Natural and Cultural History, at the address in this notice by October 10, 2018.

ADDRESSES: Dr. Pamela Endzweig, Director of Collections, University of Oregon Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the University of Oregon Museum of Natural and Cultural History, Eugene,

OR. The human remains and associated funerary objects were removed from Lake County, OR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by University of Oregon Museum of Natural and Cultural History professional staff in consultation with representatives of the Burns Paiute Tribe (previously listed as the Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon); Confederated Tribes of the Warm Springs Reservation of Oregon; and Klamath Tribes (hereafter referred to as ''The Tribes'').

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual were removed from a location near Chewaucan Marsh, in Lake County, OR, during excavations for irrigation ditches. In 1969, the human remains were donated to the University of Oregon Museum of Natural and Cultural History by a private party. The human remains consist of an adult male (museum catalog #11–518). No known individual was identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, two individuals were removed from an unknown site probably located near the Chewaucan River, in Lake County, OR, as noted on the box in which they were stored, and were donated to the University of Oregon Museum of Natural and Cultural History by a private party. The human remains consist of two adults of indeterminate sex (no museum catalog number assigned). No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, one individual were removed from an unknown site, possibly from the vicinity of Paisley, in Lake County, OR, according to the University of Oregon Museum of Natural and Cultural History record book. The human remains were donated to the University of Oregon Museum of Natural and Cultural History by a private party. The human remains consist of an adult male (museum catalog #11–424). No known individual was identified. No associated funerary objects are present.

In November 1932, human remains representing, at minimum, three individuals were removed from an unknown site near Abert Rim, in Lake County, OR. The human remains were encountered during highway construction by the Oregon State Highway Commission. Subsequently, the human remains were transferred to the University of Oregon Museum of Natural and Cultural History. The human remains consist of one adult female, an adult of indeterminate sex (both under museum catalog #11–7), and an adult male (museum catalog #11–8). No known individuals were identified. No associated funerary objects are present.

In June 1934, human remains representing, at minimum, three individuals were removed from sites near Abert and Summer Lakes, in Lake County, OR. The human remains were possibly removed by University of Oregon archeologists, and consist of two adult males (museum catalog #s 11–33 and 11–35) and an adolescent of indeterminate sex (museum catalog #11–34). No known individuals were identified. No associated funerary objects are present.

In 1936, human remains representing, at minimum, one individual were removed from a location probably near Paisley, in Lake County, OR, during highway construction by the Oregon State Highway Commission. Subsequently, the human remains were transferred to at the University of Oregon Museum of Natural and Cultural History. Although a camel skull was also included in the accession (acc. # 200F), no information exists to associate it with the human remains. The human remains consist of an adult female (museum catalog #11–49). No known individual was identified. No associated funerary objects are present.

In 1938, human remains representing, at minimum, three individuals were removed from a site located near Highway 31 and Summer Lake, in Lake County, OR, during road construction. The human remains were then donated to the University of Oregon Museum of Natural and Cultural History by a private party. The human remains consist of one adult female and two adult males (recorded together under museum catalog #11–86). No known individuals were identified. No associated funerary objects are present.

In 1939, human remains representing, at minimum, four individuals were removed from sites on ZX Ranch, in Lake County, OR, during legally authorized excavations by University of Oregon archeologists. According to field notes on file, three of the individuals were recovered from looters' back-dirt. These three sets of human remains consist of one adult female and two adult males (museum catalog #s 11–102 and 11–103). A fourth set of human remains was found beside a road to 5-Mile-Butte according to the field catalog. These human remains consist of a single adult female (museum catalog #11–101). No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, one individual were removed from near Silver Lake, in Lake County, OR. The human remains were subsequently donated to the University of Oregon Museum of Natural and Cultural History by a private party in 1940. The human remains consist of a single adult of indeterminate sex (museum catalog #11–136). No known individual was identified. The four associated funerary objects are four fossilized animal bones.

In 1947, human remains representing, at minimum, one individual were removed from a site located near the mouth of Silver Creek at Silver Lake, in Lake County, OR, during legally authorized excavations by University of Oregon archeologists. The human remains were partially exposed at the time of removal according to field records. The human remains consist of a single adult male (museum catalog #11–213). No known individual was identified. No associated funerary objects are present.

Historical documents, ethnographic sources, and oral history indicate that Northern Paiute people have occupied the south-central Oregon area since pre-contact times. The human remains from the above-mentioned locations are determined to be Native American based on archeological context and/or skeletal evidence and Northern Paiute based on provenience. The Northern Paiute are represented today by The Tribes.

Determinations Made by the University of Oregon Museum of Natural and Cultural History

Officials of the University of Oregon Museum of Natural and Cultural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 20 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the four objects described in this notice

are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Pamela Endzweig, Director of Collections, University of Oregon Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The University of Oregon Museum of Natural and Cultural History is responsible for notifying The Tribes that this notice has been published.

Dated: August 6, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19539 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026189; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Children's Museum of Oak Ridge, Oak Ridge, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Children's Museum of Oak Ridge (CMOR) has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the CMOR. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the CMOR at the address in this notice by October 10, 2018.

ADDRESSES: Beth Shea, Children's Museum of Oak Ridge, 461 West Outer Drive, Oak Ridge, TN 37830, telephone (865) 482–1074, email *bshea@childrensmuseumofoakridge.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Children's Museum of Oak Ridge, Oak Ridge, TN. The human remains were removed from an unidentified site with the place-name Tellico-Loudoun, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the CMOR professional staff in consultation with representatives of the Cherokee Nation, Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma.

History and Description of the Remains

On an unknown date in 1974 or earlier, human remains representing, at minimum, two individuals were removed from Tellico-Loudoun in TN. CMOR's records indicate that the skull, the mandible, and the loose teeth were collected by the same individual at the same general location in Tellico-Loudoun. The human remains were donated to CMOR by Mr. Jack Rich in 1974, and consist of one mandible with teeth, including loose teeth; and one skull with a notation of ''basal flattening by as—infant being carried on a board.'' No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Children's Museum of Oak Ridge

Officials of the CMOR have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on basal flattening of the skull/evidence of cradle boarding.

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.

• Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and United Keetoowah Band of Cherokee Indians in Oklahoma.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Cherokee Nation; Eastern Band of Cherokee Indians; and United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Beth Shea, Children's Museum of Oak Ridge, 461 West Outer Drive, Oak Ridge, TN 37830, telephone (865) 482–1074, email *bshea@childrensmuseumofoakridge.org,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The CMOR is responsible for notifying the Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: August 6, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19533 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026171; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The American Museum of Natural History has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the American Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the American Museum of Natural History at the address in this notice by October 10, 2018.

ADDRESSES: Nell Murphy, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024, telephone (212) 769–5837, email *nmurphy@amnh.org*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the American Museum of Natural History, New York, NY. The human remains and associated funerary objects were removed from unknown locales in Georgia and Tennessee; Ballard and Bell Counties, KY; and Hickman, Knox, Roane, and Williamson Counties, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the American Museum of Natural History professional staff in consultation with representatives of the Cherokee Nation; Eastern Band of Cherokee Indians; Shawnee Tribe; The Chickasaw Nation; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

The Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Seminole Nation of Oklahoma; and Thlopthlocco Tribal Town were invited to consult but chose not to participate. Hereafter, all tribes listed in this section are referred to as ''The Consulted and Notified Tribes.''

History and Description of the Remains

In an unknown year, human remains representing, at minimum, one individual were removed from a mound in Georgia by E.G. Squier. In 1875, the American Museum of Natural History purchased the human remains. No known individual was identified. The one associated funerary object is a copper disc.

The land in the state of Georgia from which the Native American human remains were removed is the aboriginal land of the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Kialegee Tribal Town; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

In an unknown year, human remains representing, at minimum, one individual were removed from Wickliffe Mounds, Ballard County, KY, by Col. Fain White-King or Blanche Busey King. In 1947, Lawrence Parker gifted these remains to the American Museum of Natural History. No known individual was identified. No associated funerary objects are present.

The land in Ballard County, KY, from which the Native American human remains were removed, is the aboriginal land of The Chickasaw Nation.

In August 1955, human remains representing, at minimum, five individuals were removed from near a highway cut near Pineville, Bell County, KY, by Dr. James S. Golden, Jr. In 1959, these adult human remains were gifted to the American Museum of Natural History. No known individuals were identified. The associated funerary objects consist of one lot of fragmentary animal bones.

The land in Bell County, KY, from which the Native American human remains were removed, is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

In an unknown year, human remains representing, at minimum, two individuals were removed from Tennessee by an unknown collector (possibly J.P. Jones). In an unknown year, the American Museum of Natural History acquired these remains from an unknown donor. No known individuals were identified. No associated funerary objects are present.

The land in the state of Tennessee from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

In 1879, human remains representing, at minimum, one individual were removed from the bank of the Duck River, Hickman County, TN, by James Terry. In 1891, the American Museum of Natural History purchased these human remains from James Terry. No known individual was identified. No associated funerary objects are present.

The land in Hickman County, TN, from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United

Keetoowah Band of Cherokee Indians in Oklahoma.

In an unknown year, human remains representing, at minimum, one individual were removed from the Knoxville vicinity, Knox County, TN, by an unknown collector. In 1877, the American Museum of Natural History acquired these human remains as a gift or purchase from C.C. Jones. No known individual was identified. No associated funerary objects are present.

The land in Knox County, TN, from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

In 1932, human remains representing, at minimum, one individual were removed from Wilson Mound, 5 miles east of Rockwood, Roane County, TN, by Carl Clausen and Dr. Nels C. Nelson. In 1932, Carl Clausen and Dr. Nels C. Nelson gifted these human remains to the American Museum of Natural History. No known individual was identified. No associated funerary objects are present.

The land in Roane County, TN, from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

In 1932, human remains representing, at minimum, three individuals were removed from Bowman Mound, 6 miles east of Rockwood, Hoods Ferry, Roane County, TN, by Carl Clausen and Dr. Nels C. Nelson. In 1932, Carl Clausen and Dr. Nels C. Nelson gifted these human remains to the American Museum of Natural History. No known individuals were identified. No associated funerary objects are present.

The land in Roane County, TN, from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

In 1879, human remains representing, at minimum, seven individuals were removed from Brentwood, Williamson County, TN, by James Terry. In 1891, the American Museum of Natural History purchased these human remains from James Terry. No known individuals were identified. No associated funerary objects are present.

The land in Williamson County, TN, from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Determinations Made by the American Museum of Natural History

Officials of the American Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based primarily on the donor's collecting history and archeological context.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 22 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, Treaties, Acts of Congress, or Executive Orders, the land in Georgia from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Kialegee Tribal Town; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains from Georgia may be to the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Kialegee Tribal Town; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, treaties, Acts of Congress, or Executive Orders, the land in Ballard County, KY, from which the Native American human remains and associated funerary objects were removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains from Ballard County, KY, may be to the aboriginal land of The Chickasaw Nation.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, treaties, Acts of Congress, or Executive Orders, the land in Georgia from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains from Tennessee may be to the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, treaties, Acts of Congress, or Executive Orders, the land in Hickman County, TN, from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains from Hickman County, TN, may be to the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, treaties, Acts of Congress, or Executive Orders, the land in Bell County, KY, and Knox, Roane, and Williamson Counties, TN, from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains from Bell County, KY, and Knox, Roane, and

Williamson Counties, TN, may be to the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Nell Murphy, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, NY, NY 10024, telephone 212–769–5837, email *nmurphy@amnh.org,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Kialegee Tribal Town; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Chickasaw Nation; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The American Museum of Natural History is responsible for notifying The Consulted and Notified Tribes that this notice has been published.

Dated: August 3, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19532 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026176; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Oregon Museum of Natural and Cultural History, Eugene, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Oregon Museum of Natural and Cultural History has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the University of Oregon Museum of Natural and Cultural History. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the University of Oregon Museum of Natural and Cultural History at the address in this notice by October 10, 2018.

ADDRESSES: Dr. Pamela Endzweig, Director of Collections, Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of Oregon Museum of Natural and Cultural History, Eugene, OR. The human remains were removed from a location northwest of Nixon, Washoe County, NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Oregon Museum of Natural and Cultural History professional staff in consultation with representatives of the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada.

History and Description of the Remains

In 1950, human remains representing one individual were removed from an eroding area along Route 33, about one mile south of the extreme end of Pyramid Lake, Washoe County, NV. In 1950 the human remains were donated to the museum by the private party who initially recovered them. The human remains (cat. #11–257) represent a single adult male. No known individuals were identified. No associated funerary objects are present.

Historical documents, ethnographic sources, and oral history indicate that the Northern Paiute have occupied the Pyramid Lake region since precontact times. Based on skeletal evidence, the remains were determined to be of Native American ancestry and Northern Paiute. The Northern Paiute are represented today by the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada.

Determinations Made by the University of Oregon Museum of Natural and Cultural History

Officials of the University of Oregon Museum of Natural and Cultural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Pamela Endzweig, Director of Collections, Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada, may proceed.

The University of Oregon Museum of Natural and Cultural History is responsible for notifying the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada, that this notice has been published.

Dated: August 3, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19526 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026187; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Oregon Museum of Natural and Cultural History, Eugene, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Oregon Museum of Natural and Cultural History has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the University of Oregon Museum of Natural and Cultural History. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the University of Oregon Museum of Natural and Cultural History at the address in this notice by October 10, 2018.

ADDRESSES: Dr. Pamela Endzweig, Director of Collections, University of Oregon Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of Oregon Museum of Natural and Cultural History, Eugene, OR. The human remains were removed from Lake County, OR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by University of Oregon Museum of Natural and Cultural History professional staff in consultation with representatives of the Burns Paiute Tribe (previously listed as the Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon); Confederated Tribes of the Warm Springs Reservation of Oregon; Fort Bidwell Indian Community of the Fort Bidwell Reservation of California; and Klamath Tribes (hereafter referred to as ''The Tribes'').

History and Description of the Remains

At an unknown date, human remains representing one individual were removed from an unknown location and donated to the University of Oregon Museum of Natural and Cultural History by a private donor in 1934. While museum records do not identify exact provenience for the human remains, the donor was a resident of Lakeview, in Lake County, OR, and it is reasonably believed that the human remains were removed from that vicinity. The human remains consist of an adult male (museum cat. #11–6). No known individual was identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, one individual were removed from a location in agricultural fields ''approximately nine miles due west of Lakeview and one half mile south of the Klamath Falls-Lakeview Highway,'' in Lake County, OR. The human remains were initially encountered during plowing, and were donated to the University of Oregon Museum of Natural and Cultural History in 1949. The human remains consist of an adult male (museum cat. #11–219). No known individual was identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, one individual were donated to the Oregon Museum of Natural and Cultural History by an unknown individual. Museum documentation indicates that the human remains were likely removed from ''N. Lakeview,'' located in Lake County, OR. The human remains consist of an adult of indeterminate sex (no museum catalog number assigned). No known individual was identified. No associated funerary objects are present.

The human remains from the above locations are determined to be Native American based on burial context and/or skeletal evidence. Historical documents, ethnographic sources, and oral history indicate that The Tribes have occupied the area of Lakeview, OR, area since pre-contact times. Based on museum records, the human remains are reasonably believed to be culturally affiliated with The Tribes.

Determinations Made by the University of Oregon Museum of Natural and Cultural History

Officials of the University of Oregon Museum of Natural and Cultural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Pamela Endzweig, Director of Collections, University of Oregon Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The University of Oregon Museum of Natural and Cultural History is responsible for notifying The Tribes that this notice has been published.

Dated: August 6, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19538 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026100; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Federal Bureau of Investigation, Washington, DC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Federal Bureau of Investigation (FBI) has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the FBI. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the FBI at the address in this notice by October 10, 2018.

ADDRESSES: Federal Bureau of Investigation, FBI Headquarters, Attn: Supervisory Special Agent (SSA) Timothy S. Carpenter, Art Theft Program, 935 Pennsylvania Avenue NW, Washington, DC 20535, telephone (202) 324–5525, email *artifacts@ic.fbi.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Federal Bureau of Investigation, Washington, DC. The human remains were removed from Potter County, SD.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the FBI professional staff in consultation with representatives of Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Standing Rock Sioux Tribe of North & South Dakota; and Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

History and Description of the Remains

At an unknown date, human remains representing one individual were removed from or near the Rosa Site (39PO3) in Potter County, SD. The Rosa Site is on the Missouri River midway between the mouth of the Moreau and Cheyenne Rivers. The closest modern town to the Rosa Site is Gettysburg, which serves as the county seat. Archeological records from the Rosa Site, along with oral history from local tribal nations, indicates that this area was historically inhabited by several populations. Archeologists believe that Siouan-speaking people ancestral to the Mandan lived in this locale from at least A.D. 800 until they were displaced by Caddoan-speaking ancestors of the Arikara. Ancestral Arikara remained in the area until the mid-to-late 1800s, when they moved upstream to join the Mandan and Hidatsa as part of the Three Affiliated tribes.

Excavations were conducted by Wesley Hurt and colleagues at Rosa and other middle Missouri River valley sites in advance of the river's damming and the creation of Lake Oahe by the Army Corps of Engineers in the 1960s. In 1958, Wesley Hurt and Todd Willy produced a report on their salvage excavation at the site. (Report of the Investigation of the Rosa Site 39Po3, Potter County, SD. Archeological Studies Circular No. 9, South Dakota Archaeological Commission, Pierre, South Dakota.)

In 1963, Hoffman speculated that the occupants of Rosa belonged to the Chouteau Aspect of Middle Missouri archaeological culture, which is characterized as a ''late prehistoric coalescence of indigenous Middle Missouri and intrusive Central Plains cultures.'' A later, protohistoric affiliation is supported by Weakly's 1971 study of tree rings from sites along the Missouri River in South Dakota. His analysis places Rosa's occupation in the mid-to-late 18th century, with one juniper tree specimen providing a date of A.D. 1766. Based on this evidence and a larger regional analysis conducted by Donald Lehmer and published in 1971, Rosa is now widely regarded as a Post-Contact Coalescent village for the ancestors of modern-day Arikara. More recently, Johnson has hypothesized that the Rosa village spawned from the 17th Extended Coalescent occupation at the Sully (39Sl4) site, located downstream in Sully County and below the mouth of the Cheyenne River. Meanwhile, Collison describes the LeBeau and Stanley Ware ceramics from Rosa as characteristic of the A.D. 1700 to 1750 timeframe. In sum, Rosa was an 18th century ancestral Arikara village that existed shortly before the Arikara emigration northward along the Missouri River.

Following their removal, the human remains (a single cranium) were transported to Indiana, where they remained as part of a private collection of Native American antiquities and cultural heritage. In April 2014, the human remains were seized by the FBI as part of a criminal investigation.

The human remains (also known as Individual 144) represent one young-to-middle adult female that, according to the osteology report, ''likely died between 30 and 45 years of age.'' No known individuals were identified. There were no associated funerary objects. A tag recovered by the FBI with Individual 144 states ''Rosa Site- Cache Burial Female-Age 35.'' Individual 144 is represented by a well-preserved cranium, mandible and partial dentition with ante- and post-mortem tooth loss. According to the osteology report, bone preservation is very good, and there is no evidence for substantial weathering or taphonomic processes, suggesting that Individual 144 is derived from a late prehistoric, protohistoric or historic burial context.

Based upon the historical record, site analysis, evidence obtained through criminal investigation, osteological analysis, and tribal consultation, the FBI believes that there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Determinations Made by the Federal Bureau of Investigation

Officials of the FBI have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Three Affiliated Tribes

of the Fort Berthold Reservation, North Dakota.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Federal Bureau of Investigation, FBI Headquarters, Attn: Supervisory Special Agent (SSA) Timothy S. Carpenter, Art Theft Program, 935 Pennsylvania Avenue NW, Washington, DC 20535, telephone (202) 324–5525, email *artifacts@ic.fbi.gov,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota may proceed.

The FBI is responsible for notifying the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Standing Rock Sioux Tribe of North & South Dakota; and Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota that this notice has been published.

Dated: July 25, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19541 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026291; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Kootenai National Forest, Lincoln County, MT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, Kootenai National Forest, with assistance from the Army Corps of Engineer's Mandatory Center of Expertise for the Curation and Management of Archeological Collections (ACOE), has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Kootenai National Forest. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Kootenai National Forest at the address in this notice by October 10, 2018.

ADDRESSES: Chris Savage, Supervisor, Kootenai National Forest, 31374 US Hwy 2, Libby, MT 59923–3022, telephone (406) 293–6211 or email *csavage@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the U.S. Department of Agriculture, Forest Service, Kootenai National Forest. The human remains were removed from Lincoln County, MT.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Army Corps of Engineer's Mandatory Center of Expertise for the Curation and Management of Archeological Collections professional staff for the Kootenai National Forest in consultations with representatives of the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

History and Description of the Remains

In 1982, human remains representing, at minimum, one sub-adult were removed from Dorr Skeels in Lincoln County, MT. Two teeth were located during an excavation of site 24LN00073. The right and left first mandibular molar crowns belonged to an approximately 2 year +/− 8 month individual.

Determinations Made by the Army Corps of Engineer's Mandatory Center of Expertise for the Curation and Management of Archeological Collections and Kootenai National Forest

Officials of the Army Corps of Engineer's Mandatory Center of Expertise for the Curation and Management of Archeological Collections and Kootenai National Forest have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the human remains and the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Chris Savage, Supervisor, Kootenai National Forest, 31374 US Hwy. 2, Libby, MT 59923–3022, telephone (406) 293–6211 or email *csavage@fs.fed.us,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Confederated Salish and Kootenai Tribes of the Flathead Reservation may proceed.

The Kootenai National Forest is responsible for notifying the Confederated Salish and Kootenai Tribes of the Flathead Reservation that this notice has been published.

Dated: August 20, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19530 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026178; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Office of the State Archeologist, University of Iowa, Iowa City, IA, and Coe College, Cedar Rapids, IA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Iowa, Office of the State Archeologist Bioarcheology

Program (OSA), acting as the agent for Coe College, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the OSA. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the OSA at the address in this notice by October 10, 2018.

ADDRESSES: Lara Noldner, Office of the State Archeologist Bioarcheology Program, University of Iowa, 700 S Clinton Street, Iowa City, IA 52242, telephone (319) 384–0740, email *lara-noldner@uiowa.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the University of Iowa, Office of the State Archeologist Bioarcheology Program, Iowa City, IA. The human remains and associated funerary objects were removed from an unknown location in Hawaii.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the OSA professional staff, acting on behalf of Coe College, in consultation with representatives of the Office of Hawaiian Affairs (OHA).

History and Description of the Remains

At an unknown date, human remains representing, at minimum, three individuals were removed from an unknown burial cave in Hawaii. In 1917, a professor at Coe College, in Cedar Rapids, Linn County, IA, donated the human remains and associated funerary object to the college museum. Coe College subsequently sent the human remains and associated funerary object to the OSA for analysis and assessment. The human remains represent two adults of unknown age and sex, and one juvenile, approximately 12 to 18 years old (Burial Project 1934). No known individuals were identified. The one associated funerary object is a woven grass lauhala mat. In addition to being used for lining the floors of dwellings and sleeping areas, these mats were often used in Hawaiian burial caves.

Determinations Made by the Office of the State Archeologist Bioarcheology Program

Officials of the Office of the State Archeologist Bioarcheology Program, acting on behalf of Coe College, have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native Hawaiian ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native Hawaiian human remains and associated funerary object and the Office of Hawaiian Affairs.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to Lara Noldner, Office of the State Archeologist Bioarcheology Program, University of Iowa, 700 S Clinton Street, Iowa City, IA 52242, telephone (319) 384–0740, email *lara-noldner@uiowa.edu,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary object to the Office of Hawaiian Affairs may proceed.

The University of Iowa, Office of the State Archeologist Bioarcheology Program is responsible for notifying the Office of Hawaiian Affairs that this notice has been published.

Dated: August 3, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19531 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA-NPS0026099; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Heard Museum, Phoenix, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Heard Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Heard Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Heard Museum at the address in this notice by October 10, 2018.

ADDRESSES: David Roche, Director/CEO, Heard Museum, 2301 North Central Avenue, Phoenix, AZ 85004, telephone (602) 252–8840, email *director@heard.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Heard Museum, Phoenix, AZ. The human remains and associated funerary objects were removed from the vicinity of Gila Bend, Maricopa County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Heard Museum professional staff in consultation with representatives of Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

Prior to 1953, human remains representing, at minimum, one individual were removed from the vicinity of Gila Bend in Maricopa County, AZ, by Russell Cross and then acquired by the Heard Museum. In 1953, the museum assigned the human remains and associated funerary objects catalog number NA–SW–HH–A4–2. The human remains belong to a middle-aged adult of unknown gender. No known individuals were identified. The two associated funerary objects are one jar and one animal bone.

The jar is identified as Hohokam Sacaton Red-on-Buff with a low Gila Shoulder, and was made between approximately A.D. 900 and 1100. In 1990, the Ak-Chin Indian Community, Gila River Indian Community, Salt River Pima-Maricopa Community, and Tohono O'odham Nation adopted a joint policy statement stating that a cultural affiliation existed between themselves and the ancestors they described as ''Hohokam.'' Subsequently, the Hopi Tribe (in 1994) and Pueblo of Zuni (in 1995) asserted their own cultural affiliation with the Hohokam.

Determinations Made by the Heard Museum

Officials of the Heard Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Cocopah Tribe of Arizona; Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California; Fort Mojave Indian Tribe of Arizona, California & Nevada; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to David Roche, Director/CEO, Heard Museum, 2301 North Central Avenue, Phoenix, AZ 85004, telephone (602) 252–8840, email *director@heard.org,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Heard Museum is responsible for notifying The Tribes that this notice has been published.

Dated: July 25, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19523 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026129; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Heard Museum, Phoenix, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Heard Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Heard Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Heard Museum at the address in this notice by October 10, 2018.

ADDRESSES: David Roche, Director/CEO, Heard Museum, 2301 North Central Avenue, Phoenix, AZ 85004, telephone (602) 252–8840, email *director@heard.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Heard Museum, Phoenix, AZ. The human remains and associated funerary objects were removed from near Camp Verde, Yavapai County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal

agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Heard Museum professional staff in consultation with representatives of Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

In 1972, human remains representing, at minimum, one individual were removed from near Camp Verde in Yavapai County, AZ by Tim Bailey. The human remains are of a child of unknown gender. They were donated to the Heard Museum in 1973, at which time they were assigned the catalog numbers NA–SW–SG–A2–1 and NA–SW–SG–K–2. No known individuals were identified. The 19 associated funerary objects are: One bowl, one pottery sherd, one bead, three fragments of an obsidian tool, two quartzite flakes, 10 animal bones, and one corn cob.

The bowl was identified as Flagstaff Black-on-white. The vessel was re-attributed as Puebloan based on Wood's classification of this type as an Anasazi type (Wood 1987:98). The cultural affiliation of the human remains was changed to Hohokam based on the presence of cremated bone and obsidian lithics. The bowl is a Puebloan pottery type. Possibly, it was a trade item. Alternatively, it is associated with the burial of a Hohokam person outside of his/her culture area whose religious convictions were respected upon death (see Wilcox 1987:135). Based on the cremated bone and pottery type of the cremation vessel, the human remains are not likely to be Sinagua.

The Hohokam lived in central and southern Arizona from about A.D. 1 to 1450. The style of pottery known as Flagstaff Black-on-white was made by Ancestral Puebloans and dates from A.D. 1130 to 1230. In 1990, the Ak-Chin Indian Community, Gila River Indian Community, Salt River Pima-Maricopa Community, and Tohono O'odham Nation adopted a joint statement asserting their cultural affiliation to ancestors described as ''Hohokam.'' In 1994, the Hopi Tribe asserted its cultural affiliation to Hohokam and Hisatsinom (Puebloan). In 1995, the Pueblo of Zuni asserted its cultural affiliation to Hohokam and Puebloan. In 1995, the Yavapai-Prescott Tribe asserted its cultural affiliation to human remains found near the area of Montezuma Well (near Camp Verde).

Determinations Made by the Heard Museum

Officials of the Heard Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 19 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Fort McDowell Yavapai Nation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Pueblo of Acoma, New Mexico; Pueblo of Laguna, New Mexico; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to David Roche, Director/CEO, Heard Museum, 2301 North Central Avenue, Phoenix, AZ 85004, telephone (602) 252–8840, email *director@heard.org,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Heard Museum is responsible for notifying The Tribes that this notice has been published.

Dated: July 25, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19542 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026173; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Oregon Museum of Natural and Cultural History, Eugene, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Oregon Museum of Natural and Cultural History has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the University of Oregon Museum of Natural and Cultural History. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the University of Oregon Museum of Natural and Cultural History at the address in this notice by October 10, 2018.

ADDRESSES: Dr. Pamela Endzweig, Director of Collections, Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the University of Oregon Museum of Natural and Cultural History, Eugene, OR. The human remains and associated funerary objects were removed from Phoenix, Maricopa County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Oregon Museum of Natural and Cultural History professional staff in consultation with representatives of the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.

History and Description of the Remains

In 1925, human remains representing, at minimum, two individuals were removed from a location in Phoenix in Maricopa, AZ. In 1984 the human remains were donated to the museum by a private party and accessioned into the collection (museum cat. #11–571). The human remains consist of two individuals, an adult and a child. No known individuals were identified. According to the accession records, the 28 associated funerary objects were contained in a ceramic jug. The associated funerary objects include: One ceramic jug, one bone bead, two bone bead fragments, one bone effigy, two bone awls, two drilled pieces of animal bone, one piece of deer bone, 17 disc beads with cloth, and one projectile point.

Historical documents, ethnographic sources, and oral history indicate that the Pima-Maricopa people have occupied the Phoenix area since precontact times. Based on archeological context, the two individuals above were determined to be of Native American ancestry and Pima-Maricopa. The Pima-Maricopa are represented today by the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.

Determinations Made by the University of Oregon Museum of Natural and Cultural History

Officials of the University of Oregon Museum of Natural and Cultural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 28 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Pamela Endzweig, Director of Collections, Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, telephone (541) 346–5120, email *endzweig@uoregon.edu,* by October 10, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona, may proceed.

The University of Oregon Museum of Natural and Cultural History is responsible for notifying the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona, that this notice has been published.

Dated: August 3, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–19535 Filed 9–7–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1016 (Modification Proceeding)]

Certain Access Control Systems and Components Thereof; Notice of Institution of Modification Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute a modification proceeding in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2382. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 3, 2016, based on a Complaint filed by the Chamberlain Group (''Complainant'' or ''Chamberlain'') of Elmhurst, Illinois. 81 FR 52713 (Aug. 9, 2016). The Complaint alleged that Respondents were violating Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''Section 337''), by importing, selling for importation, or selling in the United States after importation garage door opener products (''GDOs'') that infringe certain claims of U.S. Patent No. 7,161,319 (''the '319 patent''), U.S. Patent No. 7,196,611 (''the '611 patent''), and U.S. Patent No. 7,339,336 (''the '336 patent''). The '319 patent is the only patent at issue for purposes of the present petition for a modification proceeding. The asserted claims of the '611 and certain claims of the '336 patent were previously terminated. Notice (Mar. 20, 2017) (*see* Order No.

18); Notice (May 31, 2017) (*see* Order No. 28). The remaining claims of the '336 patent were found to be not infringed. 83 FR 13517, 13519 (March 29, 2018).

The Commission's Notice of Investigation named Techtronic Industries Co., Techtronic Industries North America, Inc., One World Technologies, Inc., and OWT Industries, Inc., and ET Technology (Wuxi) Co. (collectively ''Respondents'' or ''Techtronic'') among the Respondents. Ryobi Technologies, Inc. was initially named as a Respondent, but was later terminated from this investigation on an unopposed motion. Notice (Nov. 7, 2016) (*see* Order No. 6). The Office of Unfair Import Investigations is not a party to the investigation.

On July 12–13, 2017, the ALJ held an evidentiary hearing on infringement, invalidity, domestic industry, and remedy with respect to the remaining '319 patent. On October 23, 2017, the ALJ issued his final initial determination (''ID''), in which he found the '319 patent claims were not obvious and were infringed by Respondents' accused GDOs. 83 FR at 13518 (discussing ID at 130–41, 144, 151–212). The Commission determined not to review the ALJ's infringement determination but limited its review to obviousness. 82 FR 61792 (Dec. 29, 2017). The Commission ultimately affirmed the ALJ's findings that the '319 patent claims were not obvious and Respondents were violating Section 337 by way of infringement, and entered limited exclusion order (''LEO'') and cease-and-desist orders (''CDOs'') with certification provisions. 83 FR at 13517, 13519; Commission Opinion at 1–2, 13–31, 35–36 (Mar. 23, 2018). The President did not disapprove of the Commission's remedial orders. The Commission's final determination is presently on appeal to the Federal Circuit.

On August 2, 2018, Respondents filed a petition with the Commission to institute a modification proceeding to determine whether their allegedly redesigned garage door opener products infringe the '319 patent that is the subject of the remedial orders issued in this investigation and for modification of those remedial orders to specify the status of those redesigned products. On August 13, 2018, Complainant filed its opposition to this Petition. On August 22, 2018, Respondents filed a reply in support of their petition with an accompanying motion for leave to file a reply. On August 30, 2018, Respondents filed a motion for leave to file a second supplement to their petition for a modification proceeding.

The Commission has determined that Respondents' petition complies with the requirements for institution of a modification proceeding pursuant to Commission Rule 210.76. Accordingly, the Commission has determined to institute a modification proceeding and has delegated the proceeding to the Chief Administrative Law Judge to designate a presiding Administrative Law Judge. The presiding ALJ shall submit a recommended determination within six (6) months after publication of notice of this Order in the **Federal Register**. Chamberlain and Techtronic are named as parties to this proceeding. The Commission has further determined to deny Respondents' motion for leave to file a reply and Respondents' motion for leave to file a second supplement to their original petition.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 4, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–19498 Filed 9–7–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–18–042]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: September 18, 2018 at 9:30 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote on Inv. Nos. 701–TA–586 and 731–TA–1384 (Final)(Stainless Steel Flanges from India). The Commission is currently scheduled to complete and file its determinations and views of the Commission by September 28, 2018.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: September 5, 2018.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–19704 Filed 9–6–18; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Strength-Training Systems and Components Thereof, DN 3338;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Hoist

Fitness Systems, Inc. on September 4, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain strength-training systems and components thereof. The complaint names as respondents: TuffStuff Fitness International, Inc., of Chino, CA; and Shandong Relax Health Industry Co. Ltd. of China. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond during the 60-day review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business nine calendar days after the date of publication of this notice in the **Federal Register**. Complainant may file a reply to any written submission no later than the date on which complainant's reply would be due under § 210.8(c)(2) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(c)(2)).

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3338) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[1] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: September 4, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–19500 Filed 9–7–18; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

The Appointment of the Commission's Administrative Law Judges for Section 337 Investigations

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission's administrative law judges (''ALJs'') have been appointed in conformance with the Appointments Clause of the U.S. Constitution and with the Tariff Act.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2532. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), provides for certain determinations to be ''made on the record after notice and opportunity for a hearing in conformity with the provisions of subchapter II of chapter 5 of title 5.'' 19 U.S.C. 1337(c). Pursuant to subchapter II of chapter 5 of title 5, the Commission employs ALJs to conduct formal adjudications and to make initial and recommended determinations. 5 U.S.C. 556–557; 19 CFR 210.3 (''administrative law judge'').

Pursuant to section 331 of the Tariff Act, 19 U.S.C. 1331, the Chairman of the Commission has the authority to ''appoint and fix the compensation of such employees of the Commission as he deems necessary,'' including ALJs. 19 U.S.C. 1331(a)(1)(A)(1). Any such decision by the Chairman, however, is ''subject to disapproval by a majority vote of all the commissioners in office.'' *Id.* § 1331(a)(1)(C). The hiring of the Commission's ALJs has been in conformity with Titles 5 and 19 of the U.S. Code, as well as with such regulations as were then in force by the Office of Personnel Management, 5 CFR 930.201–.211.

The Appointments Clause of the Constitution, art. II, § 2, cl. 2, provides, in relevant part, that Congress may vest the appointment of inferior officers ''in the Heads of Departments.'' In the past two years, there have been legal developments concerning the Appointments Clause. These developments have included the 2016 decision of the U.S. Court of Appeals for the Tenth Circuit finding ALJs of the Securities and Exchange Commission (''SEC'') to be ''inferior officers'' for the purpose of the Appointments Clause, *Bandimere* v. *SEC,* 844 F.3d 1168, 1188 (10th Cir. 2016), *reh'g en banc denied* (May 3, 2017). In 2018, the Supreme Court decided that the ALJs of the SEC are inferior officers whose appointments were to be made by SEC and not by the SEC's staff. *Lucia* v. *SEC,* 138 S. Ct. 2044, 2053–54 (2018); *see Free Enterprise Fund* v. *Public Company Accounting Oversight Bd.,* 561 U.S. 477, 512 (2010).

The hiring of the Commission's ALJs is, and has been, consistent with the Appointments Clause and with the Commission's organic statute. Throughout at least the period of time between the hiring of the most-senior ALJ at the Commission (Chief Judge Bullock) until the present, the appointment of ALJs has been made by the Chairman, and no Commissioner has initiated a vote to disapprove the appointment of an ALJ, as is the Commissioner's right under 19 U.S.C. 1331(a)(1)(C). Out of an abundance of caution, on March 14 and 15, 2018, the Commission (then-Chairman Schmidtlein, joined by then-Vice Chairman Johanson, and Commissioners Williamson and Broadbent) voted, by notational voting, to ratify the earlier appointments of Judges Bullock, Lord, McNamara, Pender and Shaw. Also out of an abundance of caution, on February 8, 2018, the Commission voted, by notational voting, in connection with Judge Cheney's original appointment.

Accordingly, the Commission's ALJs have all been appointed and/or ratified in conformance with the Constitution, and all applicable statutes and regulations. In addition, by this Notice, the Commission reiterates its approval of the appointments of Judges Bullock, Cheney, Lord, McNamara, Pender, and Shaw as its own under the Constitution.

By order of the Commission.

Issued: September 5, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–19584 Filed 9–7–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–18–041]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: September 12, 2018 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote on Inv. No. 731–TA–1189 (Review)(Large Power Transformers from Korea). The Commission is currently scheduled to complete and file its determination and views of the Commission by September 26, 2018.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: September 5, 2018.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–19703 Filed 9–6–18; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1053]

Certain Two-Way Radio Equipment and Systems, Related Software and Components Thereof; Commission Determination To Review in Part an Initial Determination Finding a Violation of Section 337 and Order Nos. 38 and 47; To Request Written Submissions on Remedy, Bonding, and the Public Interest; and To Extend the Target Date

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part a final initial determination (''ID'') of the presiding administrative law judge (''ALJ'') finding a violation of section 337 and the ALJ's Order Nos. 38 and 47. The Commission is requesting written submissions on remedy, bonding, and the public interest including submissions in response to certain questions directed to the public interest. The Commission has also extended the target date for completion of the investigation to November 16, 2018.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 3, 2017, based on a complaint filed on behalf of Motorola Solutions, Inc. (''Motorola'') of Chicago, Illinois. 82 FR 20635–36. The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C.

1337, by reason of infringement of certain claims of the '284 patent and the following U.S. Patent Nos.: 7,369,869 (''the '869 patent''); 7,729,701 (''the '701 patent''); 8,279,991 (''the '991 patent''); 9,099,972; 8,032,169; and 6,591,111. The Commission's notice of investigation named Hytera Communications Corp. Ltd. of Shenzhen, China; Hytera America, Inc. of Miramar, Florida; and Hytera Communications America (West), Inc. of Irvine, California as respondents (collectively, ''Hytera''). The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

On September 18, 2017, the Commission issued notice of its determination not to review the ALJ's ID (Order No. 10) terminating the investigation as to: (1) Claims 2, 5, 10, and 16 of the '284 patent; (2) claims 2–3, 8, 12, 14–15, 20, 22–24, and 30 of the '169 patent; (3) claims 5, 8, 11–14, 18, and 22 of the '869 patent; (4) claims 3, 5, 8–10, 15, and 17–18 of the '701 patent; (5) claim 3 of the '972 patent; and (6) claims 3–5, 8–10, and 14 of the '111 patent. On October 17, 2017, the Commission issued notice of its determination not to review the ALJ's ID (Order No. 16) terminating the investigation as to claim 10 of the '869 patent. On November 14, 2017, the Commission issued notice of its determination not to review the ALJ's ID (Order No. 19) terminating the investigation as to: (1) Claims 1, 4, 12, and 18 of the '284 patent''); (2) claims 4, 13, 16, and 25 of the '169 patent; (3) claims 3–4, 9, 19–20, and 23–24 of the '869 patent; (4) claims 2, 4, and 14 of the '701 patent; (5) claims 4 and 8 of the '972 patent; (6) claims 6 and 12 of the '111 patent; and (7) claim 19 of the '991 patent for the purposes of satisfying the technical prong of the domestic industry requirement.

On December 4, 2017, the Commission issued notice of its determination not to review the ALJ's ID (Order No. 21) terminating the investigation as to claims 5 and 18 of the '169 patent. On January 3, 2018, the Commission issued notice of its determination not to review the ALJ's ID (Order No. 23) terminating the investigation as to: (1) The '111 and '169 patents; (2) claims 2 and 7 of the '869 patent; and (3) claims 7–8 and 19 of the '284 patent. On the same date, the Commission issued notice of its determination not to review the ALJ's ID (Order No. 24) terminating the investigation as to claim 1 of the '701 patent. On February 6, 2018, the Commission issued notice of its determination not to review the ALJ's ID (Order No. 31) terminating the investigation as to the following patent claims: (1) Claim 13 of the '701 patent; (2) claim 6 of the '284 patent; and (3) claim 1 of the '972 patent. On February 26, 2018, the Commission issued notice of its determination not to review the ALJ's ID (Order No. 40) terminating the investigation as to the '972 patent.

On January 26, 2018, the ALJ issued Order No. 38 which granted Motorola's motion *in limine* to preclude Hytera's licensing defense. On May 18, 2018, the ALJ issued Order No. 47 which granted-in-part Motorola's motion to strike certain portions of Hytera's expert testimony at the evidentiary hearing. On July 3, 2018, the ALJ issued her final ID and recommended determination (RD) on remedy and bonding in one document. The ID finds that Hytera's accused products infringe claims 1, 6, 17, and 21 of the '869 patent; claims 1 and 11 of the '701 patent; and claims 7–8 of the '991 patent. The ID also finds that Hytera's accused legacy products literally infringe claims 9 and 13–15 of the '284 patent and that Hytera's accused redesigned products infringe these claims under the doctrine of equivalents. The ID also finds that Hytera induced infringement of and contributorily infringed all of the claims of the asserted patents. As part of the ID's finding of indirect infringement, the ID applied an adverse inference against Hytera for certain of its witnesses' invocation of their Fifth Amendment right against self-incrimination. The ID also finds that Motorola satisfies the domestic industry requirement with respect to the '869, '701, and '991 patents, but that its domestic products do not satisfy the technical prong of the domestic industry requirement with respect to the '284 patent. Accordingly, the ID finds a violation of section 337 with respect to the '869, '701, and '991 patents. The RD recommended the issuance of limited exclusion orders directed against Hytera's infringing products and cease and desist orders directed against Hytera.

On July 17, 2018, Motorola and Hytera petitioned for review of the final ID. Hytera's petition for review included a petition for review of Order No. 47. On July 25, 2018, Motorola and Hytera each filed a response in opposition to the other party's petition for review. On August 6 and 7, 2018, respectively, Hytera and Motorola filed statements on the public interest. On August 10, 2018, the Commission received statements on the public interest from the general public.

Having examined the record of this investigation, including the ID, related Orders including Order Nos. 38 and 47, the parties' petitions for review, and the responses thereto, the Commission has determined to review-in-part the final ID and Order Nos. 38 and 47. Specifically, the Commission has determined to review (1) Order No. 38's finding that Hytera's licensing defense is precluded; (2) Order No. 47's finding that certain expert testimony from Hytera at the evidentiary hearing is stricken; (3) the ID's finding that Hytera's accused redesigned products infringe claims 9 and 13–15 of the '284 patent under the doctrine of equivalents; (4) the ID's application of an adverse inference against Hytera as part of the finding of indirect infringement; and (5) the ID's finding that insufficient record evidence exists to make a conclusive determination as to whether any redesigned products infringe the '701 patent and ID's lack of an express finding on this issue with respect to the '869 or '991 patent. The Commission has determined not to review the remainder of the final ID. The Commission has also extended the target date for completion of the investigation to November 16, 2018.

On review, with respect to violation, the parties are requested to submit briefing limited to the following issues:

(1) Are the redesigned products that allegedly infringe the '284 patent the same as the redesigned products alleged to infringe the '701, '869, and '991 patents? If not, how do the products differ?

(2) Please discuss which specific redesigned products are sufficiently fixed and final to be properly within the scope of the investigation, and whether each such product has been imported into the United States. *See, e.g., Certain Multiple Mode Outdoor Grills and Parts Thereof,* Inv. No. 337–TA–895, Comm'n Op. at 50–55 (Feb. 3, 2015).

(3) Discuss the extent to which Hytera produced information regarding each such redesign prior to the close of fact discovery.

(4) As to each asserted patent, discuss whether Motorola presented evidence at the hearing to prove infringement of each redesigned product.

In addressing these issues, the parties are requested to make specific reference to the evidentiary record and to cite relevant authority.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that results in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respective respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles.

Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see In the Matter of Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

When the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

When the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* section 337(j), 19 U.S.C. 1337(j) and the Presidential Memorandum of July 21, 2005. 70 *FR* 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding, and such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainant is also requested to submit proposed remedial orders for the Commission's consideration. Complainant is also requested to: (1) State the dates that the patents at issue expire and the HTSUS numbers under which the accused articles are imported; and (2) supply a list of known importers of the accused products. Also specifically, with respect to the public interest, the Commission requests briefing on the following issues:

(1) Please comment on the availability of similar products from suppliers other than Hytera or Motorola (including market share of these other sources) that can perform ''mission-critical'' two-way radio communication.

(2) With respect to (1), please comment on whether such alternative suppliers also provide the same features that Hytera's products provide (*e.g.,* unique pseudo trunking, noise cancellation, ''man down'' feature, ''lone worker'' feature) as well as whether Motorola's products provide the same features as Hytera's products. Also please address the interoperability of various suppliers' products in two-way radio communication systems.

(3) Please comment on the extent to which a distributor of Motorola two-way radio communication products must offer only Motorola products, or whether such a distributor can also offer two-way radio communication equipment and products from other suppliers.

(4) Please comment on whether any potential exclusion order and/or cease and desist order should include a repair/service exception regarding service to existing Hytera two-way radio communications products that were sold prior to the effective date of any such order. If you advocate for such an exception, please address the appropriate parameters of such an exception, and provide proposed language.

The written submissions and proposed remedial orders must be filed no later than September 18, 2018. Reply submissions must be filed no later than September 25, 2018. No further submissions on these issues will be permitted unless otherwise ordered by the Commission. In addressing the issues on violation, the parties are limited to 25 pages for the initial submission and 15 pages for the reply submission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–1053'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[1] solely for cybersecurity purposes. All non-confidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: September 4, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–19499 Filed 9–7–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1131]

Certain Wireless Mesh Networking Products and Related Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

[1] All contract personnel will sign appropriate nondisclosure agreements.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 3, 2018, under section 337 of the Tariff Act of 1930, as amended, on behalf of SIPCO LLC of Ashburn, Virginia. A supplement was filed on August 16, 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 wireless mesh networking products and related components thereof by reason of infringement of certain claims of U.S. Patent No. 6,914,893 (''the '893 patent''); U.S. Patent No. 7,103,511 (''the '511 patent''); U.S. Patent No. 8,964,708 (''the '708 patent''); and U.S. Patent No. 9,439,126 (''the '126 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests 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 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 September 4, 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 1–4, 10, and 19–25 of the '893 patent; claims 1–4, 8–11, 33–35, 44–47, and 56–58 of the '511 patent; claims 1, 2, 5, 8–10, and 16–20 of the '708 patent; and claims 1–12 of the '126 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 ''wireless mesh networking gateways, input/output cards, remote devices, transceivers, network managers, system-on-chip nodes, printed circuit boards, circuit components, batteries, and field communicator devices'';

(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 complainant is: SIPCO LLC, 20638 Duxbury Terrace, Ashburn, Virginia 20147.

(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:

Emerson Electric Co., 8000 W Florissant Ave., St. Louis, MO 63136

Emerson Process Management LLLP, 8000 Norman Center Drive, Suite 1200, Bloomington, MN 55437

Emerson Process Management Asia Pacific Private Limited, 1 Pandan Crescent, Singapore, 128461, Singapore

Emerson Process Management Manufacturing (M) Sdn. Bhd., Lot 13111-Mukim Labu, Kawasan, Perindustrian Nilai, Nilai, Negeri Sembilan, 71807, Malaysia

Fisher-Rosemount Systems, Inc., 1100 W Louis Henna Blvd., Bldg. 1, Round Rock, TX 78681

Rosemount Inc., 6021 Innovation Blvd., Shakopee, MN 55379

Analog Devices, Inc., One Technology Way, Norwood, MA 02062

Linear Technology LLC, 1630 McCarthy Blvd., Milpitas, CA 95035

Dust Networks, Inc., 32990 Alvarado Niles Road, Suite 910, Union City, California 94587

Tadiran Batteries Inc., 2001 Marcus Avenue, Suite 125E, Lake Success, NY 11040

Tadiran Batteries Ltd., 34 Itzhak Rabin Blvd., Kiryat Ekron, 7692000, Israel

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be named as a party to this investigation.

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: September 5, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–19587 Filed 9–7–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0079]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Transactions Among Licensee/Permittees and Transactions Among Licensees and Holders of User Permits

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The proposed information collection was previously published in the **Federal Register**, on July 2, 2018, allowing for a 60-day comment period. Comments are encouraged and will be accepted for an additional 30 days until October 10, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Anita Scheddel, Program Analyst, Explosives Industry Programs Branch, either by mail 99 New York Ave. NE, Washington, DC 20226, or by email at *eipb-informationcollection@atf.gov,* or by telephone at 202–648–7158. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register**, on July 2, 2018, (83 FR 30956) allowing for a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, without change, of a currently approved collection.

(2) *The Title of the Form/Collection:* Transactions Among Licensee/Permittees and Transactions Among Licensees and Holders of User Permits

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Individuals or households, and farms.

Abstract: This information collection requires specific transactions for licensee/permittees and holders of user permits. These requirements are outlined in 27 CFR part 555.103 in order to comply with the Safe Explosives Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 50,000 respondents will respond once to this collection, and it will take each respondent approximately 30 minutes to complete each response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 25,000 hours, which is equal to 50,000 (total respondents) * 1 (# of response per respondent) * .5 (30 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: September 5, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–19574 Filed 9–7–18; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0026]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change of a Currently Approved Collection—Report of Theft or Loss of Explosives—ATF F 5400.5

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 9, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Jason Lynch, United States Bomb Data Center (USBDC) either by mail at 3750 Corporal Road, Redstone Arsenal, AL 35898, by email at *Jason.Lynch@atf.gov,* or by telephone at 256–261–7588.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

— Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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;
— Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
— Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Report of Theft or Loss of Explosives.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 5400.5.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other (if applicable): Individuals or households, Not-for-profit institutions, Farms, Federal Government, and State, Local, or Tribal Government.

Abstract: According to 27 CFR 555.30 (a), Any licensee or permittee who has knowledge or theft or loss of any explosive materials from his stock shall, within 24 hours of discovery, report the theft or loss by telephoning 1–800–800–3855 (nationwide toll free number) and on ATF F 5400.5, Report of Theft or Loss of Explosives, in accordance with the instructions on the form.''

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 300 respondents will utilize the form, and it will take each respondent approximately 1 hour and 48 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 540 hours, which is equal to 300 (# of respondents) * 1 (# of responses per respondents) * 1.8 (l hour and 48 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: September 5, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–19573 Filed 9–7–18; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Office of Private Sector; OMB Number: 1110—New; Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Federal Bureau of Investigation, Office of Private Sector, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Office of Private Sector, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until October 10, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Johnny Starrunner, Unit Chief, Federal Bureau of Investigation, Office of Private Sector, 935 Pennsylvania Ave. Washington, DC, *jrstarrunner@fbi.gov,* 202–436–8136. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

➢ Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the [Component or Office name], including whether the information will have practical utility;

➢ Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

➢ Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

➢ Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection:

1. Type of Information Collection: New Collection.

2. The Title of the Form/Collection: Sector and Industry Survey.

3. The agency form number, if any, and the applicable component of the Department sponsoring the collection: ''There is no agency form number for this collection.'' The applicable component within the Department of Justice is the Federal Bureau of Investigation, Office of Private Sector.

4. Affected public who will be asked or required to respond, as well as a brief abstract: Primary respondents will be individuals. Information will be collected from FBI InfraGard and Domestic Security Alliance Council (DSAC) members to assist in determining the private sector partner's perspective in regards to the status of critical infrastructure sector/sub-sector/industry's risks and concerns.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: There is an expectation of approximately 500 respondents per survey. It is estimated that each survey will take approximately 10–15 minutes to complete.

6. An estimate of the total public burden (in hours) associated with the collection: (approximation) 20 surveys of 500 respondents each at 15 minute survey completion rate = 2500 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice

Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: September 5, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–19520 Filed 9–7–18; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number: 1110–0009]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Extension of a Currently Approved Collection; Law Enforcement Officers Killed and Assaulted Program, Analysis of Officers Feloniously Killed and Assaulted; and Law Enforcement Officers Killed and Assaulted Program; Analysis of Officers Accidentally Killed

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until October 10, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Mrs. Amy Blasher, Unit Chief, Federal Bureau of Investigation, CJIS Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Law Enforcement Officers Killed and Assaulted Program, Analysis of Officers Feloniously Killed and Assaulted; and Law Enforcement Officers Killed and Assaulted Program, Analysis of Officers Accidentally Killed.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection: Agency form number:* 1–701 and 1–701a. Sponsoring component: Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: City, county, state, federal, and tribal law enforcement agencies. Abstract: Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials, this collection requests the number of officers killed or assaulted from law enforcement agencies in order for the FBI Uniform Crime Reporting Program to serve as the national clearinghouse for the collection and dissemination of law enforcement officer death/assault data and to publish these statistics in Law Enforcement Officers Killed and Assaulted.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* There are approximately 188 law enforcement agency respondents with an estimated response time of 1 hour per report.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 188 hours, annual burden, associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: September 5, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–19519 Filed 9–7–18; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0025]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change, of a Previously Approved Collection Federal Coal Lease Request

AGENCY: Antitrust Division, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Antitrust Division (ATR), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 9, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jill Ptacek, Attorney, Antitrust Division, United States Department of Justice, 450 Fifth Street NW, Suite 8000, Washington, DC 20530 (phone: 202–307–6607).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Federal Coal Lease Reserves.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form numbers are ATR–139 and ATR–140. The applicable component within the Department of Justice is the Antitrust Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for profit. Other: None. The Department of Justice evaluates the competitive impact of issuances, transfers and exchanges of federal coal leases. These forms seek information regarding a prospective coal lessee's existing coal reserves. The Department uses this information to determine whether the issuance, transfer or exchange of the federal coal lease is consistent with the antitrust laws.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 10 respondents will complete each form, with each response taking approximately two hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 20 annual burden hours associated with this collection, in total.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: September 5, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–19516 Filed 9–7–18; 8:45 am]

BILLING CODE 4410–12–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meeting of Humanities Panel

AGENCY: National Endowment for the Humanities, National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: The National Endowment for the Humanities will hold eight meetings of the Humanities Panel, a federal advisory committee, during October 2018. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** for meeting dates. The meetings will open at 8:30 a.m. and will adjourn by 5 p.m. on the dates specified below.

ADDRESSES: The meetings will be held at Constitution Center at 400 7th Street SW, Washington, DC 20506, unless otherwise indicated.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, Room 4060, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given of the following meetings:

1. *Date:* October 11, 2018.

This meeting will discuss applications on the topic of U.S. History, for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

2. *Date:* October 15, 2018.

This meeting will discuss applications on the topic of American Studies (Media), for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

3. *Date:* October 16, 2018.

This meeting will discuss applications on the topic of Literature, for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

4. *Date:* October 18, 2018.

This meeting will discuss applications on the topic of U.S. History (Regional, State, and Local), for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

5. *Date:* October 25, 2018.

This meeting will discuss applications on the topic of American Studies (Folkways and Popular Culture), for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

6. *Date:* October 30, 2018.

This meeting will discuss applications on the topic of Art History, for the Humanities Collections and Reference Resources grant program, submitted to the Division of Preservation and Access.

7. *Date:* October 30, 2018.

This meeting will discuss applications on the topics of Global History, Social Sciences, and East Asian Literature, for the Kluge Fellowships, submitted to the Division of Research Programs.

8. *Date:* October 31, 2018.

This meeting will discuss applications on the topics of Literature, Arts, and Ancient to Early Modern History, for the Kluge Fellowships, submitted to the Division of Research Programs.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: September 5, 2018.

Elizabeth Voyatzis,

Committee Management Officer, National Endowment for the Humanities.

[FR Doc. 2018–19589 Filed 9–7–18; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–395, 52–027, 52–028, and 72–1038; Renewed Operating License No. NPF–12; Combined License Nos. NPF–93 and NPF–94; and the General License for the Independent Spent Fuel Storage Installation (ISFSI); NRC–2018–0043]

In the Matter of Dominion Energy, Inc., and SCANA Corporation Virgil C. Summer Nuclear Station (VCSNS), Units 1, 2, and 3, and the ISFSI

AGENCY: Nuclear Regulatory Commission.

ACTION: Indirect transfer of license; Orders.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Orders approving an application filed by South Carolina Electric & Gas Company and Dominion Energy, Inc. (Dominion Energy) on January 25, 2018. The application sought NRC approval of the indirect transfer of Renewed Facility Operating License No. NPF–12 and Combined License Nos. NPF–93 and NPF–94 for Summer, Units 1, 2, and 3, respectively, and the general license for the Independent Spent Fuel Storage Installation, from the ultimate parent, SCANA Corporation, to Dominion Energy. The NRC's approval of the indirect license transfer is subject to certain conditions, which are described in the Orders. No physical changes to the facility or operational changes were proposed in the application. The Orders were effective upon issuance.

DATES: The Orders were issued on August 30, 2018, and are effective for 1 year.

ADDRESSES: Please refer to Docket ID NRC–2018–0043 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0035. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Shawn Williams, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1009; email: *Shawn.Williams@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the Orders are attached.

Dated at Rockville, Maryland, this 5th of September 2018.

For the Nuclear Regulatory Commission.

Shawn A. Williams,

Senior Project Manager, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Orders Approving Indirect Transfer of License

United States of America

Nuclear Regulatory Commission

In the Matter of: SCANA Corporation, South Carolina Electric & Gas Company, Dominion Energy, Inc.,Virgil C. Summer Nuclear Station, Unit No. 1, and Independent Spent Fuel Storage Installation

Docket Nos. 50–395, 72–1038

Renewed Facility Operating License No. NPF–12; and, General License for the Independent Spent Fuel Storage Installation

ORDER APPROVING INDIRECT TRANSFER OF LICENSES

I.

South Carolina Electric & Gas Company (SCE&G) and the South Carolina Public Service Authority (Santee Cooper) are the holders of Renewed Facility Operating License No. NPF–12 and the general license for the Independent Spent Fuel Storage Installation (ISFSI) for the Virgil C. Summer Nuclear Station, Unit No. 1, and the ISFSI (together, VCSNS). SCE&G is the licensed operator of VCSNS. SCE&G is a wholly owned subsidiary of SCANA Corporation (SCANA). VCSNS is located in Fairfield County, South Carolina.

II.

By application dated January 25, 2018, SCE&G, acting for itself and its parent company, SCANA, and Dominion Energy, Inc. (Dominion Energy) (together, the Applicants) requested, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.80 (10 CFR 50.80), that the U.S. Nuclear Regulatory Commission (NRC) consent to the indirect transfer of SCE&G's two-thirds ownership interest in the Renewed Facility Operating License No. NPF–12, Combined License Nos. NPF–93 and NPF–94, and the general license for the associated ISFSI. The proposed indirect transfer does not involve Santee Cooper's one-third ownership interest in VCSNS. The Combined License Nos. NPF–93 and NPF–94 indirect license transfer is addressed in a separate Order.

The proposed indirect license transfer would facilitate a merger between Dominion Energy and SCANA, the parent company of SCE&G. The transaction would be effected through the merger of SCANA and Sedona Corp. (Sedona), which is a South Carolina corporation and subsidiary of Dominion Energy formed for the sole purpose of merging with SCANA. Sedona would be merged with and into SCANA, with SCANA remaining as the surviving corporation, which will be a direct wholly-owned subsidiary of Dominion Energy.

Approval of the indirect transfer of the Renewed Facility Operating License and ISFSI was requested by SCE&G and Dominion Energy. A notice entitled, ''Virgil C. Summer Nuclear Station, Unit 1, 2, and 3, and Independent Spent Fuel Storage Installation; Consideration of Approval of Transfer of License,'' was published in the **Federal Register** on March 8, 2018 (83 FR 9876). No comments or hearing requests were received.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the NRC gives its consent in writing. After the indirect transfer, SCE&G would remain a wholly owned subsidiary of SCANA, which in turn would become a wholly owned subsidiary of Dominion Energy. SCE&G would remain the licensed owner and operator of VCSNS. Upon review of the information in the application, and other information before the Commission, the NRC staff has determined that the Applicants are qualified to hold the licenses to the extent proposed to permit the indirect transfer. The NRC staff has also determined that indirect transfer of the licenses, as described in the application, is otherwise consistent with the applicable provisions of law, regulations, and orders issued by the NRC, pursuant thereto, subject to the conditions set forth below. The findings set forth above are supported by a safety evaluation dated August 30, 2018.

III.

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended (the Act), 42 U.S.C. § 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, IT IS HEREBY ORDERED that the application regarding the proposed indirect license transfer is approved for Virgil C. Summer Nuclear Station, Unit No. 1, and the ISFSI.

IT IS ORDERED that after receipt of all required regulatory approvals of the proposed indirect transfer action, SCE&G shall inform the Director of the Office of Nuclear Reactor Regulation in writing of such

receipt no later than 2 business days prior to the date of the closing of the indirect transfer. Should the proposed indirect transfer not be completed within 1 year of this Order's date of issue, this Order shall become null and void, provided, however, upon written application and good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated January 25, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18025C035), and the Safety Evaluation dated August 30, 2018 (ADAMS Accession No. ML18129A076), which are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR reference staff by telephone at 1–800–397–4209, or 301–415–4737, or by email to *pdr.resource@nrc.gov.*

Dated at Rockville, Maryland this 30th day of August 2018.

For the Nuclear Regulatory Commission.

Joseph G. Giitter,

Director, Division of Operating Reactor Licensing Office of Nuclear Reactor Regulation

United States of America

Nuclear Regulatory Commission

In the Matter of: SCANA Corporation, South Carolina Electric and Gas Company, Dominion Energy, Inc., Virgil C. Summer Nuclear Station, Unit Nos. 2 and 3
Docket Nos. 52–027, 52–028
Combined License Nos. NPF–93 and NPF–94

ORDER APPROVING INDIRECT TRANSFER OF LICENSES

I.

South Carolina Electric & Gas Company (SCE&G) and the South Carolina Public Service Authority (Santee Cooper) are the holders of Combined License (COL) Nos. NPF–93 and NPF–94 for the Virgil C. Summer Nuclear Station (VCSNS), Unit Nos. 2 and 3. SCE&G is a wholly owned subsidiary of SCANA Corporation (SCANA). VCSNS is located in Fairfield County, South Carolina.

II.

By application dated January 25, 2018, SCE&G, acting for itself and its parent company, SCANA, and Dominion Energy, Inc. (Dominion Energy) (together, the Applicants) requested, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.80 (10 CFR 50.80), that the U.S. Nuclear Regulatory Commission (NRC) consent to the indirect transfer of SCE&G's two-thirds ownership interest in Renewed Facility Operating License No. NPF–12, Combined License Nos. NPF–93 and NPF–94, and the general license for the associated ISFSI. The proposed indirect transfer does not involve Santee Cooper's one-third ownership interest in VCSNS, Units 2 and 3. The Renewed Facility Operating License No. NPF–12 and the general license for the ISFSI indirect license transfer is addressed in a separate Order.

The proposed indirect license transfer would facilitate a merger between Dominion Energy and SCANA, the parent company of SCE&G. The merger would be effected through the merger of SCANA and Sedona Corp. (Sedona), which is a South Carolina corporation and subsidiary of Dominion Energy formed for the sole purpose of merging with SCANA. Sedona would be merged with and into SCANA, with SCANA remaining as the surviving corporation which will be a direct wholly-owned subsidiary of Dominion Energy.

Approval of the indirect transfer of the Combined License Nos. NPF–93 and NPF–94 was requested by SCE&G and Dominion Energy. A notice entitled, ''Virgil C. Summer Nuclear Station, Unit 1, 2, and 3, and Independent Spent Fuel Storage Installation; Consideration of Approval of Transfer of License,'' was published in the **FEDERAL REGISTER** on March 8, 2018 (83 FR 9876). No comments or hearing requests were received.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the NRC gives its consent in writing. After the indirect transfer, SCE&G would remain a wholly owned subsidiary of SCANA, which in turn would become a wholly owned subsidiary of Dominion Energy. SCE&G would remain the licensed two-thirds owner and operator of VCSNS, Units 2 and 3. Upon review of the information in the licensee's application, and other information before the Commission, the NRC staff has determined that the Applicants are qualified to hold the license to the extent proposed to permit the indirect transfer. The NRC staff has also determined that indirect transfer of the licenses, as described in the application, is otherwise consistent with the applicable provisions of law, regulations, and orders issued by the NRC, pursuant thereto, subject to the conditions set forth below. The findings set forth above are supported by a safety evaluation dated August 30, 2018.

III.

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended (the Act), 42 U.S.C. § 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80 and 52.105, IT IS HEREBY ORDERED that the application regarding the proposed indirect license transfer is approved for Virgil C. Summer Nuclear Station, Unit Nos. 2 and 3.

IT IS ORDERED that after receipt of all required regulatory approvals of the proposed indirect transfer action, SCG&E shall inform the Director of the Office of New Reactors in writing of such receipt no later than 2 business days prior to the date of the closing of the indirect transfer. Should the proposed indirect transfer not be completed within 1 year of this Order's date of issue, this Order shall become null and void, provided, however, upon written application and good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated January 25, 2018, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18025C035), and the Safety Evaluation dated August 30, 2018 (ADAMS Accession No. ML18129A076), which are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR reference staff by telephone at 1–800–397–4209, or 301–415–4737, or by email to *pdr.resource@nrc.gov.*

Dated at Rockville, Maryland this 30th day of August, 2018.

For the Nuclear Regulatory Commission.

Robert M. Taylor,

Director Division of Licensing, Siting, and Environmental Analysis Office of New Reactors.

[FR Doc. 2018–19578 Filed 9–7–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–395; NRC–2018–0198]

Virgil C. Summer Nuclear Station, Unit No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to determine that no significant hazards consideration is involved with the issuance of an amendment to Facility Operating License No. NPF–12 for the Virgil C. Summer Nuclear Station (Summer), Unit No. 1. By letter dated August 24, 2018, as supplemented by letter dated August 31, 2018, South Caroline Electric and Gas Company (SCE&G) requested a one-time extension to surveillance requirement (SR) 4.3.3.6 to allow a one-time extension of the frequency of the Core Exit Temperature Instrumentation channel calibrations from ''every refueling outage'' to ''every 19 months.''

DATES: Submit comments by September 24, 2018. Requests for a hearing or

petition for leave to intervene must be filed by November 9, 2018.

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

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0198. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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

FOR FURTHER INFORMATION CONTACT: Michael Mahoney, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3867; email: *Michael.Mahoney@nrc.gov*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0198 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0198.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0198 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

I. Introduction

The NRC is considering issuance of an amendment to Facility Operating License Nos. NPF–12 for Summer, Unit No. 1, located in Fairfield County, South Carolina.

The proposed amendment would amend the Summer, Unit No. 1, Technical Specifications (TS) SR 4.3.3.6 to allow a one-time extension of the frequency of the Core Exit Temperature Instrumentation channel calibrations from ''every refueling outage'' to ''every 19 months.''

SR 4.3.3.6 is required to be performed on an every refueling outage frequency, the grace period for the surveillance test ends on September 28, 2018. The licensee was unable to complete SR 4.3.3.6 on June 19, 2018 due to inadequate fire watch resources. Before the test could be rescheduled, unidentified leakage was noted to be elevated on June 21, 2018. Reactor building entries were made on June 21, 2018, and determined that incore thimble B–7 was leaking around the 'A' 10-path, and the leak was isolated. From the time the leak was isolated on June 21, 2018, to August 2, 2018, the station made ten reactor building entries to determine the status of the incore detector system and attempt to restore the system to operable status.

On August 7, 2018, the licensee decided not to perform dewatering of the thimbles online due to the radiological and industrial risk associated with the task. Preparations to restore the system during the upcoming refueling outage RF24, which is scheduled to begin on October 6, 2018, are ongoing. The licensee submitted this amendment request on August 24, 2018, however, due to the impracticality of restoring the surveillance capability described above the licensee revised its request to preclude a plant shutdown and submitted a supplement on the basis of exigent circumstances. By letter dated August 31, 2018, the licensee requested approval by September 24, 2018.

Compliance with the TS SR 4.3.3.6 could increase the probability of a TS required plant shutdown before the start of refueling outage RF24. If TS SR 4.3.3.6 is performed and any thermocouple strings were found out of tolerance and needed adjustment, they would be required to be removed from the Power Distribution Monitoring System (PDMS). If more than TS allowable thermocouples are removed, the requirements of TS 3.3.3.11.b.2 would no longer be satisfied and PDMS would become inoperable. With an inoperable PDMS, plant maneuvers during the performance of planned pre-outage surveillances and testing would be performed without power distribution monitoring capability and increase the probability of a TS required plant shutdown.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

Pursuant to 50.91(a)(6) of title 10 of the *Code of Federal Regulations* (10 CFR) for amendments to be granted under exigent circumstances, the NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change is a short duration, one-time extension to the surveillance frequency requirement of channel

calibrations of the Core Exit Temperature Instrumentation. The performance of the surveillance, or the failure to perform the surveillance, is not a precursor to an accident. An extension in performing the surveillance does not result in the system being unable to perform its function. The systems required to mitigate accidents will remain capable of performing their required functions. No new failure modes have been introduced because of this action and the consequences remain consistent with previously evaluated accidents.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change only affects the surveillance frequency requirement for the channel calibrations of the Core Exit Temperature Instrumentation. This proposed change does not involve a change to any physical features of the plant, or the manner in which these functions are utilized. No few failure mechanisms will be introduced by the one-time surveillance extension being requested.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not alter any plant setpoints or functions that are assumed to actuate in the event of postulated accidents. The proposed change does not alter any plant feature and only alters the frequency which the surveillance tests must be performed.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves a no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, if circumstances change during the notice period, such that failure to act in a timely way would result, for example, in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. If the Commission takes this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue

an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such

information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated August 24, 2018, as supplemented August 31, 2018 (ADAMS Accession Nos. ML18236A383 and ML18243A392, respectively).

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW, Washington, DC 20004.

NRC Branch Chief: Michael Markley.

Dated at Rockville, Maryland, this 5th day of September 2018.

For the Nuclear Regulatory Commission.

Michael Mahoney,

Project Manager, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–19583 Filed 9–7–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–277 and 50–278; NRC–2018–0130]

Exelon Generation Company, LLC; Peach Bottom Atomic Power Station, Units 2 and 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Intent to conduct scoping process and prepare environmental impact statement; public meeting and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission will conduct a scoping process to gather information necessary to prepare an environmental impact statement (EIS) to evaluate the environmental impacts for the subsequent license renewal of the operating licenses for Peach Bottom Atomic Power Station, Units 2 and 3 (Peach Bottom). The NRC is seeking stakeholder input on this action and has scheduled a public meeting.

DATES: Submit comments by October 10, 2018. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID *NRC–2018–0130.* Address questions about regulations.gov docket IDs to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail Comments to:* May Ma, Office of Administration, Mail Stop TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. For additional direction on obtaining information and submitting comments, see *Obtaining Information and Submitting Comments* in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Drucker, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–6223, email: *David.Drucker@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID *NRC–2018–0130* when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID *NRC–2018–0130.*
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. Exelon's application for subsequent renewal of the Peach Bottom licenses can be found in ADAMS under Accession No. ML18193A689.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID *NRC–2018–0130* in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

By letter dated July 10, 2018 (ADAMS Package Accession No. ML18193A689), Exelon submitted to the NRC an application for subsequent license renewal of Facility Operating License Nos. DPR–44 and DPR–56 for an additional 20 years of operation at Peach Bottom Atomic Power Station, Units 2 and 3. The Peach Bottom units are boiling water reactors designed by General Electric Company and are located in Delta, PA (17.9 miles south of Lancaster, PA). The current renewed operating license for Unit 2 expires at midnight on August 8, 2033, and the current renewed operating license for Unit 3 expires at midnight on July 2, 2034. The application for subsequent license renewal was submitted pursuant to part 54 of title 10 of the *Code of Federal Regulations* (10 CFR) and included an environmental report (ER). A notice of receipt and availability of the application was published in the **Federal Register** on August 1, 2018 (83 FR 37529). A separate notice of acceptance for docketing of the application and opportunity for hearing regarding subsequent license renewal of the facility operating licenses will be published in the **Federal Register**.

III. Request for Comments

This notice informs the public of the NRC's intention to conduct scoping and prepare an EIS related to the subsequent license renewal application, and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29.

The regulations in 36 CFR 800.8, ''Coordination with the National Environmental Policy Act,'' allow agencies to use their National Environmental Policy Act of 1969 (NEPA) process to fulfill the requirements of Section 106 of the National Historic Preservation Act (NHPA). Therefore, pursuant to 36 CFR 800.8(c), the NRC intends to use its process and documentation for the preparation of the EIS on the proposed action to comply with Section 106 of the NHPA in lieu of the procedures set forth at 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, Exelon submitted the ER as part of the subsequent license renewal application. The ER was prepared pursuant to 10 CFR part 51 and is publicly available in ADAMS under Accession No. ML18193A689. The ER may also be viewed on the internet at *https://www.nrc.gov/reactors/operating/licensing/renewal/applications/peach-bottom-subsequent.html*. In addition, a paper copy of the SLR application including the ER are available for public review near the site at the Harford County Public Library: Whiteford Branch, 2407 Whiteford Road, Whiteford, MD 21160.

The NRC intends to gather the information necessary to prepare a plant-specific supplement to the NRC's ''Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants'' (NUREG–1437), related to the application for subsequent license renewal of the Peach Bottom operating licenses for an additional 20 years beyond the period specified in each of the current renewed licenses.

Possible alternatives to the proposed action include the no action alternative and reasonable alternative energy sources. The NRC is required by 10 CFR 51.95 to prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with NEPA and the NRC's regulations found at 10 CFR part 51.

The NRC will first conduct scoping for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

a. Define the proposed action, which is to be the subject of the supplement to the GEIS;

b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth;

c. Identify and eliminate from detailed study those issues that are peripheral or are not significant; or were covered by a prior environmental review;

d. Identify any environmental assessments and other ElSs that are being or will be prepared that are related to, but are not part of, the scope of the supplement to the GEIS being considered;

e. Identify other environmental review and consultation requirements related to the proposed action;

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule;

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies; and

h. Describe how the supplement to the GEIS will be prepared, including any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

a. The applicant, Exelon;

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved or that is authorized to develop and enforce relevant environmental standards;

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards;

d. Any affected Indian tribe;

e. Any person who requests or has requested an opportunity to participate in the scoping process; and

f. Any person who has petitioned or intends to petition for leave to intervene under 10 CFR 2.309.

IV. Public Scoping Meeting

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC will hold a public meeting for the Peach Bottom subsequent license renewal supplement to the GEIS. The scoping meeting will be held on September 25, 2018. The meeting will be held from 6:00 p.m. to 8:00 p.m. at the Peach Bottom Inn, 6085 Delta Road, Delta, PA, 17314. There will be an open house one hour before the meeting for members of the public to meet with NRC staff and sign in to speak at the meeting.

The meeting will be transcribed and will include: (1) An overview by the NRC staff of the NEPA environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the Peach Bottom subsequent license renewal supplement to the GEIS. To be considered, comments must be provided either at the transcribed public meeting or in writing, as discussed in the **ADDRESSES** section of this notice.

Persons may register to attend or present oral comments at the meeting on the scope of the NEPA review by contacting the NRC Project Manager, Mr. David Drucker, by telephone at 301–415–6223, or by email at *david.drucker@nrc.gov* no later than September 18, 2018. Members of the public may also register to speak during the registration period prior to the start of the meeting. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak if time permits. Public comments will be considered in the scoping process for the Peach Bottom subsequent license renewal supplement to the GEIS. Please contact Mr. David Drucker no later than September 18, 2018, if accommodations or special equipment is needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

Participation in the scoping process for the Peach Bottom subsequent license renewal supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

Dated at Rockville, Maryland, this 4th day of September, 2018.

For the Nuclear Regulatory Commission.

Eric R. Oesterle,

Chief, License Renewal Projects Branch, Division of Materials and License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–19462 Filed 9–7–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Meeting of the Advisory Committee on Reactor Safeguards Subcommittee on Plant License Renewal

The ACRS Subcommittee on Plant License Renewal will hold a meeting on September 20, 2018 at U.S. Nuclear Regulatory Commission, 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The entire meeting will be open to public attendance. The agenda for the subject meeting shall be as follows:

Thursday September 20, 2018—8:30 a.m. Until 12 p.m.

The Subcommittee will conduct a briefing on the Waterford Steam Electric Station, Unit 3 License Renewal Application. The Subcommittee will hear presentations by and hold discussions with NRC staff and other interested persons regarding this matter. 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), Kent Howard (Telephone 301–415–2989 or Email: *Kent.Howard@nrc.gov*) five days prior to the meeting, if possible, so that appropriate 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).

Detailed meeting agendas and meeting transcripts are available on the NRC website at *http://www.nrc.gov/reading-rm/doc-collections/#acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or 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 these references 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 (Telephone 301–415–6702) to be escorted to the conference room.

Dated: August 30, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–19591 Filed 9–7–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of September 10, 17, 24, October 1, 8, 15, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of September 10, 2018

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/.*

Week of October 15, 2018—Tentative

There are no meetings scheduled for the week of October 15, 2018.

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: September 5, 2018.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–19652 Filed 9–6–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0060]

Information Collection: Nuclear Material Events Database (NMED) for the Collection of Event Report, Response, Analyses, and Follow-Up Data on Events Involving the Use of Atomic Energy Act (AEA) Radioactive Byproduct Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Nuclear Material Events Database (NMED) for the Collection of Event Report, Response, Analyses, and Follow-Up Data on Events Involving the Use of Atomic Energy Act (AEA) Radioactive Byproduct Material.''

DATES: Submit comments by November 9, 2018. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0060. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail Comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–2 F43, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0060 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0060. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2018–0060 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The supporting statement is available in ADAMS under Accession No. ML18136A559.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

Please include Docket ID NRC–2018–0060 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* Nuclear Material Events Database (NMED) for the Collection of Event Report, Response, Analyses, and Follow-up Data on Events Involving the Use of Atomic Energy Act (AEA) Radioactive Byproduct Material
2. *OMB approval number:* 3150–0178.
3. *Type of submission:* Revision.
4. *The form number, if applicable:* NA.
5. *How often the collection is required or requested:* Agreement States are requested to provide copies of licensee nuclear material event reports electronically or by hard copy to the NRC within 30 days of receipt from their licensee. In addition, Agreement States are requested to report events that may pose a significant health and safety hazard to the NRC Headquarters Operations Officer within 24 hours of notification by an Agreement State licensee.
6. *Who will be required or asked to respond:* Current Agreement States and any State receiving Agreement State status in the future.
7. *The estimated number of annual responses:* 450.
8. *The estimated number of annual respondents:* 39.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 720 hours.
10. *Abstract:* NRC regulations require NRC licensees to report incidents and overexposures, leaking or contaminated sealed source(s), release of excessive contamination of radioactive material, lost or stolen radioactive material, equipment failures, abandoned well logging sources and medical events. Agreement State licenses are also required to report these events to their individual Agreement State regulatory authorities under compatible Agreement State regulations. The NRC is requesting that the Agreement States provide

information to NRC on the initial notification, response actions, and follow-up investigations on events involving the use (including suspected theft or terrorist activities) of nuclear materials regulated pursuant to the AEA. The event information should be provided in a uniform electronic format, for assessment and identification of any facilities/site specific or generic safety concerns that could have the potential to impact public health and safety. The identification and review of safety concerns may result in lessons learned, and may also identify generic issues for further study which could result in proposals for changes or revisions to technical or regulatory designs, processes, standards, guidance or requirements.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 4th day of September 2018.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2018–19472 Filed 9–7–18; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from February 1, 2018 to February 28, 2018.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at *www.gpo.gov/fdsys/*. OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

14. Department of Commerce Section (Sch. A, 213.3114)

(d) Bureau of the Census

(1) Positions in support of decennial operations (including decennial pre-tests). Appointments may be made on a time limited basis that lasts the duration of decennial operations but may not exceed 7 years. Extensions beyond 7 years may be requested on a case-by-case basis.

(2) Positions of clerk, field representative, field leader, and field supervisor in support of data collection operations (non-decennial operations). Appointments may be made on a permanent or a time-limited basis. Appointments made on a time limited basis may not exceed 4 years. Extensions beyond 4 years may be requested on a case-by-case basis.

Schedule B

No schedule B Authorities to report during February 2018.

Schedule C

The following Schedule C appointing authorities were approved during February 2018.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF AGRICULTURE.	Office of the Secretary	Special Assistant	DA180102	02/06/2018
	Office of Communications	Deputy Press Secretary	DA180113	02/14/2018
	Office of Rural Housing Service	Senior Advisor	DA180125	02/20/2018
		Confidential Assistant	DA180128	02/28/2018
	Office of the Assistant Secretary for Congressional Relations.	Staff Assistant (2)	DA180119	02/22/2018
			DA180118	02/27/2018
	Office of the Assistant To the Secretary for Rural Development.	Confidential Assistant	DA180129	02/27/2018
DEPARTMENT OF COMMERCE	Office of Scheduling and Advance	Advance Assistant	DC180076	02/22/2018
		Senior Scheduler	DC180083	02/22/2018
	Office of White House Liaison	Confidential Assistant	DC180087	02/22/2018
DEPARTMENT OF DEFENSE	Washington Headquarters Services.	Defense Fellow (2)	DD180008	02/05/2018
			DD180058	02/06/2018
	Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics).	Special Assistant (Manufacturing and Industrial Base Policy).	DD180051	02/14/2018
	Office of the Under Secretary of Defense (Policy).	Special Assistant (Russia, Ukraine, Eurasia).	DD180059	02/14/2018
		Special Assistant (Afghanistan, Pakistan and Central Asia).	DD180056	02/22/2018
DEPARTMENT OF THE ARMY	Office Assistant Secretary Army (Manpower and Reserve Affairs).	Special Assistant (Manpower and Reserve Affairs).	DW170041	02/27/2018
DEPARTMENT OF EDUCATION	Office of Elementary and Secondary Education.	Confidential Assistant	DB180026	02/06/2018

Agency name	Organization name	Position title	Authorization No.	Effective date
	Office of the Under Secretary	Executive Director, White House Initiative on Historically Black Colleges and Universities.	DB180032	02/12/2018
	Office of Postsecondary Education	Senior Advisor	DB180033	02/14/2018
DEPARTMENT OF ENERGY	Office of Scheduling and Advance	Scheduler	DE180049	02/02/2018
	Office of Assistant Secretary for Electricity Delivery and Energy Reliability.	Chief of Staff	DE180045	02/13/2018
	Office of the Secretary	Special Advisor	DE180034	02/20/2018
	Office of Under Secretary for Science.	Senior Advisor	DE180048	02/22/2018
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of Intergovernmental and External Affairs.	Regional Director Philadelphia Region III.	DH180042	02/06/2018
	Office of the Assistant Secretary for Health.	Deputy Chief of Staff	DH180051	02/12/2018
DEPARTMENT OF HOMELAND SECURITY.	Office of the Assistant Secretary for Public Affairs.	Press Assistant	DM180083	02/12/2018
		Assistant Press Secretary	DM180104	02/27/2018
	Office of Partnership and Engagement.	Law Enforcement Liaison	DM180092	02/14/2018
	Office of Federal Emergency Management Agency.	Director, Individual and Community Preparedness.	DM180098	02/20/2018
	Office of United States Customs and Border Protection.	Deputy Chief of Staff	DM180091	02/21/2018
		Special Assistant	DM180102	02/28/2018
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of Community Planning and Development.	Special Assistant	DU180045	02/23/2018
DEPARTMENT OF THE INTERIOR.	Secretary's Immediate Office	Deputy Press Secretary	DI180019	02/06/2018
NATIONAL MEDIATION BOARD	Office of Legislative Affairs	Confidential Assistant	NM180005	02/28/2018
OFFICE OF PERSONNEL MANAGEMENT.	Office of the Director	White House Liaison	PM180012	02/16/2018
		Executive Assistant	PM180008	02/23/2018
SECURITIES AND EXCHANGE COMMISSION.	Office of the Chairman	Confidential Assistant	SE180003	02/07/2018
SMALL BUSINESS ADMINISTRATION.	Office of Field Operations	Regional Administrator, Region III	SB170065	02/01/2018
		Regional Administrator, Region IV	SB180016	02/02/2018
		Senior Advisor	SB180017	02/20/2018
DEPARTMENT OF STATE	Office of Policy Planning	Special Assistant	DS180018	02/02/2018
	Office of the Secretary	Special Assistant (Scheduler)	DS180027	02/02/2018
	Office of the Chief of Protocol	Protocol Officer	DS180023	02/12/2018
		Assistant Chief of Protocol (Visits)	DS180032	02/02/2018
	Office to Monitor and Combat Trafficking In Persons.	Special Assistant	DS180024	02/06/2018
	Office of the Secretary	Staff Assistant (Deputy Scheduler)	DS180026	02/16/2018
DEPARTMENT OF TRANSPORTATION.	Office of Communications and Legislative Affairs.	Director of Public Affairs	DT180020	02/22/2018
	Office of the Administrator	Director of Governmental and Public Affairs.	DT180022	02/22/2018
	Office of Public Affairs	Special Assistant	DT180015	02/27/2018
DEPARTMENT OF THE TREASURY.	Office of Legislative Affairs	Special Advisor	DY180046	02/27/2018

The following Schedule C appointing authorities were revoked during February 2018.

Agency	Organization	Title	Request No.	Date vacated
DEPARTMENT OF AGRICULTURE.	Office of the General Counsel	Senior Counsel	DA180098	02/03/2018
DEPARTMENT OF COMMERCE	Office of Public Affairs	Director of Digital Strategy	DC170145	02/01/2018
OFFICE OF THE SECRETARY OF DEFENSE.	Office of the Assistant Secretary of Defense (Legislative Affairs).	Special Assistant to the Assistant Secretary of Defense (Legislative Affairs) Chief, Research.	DD170165	02/03/2018
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of the Assistant Secretary for Health.	Deputy Chief of Staff	DH180010	02/17/2018

Agency	Organization	Title	Request No.	Date vacated
	Office of Centers for Medicare and Medicaid Services.	Senior Advisor to the Principal Deputy Administrator.	DH170108	02/18/2018
DEPARTMENT OF HOMELAND SECURITY.	Office of Federal Emergency Management Agency.	Press Secretary	DM170275	02/12/2018
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of Congressional and Intergovernmental Relations.	Advisor to Intergovernmental Relations.	DU170087	02/03/2018
	Office of the Administration	Briefing and Book Coordinator	DU170114	02/03/2018
DEPARTMENT OF JUSTICE	Office of the Attorney General	Counselor	DJ170094	02/04/2018
	Office of Public Affairs	Press Assistant	DJ170051	02/09/2018
DEPARTMENT OF LABOR	Office of the Secretary	Deputy Director of Scheduling	DL170060	02/03/2018
DEPARTMENT OF STATE	Office of the Secretary	Special Assistant (Scheduler)	DS170164	02/03/2018
DEPARTMENT OF TRANSPORTATION.	Office of Assistant Secretary for Governmental Affairs.	Governmental Affairs Officer	DT170092	02/03/2018
ENVIRONMENTAL PROTECTION AGENCY.	Office of the Administrator	Special Assistant for Scheduling and Advance.	EP170075	02/17/2018
EXPORT–IMPORT BANK	Office of Communications	Senior Vice President For Communications.	EB180003	02/03/2018
OFFICE OF PERSONNEL MANAGEMENT.	Office of Congressional, Legislative, and Intergovernmental Affairs.	Deputy Director	PM170050	02/03/2018
	Office of the Director	Deputy Chief of Staff	PM170037	02/17/2018

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs.

[FR Doc. 2018–19496 Filed 9–7–18; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from April 1, 2018 to April 30, 2018.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at *www.gpo.gov/fdsys/.* OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

No Schedule A Authorities to report during April 2018.

Schedule B

91. The Office of Personnel Management (Sch. B, 213.3291)

(b) Center for Leadership Development—No more than 72 positions of faculty members at grades GS–13 through GS–15. Initial appointments under this authority may be made for any period up to 3 years and may be extended in 1, 2, or 3 year increments.

Schedule C

The following Schedule C appointing authorities were approved during April 2018.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF AGRICULTURE	Office of Farm Service Agency	State Executive Director—Rhode Island.	DA180170	04/20/2018
	Office of Communications.	Press Assistant	DA180165	04/27/2018
	Office of the Assistant Secretary for Congressional Relations.	Confidential Assistant	DA180149	04/13/2018
		Staff Assistant	DA180157	04/13/2018
		Associate Director	DA180159	04/20/2018
	Office of Rural Business Service	Senior Advisor	DA180166	04/27/2018
		State Director—Puerto Rico	DA180168	04/16/2018
DEPARTMENT OF COMMERCE	Office of the General Counsel	Senior Counsel (2)	DC180130	04/20/2018
			DC180131	04/20/2018
COMMISSION ON CIVIL RIGHTS	Office of Commission on Civil Rights.	Special Assistant	CC180001	04/20/2018
DEPARTMENT OF DEFENSE	Office of the Under Secretary of Defense (Personnel and Readiness).	Director of Communications for Personnel and Readiness.	DD180080	04/06/2018
		Special Assistant	DD180083	04/20/2018
	Office of the Chief Management Officer.	Special Assistant	DD180078	04/11/2018
DEPARTMENT OF THE ARMY	Office Assistant Secretary Army (Civil Works).	Special Assistant (Civil Works)	DW180021	04/06/2018

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF EDUCATION	Office of the Secretary	Confidential Assistant (Protocol)	DB180041	04/09/2018
	Office of the General Counsel	Attorney Advisor	DB180039	04/27/2018
	Office of Communications and Outreach.	Confidential Assistant	DB180042	04/27/2018
DEPARTMENT OF ENERGY	Office of National Nuclear Security Administration.	Senior Advisor	DE180066	04/06/2018
	Office of the Secretary	Executive Support Specialist	DE180070	04/10/2018
		Special Assistant	DE180071	04/27/2018
	Office of the Chief Financial Officer	Special Assistant	DE180067	04/20/2018
	Office of Management	Senior Congressional Correspondence Advisor.	DE180068	04/20/2018
GENERAL SERVICES ADMINISTRATION.	Office of Northwest/Arctic Region	Senior Advisor for Technology and to the Regional Administrator.	GS180026	04/06/2018
	Office of General Counsel	Counsel	GS180025	04/16/2018
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of Administration for Children and Families.	Policy Advisor	DH180053	04/04/2018
	Office of the Assistant Secretary for Public Affairs.	Senior Advisor and National Spokesperson.	DH180108	04/04/2018
	Office of Administration for Community Living.	Policy Advisor	DH180063	04/06/2018
	Office of Centers for Medicare and Medicaid Services.	Director of Strategic Communications.	DH180106	04/06/2018
	Office of Substance Abuse and Mental Health Services Administration.	Director of Communications	DH180112	04/06/2018
	Office of Intergovernmental and External Affairs.	Senior Advisor	DH180092	04/16/2018
	Office of the Secretary	Advisor	DH180104	04/17/2018
		Policy Advisor	DH180123	04/20/2018
		Special Assistant	DH180132	04/23/2018
		Deputy Director of Scheduling	DH180128	04/30/2018
	Office of Centers for Disease Control and Prevention.	Deputy Chief of Staff	DH180114	04/27/2018
	Office of the Assistant Secretary for Financial Resources.	Director of Strategic Projects and Policy Initiatives.	DH180124	04/27/2018
DEPARTMENT OF HOMELAND SECURITY.	Office of Federal Emergency Management Agency.	Special Assistant	DM180147	04/06/2018
		Director, Center for Faith-Based and Neighborhood Partnerships.	DM180111	04/10/2018
	Office of the Assistant Secretary for Public Affairs.	Director of Digital Strategy	DM180150	04/06/2018
	Office of United States Customs and Border Protection.	Staff Assistant	DM180153	04/11/2018
	Office of the Chief of Staff	Confidential Assistant	DM180159	04/11/2018
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of Housing	Advisor (2)	DU180061	04/06/2018
			DU180050	04/16/2018
	Office of Congressional and Intergovernmental Relations.	Congressional Relations Specialist	DU180062	04/06/2018
	Office of the Chief Information Officer.	Senior Advisor	DU180065	04/24/2018
DEPARTMENT OF THE INTERIOR	Secretary's Immediate Office	Director of Scheduling and Advance.	DI180038	04/06/2018
		Senior Advance Representative	DI180048	04/20/2018
	Office of the Solicitor	Attorney Advisor	DI180033	04/17/2018
	Office of Assistant Secretary—Fish and Wildlife and Parks.	Senior Advisor	DI180050	04/17/2018
	Office of Assistant Secretary—Indian Affairs.	Senior Advisor	DI180058	04/24/2018
DEPARTMENT OF LABOR	Office of Employment and Training Administration.	Special Assistant	DL180062	04/06/2018
	Office of the Assistant Secretary for Policy.	Senior Counsel and Policy Advisor	DL180064	04/16/2018
	Office of the Deputy Secretary	Counselor	DL180070	04/16/2018
		Confidential Assistant and Director of Scheduling.	DL180077	04/20/2018
	Office of Mine Safety and Health Administration.	Chief of Staff	DL180061	04/27/2018
	Office of the Secretary	Special Assistant	DL180079	04/27/2018
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	Office of Communications	Senior Advisor/Press Secretary	NN180018	04/27/2018
		Executive Assistant	NN180019	04/27/2018
NATIONAL ENDOWMENT FOR THE HUMANITIES.	National Endowment for the Humanities.	Executive Assistant	NH180002	04/16/2018

Agency name	Organization name	Position title	Authorization No.	Effective date
OFFICE OF MANAGEMENT AND BUDGET.	Office of General Government Programs.	Confidential Assistant	BO180013	04/13/2018
	Office of Legislative Affairs	Deputy for Legislative Affairs (Appropriations).	BO180014	04/13/2018
OFFICE OF NATIONAL DRUG CONTROL POLICY.	Office of the Director	Senior Policy Advisor and White House Liaison.	QQ180005	04/24/2018
OFFICE OF PERSONNEL MANAGEMENT.	Office of the General Counsel	Attorney-Advisor (General)	PM180022	04/06/2018
		Senior Counsel and Advisor	PM180020	04/20/2018
OFFICIAL RESIDENCE OF THE VICE PRESIDENT.	Official Residence of the Vice President.	Deputy Residence Manager	RV180001	04/06/2018
PRESIDENTS COMMISSION ON WHITE HOUSE FELLOWSHIPS.	Presidents Commission on White House Fellowships.	Assistant Director for Operations and Recruitment.	WH180001	04/12/2018
SMALL BUSINESS ADMINISTRATION.	Office of the Administrator	Senior Advisor	SB180024	04/02/2018
	Office of Congressional and Legislative Affairs.	Legislative Assistant (2)	SB180025	04/02/2018
			SB180022	04/17/2018
	Office of Administration	Special Assistant	SB180026	04/20/2018
		White House Liaison	SB180023	04/30/2018
	Office of Capital Access	Special Advisor	SB180027	04/27/2018
DEPARTMENT OF STATE	Office of Bureau of Democracy, Human Rights and Labor.	Special Assistant	DS180042	04/06/2018
	Office of Bureau for Education and Cultural Affairs.	Special Advisor	DS180041	04/16/2018
DEPARTMENT OF TRANSPORTATION.	Office of Assistant Secretary for Governmental Affairs.	Senior Governmental Affairs Officer.	DT180016	04/13/2018
	Office of the Secretary	Special Assistant	DT180033	04/13/2018
		Deputy Director of Scheduling and Advance.	DT180027	04/24/2018
	Office of the Executive Secretariat	Special Assistant	DT180039	04/16/2018
	Office of Assistant Secretary for Governmental Affairs.	Special Assistant	DT180042	04/27/2018
	Office of Assistant Secretary for Transportation Policy.	Speechwriter	DT180046	04/27/2018
	Office of Public Affairs	Director of Public Affairs	DT180047	04/27/2018
DEPARTMENT OF THE TREASURY.	Department of the Treasury	Personal Aide	DY180057	04/05/2018
		Senior Advisor	DY180058	04/16/2018

The following Schedule C appointing authorities were revoked during April 2018.

Agency name	Organization name	Position title	Request No.	Date vacated
COMMODITY FUTURES TRADING COMMISSION.	Office of the Chairperson	Senior Advisor	CT170012	04/28/2018
DEPARTMENT OF COMMERCE	Office of Public Affairs	Senior Speechwriter and Press Assistant.	DC170071	04/18/2018
	Office of Assistant Secretary Legislative and Intergovernmental Affairs.	Associate Director for Intergovernmental Affairs.	DC170073	04/28/2018
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office for Civil Rights	Chief of Staff	DH170211	04/05/2018
	Office of Administration for Children and Families.	Policy Advisor	DH170138	04/03/2018
		Special Assistant	DH170127	04/06/2018
	Office of Centers for Medicare and Medicaid Services.	Senior Advisor to the Administrator	DH170309	04/15/2018
	Office of Intergovernmental and External Affairs.	Director of External Affairs	DH170136	04/05/2018
	Office of the Assistant Secretary for Public Affairs.	Communications Advisor	DH170087	04/03/2018
	Office of the Secretary	Director of Boards and Commissions.	DH170177	04/08/2018
		Special Assistant to the Secretary for Advance.	DH180034	04/20/2018
DEPARTMENT OF HOMELAND SECURITY.	Office of the Chief of Staff	Deputy White House Liaison	DM170183	04/13/2018
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of Government National Mortgage Association.	Special Assistant	DU180036	04/14/2018
DEPARTMENT OF JUSTICE	Office of Legal Policy	Counsel	DJ170090	04/07/2018
	Office of the Attorney General	White House Liaison	DJ170172	04/30/2018
DEPARTMENT OF LABOR	Office of Public Affairs	Speech Writer	DL170063	04/17/2018
DEPARTMENT OF STATE	Office of the Secretary	Special Advisor	DS170165	04/13/2018

Agency name	Organization name	Position title	Request No.	Date vacated
DEPARTMENT OF THE TREASURY.	Office of the Chief of Staff	Personal Aide to the Secretary	DY170073	04/07/2018
DEPARTMENT OF TRANSPORTATION.	Office of the Secretary	Special Assistant	DT170052	04/14/2018
		Special Assistant for Scheduling and Advance.	DT170106	04/28/2018
GENERAL SERVICES ADMINISTRATION.	Office of Federal Acquisition Service.	Executive Director	GS170045	04/14/2018
	Office of Strategic Communications	Associate Administrator for Strategic Communications.	GS170023	04/21/2018
	Office of the Administrator	Senior Advisor for Technology	GS170021	04/21/2018
OFFICE OF THE SECRETARY OF DEFENSE.	Office of Washington Headquarters Services.	Defense Fellow	DD170125	04/14/2018
PRESIDENTS COMMISSION ON WHITE HOUSE FELLOWSHIPS.	Presidents Commission on White House Fellowships.	Confidential Assistant	WH170007	04/14/2018
SECURITIES AND EXCHANGE COMMISSION.	Office of the Chairman	Confidential Assistant	SE140003	04/05/2018
SMALL BUSINESS ADMINISTRATION.	Office of the Administrator	Assistant Administrator for Intergovernmental Affairs.	SB170012	04/12/2018
	Office of Congressional and Legislative Affairs.	Legislative Assistant	SB170027	04/14/2018

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs.

[FR Doc. 2018–19495 Filed 9–7–18; 8:45 am]

BILLING CODE 6325–39–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84020; File No. SR–FINRA–2018–033]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Section 4(c) of Schedule A to the FINRA By-Laws Relating to Qualification Examination Fees

September 4, 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 20, 2018, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as ''establishing or changing a due, fee or other charge'' under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon receipt of this filing by 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

FINRA is proposing to amend Section 4(c) of Schedule A to the FINRA By-Laws to: (1) Establish the fee for the Securities Industry Essentials™ (''SIE™'') examination; (2) revise the fees for the Investment Company and Variable Contracts Products Representative (Series 6), General Securities Representative (Series 7), Direct Participation Programs Representative (Series 22), Securities Trader (Series 57), Investment Banking Representative (Series 79), Private Securities Offerings Representative (Series 82) and Operations Professional (Series 99) examinations; (3) revise the administration and delivery fee for the Municipal Securities Representative (Series 52) examination; and (4) remove the Order Processing Assistant Representative (Series 11), United Kingdom Securities Representative (Series 17), Canada Securities Representative (Series 37 and Series 38), Options Representative (Series 42), Corporate Securities Representative (Series 62) and Government Securities Representative (Series 72) examinations and the associated fees. The proposed rule change relates to the restructuring of the FINRA representative-level qualification examination program. The proposed rule change also makes certain non-substantive technical changes to the table of fees under Section 4(c).

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In July 2017, the SEC approved a proposed rule change to restructure the FINRA representative-level qualification examination program.[5] The rule change, which will become effective on October 1, 2018,[6] restructures the examination

[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] *See* Securities Exchange Act Release No. 81098 (July 7, 2017), 82 FR 32419 (July 13, 2017) (Order Approving File No. SR–FINRA–2017–007). For ease of reference, FINRA revised the titles of some of the registration categories as part of SR–FINRA–2017–007. For instance, FINRA changed ''Limited Representative—Investment Company and Variable Contracts Products'' to ''Investment Company and Variable Contracts Products Representative.'' This proposed rule change refers to the titles that were approved as part of SR–FINRA–2017–007, though the changes are not yet effective.

[6] *See Regulatory Notice* 17–30 (October 2017).

program into a new format whereby all new representative-level applicants will be required to take a general knowledge examination (the SIE examination) and a tailored, specialized knowledge examination (a revised representative-level qualification examination) for their particular registered role. As part of the restructuring, FINRA developed the SIE examination and revised nine of the existing representative-level examinations.[7] FINRA is also eliminating seven representative-level examinations that have become outdated or have limited utility.[8] In January 2018, FINRA filed the content outline and selection specifications for the SIE examination with the SEC.[9] In February 2018, FINRA filed the content outlines and selection specifications for the revised representative-level qualification examinations with the SEC.[10]

The restructured program eliminates duplicative testing of general securities knowledge on the current representative-level qualification examinations by moving such content into the SIE examination.[11] The SIE examination will test fundamental securities-related knowledge, including knowledge of basic products, the structure and function of the securities industry, the regulatory agencies and their functions and regulated and prohibited practices, whereas the revised representative-level qualification examinations will test knowledge relevant to day-to-day activities, responsibilities and job functions of representatives.

A previously unregistered individual who is applying for registration as a representative,[12] for the first time on or after October 1, 2018, will be required to pass both the SIE examination and the appropriate revised representative-level examination for his or her particular registered role, or obtain a waiver of the examinations.[13] This requirement also applies to applicants who are seeking a representative-level registration as a prerequisite to a principal-level registration.

In addition, the SIE examination will be available to associated persons of firms who are not required to register as well as to individuals who are not associated persons of firms, including members of the public.[14]

The proposed rule change amends Section 4(c) of Schedule A to the FINRA By-Laws to establish the fee for the SIE examination, revise the fees for the representative-level examinations that FINRA is retaining and remove the representative-level examinations that FINRA is eliminating and the associated fees.

FINRA currently administers examinations electronically through the PROCTOR system[15] at testing centers operated by a vendor under contract with FINRA. FINRA charges an examination fee to candidates for FINRA-sponsored and co-sponsored examinations to cover the development, maintenance and delivery of these examinations. FINRA considers the following factors when establishing or revising an examination fee: (1) Number of test questions; (2) seat time;[16] (3) staff

[7] The following are the nine representative-level examinations: Investment Company and Variable Contracts Products Representative (Series 6); General Securities Representative (Series 7); Direct Participation Programs Representative (Series 22); Securities Trader (Series 57); Investment Banking Representative (Series 79); Private Securities Offerings Representative (Series 82); Research Analyst (Series 86 and Series 87); and Operations Professional (Series 99). *See supra* note 5.

[8] Specifically, FINRA is eliminating the following examinations: Order Processing Assistant Representative (Series 11); United Kingdom Securities Representative (Series 17); Canada Securities Representative (Series 37 and Series 38); Options Representative (Series 42); Corporate Securities [sic] Representative (Series 62) and Government Securities Representative (Series 72). *See supra* note 5. Individuals maintaining the eliminated representative-level registrations will be grandfathered (*i.e.,* they may continue to maintain their current registrations on or after October 1, 2018, unless their registrations lapse).

[9] *See* Securities Exchange Act Release No. 82578 (January 24, 2018), 83 FR 4375 (January 30, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2018–002) (Proposed Rule Change Relating to the New Securities Industry Essentials (SIE) Examination).

[10] *See* Securities Exchange Act Release No. 82750 (February 21, 2018), 83 FR 8526 (February 27, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2018–004) (Proposed Rule Change to Revise the Investment Banking Representative (Series 79) Examination); Securities Exchange Act Release No. 82751 (February 21, 2018), 83 FR 8559 (February 27, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2018–005) (Proposed Rule Change to Revise the Research Analyst (Series 86 and 87) Examinations); Securities Exchange Act Release No. 82752 (February 21, 2018), 83 FR 8536 (February 27, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2018–006) (Proposed Rule Change to Revise the Operations Professional (Series 99) Examination); Securities Exchange Act Release No. 82754 (February 21, 2018), 83 FR 8533 (February 27, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2018–007) (Proposed Rule Change to Revise the Investment Company and Variable Contracts Products Representative (Series 6) Examination); Securities Exchange Act Release No. 82747 (February 21, 2018), 83 FR 8524 (February 27, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2018–008) (Proposed Rule Change to Revise the General Securities Representative (Series 7) Examination); Securities Exchange Act Release No. 82748 (February 21, 2018), 83 FR 8529 (February 27, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2018–009) (Proposed Rule Change to Revise the Direct Participation Programs Representative (Series 22) Examination); Securities Exchange Act Release No. 82772 (February 26, 2018), 83 FR 9039 (March 2, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2018–010) (Proposed Rule Change to Revise the Securities Trader (Series 57) Examination); and Securities Exchange Act Release No. 82774 (February 26, 2018), 83 FR 9050 (March 2, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2018–011) (Proposed Rule Change to Revise the Private Securities Offerings Representative (Series 82) Examination).

[11] Each of the current representative-level examinations covers general securities knowledge, with the exception of the Research Analyst (Series 86 and 87) examinations.

[12] FINRA Rule 1220(b) sets forth each representative-level registration category and applicable qualification examination.

[13] Individuals who are currently, or were previously, registered as representatives will be subject to different qualification requirements depending on their registration status prior to October 1, 2018. Specifically, individuals who registered as representatives prior to October 1, 2018, and who continue to maintain those registrations on or after October 1, 2018, will not be subject to any additional qualification requirements with respect to those registrations, provided their registrations do not lapse in the future. With the exception of individuals who were registered solely as Foreign Associates, individuals whose registration as a representative was terminated between October 1, 2016, and September 30, 2018, also will not be subject to any additional qualification requirements with respect to those registrations, provided they re-register as a representative within two years from the date of their last registration.

In addition, with the exception of individuals who were registered solely as Order Processing Assistant Representatives or Foreign Associates, individuals whose registration as a representative was terminated between October 1, 2014, and September 30, 2016, will be considered to have passed the SIE examination, provided they re-register as a representative within four years from the date of their last registration. Thus, to re-register as a representative, such individuals would be required to pass the appropriate revised representative-level examination for their particular registered role, or obtain a waiver of the examination. Finally, individuals whose registration as a representative was terminated prior to October 1, 2014 will be required to pass both the SIE examination and the appropriate revised representative-level examination for their particular registered role, or obtain a waiver of the examinations, if they want to re-register as a representative on or after October 1, 2018.

[14] While individuals who are not associated persons are eligible to take the SIE examination, passing the SIE examination alone will not qualify them for registration with FINRA. Rather, to be eligible for registration, an individual must also be associated with a firm, pass an appropriate qualification examination(s) for representative or principal and satisfy the other requirements relating to the registration process. Further, a passing result on the SIE examination would only be valid for four years. Therefore, an individual who passes the SIE examination and is not an associated person at the time would have up to four years from the date he or she passes the SIE examination to become an associated person of a firm and pass a representative-level examination, or obtain a waiver of the examination, and register as a representative without having to retake the SIE examination.

[15] PROCTOR is a computer system that is specifically designed for the administration and delivery of computer-based testing and training.

[16] FINRA pays its delivery vendor an hourly rate for seat time at test delivery centers. The seat time, which varies based on the length of an examination, includes the session time for an examination as well as an additional 30 minutes to cover

effort associated with test development and delivery; (4) corporate overhead; and (5) operational and technology costs associated with maintaining the PROCTOR system (*i.e.,* item banking, test authoring and test delivery).

The SIE examination consists of 75 scored questions [17] and has a session time of one hour and 45 minutes. The revised representative-level examinations consist of fewer scored questions than the current examinations and have reduced session times, with the exception of the Research Analyst (Series 86 and Series 87) examinations.[18] Consistent with its process for establishing and revising examination fees, FINRA is proposing to establish a fee of $60 for the SIE examination. In addition, FINRA is proposing to reduce the fee for each individual revised representative-level examination, with the exception of the revised Series 86 and Series 87 examinations.[19] Specifically, FINRA is proposing the following fees for the revised representative-level examinations: Series 6 ($40); Series 7 ($245); Series 22 ($40); Series 57 ($60); Series 79 ($245); Series 82 ($40); Series 86 ($185); Series 87 ($130); and Series 99 ($40).

FINRA is creating an enrollment system separate from the Central Registration Depository (''CRD®'') system to allow individuals who are not associated persons of a firm, including members of the public, to enroll and pay the SIE examination fee. This system would also be available to associated persons of firms who are not required to be registered with FINRA. FINRA is not proposing any changes, at this time, to the principal-level examinations or the associated fees.[20]

The table below compares the current and future examination fees, number of scored questions on each examination and examination session times associated with each representative category that FINRA is retaining.

FINRA Representative-Level Registrations and Related Examinations

Registration category (CRD system designation)	Current examination(s) fee [number of scored questions, session time]	Future examinations fee [number of scored questions, session time]
Investment Company and Variable Contracts Products Representative (IR).	Series 6: *$100* [100 questions, two hours and 15 minutes]	SIE: $60 [75 questions, one hour and 45 minutes] + Revised Series 6: $40 [50 questions, one hour and 30 minutes]; Combined Exam Fee (*$100*).
General Securities Representative (GS).	Series 7: *$305* [250 questions, six hours]	SIE: $60 [75 questions, one hour and 45 minutes] + Revised Series 7: $245 [125 questions, three hours and 45 minutes]; Combined Exam Fee (*$305*).
Direct Participation Programs Representative (DR).	Series 22: *$100* [100 questions, two hours and 30 minutes]	SIE: $60 [75 questions, one hour and 45 minutes] + Revised Series 22: $40 [50 questions, one hour and 30 minutes]; Combined Exam Fee (*$100*).
Securities Trader (TD).	Series 57: *$120* [125 questions, three hours and 45 minutes].	SIE: $60 [75 questions, one hour and 45 minutes] + Revised Series 57: $60 [50 questions, one hour and 45 minutes]; Combined Exam Fee (*$120*).
Investment Banking Representative (IB).	Series 79: *$305* [175 questions, five hours]	SIE: $60 [75 questions, one hour and 45 minutes] + Revised Series 79: $245 [75 questions, two hours and 30 minutes]; Combined Exam Fee (*$305*).
Private Securities Offerings Representative (PR).	Series 82: *$95* [100 questions, two hours and 30 minutes];	SIE: $60 [75 questions, one hour and 45 minutes] + Revised Series 82: $40 [50 questions, one hour and 30 minutes]; Combined Exam Fee (*$100*).
Research Analyst (RS).	Series 7: *$305* [250 questions, six hours] + Series 86: $185 [100 questions, four hours and 30 minutes] + Series 87: $130 [50 questions, one hour and 45 minutes]; Combined Exam Fee (*$620*).	SIE: $60 [75 questions, one hour and 45 minutes] + Revised Series 86: $185 [100 questions, four hours and 30 minutes] + Revised Series 87: $130 [50 questions, one hour and 45 minutes]; Combined Exam Fee (*$375*).[21]
Operations Professional (OS).	Series 99: *$130* [100 questions, two hours and 30 minutes]	SIE: $60 [75 questions, one hour and 45 minutes] + Revised Series 99: $40 [50 questions, one hour and 30 minutes]; Combined Exam Fee (*$100*).

As the table illustrates, the proposed examination fees for representative registrations will remain the same or be lower than the current examination fees for representative registrations, with the exception of registration as a Private Securities Offerings Representative. As noted in the table, the overall examination fee for registration as a Private Securities Offerings Representative will increase by $5.

FINRA also administers and delivers examinations sponsored (*i.e.,* developed) by other entities, including the Municipal Securities Rulemaking Board (''MSRB''). For qualification examinations sponsored by a FINRA client and administered by FINRA, FINRA charges an administration and delivery fee that represents either a portion of or the entire examination fee for the examination. The administration and delivery fee represents a portion of the entire examination fee when a FINRA client has established an additional fee for an examination that it sponsors. For example, the fee to take the Municipal Securities Representative (Series 52) examination is currently $280. Of this amount, $130 is the FINRA administration and delivery fee, and

administrative procedures relating to the examination process.

[17] The SIE examination and each of the revised representative-level examinations also include five to ten unscored pretest questions. Pretest questions are designed to ensure that new examination items meet acceptable testing standards prior to use.

[18] The revised Series 86 and Series 87 examinations have the same number of scored questions and session times as the current Series 86 and Series 87 examinations.

[19] FINRA is not proposing any changes to the fees for the Series 86 and Series 87 examinations as the test lengths for these examinations are not changing.

[20] FINRA is currently evaluating whether the principal-level examinations could be restructured in a manner similar to the representative-level examinations.

[21] Beginning on October 1, 2018, individuals registering as Research Analysts will no longer be required to pass the General Securities Representative (Series 7) examination.

$150 is the development fee determined by the FINRA client, the MSRB.[22]

In conjunction with FINRA's rule change to restructure its representative-level qualification examination program, the MSRB filed a proposed rule change to, among other things, restructure the Series 52 examination program.[23] Specifically, under the MSRB's proposed rule change, individuals registering as Municipal Securities Representatives would be required to take and pass the SIE examination in addition to a revised Series 52 examination. In addition, the MSRB filed a proposed rule change to reduce the number of scored questions on the Series 52 examination (from 115 questions to 75 questions) and the session time for the examination (from three hours and 30 minutes to two hours and 30 minutes),[24] which would reduce the overall seat time for the examination and, in turn, reduce FINRA's administration and delivery fee for the examination by $20. Accordingly, FINRA is proposing to amend Section 4(c) of Schedule A to the FINRA By-Laws to reduce the administration and delivery fee for the Series 52 examination from $130 to $110.

Finally, FINRA is proposing to make certain non-substantive technical changes to the table of fees under Section 4(c) of Schedule A to the FINRA By-Laws, such as adding headings to the table.

FINRA has filed the proposed rule change for immediate effectiveness. The implementation date will be October 1, 2018, to coincide with the implementation of the restructured representative-level examination program. FINRA will also announce the implementation date of the proposed rule change in a *Regulatory Notice*.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(5) of the Act,[25] which requires, among other things, that FINRA rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls.

FINRA believes that the proposed rule change constitutes an equitable allocation of fees as the examination fees will be used to cover FINRA's costs in developing, maintaining and delivering the SIE examination and the revised representative-level examinations. FINRA further believes that the proposed examination fees are reasonable because they correspond to the costs associated with each examination and are, for the most part, the same or lower than the current examination fees for representative registrations. Accordingly, FINRA believes that the proposed examination fees are equitably allocated and reasonable. In addition, FINRA believes that the proposed rule change constitutes an equitable allocation of fees with respect to FINRA's portion of the fee for the revised Series 52 examination, which represents FINRA's reduced costs for administering and delivering the revised examination.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Economic Impact Assessment

FINRA has undertaken an economic impact assessment, as set forth below, to further analyze the regulatory need for the proposed rule change, the economic baseline of analysis, the economic impact and the alternatives considered.

Regulatory Need

FINRA has restructured the representative-level qualification examination program by creating the SIE examination, revising some of the representative-level qualification examinations and eliminating others. The proposed rule change amends Section 4(c) of Schedule A to the FINRA By-Laws to establish the fee for the SIE examination, revise the fees for the representative-level qualification examinations that FINRA is retaining and remove the fees for the representative-level qualification examinations that FINRA is eliminating. The proposed fees cover the development, maintenance and delivery of the SIE examination and the revised representative-level examinations with minimum impact on the examination costs for representatives.

Further, as a result of the MSRB's restructuring of the Series 52 examination program, the proposed rule change amends Section 4(c) of Schedule A to the FINRA By-Laws to reduce FINRA's administration and delivery fee for the revised Series 52 examination.

Economic Baseline

The economic baseline for the proposed rule change is the current FINRA representative-level examinations, and the fees for these examinations. The current representative-level examination program consists of 16 examinations (Series 6, 7, 11, 17, 22, 37, 38, 42, 57, 62, 72, 79, 82, 86, 87 and 99). In 2017, there were approximately 102,000 representative-level registrations requested. The Series 7, Series 6 and Series 79 are the top three examinations in terms of candidate volume, constituting approximately 92% of the total representative-level registration volume. Current fees range between $95 and $305 per examination, and the fee schedule reflects the length of the examination, which is also correlated with the effort necessary to prepare and evaluate the examinations. As noted above, FINRA is eliminating a limited number of representative-level examinations that represent a small percentage of candidate volume. The current and proposed fees for the retained representative-level examinations are provided above.

The economic baseline for the proposed rule change relating to the Series 52 examination is the current fee associated with FINRA's administration and delivery of the examination. In 2017, there were approximately 830 Municipal Securities Representative registrations requested. FINRA's fee for administering and delivering the Series 52 examination is currently $130.

Economic Impact

For purposes of this discussion, FINRA has identified the potentially material impacts of the proposed fees.

The cumulative examination fees for a given registration as a representative under FINRA's proposed structure are the same as those under the current structure, with the exception of the categories of Private Securities Offerings Representative, Research Analyst and Operations Professional. For example, the current examination fee for registration as a General Securities Representative is $305 (the fee for the current Series 7 examination). Under the proposed fee structure, the cumulative examination fee to register as a General Securities Representative would remain $305 ($60 for the SIE examination and $245 for the revised Series 7 examination). There will be some economic impacts associated with

[22] *See* MSRB Rule A–16 (Examination Fees).

[23] *See* Securities Exchange Act Release No. 83483 (June 20, 2018), 83 FR 29855 (June 26, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR–MSRB–2018–04). The proposed rule change will become effective on October 1, 2018, which coincides with the effective date of FINRA's rule change.

[24] *See* Securities Exchange Act Release No. 83572 (June 29, 2018), 83 FR 31580 (July 6, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR–MSRB–2018–05). This proposed rule change will also become effective on October 1, 2018.

[25] 15 U.S.C. 78*o*–3(b)(5).

the proposed changes for specific categories of registration. First, the total examination fee for registration as a Private Securities Offerings Representative will increase by $5. The current examination fee for registration as a Private Securities Offerings Representative is $95.[26] Under the restructured program, the total examination fee for registration as Private Securities Offerings Representative will be $100 ($60 for the SIE examination and $40 for the revised Series 82 examination). The proposed $40 fee for the revised Series 82 examination is consistent with the fees of other comparable revised examinations (*i.e.,* the revised Series 6, Series 22 and Series 99 examinations) all of which have similar development, maintenance and delivery costs. Second, the examination fees for registration as a Research Analyst or an Operations Professional will be reduced.[27] Third, for the eliminated categories and related examinations, individuals conducting the activities covered by the eliminated examinations may seek registration in one of the remaining categories, such as a General Securities Representative, which have higher cumulative examination fees.[28] However, as noted, this represents a small group.

The lifetime examination costs will also vary depending on the number of examination attempts by individual test takers. For instance, if an individual requires two attempts to pass the current Series 7 examination, the total cost of the examinations today would be $610 ($305 × 2). If the same individual passed the SIE examination on the first attempt, but still required two attempts to pass the revised Series 7 examination, the total cost of the examinations would be $550 ($60 for the SIE examination plus $245 × 2 for the revised Series 7 examination). If, alternatively, the individual required two attempts at the SIE examination but passed the revised Series 7 examination on the first attempt, the total cost would be $365 ($60 × 2 for the SIE examination plus $245 for the revised Series 7 examination). In both of these scenarios, because the person could take advantage of passing one of the requirements in the first attempt, the aggregate examination costs under the proposed fee structure would be less than today. Further, as noted above, in some cases, the aggregate examination costs are anticipated to be lower or higher, depending on the category in which the individual is seeking to register.

Registered representatives seeking an additional or alternative representative registration category would also experience a net decrease in examination fees because they would have already satisfied the SIE examination requirement, thus only incurring the fees associated with the revised representative-level examination. However, based on historical data, these individuals represent a relatively small percentage of individuals seeking registrations.

With respect to FINRA's fee for administering and delivering the revised Series 52 examination, the fee will be reduced by $20 (from $130 to $110) to reflect FINRA's adjusted costs for its portion of the fee for the examination.

Impact on Firms

FINRA believes that the restructured program is likely to decrease the total examination fees that firms pay. In aggregate, based on FINRA's review of a representative sample of firms, it projects a reduction in total examination fees annually. As stated above, the examination fees paid to become registered will typically be lower in circumstances where multiple examination attempts are needed to pass. Under these circumstances, firms will experience a decrease in examination fees, to the extent that firms cover these costs for individuals. Under the restructured program, at least some of the costs associated with qualification will likely transfer to the individuals interested in becoming registered representatives. Members may require job applicants to pass the SIE examination before they can be considered for a position, and may require that the individuals pay the SIE examination fee. Further, FINRA understands that some firms today seek repayment from representatives for fees associated with representative-level examinations. The extent of the economic transfer between firm and representative depends upon, among other things, the competition between firms for the pool of qualified representatives and the size of that pool.

In addition, broker-dealers and other regulated entities that seek to register Municipal Securities Representatives would see a reduction in FINRA's portion of the fee for the revised Series 52 examination.

Impact on Individuals

As described above, firms may require potential registrants to pass the SIE examination before they can be considered for a position, in which case the SIE examination fee may be incurred by the individual and the associated impact may be a shifting of some of the costs associated with qualification from the firm to the individual. In such a scenario, based on its own experience and in consultation with industry experts, FINRA believes the $60 fee for the SIE examination would not create a significant barrier to prospective registered representatives.

The restructured program will likely change the total test taking time for individuals registering as representatives. For example, the total examination session times for registration as a Research Analyst decreases by four hours and fifteen minutes. The total session times may increase or decrease depending on the registration. To the extent that the changed session times lead to a change in test taking time by individuals, they may experience an increase or decrease in the opportunity cost of their time.

Finally, some individuals who will not be pursuing registration as a representative may still take the SIE examination. These individuals include associated persons of firms who are not required to register as well as individuals who are not associated persons of firms, such as college students, individuals working in related financial service industries or who have personal interest in establishing proficiency in the subject matter. FINRA believes that the $60 fee for the SIE examination may encourage such individuals to take the examination, and in turn increase the pool of prospective registered representatives.

Alternatives Considered

FINRA considered a range of potential fee models in developing the proposed rule change, including different (dollar levels of) fees for the SIE examination, the representative-level examinations and the SIE examination in combination with the representative-level examinations. FINRA believes that the proposed fee structure strikes the appropriate balance between the operating costs associated with the

[26] While FINRA has maintained a $95 fee for the current Series 82 examination, the cost of developing, maintaining and delivering the current Series 82 examination most closely correlates to the cost of developing, maintaining and delivering the current Series 22 examination, which has a cost of $100.

[27] The cumulative examination fee for registration as a Research Analyst will be reduced by $245 because, under the restructured program, individuals registering as such will no longer be required to take the Series 7 examination. The total examination fee for registration as an Operations Professional will also be reduced by $30.

[28] For example, the examination fee for the eliminated Corporate Securities Representative (Series 62) category is $95 while the new cumulative examination fee for registration as a General Securities Representative is proposed to be $305.

examinations and the impact to individuals and the industry.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [29] and paragraph (f)(2) of Rule 19b–4 thereunder.[30] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2018–033 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2018–033. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2018–033 and should be submitted on or before October 1, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Eduardo A. Aleman,

Assistant Secretary.

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[29] 15 U.S.C. 78s(b)(3)(A).

[30] 17 CFR 240.19b–4(f)(2).

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84021; File No. SR–OCC–2018–012]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Related to The Options Clearing Corporation's Board of Directors and Board Committee Charters

September 4, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 24, 2018, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change by OCC concerns changes to its (1) Audit Committee Charter, (2) Compensation and Performance Committee Charter, (3) Governance and Nominating Committee Charter, (4) Risk Committee Charter, (5) Technology Committee Charter and (6) Board of Directors Charter in connection with requirements applicable to OCC under Rules 17Ad–22(e)(2) (Governance) and (3) (Framework for the Comprehensive Management of Risks).[3]

The charters are attached as Exhibits 5A through F to the filing [sic]. Material proposed to be added to the charters as currently in effect is marked by double underlining and material proposed to be deleted is marked by strikethrough text. The proposed rule change, including Exhibits 5A through F, is available on OCC's website at *https://www.theocc.com/about/publications/bylaws.jsp.* The proposed rule change does not require any changes to the text of OCC's By-Laws or Rules. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[4]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The purpose of the proposed rule change is to make certain changes to OCC's (1) Audit Committee (''AC'') Charter (''AC Charter''), (2) Compensation and Performance Committee (''CPC'') Charter (''CPC Charter''), (3) Governance and Nominating Committee (''GNC'') Charter (''GNC Charter''), (4) Risk Committee (''RC'') Charter (''RC Charter''), (5) Technology Committee (''TC'') Charter

[3] 17 CFR 240.17Ad–22(e)(2) and (3).

[4] OCC's By-Laws and Rules can be found on OCC's public website: *http://optionsclearing.com/about/publications/bylaws.jsp.*

(''TC Charter'') and (6) Board of Directors (''Board'') Charter (''Board Charter'') [5] for consistency with requirements that are applicable to OCC under Rules 17Ad–22(e)(2) (Governance) and (3) (Framework for the Comprehensive Management of Risks).[6] As described in greater detail below, the proposed changes are designed, in general, to clarify and assign certain responsibilities for the governance and oversight of OCC among the Board and its respective committees in order to provide for governance arrangements that are clear and transparent and that specify clear and direct lines of responsibility. In turn, these changes would help ensure that OCC has governance arrangements that are organized to support its ability to promptly and accurately serve Clearing Members and the markets for which it clears and effectively manage the range of risks that arise in the course of providing such clearance and settlement services.

Background

On September 28, 2016, the Commission adopted amendments to Rule 17Ad–22 [7] and added new Rule 17Ab2–2 [8] pursuant to Section 17A of the Securities Exchange Act of 1934, as amended (''Exchange Act'' or ''Act''),[9] and the Payment, Clearing, and Settlement Supervision Act of 2010 [10] to establish enhanced standards for the operation and governance of those clearing agencies registered with the Commission that meet the definition of a ''covered clearing agency,'' as defined by Rule 17Ad–22(a)(5) [11] (collectively, the new and amended rules are herein referred to as the ''CCA rules''). OCC meets the definition of a covered clearing agency and is therefore subject to the requirements of the CCA rules.[12]

Relevance of CCA Rules Regarding OCC Charters

Certain of the CCA rules impose requirements regarding governance arrangements and OCC's risk management framework that relate to its (1) AC Charter, (2) CPC Charter, (3) GNC Charter, (4) RC Charter, (5) TC Charter and (6) Board Charter. Specifically, Rules 17Ad–22(e)(2) and (3) require OCC to, among other things, establish, implement, maintain, and enforce written policies and procedures reasonably designed to, as applicable:

- Provide for governance arrangements that are clear and transparent; clearly prioritize safety and efficiency of the covered clearing agency; support the public interest requirements in Section 17A of the Act [13] and the objectives of owners and participants; establish that the board of directors and senior management have appropriate experience and skills to discharge their duties and responsibilities; specify clear and direct lines of responsibility; consider the interests of enumerated stakeholders;[14] and
- maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency.[15]

OCC is proposing changes to its Board and Board committee charters to better align its governance and risk management processes with these requirements, including by shifting responsibility to the Board for enterprise risk management and aligning committee responsibilities accordingly. These changes are described below regarding each charter and key aspects of the proposed changes are noted by bullets at the beginning of each section. Many of the proposed changes are intended only to reduce redundancy and better organize the content of the charters and in some cases would remove provisions for readability in light of the fact that they are not required. Therefore, OCC proposes to relocate existing content and change word choices for readability and to more clearly state what a committee is authorized to do or must do, which OCC believes would not substantively alter the responsibilities or activities of the relevant committee.[16] Because such changes would not change the operation or meaning of the charter provisions, they are not further described herein. OCC also notes that the Board Charter and committee charters are intended to set forth key responsibilities, procedures, and guiding principles for the Board and the committees. The charters therefore do not enumerate every action that may be taken by the Board or committees, and OCC notes that its By-Laws, Rules and policies also set forth certain duties and responsibilities of the Board and committees (*e.g.,* Sections 4 (Committees) and 8 (Power of the Board of Directors) of Article III of OCC's By-Laws).

Common Changes

Certain of the proposed changes represent common changes that would be made in all or most of the charters.[17] For instance, OCC proposes to amend the charters to provide that in carrying out their responsibilities the Board and the committees shall prioritize the safety and efficiency of OCC, generally support the stability of the broader financial system and consider legitimate interests of Clearing Members, customers of Clearing Members and other relevant stakeholders, including its Exchange Shareholders and other participant exchanges, taking into account prudent risk management standards (including systemic risk mitigation) and industry best practices, as is consistent with Rules 17Ad–22(e)(2)(ii), (iii) and (vi).[18] OCC also

[5] As discussed below, the changes to the Board Charter would involve incorporating provisions from OCC's Corporate Governance Principles (''CGP'') and changing the title of the document to the Board Charter and Corporate Governance Principles.

[6] 17 CFR 240.17Ad–22(e)(2) and (3).

[7] Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786, 70812 (October 13, 2016) (''CCA Adopting Release''); *see also* 17 CFR 240.17Ad–22.

[8] 17 CFR 240.17Ab2–2.

[9] 15 U.S.C. 78q–1.

[10] 12 U.S.C. 5461 *et seq.*

[11] 17 CFR 240.17Ad–22(a)(5).

[12] *Id.*

[13] 17 CFR 240.17Ad–22(e)(2). The public interest requirements in Section 17A of the Act include that the ''prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating and acting on behalf of investors.'' *See* 15 U.S.C. 78q–1(a)(1)(A).

[14] *See* 17 CFR 240.17Ad–22(e)(2).

[15] *See* 17 CFR 240.17Ad–22(e)(3).

[16] The following are examples of such changes. All of the charters would be amended to state that the Board or the relevant committee will review the charter ''at least once every twelve months'' instead of ''annually'' to provide further clarity around the intended frequency. The statement in the TC Charter that the TC ''shall also have the authority to perform any other duties'' consistent with the TC Charter would be revised to provide that the TC ''is authorized to perform any other duties'' consistent with the TC Charter. The statement in the AC Charter that the committee shall ''approve material changes in accounting principles and practices'' would instead state that it ''is authorized to approve material changes in accounting principles and practices.'' Consistent with this change, where a charter currently states that the Board or a committee ''shall approve'' a particular matter, certain changes are proposed, as appropriate, to state instead that the Board or a committee is ''authorized to approve.'' OCC believes such changes properly clarify the oversight role of the Board and the committees and that approval is not mandatory.

[17] Certain variations on some of these changes that are specific to the Board Charter are also described below in the section addressing the Board Charter.

[18] *See* 17 CFR 240.17Ad–22(e)(2)(ii) (requiring governance arrangements that prioritize the covered clearing agency's ''safety and efficiency''), (e)(2)(iii) (requiring governance arrangements that support the ''public interest requirements'' applicable to covered clearing agencies), and (e)(2)(vi) (requiring governance arrangements that consider the interests of all ''relevant stakeholders'').

proposes to amend the committee charters to address committee member vacancies to provide that in the event of a vacancy, the applicable committee will continue to undertake its responsibilities, so long as the remaining committee members are capable of satisfying the quorum requirement.[19] In addition, to promote compliance with the requirement in Rule 17Ad–22(e)(2)(v)[20] that governance arrangements provide for clear and direct lines of responsibility, OCC proposes to amend all of the charters to specify that the Board and each committee may delegate authority to one or more designated officers of OCC or may refer a risk under its oversight to another committee or the Board as advisable or appropriate. The proposed revisions would further provide, however, that the Board or the committee would retain the obligation to oversee any such delegation or referral and assure itself that delegation and reliance on the work of any delegate is reasonable. OCC also proposes amendments to acknowledge, where relevant, that its Executive Chairman (''EC'') also serves as its Chief Executive Officer (''CEO'') and therefore certain responsibilities and considerations that currently apply to the EC would also apply regarding the CEO. All charters would also be revised to state that a role of the Board or the committee, as applicable, is to advise management. In addition, committees would be required to submit their charters to the GNC for potential approval in addition to submitting them to the Board in connection with a required review once every twelve months of committee charters, consistent with Rule 17Ad–22(e)(3)(i).[21] Moreover, consistent with Rules 17Ad–22(e)(2)(i) and (v) regarding the establishment of governance arrangements that are clear and transparent and that specify clear and direct lines of responsibility,[22] changes would be made to clarify that where the Board or a committee has authority to approve reports or other proposals in its business judgment, such as materials provided by management, it is not obligated to approve, and related modifications would articulate a clear means of recourse for the committee or the Board if it does not approve.[23]

The committee charters would also be amended to provide that each committee shall perform and is authorized to perform such other responsibilities and functions as shall from time to time be assigned to it under the By-Laws and Rules, other policies, or delegated to it by the Board.[24] OCC also proposes to amend the committee charters to provide that each committee shall perform any other duties consistent with their respective charters as the committee deems necessary or appropriate, or as the Board shall further delegate to the particular committee.[25] OCC believes that these changes will provide for flexibility for each committee to supervise and account for matters naturally within the scope of their responsibility or that may be assigned to them by the Board. OCC believes these changes also promote compliance with Rule 17Ad–22(e)(3)[26] by establishing a sound risk management framework to comprehensively manage the varying risks and other matters each committee must manage and to effectively identify new risks that may arise.

Finally, in order to the promote compliance with the requirement in Rule 17Ad–22(e)(2)(i)[27] that OCC's governance arrangements be clear and transparent, OCC proposes to make a number of changes to its Board committee charters to clarify that, where certain actions were required to be performed ''annually'' under the charters, those actions would now be required to occur ''each calendar year.'' OCC believes that it is appropriate to make clear it in its rules actions which the Board or a committee may be required to perform on an every twelve months-basis, particularly in cases where a regulatory requirement exists (*e.g.,* Risk Committee requirement to review and have the authority to approve at least once every twelve months the adequacy of OCC's Recovery and Orderly Wind-Down Plan and recommend approval thereof to the Board) and those which they would only be required to perform on a calendar year basis. These changes include amending the committee charters to provide that the following activities must occur on a calendar year basis: (i) The appointment of directors to particular committees; (ii) that committees meet regularly, and no less than once per calendar year, with certain members of management in separate executive sessions; (iii) that each committee must provide reports to the Board summarizing its activities for the prior year; (iv) that each committee confirm to the Board that all responsibilities outlined in its Charter have been carried out; and (v) that each committee assess its and its individual members' performance and provide results of such assessment to the GNC[28] for review.

AC Charter

OCC proposes modifications to its AC Charter. Key aspects of the proposed changes regarding the AC Charter include:

- New responsibility for oversight of legal risks, including existing, pending and threatened litigation;
- Transfer of the oversight of Clearing Member investigations and enforcement matters to the RC;
- Increased oversight of OCC's compliance department, including its structure, resources and budget; and
- Introduction of mandatory periodic reporting from OCC's Chief Audit Executive (''CAE''), Chief Compliance Officer (''CCO'') and General Counsel (''GC'').

OCC proposes to amend the AC Charter to establish new responsibilities for the AC that include reviewing the impact of litigation and other legal matters that may have a material impact on OCC's financial statements and overseeing the structure, independence and objectivity, staffing, resources, and budget of OCC's compliance and audit departments. OCC believes that it is appropriate to extend these responsibilities to the AC since they are highly germane to its current functions (*e.g.,* assisting the Board in overseeing OCC's financial reporting process, OCC's system of internal control, OCC's auditing process, and OCC's process for monitoring compliance with applicable laws and regulation) and would promote compliance with Rule 17Ad–22(e)(2)(v)[29] by specifying clear and direct lines of responsibility. In addition, the responsibility for the oversight of Clearing Member investigations and enforcement would be transferred to the RC as the RC has the required expertise to properly oversee the process (as discussed further below). The AC Charter would also be

[19] This same change would not be added to the Board charter. It would also not be added to the GNC Charter because it is already addressed.

[20] 17 CFR 240.17Ad–22(e)(2)(v).

[21] *See* 17 CFR 240.17Ad–22(e)(3)(i) (requiring periodic review and annual Board approval of the CCA's risk management framework).

[22] 17 CFR 240.17Ad–22(e)(2)(i) and (v).

[23] The purpose of these changes is to promote governance arrangements that clearly prioritize the safety and efficiency of OCC and specify clear and direct lines of responsibility in its governance arrangements. *See* 17 CFR 240.17Ad–22(e)(2)(ii) and (v).

[24] OCC notes that a comparable provision to this exists in the RC Charter.

[25] OCC notes that comparable language currently appears in the AC Charter, GNC Charter, and TC Charter.

[26] 17 CFR 240.17Ad–22(e)(3).

[27] 17 CFR 240.17Ad–22(e)(2)(i).

[28] The GNC is required to provide the results of its own assessment to the Board.

[29] 17 CFR 240.17Ad–22(e)(2)(v).

amended to clarify that the AC shall oversee the independence and objectivity of the internal audit department, consistent with OCC's obligations under Rules 17Ad–22(e)(3)(iii) and (iv) [30] to provide internal audit personnel with sufficient authority, resources, independence from management, and access to the board of directors and provide for oversight of internal audit personnel by an independent audit committee of the board of directors. Under the proposed rule change, the AC Charter would also be amended to provide that the AC is authorized to approve deviations to the audit plan that may arise over the course of an audit, which OCC believes is a natural extension of the AC's role and responsibilities. In addition, OCC proposes to amend the AC Charter to provide that the AC shall identify risk issues relating to the areas that the committee oversees that should be escalated to the Board for its review and consideration, which OCC believes promotes compliance with Rule 17Ad–22(e)(2)(v) [31] by specifying clear and direct lines of responsibility.

OCC also proposes to amend the AC Charter to provide that certain mandatory reports be sent to the AC for review, including quarterly reports from the CAE regarding the internal audit plan and the GC regarding existing, pending, or threatened litigation.[32] OCC notes that either the AC or another committee already has responsibilities in these areas and OCC believes that such quarterly reports will help provide the AC with the necessary information to appropriately discharge its duties and responsibilities.[33]

OCC also proposes to streamline its description of the AC's responsibility with respect to its compliance department by providing more generally that the AC shall review ongoing compliance monitoring activities by reviewing reports and other communications prepared by the CCO and inquire of management regarding steps taken to deal with items raised. As a result of this change, the AC Charter would no longer specify that the AC is responsible for approving the annual Compliance Testing Plan, monitoring progress against the annual Compliance Testing Plan, and approving any recommendations by the CCO relating to that plan. The purpose of this change is to shift OCC's compliance department to a monitoring role and away from its historic role of creating a specific plan to follow. This change would also help facilitate the transition of validation responsibilities to OCC's internal audit department, over which the compliance department would have monitoring responsibilities. OCC believes that this change promotes governance arrangements that are clear and transparent in accordance with Rule 17Ad–22(e)(2)(i).[34]

In a number of instances, OCC proposes to amend the AC charter to provide that the AC is authorized to perform certain functions. For example, OCC proposes to amend the AC charter to provide that the AC is authorized to approve management's recommendation to appoint or replace the CCO or CAE, which is a governance arrangement that OCC believes is consistent with Rules 17Ad–22(e)(3)(iii) and (iv) [35] in that it furthers the AC's oversight of the CCO and CAE and their independence from management.[36] OCC believes that framing the AC's responsibilities in this manner would provide appropriate flexibility for the committee to carry out its oversight and advisory responsibilities using its business judgment. OCC also proposes to amend the AC Charter (and the RC Charter) to transfer responsibility for reviewing the investigation and enforcement outcomes of disciplinary actions taken by OCC against Clearing Members from the AC to the RC. OCC believes that the RC is appropriately situated to review disciplinary actions against Clearing Members given its broader role in overseeing OCC's management of third party risks, (which includes OCC counterparties such as Clearing Members).

OCC proposes to further amend the AC Charter to provide that the AC shall review the effectiveness of the internal audit function, including conformance with the Institute of Internal Auditor's Code of Ethics and the International Standards for Professional Practice of Internal Auditing. OCC believes that this is a natural extension of the AC's role and responsibility to help ensure the integrity of OCC's audits and is consistent with the public interest and the protection of investors.[37]

In addition, the AC Charter currently provides that the AC is authorized to determine appropriate compensation for audit services and pre-approve all audit services, subject to annual approval by the Board. As proposed, the AC charter would no longer expressly require annual Board approval regarding these items. However, under the AC Charter the committee would still be required to confirm annually to the Board that all of its responsibilities have been carried out and provide an annual report to the Board summarizing its activities during the previous year, consistent with Rules 17Ad–22(e)(2)(v) and 17Ad–22(e)(3)(i) and (iii).[38] OCC also proposes to amend the AC Charter to provide that, in addition to the CAE and CCO, the Chief Financial Officer (''CFO'') also would be authorized to communicate directly with the Chair of the AC with respect to any of the responsibilities of the AC between meetings of the AC given the CFO's role as part of OCC's executive team and his/her responsibility for OCC finances.[39]

[30] 17 CFR 240.17Ad–22(e)(3)(iii) and (iv).

[31] 17 CFR 240.17Ad–22(e)(2)(v).

[32] OCC proposes certain other streamlining changes to the AC Charter, such as providing that the AC will review OCC's Reporting Concerns and Whistleblower Policy (and specifying that such review will occur each calendar year) rather than providing a more detailed description of what the reporting concerns and whistleblower procedures under the relevant policy entail.

[33] OCC also believes that these quarterly reports to the AC help specify clear and direct lines of responsibility in OCC's governance arrangements by ensuring that these officers keep the AC apprised of OCC's ongoing performance or handling of these matters, which in turn will allow the AC to more effectively carry out its oversight functions and the responsibilities associated therewith. *See* 17 CFR 240.17Ad–22(e)(2)(v) and (e)(3).

[34] 17 CFR 240.17Ad–22(e)(2)(i).

[35] 17 CFR 240.17Ad–22(e)(3)(iii) and (iv).

[36] OCC similarly proposes to amend the AC charter to provide that the AC is authorized to approve OCC's audited financial statements after review, is authorized to oversee the timing and process for implementing a rotation of the engagement partner of the external auditor, and is authorized to discuss certain significant issues with the external auditor.

[37] *See* 15 U.S.C. 78q–1(b)(3)(F).

[38] *See* 17 CFR 240.17Ad–22(e)(2)(v) (requiring governance arrangements with clear and direct lines of responsibility), (e)(3)(i) (requiring periodic review and annual Board approval of risk management policies, procedures and systems) and (e)(3)(iii) (requiring a risk management framework that provides internal audit personnel with sufficient authority, but also access to the Board).

[39] As described below, OCC also proposes certain other non-substantive changes to the AC Charter to provide additional clarity. For example, OCC proposes to replace reference to ''financial and senior management'' to OCC's ''Corporate Finance Department'' in describing the AC's responsibility to facilitate open communication between external auditors and certain groups within OCC. As an additional example, the AC Charter would be amended to provide that the AC is authorized to approve the ''issuance of the annual financial'' statements after its review of such statements. Similarly, OCC proposes to enhance certain descriptions of the AC's responsibilities. For example, OCC proposes to revise text describing the role of the AC, along with external auditors, as responsible for ''planning and carrying out audit work, as appropriate'' rather than ''planning and carrying out a proper audit.'' OCC's description of the AC's power to delegate to the CAE ''within the external audit limits'' would be changed for accuracy to read ''within the co-sourced audit hour limits.'' This change is meant to reflect the fact that OCC co-sources its internal audit function through a partnership between OCC's in-house internal audit department and a third party internal audit service provider.

CPC Charter

OCC proposes a number of revisions to its CPC Charter, the key aspects of which would include:

- New responsibility to oversee and monitor certain activities of OCC's Administrative Committee, including the approval of the Administrative Committee's charter and changes thereto, and approval of the members of the Administrative Committee;
- Introduction of mandatory quarterly reporting on OCC's corporate plan, corporate budget and capital plan; and
- Annual requirement to review succession planning activities regarding OCC's Management Committee (''Management Committee'').

OCC proposes to amend the CPC Charter to state that the CPC assists the Board in overseeing risks related to OCC's general business, regulatory capital, investments, corporate planning, compensation and human capital in addition to assisting the Board in executive management succession planning and performance assessments. The existing CPC Charter already addresses these aspects of the committee's responsibilities generally. The proposed revisions are designed to emphasize the committee's responsibility to help the Board oversee such risks and to clarify that the committee has an oversight role while it remains OCC management's responsibility to identify, manage, monitor and report the associated risks, as is consistent with the Rule 17Ad–22(e)(3)(i) requirement that risk management policies, procedures and systems be subject to periodic review and annual approval by the Board [40] and the Rule 17Ad–22(e)(2)(v) requirement that governance arrangement ''specify clear and direct lines of responsibility.'' [41]

The CPC Charter would continue to provide that the committee oversees the corporate plan and corporate budget and makes recommendations to the Board regarding their approval. However, the proposed changes would clarify that the corporate plan and budget are annual arrangements and that the committee oversees their alignment with OCC's business strategy. In addition, a new provision would require management to provide a quarterly report to the committee that contains information on OCC's performance against the corporate plan and the budget.[42]

The CPC Charter would continue to provide that the committee oversees OCC's capital plan and would be revised to clarify that this oversight includes the written policies adopted thereunder, which include OCC's fee, dividend and refund policies (which are existing responsibilities of the CPC). Revisions also would clarify that the committee must review the capital plan at least once every twelve months and that the committee makes recommendations to the Board concerning capital requirements, refund payments, and dividend payments. In addition, a provision would be added to require management to provide a quarterly performance report to the committee against the capital plan.

OCC proposes to revise the CPC Charter to provide that the Committee would oversee and monitor the activities of OCC's Administrative Committee, including the approval of the Administrative Committee's charter and changes thereto and of the members of the Administrative Committee. OCC believes that these allocations of responsibility are appropriate given the CPC's current oversight of the Administrative Committee, whereby the CPC is responsible for, among other things, appointing members of the Administrative Committee and overseeing and monitoring the activities of the Administrative Committee with respect to retirement and retirement savings plans.

In addition, OCC proposes changes to clarify the role that the committee plays in oversight of succession planning regarding OCC's Management Committee. A new provision would also provide that the committee must review the results of Management Committee succession planning activities at least once every twelve months.

Regarding the committee's review of Public Director compensation and the recommendations that it provides to the Board related thereto, a requirement would be added to the CPC Charter for the committee to engage in these activities not less than once every two years. OCC believes that a two year period is appropriate for such a review because the overall trends in industry compensation generally do not change dramatically from year to year. The CPC would continue to look at overall Public Director compensation each year for informational purposes, but it would not be required to perform a full review of each of the components of Public Director compensation packages and recommend adjustments to the Board on a yearly basis.

The CPC Charter would also be amended to clarify that that committee is not authorized to adopt or amend compensation, retirement and welfare benefit plans that require Board approval and to add a new requirement that the committee must review OCC's insurance program at least once every twelve months.

Certain specific responsibilities stated in the CPC Charter would be removed in favor of a more general statement that the committee is required to perform activities consistent with the CPC Charter as it deems necessary or appropriate or as are delegated to the committee by the Board, furthering the purposes of the Rule 17Ad–22(e)(2)(v) requirement that a covered clearing agency's governance arrangements specify clear and direct lines of responsibility.[43] For example, an existing provision would be removed that states that the committee reviews special financial matters as requested by the Board. Provisions would also be removed that specifically address the committee's review and approval of policies and programs regarding salary compensation and incentive compensation and its review of material changes to executive management benefits.

GNC Charter

OCC also proposes changes to its GNC Charter. The key aspects of the proposed changes regarding the GNC Charter include:

- New responsibility for review and approval of related party transactions; and
- New responsibility for advising on matters pertaining to director leadership development and succession planning.

OCC proposes to amend the GNC Charter to establish new responsibilities for the GNC to approve all material changes to written policies concerning related party transactions and recommend such changes to the Board for approval. The GNC Charter would also be amended to provide that the GNC shall review and, if appropriate, approve or ratify any related party transactions involving OCC in accordance with the written policy governing such transactions. Because the GNC is already responsible for the review of conflicts of interests of directors and the manner in which such conflicts will be monitored and

[40] 17 CFR 240.17Ad–22(e)(3)(i).

[41] 17 CFR 240.17Ad–22(e)(2)(v).

[42] OCC believes that quarterly reporting by management to the CPC, as described in this discussion of the CPC Charter, helps specify clear and direct lines of responsibility in OCC's governance arrangements by ensuring that management keeps the CPC apprised of OCC's ongoing performance on these matters, which in turn will allow the CPC to more effectively carry out its oversight functions and the responsibilities associated therewith. *See* 17 CFR 240.17Ad–22(e)(2)(v) and (e)(3).

[43] 17 CFR 240.17Ad–22(e)(2)(v).

resolved, OCC believes that it is appropriate for the GNC to assume the additional responsibility of reviewing related party transactions. OCC also believes that it would be appropriate for the GNC to advise the Board on matters pertaining to director leadership and development to promote compliance with the Rule 17Ad–22(e)(2)(iv) [44] requirement that OCC's governance arrangements establish that Board directors have appropriate experience and skills to discharge their duties and responsibilities.[45]

OCC also proposes a number of other changes to the GNC charter, which include: (i) Reframing the GNC's responsibilities with respect to ensuring that directors are appropriately qualified,[46] (ii) removing the ability for a designee of the chair of the GNC to call an additional meeting beyond the four times per year that the GNC will meet,[47] (iii) specifying that the GNC shall review the composition of the Board for consistency with public interest and regulatory requirements at least every three years rather than periodically,[48] (iv) expanding the GNC's yearly review of the Board Charter for consistency with the public interest and other regulatory requirements to also include a review of the charters of the Board committees,[49] (v) specifying that the GNC shall identify risk issues that should be escalated to the Board for its review and consideration, and (vi) providing that the GNC shall annually review and advise the Board with regard to whether directors are independent as defined by the Board. In addition, OCC proposes to revise the GNC charter to no longer provide that the GNC is responsible for recommending to the Board candidates for nomination for election or re-election by the stockholders and any Board vacancies that are to be filled by the Board. The requirement that the GNC nominate candidates is provided explicitly in the By-Laws, and OCC further believes that this responsibility is adequately captured in OCC's revised description of the GNC's role to identify, screen, and review individuals qualified to be elected or appointed to serve as Member Directors or Public Directors.[50]

RC Charter

OCC also proposes a number of changes to its RC Charter. The key aspects of the proposed changes regarding the RC Charter include:

- Transition of responsibilities regarding Enterprise Risk Management (''ERM'') to the Board;
- Increased responsibilities with respect to OCC's risk management related to credit, collateral, liquidity and third party risks;
- Transfer of the oversight of Clearing Member investigations and enforcement matters to the RC; and
- Introduction of mandatory periodic reporting on the effectiveness of OCC's management of risks.

OCC proposes to amend the RC Charter's statement of the committee's responsibilities. First, the RC Charter currently provides that the RC assists the Board in overseeing OCC's policies and processes for identifying and addressing strategic, operational and financial (*e.g.,* credit, market, liquidity and systemic) risks. This would be replaced by a narrower and more specific statement that the RC would have responsibility for assisting the Board in its oversight of financial, collateral, risk model and third party risk management processes.[51] In addition, the oversight of responsibility for Clearing Member investigations and enforcement outcomes of disciplinary actions would be transferred from the AC to the RC as the RC has the required expertise to properly oversee the process given its current responsibility for overseeing the framework for Clearing Membership, including (i) periodically reviewing and revising, as appropriate, OCC's initial and ongoing requirements for Clearing Membership, (ii) overseeing the processes established for reviewing and monitoring Clearing Membership (including in respect of the continuance of potentially problematic members), and (iii) making recommendations to the Board, as applicable, for final determinations in respect of the foregoing.

The committee would also continue to be responsible for functions delegated to it under the By-Laws and Rules and as may be delegated to it by the Board. A removal of continued responsibility for strategic and operational risks would be consistent with additional changes to the RC Charter that provide that the RC would no longer have responsibilities related to the ERM program and such responsibilities would be transitioned to the Board (which is discussed in further detail below). OCC believes that these changes are appropriate because issues regarding enterprise risk management are central to OCC's comprehensive management of risk and would therefore benefit from the experience and attention of the full Board.

Corresponding changes would also be made to clarify that the committee has an oversight role regarding its responsibilities and that it remains OCC management's responsibility to identify, manage, monitor and report risks in these areas.

A clarifying statement would also be added to the RC Charter to state that the RC is required to perform its responsibilities in accordance with the provisions of the RC Charter and applicable regulatory requirements. A

[44] 17 CFR 240.17Ad–22(e)(2)(iv).

[45] OCC also proposes to reframe the introductory paragraph of the GNC charter to explicitly reference relevant provisions of Rule 17Ad–22(e)(2) and specify that the GNC is responsible for assessing the clarity and transparency of OCC's governance arrangements, consistent with Rule 17Ad–22(e)(2)(i). *See* 17 CFR 240.17Ad–22(e)(2)(i).

[46] For example, rather than providing that the GNC would work toward developing a Board with a broad spectrum of experience and expertise, OCC proposes to provide that the GNC shall identify, for purposes of making recommendations to the Board, the criteria, skills, experience, expertise, attributes and professional backgrounds (collectively, the ''Standards'') desirable in directors to ensure the Board is able to discharge its duties and responsibilities. In this same vein, OCC proposes to delete language providing that the GNC is responsible for recommending to the Board for approval and overseeing the implementation and effectiveness of OCC's policies and procedures for identifying and reviewing Board nominee candidates, including the criteria for Board nominees. OCC believes that this deletion is appropriate because it is adequately covered by the other provisions in the GNC charter regarding directors' qualifications, as revised, and contemplates that the Standards are approved by the Board. These changes are designed to be consistent with Rule 17Ad–22(e)(2)(iv) (regarding the establishment of governance arrangements that ensure ''board of directors and senior management have appropriate experience and skills to discharge their duties and responsibilities''). *See* 17 CFR 240.17Ad–22(e)(2)(iv).

[47] OCC believes this change would help ensure that the committee's time and resources would be utilized appropriately, furthering the purpose of Rule 17Ad–22(e)(2)(ii) requiring that a covered clearing agency's governance arrangements prioritize the ''efficiency'' of the covered clearing agency. *See* 17 CFR 240.17Ad–22(e)(2)(ii).

[48] This is intended to be consistent with 17 CFR 17Ad–22(e)(2)(iii) (requiring governance arrangements that support the ''public interest requirements'' in 17 U.S.C. 78q–1).

[49] *Id.*

[50] *See* OCC By-Law Article III, Sections 5 and 6A. OCC proposes to specify in the GNC Charter that the GNC's role in this context applies specifically to Public Directors and Member Directors to promote consistency with the By-Laws.

[51] The RC Charter currently provides that the committee is responsible for overseeing OCC's overall ERM framework, including ''reviewing material policies and processes relating to (i) membership criteria and financial safeguards, (ii) member and other counterparty risk exposure assessments, (iii) liquidity requirements and maintenance of financial resources, (iv) risk modeling and assessments, (v) default management planning, and (vi) risks related to new initiatives.'' As described in greater detail below, the revised descriptions in the RC Charter regarding its oversight of these areas would continue to involve responsibilities related to credit, market, liquidity and systemic risk but would no longer include responsibility for overseeing those aspects related to the ERM program. The committee would also continue to be responsible for identifying risks associated with its responsibilities that should be escalated to the Board for its review and consideration.

new provision would provide that, from time to time, the committee may receive reports and guidance relating to financial risk issues from, among others, OCC's Financial Risk Advisory Council (''FRAC''). The committee would consider and discuss such reports in respect of financial risk issues that may impact the options and futures industries. The committee would take such guidance into account in the exercise of its fiduciary judgment and the performance of its functions and responsibilities.

Regarding meetings of the RC, a change would be made to the RC Charter to specify that joint meetings with other Board committees count toward the requirement to meet at least six times a year. A change would also clarify that in-person attendance of meetings is preferred.

In connection with the RC no longer having responsibilities regarding the ERM program, several related provisions would be removed from the RC Charter. For example, the committee would no longer have responsibility to oversee the structure, staffing and resources of the ERM program or approve its goals and objectives on an annual basis. Additionally, it would no longer be responsible for reviewing OCC's risk appetite statements and risk tolerances because the Board would assume responsibility for approval of these matters.

As noted, the proposed changes to the RC Charter would clarify the RC's broad responsibilities for overseeing credit, collateral, liquidity and third party risks in a manner consistent with the Rule 17Ad–22(e)(3)(iii) and (iv) requirements that risk management personnel be provided with sufficient authority, resources, independence, and access to the board of directors, as well as a direct reporting line to and oversight by the RC, and with the Rule 17 Ad–22(e)(2)(v) requirement that OCC's governance arrangements specify clear and direct lines of responsibility.[52] The RC Charter currently contains provisions that address the responsibility that the committee has for these areas, but they would be removed in favor of the more specific provisions described below. At least once every twelve months the committee would be required to review the adequacy of OCC's management of credit, collateral, liquidity, and third party risks. In connection with these responsibilities, the RC would receive monthly reports from OCC management regarding the effectiveness of OCC's management of credit exposures[53] and liquidity risks.[54] Management would also provide the committee with quarterly reports regarding the effectiveness of OCC's management of collateral and third party risks.[55] And, the RC would also be responsible for approval of all material changes to written policies regarding risk management in these areas and recommending such changes to the Board, consistent with the Rule 17Ad–22(e)(3)(i) requirement that a covered clearing agency's risk management policies, procedures and systems be subject to periodic review and annual approval by the Board.[56]

The RC Charter would continue to provide that the committee has responsibility regarding OCC's risk models, including margin models, but it would be revised to more specifically identify the committee's oversight role regarding model validations,[57] its responsibility for approving any material changes to written policies regarding model risk management, and for recommending any such change to the Board, consistent with the Rule 17Ad–22(e)(3)(i) requirement that a covered clearing agency's risk management policies, procedures and systems be subject to periodic review and annual approval by the Board.[58]

Responsibilities would also be made explicit in connection with the review and approval of any new products that materially impact OCC's established risk profile or introduce novel or unique financial, risk model and third party risks. The RC would refer any such new products that it approves to the Board for its potential approval.

The RC Charter would also be amended to codify the committee's existing responsibility to oversee OCC's Recovery and Orderly Wind-down Plan, consistent with the requirement in Rule 17Ad–22(e)(3)(ii).[59] At least once every twelve months, this would include reviewing the adequacy of the plan. If the committee approves the plan, it would next recommend the plan to the Board for potential Board approval. The committee would also have responsibility for reviewing and approving any material changes to the plan; however, in the event the committee approves any such changes, it would in turn recommend the changes to the Board for its potential approval.[60]

The committee would continue to have responsibility regarding the structure and staffing of OCC's financial risk management group; however, detail would be added to the RC Charter to clarify the same responsibility for OCC's corporate risk management functions and that the RC must review structure and staffing in these areas at least once every twelve months. A provision would also be added to provide that the committee would review and approve the CRO's goals and objectives, and any material changes thereto, at least once every twelve months. OCC believes these changes are consistent with the Rule 17Ad–22(e)(3)(iv) requirement that the RC provide oversight of risk management personnel,[61] as well as the Rule 17Ad–22(e)(2)(v) requirement that a covered clearing agency's governance arrangements provide for clear and direct lines of responsibility.[62]

As noted above, OCC also proposes to amend the RC Charter to transfer responsibility for reviewing the investigation and enforcement outcomes of disciplinary actions taken by OCC against Clearing Members from the AC to the RC. OCC believes that the RC is appropriately situated to review disciplinary actions against Clearing Members given the committee's broader role in overseeing OCC's management of third party risks, which includes OCC counterparties such as Clearing Members. Finally, the RC Charter would continue to provide that the RC reviews the results of internal and external audits and regulatory examinations. However, a statement would be added

[52] 17 CFR 240.17Ad–22(e)(2)(v), (e)(3)(iii) and (iv).

[53] For example, the report regarding the effectiveness of the management of credit exposures would include the results of: (i) A comprehensive analysis of OCC's existing stress testing scenarios, models and underlying parameters and assumptions, and (ii) a sensitivity analysis of OCC's margin models and a review of the associated parameters and assumptions for back testing.

[54] The committee would also be required to review the adequacy of OCC's secured committed liquidity facilities at least once every twelve months and recommend the size and composition of such facilities to the Board for approval.

[55] OCC believes that this quarterly reporting helps specify clear and direct lines of responsibility in OCC's governance arrangements by ensuring that management keeps the RC apprised of OCC's ongoing performance on these matters, which in turn will allow the RC to more effectively carry out its oversight functions and the responsibilities associated therewith. *See* 17 CFR 240.17Ad–22(e)(2)(v) and (e)(3).

[56] 17 CFR 240.17Ad–22(e)(3)(i).

[57] This would include the review and approval of OCC's risk model validation plan, plan deviations, and related reports and recommendations by OCC's Chief Risk Officer (''CRO'').

[58] 17 CFR 240.17Ad–22(e)(3)(i).

[59] 17 CFR 240.17Ad–22(e)(3)(ii).

[60] In relevant part, the RC Charter states the following. ''The Committee shall review and have the authority to approve at least once every twelve months the adequacy of OCC's Recovery and Orderly Wind-Down Plan and recommend approval thereof to the Board. The Committee shall have the authority to approve all material changes to the Recovery and Orderly Wind-Down Plan and recommend such changes to the Board.''

[61] 17 CFR 240.17Ad–22(e)(3)(iv).

[62] 17 CFR 240.17Ad–22(e)(2)(v).

to clarify that the committee is responsible for reviewing third party assessment reports as to financial, collateral, risk model and third party risk management processes and for reviewing OCC management's remediation efforts pertaining to any such examination and reports.

TC Charter

In addition, OCC proposes a number of changes to its TC Charter. Key aspects of the proposed changes regarding the TC Charter include:

- New responsibility for oversight of material changes to the operational execution and delivery of core clearing and settlement services with the authority to recommend approval thereof to the Board;
- New responsibility for OCC's operational initiatives, including approving major information technology (''IT'') and operational initiatives, recommending any major capital expenditures to implement to the Board, and approving the information technology and operational budget for each calendar year;
- New responsibility to review at least every twelve months the adequacy of OCC's management of information security risks, approve all material changes to written polices related to the managing information security risks and recommend such changes to the Board;
- Introduction of mandatory periodic reporting from management on major IT initiatives;[63] and
- New responsibility to oversee and receive a quarterly report from management on OCC's Business Continuity and Disaster Recovery Programs.

OCC proposes to amend the TC Charter to specify clear and direct lines of responsibility that provide that the TC's role is one of oversight and that it remains the responsibility of OCC management to identify, manage, monitor and report on IT and other operational risks arising from OCC's business activities, consistent with Rule 17Ad–22(e)(2)(v).[64] In addition, OCC proposes to amend the TC Charter so that it would no longer require that the TC work with or report to the AC and RC to monitor the quality and effectiveness of IT systems and processes that relate to or affect OCC's internal control systems and risk management systems. As noted above in the discussion of common changes to the charters, however, the TC and any other committee or the Board would have certain authority to refer risks under their oversight to promote the smooth functioning of OCC's governance arrangements. OCC also proposes to revise the TC Charter to remove specific references to the committee's oversight of OCC's physical security and instead more accurately describe the committee's responsibility for overseeing the adequacy of OCC's management of information security risks (which generally includes oversight of the confidentiality, integrity, and availability of OCC data; the security of the information systems used to process, transmit, and store OCC information; and the physical, personnel, procedural, administrative, and environment security disciplines).

The TC Charter would continue to provide that the TC is responsible for assisting the Board in overseeing OCC's IT strategy and other company-wide operational capabilities. OCC proposes, however, to delete certain general statements regarding the TC's duty to make recommendations to the Board with respect to IT-related projects and investments and critically review the progress of such projects and/or technology architecture decisions. OCC proposes to replace these general statements with more specific duties of the TC to, for example, receive a report on management's progress in executing on major IT initiatives, technology architecture decisions (as applicable) and IT priority, and review material changes to the operational execution and delivery of core clearing and settlement services as well as material changes to written policies concerning information security risk and to recommend such changes to the Board for approval.[65]

OCC also proposes to remove the language stating that the TC will ''periodically review and appraise . . . OCC's crisis management plans,'' and, instead, add language that the TC will oversee and receive a quarterly report on ''OCC's Business Continuity and Disaster Recovery Programs'' as the crisis management plans are incorporated within its Business Continuity and Disaster Recovery Programs. As such, the proposed revision will better clarify the full oversight responsibility of the committee and better align with the internal practices at OCC.

In addition, OCC proposes to amend the TC Charter to provide that the TC shall identify risk issues relating to areas that the TC oversees that should be escalated to the Board for its review and consideration. OCC believes that this change promotes compliance with the Rule 17Ad–22(e)(3) requirement to maintain a sound risk management framework for comprehensively managing risks that arise in or are borne by OCC by charging the TC with the task of identifying emerging risks that may arise over time.[66]

Board Charter

As discussed above, OCC would amend its Board Charter by incorporating its existing CGP and retiring the separate CGP document. The title of the consolidated document would be changed to reflect that it represents OCC's ''Board of Directors Charter and Corporate Governance Principles.'' Both the Board Charter and CGP are publicly available on OCC's website today.[67] OCC believes this step is appropriate to eliminate significant overlap between the contents of the two existing documents and thereby make the consolidated provisions in the Board Charter easier for Clearing Members and other OCC stakeholders to access, use and understand, and thereby further the purposes of Rule 17Ad–22(e)(2)(i) by improving the clarity and transparency of OCC's governance arrangements.[68] For example, the existing CGP and Board Charter each address aspects of the Board such as its size and composition. In addition, the Board Charter and CGP also cross-reference one another, such as regarding

[63] OCC proposes that the TC would oversee and receive quarterly reports from management that provide information on: (i) Executing on major IT initiatives, technology architecture decisions (as applicable) and IT priorities as well as overall IT performance; (ii) the effectiveness of the management of information security risks; (iii) OCC's Business Continuity and Disaster Recovery Programs, including the progress on executing the annual test plan and achieving recovery time objectives; and (iv) major operational initiatives and metrics on the effectiveness of OCC's operations with reference to key indicators. OCC believes that such reports would provide the TC with the necessary information to discharge its oversight duties and responsibilities appropriately and will facilitate dialogue between the TC and OCC's senior IT management team. OCC believes that this reporting also helps specify clear and direct lines of responsibility in OCC's governance arrangements by ensuring that management keeps the TC apprised of OCC's ongoing performance on these matters, which in turn will allow the TC to more effectively carry out its oversight functions and the responsibilities associated therewith. *See* 17 CFR 240.17Ad–22(e)(2)(v) and (e)(3).

[64] 17 CFR 240.17Ad–22(e)(2)(v).

[65] OCC proposes similar changes to the TC Charter with respect to certain responsibilities of the TC. For example, OCC proposes to reframe the TC's responsibility to monitor and assess OCC's management of IT-related compliance risks as a responsibility to monitor and oversee the overall adequacy of OCC's IT and operational control environment, including the implementation of key controls in response to regulatory requirements.

[66] 17 CFR 240.17Ad–22(e)(3).

[67] OCC's CGP and Board Charter are *available at http://www.theocc.com/about/corporate-information/what-is-occ.jsp.*

[68] 17 CFR 240.17Ad–22(e)(2)(i).

qualification standards for directors, term limitations, the number of meetings per year and the Board's authority to hire specialists and advisors, which reduces clarity because it requires a reader to turn between the two documents to understand the Board's operation. In incorporating the CGP within the proposed Board Charter, OCC would make changes to the contents of the CGP, as appropriate, to conform the existing provisions to the structure and organization of the Board Charter and related requirements in the By-Laws and Rules.[69] However, the majority of the provisions in the CGP would be incorporated in their existing form and these provisions would address in the Board Charter, for example, the size of the Board and its composition, membership criteria, appointment of the GNC, the selection of Member, Public, Exchange and Management Directors, conduct matters, ethics and conflicts of interest, compensation, access to senior management, and Board and Board committee evaluations.

As a result of these incorporated provisions, OCC proposes to remove certain existing provisions in the Board Charter that specifically reference or are duplicative of more comprehensive descriptions from the CGP or where the imported text from the CGP otherwise covers the more truncated discussions of these items in the Board Charter. Specifically, OCC's discussions in the Board Charter would be supplanted by more detailed explanations drawn from the CGP with respect to: (i) Board composition; (ii) qualification standards for directors; (iii) election of directors, resignation and disqualification; (iv) tenure, term and age limitations; and (v) calling of Board meetings, selection of agenda items, and attendance.

OCC also proposes to amend the Board Charter to set forth certain key considerations and responsibilities in the Board Charter consistent with Rule 17Ad–22 that include and expand upon those described above in connection with the discussion of proposed changes that are common to the charters.[70] These include providing that the Board shall exercise its authority to provide for governance arrangements that, among other things, ''support [applicable] public interest requirements . . . and the objectives of owners and participants,''[71] establish that the Board and senior management ''have appropriate experience and skills to discharge their duties and responsibilities,''[72] specify ''clear and direct lines of responsibility''[73] and consider the interests of Clearing Members' customers.[74] OCC also proposes changes designed to provide for ''clear and direct lines of responsibility''[75] by noting that the Board has explicitly delegated management of specific risks to the Board committees and to the extent a specific risk is not retained by the Board or otherwise assigned to a Board committee, such risk shall be overseen by the RC.[76]

Currently, the Board Charter sets forth a number of functions and responsibilities of the Board. OCC proposes to reorganize this list of functions and responsibilities in a new section regarding the mission of the Board and proposes non-substantive changes to some of the descriptions of the Board's responsibilities. For example, the Board Charter currently provides that the Board is responsible for advising, approving, and overseeing OCC's business strategies, including expansions of clearing and settlement services to new business lines, as well as monitoring OCC's performance in delivering clearance and settlement services. OCC proposes to amend the Board Charter to provide that the Board is responsible for overseeing OCC's business strategies, including expansions of clearance and settlement services to new business lines and product types, to ensure they reflect the legitimate interests of relevant stakeholders and are consistent with the public interest.[77] These changes are designed to improve the readability of the document as well as to specify additional, specific considerations of the Board with respect to particular responsibilities.[78] OCC notes that the Board Charter would provide that the Board is responsible for the business and affairs of OCC and that the Board would continue to be responsible for performing such other functions as the Board believes appropriate or necessary or as otherwise prescribed by rules or regulations, including OCC's By-Laws and Rules.[79]

In addition to the changes described above, OCC proposes to modify the description of the Board's functions and responsibilities as part of the description of the mission of the Board to include: (i) Overseeing OCC's governance structures and processes to ensure that the Board is positioned to fulfill its responsibilities effectively and efficiently consistent with applicable requirements and through performance assessments, consistent with the requirements of Rule 17Ad–22(e)(3)(i);[80] (ii) ensuring that risk management, compliance, and internal audit personnel have sufficient authority, resources, independence from management, access to the Board, and a direct reporting line to, and oversight by, certain committees, consistent with the requirements of Rules 17Ad–22(e)(3)(iii) and (iv);[81] (iii) ensuring that the audit committee of the Board is

[69] For example, the CGP provides in one instance that all materials for Board meetings are made available online by the office of the secretary. This particular provision in the CGP would not be imported and the Board Charter would be amended to provide that OCC operates a portal for the general dissemination of meeting and other written materials to directors to reflect how OCC actually operates. In addition, OCC proposes to make clear that Public Directors do not have term limits, consistent with the requirements in Article III, Section 6 of the OCC By-Laws.

[70] *See supra* notes 16–18 and accompanying text.

[71] 17 CFR 240.17Ad–22(e)(2)(iii).

[72] 17 CFR 240.17Ad–22(e)(2)(iv).

[73] 17 CFR 240.17Ad–22(e)(2)(v).

[74] OCC would also provide as a guiding principle that the Board is, among other things, mindful of the public interest as it fulfills its duties by complying with the obligations imposed on it under relevant law and that it discloses major decisions to relevant stakeholders and the public. 17 CFR 240.17Ad–22(e)(2)(iii).

[75] 17 CFR 240.17Ad–22(e)(2)(v).

[76] The amended Board Charter would further specify that the Board may form and delegate authority to committees and may delegate authority to one or more of its members and to one or more designated officers of OCC but would note that the Board would retain the obligation to oversee any such delegation or referral and assure itself that delegation and reliance on the work of any delegate is reasonable. Specifying this delegation in the Board Charter is consistent with the requirement in Rule 17Ad–22(e)(2)(v) that a covered clearing agency's governance arrangements specify clear and direct lines of responsibility. *See* 17 CFR 240.17Ad–22(e)(2)(v).

[77] As a further example, OCC proposes to revise the Board's responsibility to oversee ''OCC's information technology strategy, infrastructure, resources and risks'' to provide that the Board's responsibility is to oversee ''OCC's technology infrastructure, resources, and capabilities to ensure resiliency with regard to OCC's provision of its clearing, settlement, and risk management services.'' OCC also proposes to remove oversight of human resources programs from the Board Charter because that responsibility has been delegated to the CPC.

[78] For example, OCC also proposes to specify that the Board's authority extends to performing such functions as it believes are appropriate or necessary, or as otherwise prescribed by rules or regulation, including OCC's By-Laws and Rules, ''or other policies.'' This change is intended to clarify that the scope of the Board's authority extends to all of OCC's policies.

[79] Pursuant to this broad responsibility, OCC believes that the functions and responsibilities of the Board would remain consistent notwithstanding certain proposed deletions or rephrasing regarding the existing list of responsibilities. For example, the Board Charter would no longer specify that the Board would review committee charters and reports of committee activities; however, it would nevertheless provide that the Board is responsible for establishing a written charter for each committee and that each committee would be responsible for providing an annual report to the Board regarding its activities.

[80] 17 CFR 240.17Ad–22(e)(3)(i).

[81] 17 CFR 240.17Ad–22(e)(3)(iii) and (iv).

independent, consistent with the requirements of Rule 17Ad–22(e)(3)(v);[82] (iv) transitioning the overall oversight of ERM to the Board; and (v) assigning responsibility for risk decisions and policies to address decision-making during a crisis. The Board Charter would also be amended to codify the Board's existing responsibility for overseeing and approving OCC's Recovery and Orderly Wind-Down Plan.[83]

As noted above, OCC proposes to transfer responsibility for the oversight of ERM from the RC to the Board. The proposed change would allow the Board to retain responsibility for the comprehensive oversight of OCC's overall risk management framework, while retaining the ability to delegate oversight of specific risks to designated committees, which would then report to and be subject to oversight by the Board. Moreover, shifting enterprise risk oversight responsibility from the RC to the Board would promote even further engagement by and attention from the Board regarding OCC's risk universe and how such risks impact OCC's strategic direction and priorities as well as provide for more meaningful dialogue and discussion at Board meetings. Moreover, it would alleviate the potential for overburdening the RC and establish clearer lines of oversight responsibilities for particular risks across the Board's committees. Additionally, the expertise represented on the Board collectively would be available to provide appropriate guidance relative to each key risk within OCC's risk universe.

OCC also proposes a number of other changes to the Board Charter, such as deletion of the provision noting that the Member Vice Chairman of the Board has the responsibilities set forth in the By-Laws. OCC believes this is appropriate because the responsibilities of the Member Vice Chairman are already set forth in OCC's By-Laws. OCC also proposes to amend the Board Charter to no longer specify that the Board is responsible for an annual self-evaluation of its performance and the performance of its committees and individual directors.[84] Because the Board has delegated responsibility to the GNC for the annual self-evaluation of the Board and its committees, which is described in text that OCC proposes to import from the CGP, OCC believes that it is no longer necessary to specify that the Board would have this annual self-evaluation obligation.[85] Similarly, OCC proposes to amend the Board Charter to no longer provide that the Board is responsible for evaluating and fixing the compensation of the Executive Chairman and certain other officers because the Board has delegated this responsibility to the CPC.[86] Finally, OCC proposes to delete the current footnote one (1) from the Board Charter, which provides an example of an instance in which certain provisions of the By-Laws provide that the Board should not take action. The amended Board Charter would continue to provide that the Board's responsibilities and duties are subject to any exceptions provided in OCC's Amended and Restated Certificate of Incorporation or the By-Laws and Rules, but OCC believes that the footnote providing an example of such an instance is unnecessary and its deletion would improve readability of the Board Charter.

OCC also proposes to amend the Board Charter to provide that a number of different activities related to the conduct and functioning of the Board would involve participation by or input from certain other officers of OCC that serve functions relevant to the topic being discussed. For example, with respect to setting the agenda for Board meetings, the Board Charter currently provides that the Executive Chairman, in consultation with other directors or officers of OCC, as well as the Corporate Secretary, will establish an agenda for Board meetings. OCC proposes to amend this provision to provide that the Executive Chairman and CEO, in consultation with the COO and CAO, other directors or officers of OCC, and the Corporate Secretary shall establish the agenda for Board meetings.[87] These changes are designed to help specify clear and direct lines of responsibility and promote clear and transparent governance arrangements in the public interest pursuant to Rule 17Ad–22(e)(2) by making clear the roles and authority of certain officers and ensuring that input from additional officers is included where appropriate.

(2) Statutory Basis

OCC believes the proposed rule change is consistent with Section 17A of the Act[88] and the rules thereunder applicable to OCC. Section 17A(b)(3)(F) of the Act[89] requires, among other things, that the rules of a clearing agency be designed, in general, to protect investors and the public interest. When considered together, the proposed changes described herein are designed, in general, to clarify and assign certain responsibilities for the governance and oversight of OCC among the Board and its respective committees in order to provide for governance arrangements that are clear and transparent and that specify clear and direct lines of responsibility. In turn, these changes would help ensure that OCC has governance arrangements that are organized to support its ability to promptly and accurately serve Clearing Members and the markets for which it clears and effectively manage the range of risks that arise in the course of providing such clearance and settlement services. OCC therefore believes that the proposed rule change would provide for governance arrangements that are designed, in general, to protect investors and the public interest in a manner consistent with Section 17A(b)(3)(F) of the Act[90] and that are consistent with the rules thereunder, as discussed in further detail below.[91]

Common Changes

As described in Item II.(A)(1) above, OCC believes that all of the proposed common changes to the charters are designed to provide for governance arrangements that clearly prioritize the safety and efficiency of OCC, support the public interest requirements in

[82] 17 CFR 240.17Ad–22(e)(3)(v).

[83] *See supra* note 60 and accompanying text.

[84] The Board Charter would provide more generally that the Board is responsible for overseeing OCC's activities through regular assessments of Board and individual director performance.

[85] OCC also proposes to amend the Board Charter to provide that the annual self-evaluations shall no longer include a focus on individual directors' performances but will instead focus primarily on the performance of the Board and each committee as a whole. OCC has found that because not every director has the opportunity to work with each other director, focusing the annual self-evaluation on individual director performance is less effective than focusing on the performance of each committee as a whole.

[86] However, the amended Board Charter would specify that the Board is responsible for approving the compensation of such officers.

[87] Similarly, OCC proposes to amend the Board Charter to provide that the CEO, COO and CAO would have the authority to invite employees to Board meetings, that such officers encourage members of senior management to respond to questions posed by directors relating to their areas of expertise, and that directors shall coordinate access to members of senior management and outside advisors through such officers. The criteria for Board member eligibility would also be expanded to ensure that candidates' experience and expertise are not only adequate to offer advice and guidance to the Executive Chairman, but also to the CEO, COO, and CAO.

[88] 15 U.S.C. 78q–1.

[89] 15 U.S.C. 78q–1(b)(3)(F).

[90] 15 U.S.C. 78q–1(b)(3)(F).

[91] *See supra* notes 18, 20, 22, 23, 27, 29, 31, 33, 38, 41–48, 52, 55, 62–64, 71–76 and accompanying text for changes related to Rules 17Ad–22(e)(2). 17 CFR 240.17Ad–22(e)(2). *See supra* notes 21, 26, 30, 33–35, 38, 40, 42, 52, 55–56, 58–59, 60, 63, 66, 80–83 and accompanying text for changes related to Rules 17Ad–22(e)(3). 17 CFR 240.17Ad–22(e)(3).

Section 17A of the Act[92] and the objectives of owners and participants, and consider the interests of participants' customers, securities issuers and holders, and other relevant stakeholders of OCC. First, the proposed rule change would require the Board and the committees to prioritize the safety and efficiency of OCC in carrying out their responsibilities.[93] Second, the charters, as revised, would require the Board and the committees to carry out their responsibilities to generally support the stability of the broader financial system, which OCC believes requires them to act in a manner that would, in part, also promote the prompt and accurate clearance and settlement of securities transactions for the protection of investors and persons facilitating transactions by and acting on behalf of investors, which is one of the public interest findings in Section 17A of the Act.[94] Third, the revised charters would require the Board and the committees to consider the legitimate interests of Clearing Members, customers of Clearing Members and other relevant stakeholders, taking into account prudent risk management standards (including systemic risk mitigation) and industry best practices, which is consistent with providing for governance arrangements that consider the interests of Clearing Member's customers and other relevant stakeholders of OCC.[95] Moreover, OCC would amend the committee charters to provide that in the event of a committee vacancy, the applicable committee would continue to undertake its responsibilities (including those enumerated above), so long as the remaining committee members are capable of satisfying the quorum requirement, to ensure that the committee can continue to effectively carry out its responsibilities in such a scenario.[96] OCC believes the proposed changes would enhance the clarity of OCC's Board and committee governance arrangements and help ensure that OCC has governance arrangements that are organized to support its ability to promptly and accurately serve Clearing Members and the markets for which it clears and effectively manage the range of risks that arise in the course of providing such clearance and settlement services and are therefore designed, in general, to protect investors and the public interest in a manner consistent with Section 17A(b)(3)(F) of the Act.[97] OCC also believes the proposed changes are reasonably designed to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for governance arrangements that clearly prioritize the safety and efficiency of OCC, support the public interest requirements in Section 17A of the Act applicable to clearing agencies and the objectives of owners and participants, and consider the interests of participants' customers, securities issuers and holders, and other relevant stakeholders of a covered clearing agency consistent with Rules 17Ad–22(e)(2)(ii), (iii) and (vi).[98]

OCC believes the proposed common changes also would help to provide governance arrangements that are clear and transparent and that specify clear and direct lines of responsibility. For example, all charters would be revised to clearly state that a role of the Board or the committee, as applicable, is to advise management. In addition, all of the charters would be amended to provide that the Board and the committees may delegate authority to one or more designated officers of OCC but that in any such instance the Board or the committee retains responsibility to oversee the activity and assure itself that the reliance on the work of any delegate is reasonable.[99] As a further example, OCC also proposes amendments to acknowledge, where relevant, that its EC also serves as the CEO and therefore certain responsibilities and considerations that currently apply to the EC would also apply regarding the CEO. The charters would also be amended to specify clear and direct lines of responsibility by providing that, in cases where the Board or a committee has authority to approve reports or other matters that are provided to it, the Board or the committee is not obligated to approve and has clear means of recourse if it does not.[100] In addition, committees would be required to submit their charters to the GNC for potential approval in addition to submitting them to the Board. OCC believes the proposed changes would enhance the clarity of OCC's Board and committee governance arrangements and help ensure that OCC has governance arrangements that are organized to support its ability to promptly and accurately serve Clearing Members and the markets for which it clears and effectively manage the range of risks that arise in the course of providing such clearance and settlement services and are therefore designed, in general, to protect investors and the public interest in a manner consistent with Section 17A(b)(3)(F) of the Act.[101] OCC also believes the proposed changes are reasonably designed to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and that specify clear and direct lines of responsibility consistent with the requirements in Rules 17Ad–22(e)(2)(i)[102] and (v).[103]

OCC also proposes to make a number of changes to the charters to clarify that, where certain actions were required to be performed ''annually'' under the charters, those actions would now be required to occur ''each calendar year.''[104] OCC believes that adding more specificity in its charters regarding the frequency of these activities would provide for governance arrangements that are clear and transparent by eliminating ambiguity as to when the Board or a committee is responsible for taking certain actions. OCC believes the proposed changes would enhance the clarity of OCC's Board and committee governance arrangements and the effectiveness of the Board and Board committees' oversight and are therefore designed, in general, to protect investors and the public interest in a manner consistent with Section 17A(b)(3)(F) of the Act.[105] OCC also believes the proposed changes are reasonably designed to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent consistent with the requirements in Rule 17Ad–22(e)(2)(i).[106]

AC Charter Changes

As described in Item II.(A)(1) above, OCC believes certain of the proposed changes applicable to the AC Charter are generally designed to achieve a risk management framework that provides: (i) Risk management and internal audit personnel with sufficient authority, resources, independence from management, and access to OCC's

[92] 15 U.S.C. 78q–1.

[93] *See supra* notes 18, 23, and 47 and accompanying text.

[94] *See supra* notes 18, 48–49, 71, and 74 and accompanying text.

[95] *See supra* note 18 and accompanying text.

[96] This same change would not be added to the Board Charter. It would also not be added to the GNC Charter because it is already addressed.

[97] 15 U.S.C. 78q–1(b)(3)(F).

[98] 17 CFR 240.17Ad–22(e)(2)(ii), (iii), and (vi).

[99] *See supra* notes 20, 43, and 75–76 and accompanying text.

[100] *See supra* notes 22–23 and accompanying text.

[101] 15 U.S.C. 78q–1(b)(3)(F).

[102] 17 CFR 240.17Ad–22(e)(2)(i).

[103] 17 CFR 240.17Ad–22(e)(2)(v).

[104] *See supra* note 27 and accompanying text.

[105] 15 U.S.C. 78q–1(b)(3)(F).

[106] 17 CFR 240.17Ad–22(e)(2)(i).

Board;[107] (ii) risk management and internal audit personnel with a direct reporting line to, and oversight by, a risk management committee and an independent audit committee of the Board;[108] and (iii) an independent audit committee.[109] For example, the AC Charter would be amended to clarify that the AC shall oversee the independence and objectivity along with the budget and resources of OCC's internal audit department so that OCC's risk framework provides internal audit personnel with sufficient authority, resources, independence from management, and access to the Board and a direct reporting line to, and oversight by, an independent audit committee of the Board. OCC also proposes to amend the AC charter to provide that the AC is authorized to review and approve OCC's audited financial statements, oversee the timing and process for implementing a rotation of the engagement partner of the external auditor, and discuss certain significant issues with the external auditor. OCC believes that framing the AC's responsibilities in this manner would provide appropriate flexibility for the committee to carry out its oversight and advisory responsibilities with respect to OCC's internal audit function. OCC believes the proposed changes to the AC Charter would provide additional clarity regarding OCC's governance arrangements and allow the AC to more effectively carry out its oversight functions concerning those matters for which it has responsibility and are therefore designed, in general, to protect investors and the public interest in a manner consistent with Section 17A(b)(3)(F) of the Act.[110] OCC believes the proposed changes are also consistent with the requirements of Rules 17Ad–22(e)(3)(iii), (iv) and (v)[111] that OCC's risk management framework provide: (i) Risk management and internal audit personnel with sufficient authority, resources, independence from management, and access to the board of directors; (ii) risk management and internal audit personnel with a direct reporting line to, and oversight by, a risk management committee and an independent audit committee of the board of directors; and (iii) an independent audit committee.

OCC also believes that certain of the proposed amendments to the AC Charter are designed to provide for governance arrangements that specify clear and direct lines of responsibility. For example, OCC proposes to amend the AC Charter to establish the AC's responsibility for reviewing the impact of litigation and other legal matters that may have a material impact on OCC's financial statements and overseeing the staffing, resources, and budget of OCC's compliance and audit departments.[112] As an additional example, OCC proposes to amend the AC Charter to provide that certain mandatory reports must be sent to the AC for review, which OCC believes would help specify clear and direct lines of responsibility in OCC's governance arrangements by ensuring that the AC remains apprised of OCC's ongoing performance in respect of matters covered by the reports. OCC believes these proposed changes to the AC Charter would provide additional clarity regarding OCC's governance arrangements and allow the AC to more effectively carry out its oversight functions concerning those matters for which it has responsibility and are therefore designed, in general, to protect investors and the public interest in a manner consistent with Section 17A(b)(3)(F) of the Act.[113] OCC believes the proposed changes are also consistent with Rule 17Ad–22(e)(2)(v),[114] which requires OCC to provide for governance arrangements that specify clear and direct lines of responsibility.

CPC Charter Changes

As described in Item II.(A)(1) above, OCC believes that certain of the proposed changes applicable to the CPC Charter are designed to provide for governance arrangement that specify clear and direct lines of responsibility. For example, OCC proposes to amend the CPC Charter to clarify that the CPC assists the Board in overseeing risks related to OCC's general business, regulatory capital, investments, corporate planning, compensation, and human capital in addition to assisting the Board in executive management succession planning and performance assessments. While the CPC Charter already addresses these aspects of the committee's responsibilities generally, the proposed revisions are designed to emphasize the committee's responsibility to help the Board oversee such risks and to clarify that the committee has an oversight role while it remains OCC management's responsibility to identify, manage, monitor and report the associated risks.

OCC also proposes to remove certain specific responsibilities stated in the CPC Charter in favor of a more general statement that the committee is required to perform activities consistent with the CPC Charter as it deems necessary or appropriate or as are delegated to the committee by the Board, which OCC believes further specifies clear and direct lines of responsibility. Changes would be made to clarify the role that the committee plays in oversight of succession planning regarding OCC's Management Committee, and a new provision would also provide that the committee must review the results of Management Committee succession planning activities at least once every twelve months. Changes would also be made to clarify the CPC's role with respect to the oversight of OCC's Administrative Committee, including the CPC's authority to approve the Administrative Committee charter. OCC believes that these allocations of responsibility are appropriate given the CPC's current oversight of the Administrative Committee, whereby the CPC is responsible for, among other things, appointing members of the Administrative Committee overseeing and monitoring the activities of the Administrative Committee with respect to retirement and retirement savings plans.

OCC believes these proposed changes to the CPC Charter would provide clarity regarding the responsibilities of the CPC and allow the CPC to more effectively carry out its oversight functions concerning those risks for which it has responsibility and are therefore designed, in general, to protect investors and the public interest in a manner consistent with Section 17A(b)(3)(F) of the Act.[115] Moreover, OCC believes the proposed changes to the CPC Charter are consistent with, among other provisions, the Rule 17Ad–22(e)(3)(i) requirement that risk management policies, procedures, and systems be subject to periodic review and annual approval by the Board[116] and the Rule 17Ad–22(e)(2)(v) requirement that governance arrangement specify clear and direct lines of responsibility.[117]

[107] *See supra* notes 35, 38, and accompanying text. *See also supra* notes 52 and 81 and accompanying text for similar changes to other charters.

[108] *See supra* note 35 and accompanying text. *See also supra* notes 52, 62, and 81 and accompanying text for similar changes to other charters.

[109] *See supra* note 82 and accompanying text (describing a change to the Board Charter to ensure an independent audit committee).

[110] 15 U.S.C. 78q–1(b)(3)(F).

[111] 17 CFR 240.17Ad–22(e)(3)(iii), (iv), and (v).

[112] *See supra* note 29 and accompanying text.

[113] 15 U.S.C. 78q–1(b)(3)(F).

[114] 17 CFR 240.17Ad–22(e)(2)(v).

[115] 15 U.S.C. 78q–1(b)(3)(F).

[116] 17 CFR 240.17Ad–22(e)(3)(i).

[117] 17 CFR 240.17Ad–22(e)(2)(v).

GNC Charter Changes

As described in Item II.(A)(1) above, OCC believes that certain of the proposed changes applicable to the GNC Charter are designed to ensure that Board directors have appropriate experience and skills to discharge their duties and responsibilities and to ensure that OCC's governance arrangements specify clear and direct lines of responsibility. For example, OCC proposes to amend the GNC Charter to reframe the GNC's responsibilities with respect to ensuring that directors are appropriately qualified,[118] and to specify that the GNC shall review the composition of the Board for consistency with public interest and regulatory requirements at least every three years rather than periodically. OCC also proposes to expand the GNC's yearly review of the Board Charter for consistency with the public interest and other regulatory requirements to also include a review of the charters of the Board committees, to specify that the GNC shall identify risk issues that should be escalated to the Board for its review and consideration, and to provide that the GNC shall annually review and advise the Board with regard to whether directors are independent as defined by the Board. Under the proposed rule change, the GNC Charter would also be amended to assign new responsibility for advising on matters pertaining to director leadership development and succession planning. OCC believes that these proposed changes to the GNC Charter would enhance OCC's governance arrangements by helping to ensure that OCC's directors are appropriately qualified and would help promote clear and direct lines of responsibility and are therefore designed, in general, to protect investors and the public interest in accordance with Section 17A(b)(3)(F) of the Act.[119] OCC also believes the proposed changes are consistent with the requirement of Rule 17Ad–22(e)(2)(iv)[120] that a covered clearing agency's governance arrangements establish that Board directors have appropriate experience and skills to discharge their duties and responsibilities and the Rule 17Ad–22(e)(2)(v) requirement that a covered clearing agency's governance arrangements specify clear and direct lines of responsibility.[121]

RC Charter Changes

As described in Item II.(A)(1) above, OCC believes that certain of the proposed changes applicable to the RC Charter are designed to provide for a sound risk management framework for managing legal, credit, liquidity, operational, general business, investment, custody and other risks that arise in or are borne by OCC, including risk management policies, procedures, and systems that are designed to identify, measure, monitor, and manage such risks and that are subject to review on a periodic basis and approved annually by the Board.[122] The RC Charter currently contains provisions that address certain narrow responsibilities that the committee has for the oversight of credit, collateral, liquidity and third party risks. These provisions would be removed in favor of new provisions that more accurately reflect the RC's broader responsibility to oversee these particular risks. For example, changes to the RC Charter, including those related to the committee's general function and responsibilities, would be made to better align the RC's responsibilities with OCC's regulatory requirements and would provide that, among other things, the RC would be required to review OCC's management of credit, collateral, liquidity, and third party risks at least once every twelve months and that management would be required to provide the RC with monthly reports regarding the effectiveness of OCC's management of credit exposures and liquidity risks and quarterly reports regarding the effectiveness of OCC's management of collateral and third party risks.[123] OCC believes the proposed changes to the RC Charter would provide additional clarity regarding OCC's governance arrangements and improve the effectiveness of the RC's oversight, particularly with respect to OCC's credit, collateral, liquidity and third party risks, and are therefore designed, in general, to protect investors and the public interest in accordance with Section 17A(b)(3)(F) of the Act.[124] OCC also believes that the proposed changes to the RC Charter are generally consistent with, among other provisions, the requirements of Rule 17Ad–22(e)(3)(i)[125] to establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for managing legal, credit, liquidity, operational, general business, investment, custody and other risks that arise in or are borne by OCC, including risk management policies, procedures, and systems that are designed to identify, measure, monitor, and manage such risks and that are subject to review on a periodic basis and approved annually by the Board.

OCC also proposes changes to the RC Charter to specify the RC's responsibilities concerning plans for OCC's recovery and orderly wind-down (''Recovery and Orderly Wind-down Plan'').[126] OCC believes the proposed changes would provide additional clarity regarding OCC's governance arrangements concerning matters of critical importance and are therefore designed, in general, to protect investors and the public interest in accordance with Section 17A(b)(3)(F) of the Act.[127] OCC also believes these proposed changes to the RC Charter are consistent with the requirements in Rule 17Ad–22(e)(3)(ii) that OCC maintain a sound risk management framework that includes plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses.[128]

Finally, OCC proposes to reassign the oversight of the investigations and enforcement outcomes of disciplinary actions taken by OCC against Clearing Members to the RC because OCC believes that the RC is more appropriately situated to review investigations and enforcement outcomes of disciplinary actions given its oversight of OCC's Clearing Membership framework. OCC believes the proposed changes to the RC Charter would establish clear and direct responsibility for the oversight of investigations and enforcement outcomes of disciplinary actions taken by OCC by an appropriate committee of OCC's Board and are therefore designed, in general, to protect investors and the public interest in accordance with Section 17A(b)(3)(F) of the Act[129] and are consistent with the Rule 17Ad–22(e)(2)(v) requirement that a covered clearing agency's governance

[118] *See supra* note 46 and accompanying text.

[119] 15 U.S.C. 78q–1(b)(3)(F).

[120] 17 CFR 240.17Ad–22(e)(2)(iv).

[121] 17 CFR 240.17Ad–22(e)(2)(v).

[122] *See supra* notes 54–55, and 58, and accompanying text. *See also supra* notes 21, 33, 38, 40, 42, 63, and 80 and accompanying text for similar changes with respect to other committee charters.

[123] *See supra* note 55 and accompanying text.

[124] 15 U.S.C. 78q–1(b)(3)(F).

[125] 17 CFR 240.17Ad–22(e)(3)(i).

[126] *See supra* note 59 and accompanying text.

[127] 15 U.S.C. 78q–1(b)(3)(F).

[128] 17 CFR 240.17Ad–22(e)(3)(ii).

[129] 15 U.S.C. 78q–1(b)(3)(F).

arrangements specify clear and direct lines of responsibility.[130]

TC Charter Changes

As described in Item II.(A)(1) above, OCC believes that certain of the proposed changes applicable to the TC Charter are designed to provide for governance arrangements that specify clear and direct lines of responsibility and to ensure that OCC maintains a sound risk management framework for comprehensively managing risks that arise in or are borne by OCC. For example, OCC proposes to amend the TC Charter to provide that the TC shall identify risk issues relating to areas that the TC oversees that should be escalated to the Board for its review and consideration. As a further example, OCC also proposes to amend the TC Charter to provide that the TC's role is one of oversight and that it remains the responsibility of OCC management to identify, manage, monitor and report on IT and other operational risks arising from OCC's business activities while the Committee will oversee the progress in executing on major IT initiatives, technology architecture decisions and IT priorities. Other language was also revised to more clearly describe the TC's responsibilities related to the oversight of internal controls, and review of the crisis management plans as these topics often fall within other areas (such as Business Continuity and Disaster Recovery). OCC believes these revisions will strengthen the transparency and clarity of its governance structure. Finally, OCC would revise the TC Charter to remove specific references to the committee's oversight of OCC's physical security and to more accurately describe the committee's responsibility for overseeing the adequacy of OCC's management of information security risks (which generally includes oversight of the confidentiality, integrity, and availability of OCC data; the security of the information systems used to process, transmit, and store OCC information; and the physical, personnel, procedural, administrative, and environment security disciplines). OCC believes that these changes will promote a sound risk management framework and add greater clarity to the responsibilities of the TC.

For the reasons set forth above, OCC believes that the proposed changes to the TC Charter would provide additional clarity to OCC's governance arrangements and improve the effectiveness of the TC's oversight of OCC's IT and other operational risks and are therefore designed, in general, to protect investors and the public interest in accordance with Section 17A(b)(3)(F) of the Act.[131] Moreover, OCC believes the proposed changes are reasonably designed to meet the requirements of Rule 17Ad–22(e)(2)(v)[132] to provide for governance arrangements that specify clear and direct lines of responsibility and Rule 17Ad–22(e)(3)[133] to maintain a sound risk management framework for comprehensively managing risks that arise in or are borne by OCC.

Board Charter Changes

As described in Item II.(A)(1) above, OCC believes that certain of the proposed changes applicable to the Board Charter are designed to improve the clarity and transparency of OCC's governance arrangements and provide for governance structures and processes that are designed to ensure that the Board is positioned to fulfill its responsibilities effectively and efficiently consistent with applicable requirements and through performance assessments. For example, as noted above, incorporating the CGP within the Board Charter would promote clarity and transparency by eliminating significant overlap between the two existing documents and thereby making the consolidated provisions in the Board Charter easier for Clearing Members and other OCC stakeholders to access, use and understand.[134] As a further example, OCC proposes to amend the Board Charter to provide that the Executive Chairman and CEO, in consultation with the COO and CAO, other directors or officers of OCC, and the Corporate Secretary shall establish the agenda for Board meetings, which is designed to help specify clear and direct lines of responsibility and promote clear and transparent governance arrangements by making clear the roles and authority of certain officers and ensuring that input from additional officers is included where appropriate. As a further example, OCC believes the proposed changes to the Board Charter would make clear that the Board is responsible for ensuring that the AC of the Board is independent.[135] OCC believes that the proposed changes to the Board Charter would enhance the clarity of OCC's governance arrangements and improve the effectiveness of the Board's oversight and are therefore designed, in general, to protect investors and the public interest in a manner consistent with Section 17A(b)(3)(F) of the Act.[136] Moreover, OCC believes the proposed changes are generally consistent with, among other things, the Rule 17Ad–22(e)(2)(i)[137] requirement to provide for governance arrangements that are clear and transparent, the Rule 17Ad–22(e)(3)[138] requirement to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency, and the Rule 17Ad–22(e)(3)(iii)[139] requirement to provide internal audit personnel with sufficient authority, resources, independence from management, and access to the board of directors.

In addition, OCC proposes to transfer responsibility for the oversight of the ERM function from the RC to the Board. The proposed change would allow the Board to retain responsibility for the comprehensive oversight of OCC's overall risk management framework, while retaining the ability to delegate oversight of specific risks to designated committees, which would then report to and be subject to oversight by the Board. Moreover, shifting enterprise risk oversight responsibility from the RC to the Board would promote even greater director engagement and attention regarding OCC's risk universe (*i.e.,* the range of risks to which OCC is exposed) and how such risks impact OCC's strategic direction and priorities as well as provide for more meaningful dialogue and discussion at Board meetings. Moreover, it would alleviate the potential for overburdening the RC and establish clearer lines of oversight responsibilities for particular risks across the Board's committees. Additionally, the expertise represented on the Board collectively would be available to provide appropriate guidance relative to each key risk within OCC's risk universe. OCC believes that the proposed changes to the Board Charter would enhance the effectiveness of the Board's oversight, particularly with respect to OCC's ERM functions, and are therefore designed, in general, to protect investors and the public interest in a manner consistent with Section 17A(b)(3)(F) of the Act.[140] In addition, OCC believes the proposed change is reasonably designed to provide for a sound risk management framework for comprehensively

[130] 17 CFR 240.17Ad–22(e)(2)(v).

[131] 15 U.S.C. 78q–1(b)(3)(F).

[132] 17 CFR 240.17Ad–22(e)(2)(v).

[133] 17 CFR 240.17Ad–22(e)(3).

[134] *See supra* note 68 and accompanying text.

[135] *See supra* note 82 and accompanying text.

[136] 15 U.S.C. 78q–1(b)(3)(F).

[137] 17 CFR 240.17Ad–22(e)(2)(i).

[138] 17 CFR 240.17Ad–22(e)(3).

[139] 17 CFR 240.17Ad–22(e)(3)(iii).

[140] 15 U.S.C. 78q–1(b)(3)(F).

managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by OCC consistent with Rule 17Ad–22(e)(3).[141]

Finally, OCC notes that the proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act [142] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe that the proposed rule change would impact or impose any burden on competition. The proposed rule change addresses the charters used in OCC's governance structure, and all Clearing Members would be equally subject to these governance arrangements. Consequently, the amended charters would not provide any Clearing Member with a competitive advantage over any other Clearing Member. Further, the proposed rule change would not affect Clearing Member's access to OCC's services or impose any direct burdens on Clearing Members. Accordingly, the proposed rule change would not unfairly inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another user.

For the foregoing reasons, OCC believes that the proposed rule change is in the public interest, would be consistent with the requirements of the Act applicable to clearing agencies, and would not impact or impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(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–OCC–2018–012 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2018–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/about/publications/bylaws.jsp.*

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–OCC–2018–012 and should be submitted on or before October 1, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[143]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–19501 Filed 9–7–18; 8:45 am]

BILLING CODE 8011–01–P

[141] 17 CFR 240.17Ad–22(e)(3).

[142] 15 U.S.C. 78q–1(b)(3)(I).

[143] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Investor Advisory Committee will hold a meeting on Thursday, September 13, 2018 at 9:00 a.m. (ET).

PLACE: The meeting will be held in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will begin at 9:00 a.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 8:30 a.m. Visitors will be subject to security checks. The meeting will be webcast on the Commission's website at *www.sec.gov.*

MATTERS TO BE CONSIDERED: On August 17, 2018, the Commission issued notice of the Committee meeting (Release No. 33–10531), indicating that the meeting is open to the public (except during that portion of the meeting reserved for an administrative work session during lunch), and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a quorum of the Commission may attend the meeting.

The agenda for the meeting includes: Remarks from Commissioners; a discussion regarding the U.S. proxy voting infrastructure; a discussion regarding the Commission's Proposed Transaction Fee Pilot in NMS stocks (which may include a recommendation of the Market Structure Subcommittee); a discussion regarding the implications of passive investing; subcommittee reports; and a nonpublic administrative work session during lunch.

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: September 5, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–19647 Filed 9–6–18; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15673 and #15674; Minnesota Disaster Number MN–00062]

Administrative Declaration of a Disaster for the State of Minnesota

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Minnesota dated 08/28/2018.

Incident: Severe Storms, Straight-Line Winds, Tornadoes, and Flooding.

Incident Period: 06/15/2018 through 07/12/2018.

DATES: Issued on 08/28/2018.

Physical Loan Application Deadline Date: 10/29/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 05/28/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Lyon, Redwood

Contiguous Counties:

Minnesota: Brown, Cottonwood, Lincoln, Murray, Pipestone, Renville, Yellow Medicine

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.875
Homeowners without Credit Available Elsewhere	1.938
Businesses with Credit Available Elsewhere	7.220
Businesses without Credit Available Elsewhere	3.610
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.610
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15673 6 and for economic injury is 15674 0.

The State which received an EIDL Declaration # is Minnesota.

(Catalog of Federal Domestic Assistance Number 59008)

Linda E. McMahon,

Administrator.

[FR Doc. 2018–19610 Filed 9–7–18; 8:45 am]

BILLING CODE 8025–01–P

SURFACE TRANSPORTATION BOARD

30-Day Notice of Intent To Seek Reinstatement Without Change: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Surface Transportation Board.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice that it is requesting from the Office of Management and Budget (OMB) a reinstatement without change of Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery. This collection was developed to streamline the process for seeking feedback from the public on the Board's service delivery. The Board previously published a notice about this collection in the **Federal Register** (Apr. 26, 2018). That notice allowed for a 60-day public review and comment period. No comments were received.

DATES: Comments on this information collection should be submitted by October 10, 2018.

ADDRESSES: Written comments should be identified as ''Paperwork Reduction Act Comments, Surface Transportation Board: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.'' These comments should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Joseph B. Nye, Surface Transportation Board Desk Officer: by email at *oira_submission@omb.eop.gov;* by fax at (202) 395–1743; or by mail to Room 10235, 725 17th Street NW, Washington, DC 20503. Please also direct comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, or to *pra@stb.gov.*

FOR FURTHER INFORMATION, CONTACT: For further information regarding this collection, contact Michael Higgins, Deputy Director, Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0284 or at *michael.higgins@stb.gov.* Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: For each collection, comments are requested concerning: (a) Whether the 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 of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collection

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2140–0019.

STB Form Number: None.

Type of Review: Reinstatement without change.

Respondents: Customers and stakeholders of the Board.

Number of Respondents, Frequency, Estimated Time per Response, and Total Burden Hours: A variety of instruments and platforms may be used to collect information from respondents. The estimated annual burden hours (277) are based on the number of collections we expect to conduct over the requested period for this clearance, as set forth in the table below.

ESTIMATED ANNUAL REPORTING BURDEN

Type of collection	Number of respondents	Annual frequency per response	Hours per response	Total hours
Focus Group	15	1	2	30
Comment Card/Brief Survey	200	2	.17	67
Surveys	150	2	.6	180

Needs and Uses: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient and timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations; provide an early warning with issues about how the Board provides service to the public; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the Board and its customers and stakeholders. They will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Board's services will be unavailable.

The Board will only process a collection under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information is collected only to the extent necessary and is not retained;
- Information gathered is used only internally for general service improvement and program management purposes and not for release outside of the agency;
- Information gathered is used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information, and the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance will provide useful information, but will not yield data that can be generalized to the overall population. Such data uses would require more rigorous designs than the collections covered by this notice.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Section 3507(b) of the PRA requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information.

Comments submitted in response to this notice may be made available to the public by the Board. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an electronic comment (e-file or email), your email address is automatically captured and may be accessed if your comments are made public. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

Dated: September 5, 2018.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2018–19510 Filed 9–7–18; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

Release of Waybill Data

The Surface Transportation Board has received a request from two professors that work for University of Oregon and Stanford University along with four researchers (WB18–29—8/31/18) for permission to use data from the Board's 1983–2017 Unmasked Carload Waybill Samples. A copy of this request may be obtained from the Board's website under docket no. WB18–29.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their

objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Alexander Dusenberry, (202) 245–0319.

Aretha Laws-Byrum,

Clearance Clerk.

[FR Doc. 2018–19521 Filed 9–7–18; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2018–0053]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt eight individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on August 1, 2018. The exemptions expire on August 1, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

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

II. Background

On June 21, 2018, FMCSA published a notice announcing receipt of applications from eight individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (83 FR 28896). The public comment period ended on July 23, 2018, and six comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8),* paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received six comments in this proceeding. Four of these comments supported granted the exemptions. One commenter did not support granting these exemptions due to his or her concerns about these drivers refilling their medications while they are operating a CMVs on an interstate basis. Another commenter suggested that these applicants should provide complete medical histories and records and be incident free for at least two years. This commenter also stated his or her opinion that employers of drivers who have been issued an exemption be required to obtain additional accident liability insurance for these drivers. In reviewing these applications for exemptions, FMCSA evaluated the medical records of all eight applicants, obtained documentation of the treating physician's support for granting the applicant an exemption, and determined that granting these exemptions would achieve an equivalent or greater level of safety than would be achieved without the exemption. FMCSA does not require employers to obtain additional insurance for drivers with medical exemptions.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

In reaching the decision to grant these exemption requests, FMCSA considered the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The January 15, 2013, **Federal Register** notice (78 FR 3069) provides the current MEP recommendations which is the criteria the Agency uses to grant seizure exemptions.

The Agency's decision regarding these exemption applications is based on an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System (CDLIS) for commercial driver's license (CDL) holders, and interstate and

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

intrastate inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). A summary of each applicant's seizure history was discussed in the June 21, 2018 **Federal Register** notice (83 FR 28896) and will not be repeated in this notice.

These eight applicants have been seizure-free over a range of 4 to 40 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last two years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the eight exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, 49 CFR 391.41(b)(8), subject to the requirements cited above:

Ricky B. Alegre (NJ)
Stephen M. Christner (PA)
Paul J. Gomez (CA)
Lawrence J. Knox (MA)
Thomas A. Ork (NY)
Constance Seale (DE)
Anne M. Spencer-Brown (WV)
Floyd C. Williams (VA)

In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: August 30, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–19644 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0054]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 11 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before October 10, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0054 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

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

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions

regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 11 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8),* paragraphs 3, 4, and 5.]

The advisory criteria states the following:

If an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the Medical Examiner in consultation with the treating physician. Before certification is considered, it is suggested that a six-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a five-year period or more.

As a result of Medical Examiners misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified Medical Examiner based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders, (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' Since the January 15, 2013 notice, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in 49 CFR 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (MEP) (78 FR 3069).

II. Qualifications of Applicants

Jonathan A. Arrieta

Mr. Arrieta is a 35-year-old Class A CDL holder in Florida. He has a history of epilepsy and has been seizure free since 2008. He takes anti-seizure medication with the dosage and frequency remaining the same since 2009. His physician states that he is supportive of Mr. Arrieta receiving an exemption.

Jose F.J. Cabrera Maciel

Mr. Cabrera Maciel is a 27-year-old Class C driver in California. He has a history of a single unprovoked seizure and has been seizure free since 2012. He stopped taking anti-seizure medication in 2014. His physician states that he is supportive of Mr. Cabrera Maciel receiving an exemption.

Pietro Capobianco

Mr. Capobianco is a 48-year-old Class D driver in New Jersey. He has a history of epilepsy and has been seizure free since 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since 2010. His physician states that he is supportive of Mr. Capobianco receiving an exemption.

Armando B. Castro Jr.

Mr. Castro is a 59-year-old Class A CDL holder in Nevada. He has a history of epilepsy and has been seizure free since 1986. He takes anti-seizure medication with the dosage and frequency remaining the same since March 2014. His physician states that he is supportive of Mr. Castro receiving an exemption.

Joshua Cirilo

Mr. Cirilo is a 39-year-old Class D driver in Minnesota. He has a history of epilepsy and has been seizure free since 1997. He stopped taking anti-seizure medication in 1997. His physician states that he is supportive of Mr. Cirilo receiving an exemption.

Barbara A. Cruz

Ms. Cruz is a 37-year-old driver in Indiana. She has a history of a single provoked seizure and has been seizure free since 2008. She stopped taking anti-seizure medications in 2009. Her physician states that he is supportive of Ms. Cruz receiving an exemption.

Gail A. Hackathorn

Mr. Hackathorn is a 55-year-old Class A CDL holder in Iowa. He has a history of epilepsy and has been seizure free since 1985. He takes anti-seizure medication with the dosage and

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

frequency remaining the same since 1985. His physician states that he is supportive of Mr. Hackathorn receiving an exemption.

Jose G. Lara-Ramirez

Mr. Lara-Ramirez is a 47-year-old Class A driver in Nevada. He has a history of epilepsy and has been seizure free since 2001. He takes anti-seizure medication with the dosage and frequency remaining the same since 2001. His physician states that she is supportive of Mr. Lara-Ramirez receiving an exemption.

Bryan F. Sheehan

Mr. Sheehan is a 34-year-old Class E driver in Florida. He has a history of epilepsy and has been seizure free since May 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since 2010. His physician states that he is supportive of Mr. Sheehan receiving an exemption.

Francis L. Stimpson

Mr. Stimpson is a 66-year-old Class A CDL holder in Idaho. He has a history of epilepsy and has been seizure free since 1983. He takes anti-seizure medication with the dosage and frequency remaining the same since 2003. His physician states that he is supportive of Mr. Stimpson receiving an exemption.

Christopher A. Steinke

Mr. Steinke is a 26-year-old Class D driver in Wisconsin. He has a history of seizure disorder and has been seizure free since 2004. He stopped taking anti-seizure medication in 2009. His physician states that he is supportive of Mr. Steinke receiving an exemption.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0054 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0054 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: August 30, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–19643 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0247; FMCSA–2012–0128; FMCSA–2012–0217; FMCSA–2012–0219; FMCSA–2014–0021; FMCSA–2016–0220]

Qualification of Drivers; Exemption Applications; Diabetes

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 134 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before October 10, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2010–0247; FMCSA–2012–0128; FMCSA–2012–0217; FMCSA–2012–0219; FMCSA–2014–0021; FMCSA–2016–0220 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day E.T., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

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

be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5:30 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

The 134 individuals listed in this notice have requested renewal of their exemptions from the diabetes standard in 49 CFR 391.41(b)(3), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 134 applicants has satisfied the renewal conditions for obtaining an exemption from the diabetes requirement (75 FR 52813; 75 FR 64394; 77 FR 48587; 77 FR 52384; 77 FR 56258; 77 FR 61655; 77 FR 64585; 77 FR 65929; 79 FR 56107; 79 FR 73946; 81 FR 64257; 81 FR 79554; 81 FR 80164). They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of October and are discussed below:

As of October 8, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Gary B. Bland (GA) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 52813; 75 FR 64394; 81 FR 80164).

This driver was included in docket number FMCSA–2010–0247. The exemption is effective as of October 8, 2018, and will expire on October 8, 2020.

As of October 10, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 48587; 77 FR 61655; 81 FR 80164):

Dominick Bravata (IL)
Barry J. Drews (MI)
Mason L. Hall (SD)
Chad E. Hasler (MT)
Norman A. Latondresse (RI)
Robert C. Lister, Jr. (OH)
Robert E. Smith (GA)

The drivers were included in docket number FMCSA–2012–0217. Their exemptions are applicable as of October 10, 2018, and will expire on October 10, 2020.

As of October 19, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 52813; 75 FR 64394; 81 FR 80164):

Juan E. Boyd (NC)
Bradley R. Burns (OH)
Leo G. Dinero (GA)
Terry W. Ferguson (GA)
Thomas G. Flanagan (IN)
Donald K. Fraase (ND)
Jason W. Geier (MT)
Scott R. Grange (CA)
Bradley D. Heagel (IA)
Ronald D. Olson (WI)
Daniel E. Velasco (MD)

The drivers were included in docket number FMCSA–2010–0247. Their exemptions are applicable as of October 19, 2018, and will expire on October 19, 2020.

As of October 20, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 41 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (81 FR 64257; 81 FR 79554):

Ardell M. Banta, Sr. (IA)
Ronald I. Barker (MI)
John M. Bracken (PA)
Thomas E. Brennan (PA)
Matthew W. Brown (OK)
Norman Brown (ME)
Robert S. Downie, Jr. (PA)
Frank A. Eagen (WI)
Joseph F. Figueroa (WI)
Nolan Graves (MI)
Darryl W. Grimes (TN)
Henry L. Hardin (GA)
John L. Hargis (MO)
Howard C. Hayes (OK)
Karen A. Holzwarth (PA)
Michael R. Jacklin (WI)
Hershell D. Jones (KY)
William H. Kline (OH)
Mitchell A. Langford (OR)
Michael J. Lipovsky (CT)
Edward J. Manley (PA)
Joshua L. Mattas (PA)
Raymond E. McGuire (PA)
Ismael Mejia (WA)
Shane M. Olden (PA)
Wade B. Patrick (NY)
Shawn B. Persinger (WY)
Timothy J. Peterson (NE)
Stewart R. Rowell (TX)
William T. Shreeve (TN)
David L. Smith (TX)
James A. Stock (WI)
Marlon Taylor (OH)
Eddie B. Thacker (KY)
Earnest A. Tillman (FL)
William C. Tomlinson (GA)
Brennan S. Watkins (VT)
Julius Williams (MS)

Kevin A. Wilson (WV)
Jeffrey S. Wine (IA)
P.W. Woodard (NY)

The drivers were included in docket number FMCSA–2016–0220. Their exemptions are applicable as of October 20, 2018, and will expire on October 20, 2020.

As of October 21, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 58 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 56107; 79 FR 73946; 81 FR 80164):

Michael L. Agnitsch (NE)
Earl W. Avery (TN)
Michael A. Baker (CT)
Todd D. Bloomfield (WA)
Charles K. Bond (PA)
Christopher R. Cook (NY)
Wygila M. Corliss (NM)
Timothy J. Cornish (OH)
Evan R. Dieken (MN)
Richard A. Durr (IL)
George B. Ferris, Jr. (NY)
John B. Flood (MO)
David S. Fortune (VA)
John Galione (NJ)
Peter E. Ganss (KS)
Michael Hawkins (SC)
Rodney J. Hendricks (ID)
Timothy U. Herring (NC)
Richard L. Hines (NC)
David M. Hughes (UT)
Jammie L. Hughes (OH)
Andy L. Hughes (IL)
Rodney L. Johnson (OR)
Paul D. Kimmel (IA)
Scott M. Klain (OR)
Gregory L. Kuharski (MN)
Robert B. Langston, III (MS)
Mark W. Lavorini (PA)
William M. Linskey (MA)
Jason D. Lowder (OH)
Arnold V. Magaoay (HI)
Norman C. Mallett (AR)
Justin T. Mattice (AZ)
Leldon W. McCutcheon (AL)
Kenneth M. Miller (ID)
Richard E. Moore (NY)
Matthew K. Morrison (UT)
Edward L. Norfleet (AL)
Mark P. Norwood (NV)
Kyle R. Perry (PA)
Michael L. Plinski (WA)
Christopher M. Provance (NE)
James A. Rambo (VA)
Michael E. Reck (OH)
Rondo L. Rininger (IN)
James E. Seymour (PA)
Calvin R. Smith (IL)
Wesley J. Summerville (PA)
William R. Thome (IA)
Stephen M. Thompson (GA)
Randy L. Triplett (OH)
Steven R. Weir (MA)
Richard T. Whitney (MN)
Donald D. Willard (IA)
Gary W. Wozniak (NE)
Steven L. Yokom (ID)
Allan M. Younglas (PA)
Daniel R. Zuriff (MN)

The drivers were included in docket number FMCSA–2014–0021. Their exemptions are applicable as of October 21, 2018, and will expire on October 21, 2020.

As of October 22, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 52384; 77 FR 64585; 81 FR 80164):

Patrick D. Fortier (MN)
Daniel J. Gladen (MN)
Walter V. Gruba (VA)
Marshall D. Howell (MI)
Duane J. Mullins (WI)
Louis R. Noellsch (WA)
Darrin W. Pettis (WA)
Michael J. Raposa (MA)
Keith J. Tavares (MA)
Phillip L. Truitt (MD)

The drivers were included in docket number FMCSA–2012–0128. Their exemptions are applicable as of October 22, 2018, and will expire on October 22, 2020.

As of October 31, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 56258; 77 FR 65929; 81 FR 80164):

Edward K. Belcher (KY)
Philip C. Brooks, Jr. (VA)
Michael R. Conley (MN)
Patrick J. Connors (MA)
John C. Halabura (PA)
Paul L. Harrison III (NY)

The drivers were included in docket number FMCSA–2012–0219. Their exemptions are applicable as of October 31, 2018, and will expire on October 31, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must submit an annual ophthalmologist's or optometrist's report; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 134 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: August 30, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–19632 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0204]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 38 individuals for an exemption from the prohibition in the

Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before October 10, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0204 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

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

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 38 individuals listed in this notice have requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population.

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441). The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305). Section 4129 requires: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the three-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e). Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003, notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003, notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

II. Qualifications of Applicants

Marc A. Angle

Mr. Angle, 47, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Angle understands diabetes management and monitoring, has stable control of his diabetes using

insulin, and is able to drive a CMV safely. Mr. Angle meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Michigan.

David J. Archie

Mr. Archie, 32, has had ITDM since 2005. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Archie understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Archie meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Mississippi.

Kevin C. Atkins

Mr. Atkins, 54, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Atkins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Atkins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Tennessee.

Paul R. Bales

Mr. Bales, 47, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bales understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bales meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Missouri.

Francis M. Bautista, Jr.

Mr. Bautista, 47, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bautista understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bautista meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Mexico.

Leonard M. Block

Mr. Block, 63, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Block understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Block meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Michigan.

Christian A. Bowles

Mr. Bowles, 26, has had ITDM since 1998. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bowles understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bowles meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

Lee R. Bryant

Mr. Bryant, 62, has had ITDM since 2007. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bryant understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bryant meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Kansas.

Michael A. Cameron

Mr. Cameron, 43, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Cameron understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cameron meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from South Dakota.

Wisner Charles

Mr. Charles, 44, has had ITDM since 2014. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the

assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Charles understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Charles meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Florida.

James C. Cherry, Jr.

Mr. Cherry, 46, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Cherry understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cherry meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Kevin M. Crow

Mr. Crow, 44, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Crow understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Crow meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from West Virginia.

Cynthia L. Dixon-Pyke

Ms. Dixon-Pyke, 60, has had ITDM since 2018. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Dixon-Pyke understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Dixon-Pyke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2018 and certified that she does not have diabetic retinopathy. She holds a Class A CDL from Wisconsin.

James E. Dodge, Jr.

Mr. Dodge, 56, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Dodge understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dodge meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Richard T. Ewell

Mr. Ewell, 50, has had ITDM since 2007. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Ewell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ewell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

F.D. N. Garbo, Sr.

Mr. Garbo, 47, has had ITDM since 2012. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Garbo understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Garbo meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Maryland.

Vincent P. Gaudino

Mr. Gaudino, 46, has had ITDM since 2010. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gaudino understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gaudino meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Jerome E. Haskin

Mr. Haskin, 56, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Haskin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Haskin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist

examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Thomas P. Kelly, Jr.

Mr. Kelly, 53, has had ITDM since 2008. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kelly understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kelly meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class D CDL from New York.

Jerrold P. Kerber

Mr. Kerber, 69, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kerber understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kerber meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Arizona.

Aaron D. Lee

Mr. Lee, 42, has had ITDM since 1989. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lee understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lee meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Tennessee.

Ryan T. Lindner

Mr. Lindner, 35, has had ITDM since 2003. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lindner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lindner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from California.

Keith A. MacAdams

Mr. MacAdams, 59, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. MacAdams understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. MacAdams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

Jeremy R. Main

Mr. Main, 30, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Main understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Main meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator license from Kansas.

Robert D. Manley

Mr. Manley, 53, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Manley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Manley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Daniel P. McCartney

Mr. McCartney, 69, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. McCartney understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McCartney meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

Rose M. McKay

Ms. McKay, 52, has had ITDM since 2013. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five

years. Her endocrinologist certifies that Ms. McKay understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. McKay meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2018 and certified that she has stable nonproliferative diabetic retinopathy. She holds an operator's license from New York.

Keith C. Newburn

Mr. Newburn, 71, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Newburn understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Newburn meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oregon.

Colby A. Nutter

Mr. Nutter, 26, has had ITDM since 1993. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Nutter understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Nutter meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Virginia.

Donald S. Pederson

Mr. Pederson, 65, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Pederson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pederson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Montana.

David Perez

Mr. Perez, 42, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Perez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Perez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Dakota.

Timothy C. Perry

Mr. Perry, 50, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Perry understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Perry meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kentucky.

Scott K. Powell

Mr. Powell, 34, has had ITDM since 1991. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Powell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Powell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

Layne C. Sanderson

Mr. Sanderson, 23, has had ITDM since 2011. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Sanderson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sanderson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Idaho.

Emily M. Thibodeau

Ms. Thibodeau, 37, has had ITDM since 1986. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Thibodeau understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Thibodeau meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds an operator's license from Massachusetts.

Federico F. Vigil

Mr. Vigil, 60, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting

in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Vigil understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vigil meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Clarence S. Waldner

Mr. Waldner, 62, has had ITDM since 1969. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Waldner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Waldner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Logan T. Wiersema

Mr. Wiersema, 21, has had ITDM since 1998. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Wiersema understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wiersema meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Virginia.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0204 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0204 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: August 30, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–19630 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA–2013–0109; FMCSA–2013–0444; FMCSA–2015–0322]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 16 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before October 10, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket Nos. FMCSA–2013–0109; FMCSA–2013–0444; FMCSA–2015–0322 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please

see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

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

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The 16 individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the 16 applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 16 drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of June and are discussed below:

As of June 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Henry Counts, Jr. (MD)
David P. Crowe (VA)
Michael D. Davis (ME)
Dennis R. Gilles (IN)
Larry G. Hediger (IL)
Eric J. McVetty (NH)
Donald J. Richmond (SC)
Kevin L. Sprinkle (NC)
Patrick J. Trimbo (MN)
Alan K. Washabaugh (PA)

The drivers were included in docket numbers FMCSA–2013–0109 and FMCSA–2015–0322. Their exemptions are applicable as of June 9, 2018, and will expire on June 9, 2020.

As of June 24, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Heath A. Crowe (LA)
Peter Della-Rocco, Jr. (PA)
Domenick R. Panfile (NJ)
Milton N. Tatham (NV)
Thomas H. Tincher (NC)
Duane A. Troff (MN)

The drivers were included in docket number FMCSA–2013–0444. Their exemptions are applicable as of June 24, 2018, and will expire on June 24, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption

when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 16 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41 (b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: August 30, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–19645 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0203]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 46 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before October 10, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0203 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day E.T., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

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

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 46 individuals listed in this notice have requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population.

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441). The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the three-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e). Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003, notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003, notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

II. Qualifications of Applicants

Anthony D. Anderson

Mr. Anderson, 25, has had ITDM since 2004. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes while on his current insulin regimen. His endocrinologist certifies that Mr. Anderson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Anderson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Larry S. Arringdale

Mr. Arringdale, 55, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Arringdale understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Arringdale meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Brad M. Bennett

Mr. Bennett, 43, has had ITDM since 1989. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bennett understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bennett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable proliferative diabetic retinopathy. He holds an operator's license from Oregon.

Ronald S. Blackwell

Mr. Blackwell, 58, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Blackwell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Blackwell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Idaho.

Christine Byrd

Ms. Byrd, 54, has had ITDM since 2017. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Byrd understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Byrd meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2018 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from Iowa.

Garrett T. Cameron

Mr. Cameron, 26, has had ITDM since 2014. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Cameron understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cameron meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

Alfredo Casillas

Mr. Casillas, 54, has had ITDM since 2006. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Casillas understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Casillas meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that

he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Guerschom K. Chiwengo

Mr. Chiwengo, 58, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Chiwengo understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Chiwengo meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Virginia.

David A. Coltrain

Mr. Coltrain, 42, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Coltrain understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Coltrain meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

James D. Cosgrove

Mr. Cosgrove, 28, has had ITDM since 1995. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Cosgrove understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cosgrove meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

Jerome Davis, Sr.

Mr. Davis, 57, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Davis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Davis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arizona.

Donald R. DeKruger

Mr. DeKruger, 56, has had ITDM since 2007. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. DeKruger understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. DeKruger meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Colorado.

Joseph M. Dema

Mr. Dema, 40, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Dema understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dema meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

Lynx D. Gardner

Mr. Gardner, 31, has had ITDM since 1995. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gardner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gardner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Nebraska.

Timothy M. Getchius

Mr. Getchius, 21, has had ITDM since 2008. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Getchius understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Getchius meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from New York.

Jeffrey M. Halida

Mr. Halida, 45, has had ITDM since 1985. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Halida understands diabetes management and monitoring,

has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Halida meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Corey A. Harrell

Mr. Harrell, 42, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Harrell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Harrell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Illinois.

Donald B. Harwell

Mr. Harwell, 53, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Harwell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Harwell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from South Carolina.

John T. Ingin

Mr. Ingin, 57, has had ITDM since 1982. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Ingin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ingin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from New York.

James M. Kay

Mr. Kay, 34, has had ITDM since 2002. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kay understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kay meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Marcus E.M. Killman

Mr. Killman, 47, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Killman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Killman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

Mark R. Kuhn

Mr. Kuhn, 48, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kuhn understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kuhn meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Chad M. Kunkel

Mr. Kunkel, 44, has had ITDM since 2005. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kunkel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kunkel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Lawrence J. Lucero

Mr. Lucero, 65, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lucero understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lucero meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Washington.

Curtis M. Lyons

Mr. Lyons, 37, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or

resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lyons understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lyons meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Antonia Madrid

Ms. Madrid, 57, has had ITDM since 2017. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Madrid understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Madrid meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2018 and certified that she has stable nonproliferative diabetic retinopathy. She holds a Class B CDL from New Mexico.

Nankishore Mangal

Mr. Mangal, 60, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Mangal understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mangal meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Connecticut.

Fernando Martins

Mr. Martins, 61, has had ITDM since 2011. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Martins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Martins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Hampshire.

Vincent Matthews

Mr. Matthews, 48, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Matthews understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Matthews meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from South Carolina.

Lawrence C. Maughan

Mr. Maughan, 53, has had ITDM since 2011. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Maughan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Maughan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Utah.

Peter M. Meserve

Mr. Meserve, 55, has had ITDM since 2005. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Meserve understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Meserve meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Hampshire.

Jason R. Miller

Mr. Miller, 40, has had ITDM since 1983. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Miller understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Miller meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable proliferative diabetic retinopathy. He holds an operator's license from Minnesota.

Philips Ng

Mr. Ng, 62, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Ng understands diabetes management and monitoring, has stable control of his diabetes using

insulin, and is able to drive a CMV safely. Mr. Ng meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

Don C. Oden

Mr. Oden, 56, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Oden understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Oden meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

Charles T. Pappas

Mr. Pappas, 54, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Pappas understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pappas meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Washington.

Stacy S. Patterson

Mr. Patterson, 43, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Patterson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Patterson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Virginia.

Nathaniel P. Probasco

Mr. Probasco, 30, has had ITDM since 2006. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Probasco understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Probasco meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Mark K. Pugh

Mr. Pugh, 69, has had ITDM since 2006. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Pugh understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pugh meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Anthony Rivera

Mr. Rivera, 48, has had ITDM since 1988. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Rivera understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rivera meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable proliferative diabetic retinopathy. He holds an operator's license from New Jersey.

Eddie A. Sellars

Mr. Sellars, 74, has had ITDM since 2010. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Sellars understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sellars meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from North Carolina.

James B. Stevens

Mr. Stevens, 65, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Stevens understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stevens meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Edwinn D. Strong

Mr. Strong, 41, has had ITDM since 2005. His endocrinologist examined him in 2018 and certified that he has had no

severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Strong understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Strong meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Terelle E. Thomas

Mr. Thomas, 24, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Thomas understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Thomas meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Virginia.

Harvey S. Vaea

Mr. Vaea, 52, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Vaea understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vaea meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from California.

Gene A. Vieira

Mr. Vieira, 33, has had ITDM since 2003. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Vieira understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vieira meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Florida.

Ronald Walker, Sr.

Mr. Walker, 50, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Walker understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Walker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0203 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0203 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: August 30, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–19627 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0032]

Commercial Driver's License Standards: Application for Exemption; Daimler Trucks North America (Daimler)

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

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant an exemption to Daimler Trucks North America (Daimler) for one of its commercial motor vehicle (CMV) drivers. Daimler requested a 5-year exemption from the Federal requirement to hold a U.S. commercial driver's license (CDL) for Mr. Christophe Veber, Lead Engineer in Vehicle Predictive Technology for

Daimler. Mr. Veber holds a valid German commercial license and wants to test-drive Daimler vehicles on U.S. roads to better understand product requirements for these systems in ''real world'' environments, and verify results. Daimler believes the requirements for a German commercial license ensure that holders of the license will likely achieve a level of safety equal to or greater than that of drivers who hold a U.S. State-issued CDL.

DATES: This exemption is applicable September 10, 2018 and expires September 11, 2023.

ADDRESSES:

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

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

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *www.regulations.gov* and insert the docket number, ''FMCSA–2012–0032 in the ''Keyword'' box and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the applicability period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Request for Exemption

On behalf of Mr. Christophe Veber, Daimler has applied for a 5-year exemption from 49 CFR 383.23, which prescribes licensing requirements for drivers operating CMVs in interstate or intrastate commerce. Mr. Veber is unable to obtain a CDL in any of the States due to his lack of residency in the United States. A copy of the application is in Docket No. FMCSA–2012–0032.

The exemption would allow Mr. Veber to operate CMVs in interstate or intrastate commerce to support Daimler field tests designed to meet future vehicle safety and environmental requirements and to develop improved safety and emission technologies. Mr. Veber needs to drive Daimler vehicles on public roads to better understand ''real world'' environments in the U.S. market. According to Daimler, Mr. Veber will typically drive for no more than 6 hours per day for 2 consecutive days, and that 10 percent of the test driving will be on two-lane State highways, while 90 percent will be on Interstate highways. The driving will consist of no more than 200 miles per day, for a total of 400 miles during a two-day period on a quarterly basis. He will in all cases be accompanied by a holder of a U.S. CDL who is familiar with the routes to be traveled.

Mr. Veber would be required to comply with all applicable Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR parts 350–399) except the CDL provisions described in this notice.

Mr. Veber holds a valid German commercial license, and as explained by Daimler in its exemption request, the requirements for that license ensure that the same level of safety is met or exceeded as if this driver had a U.S. CDL. Furthermore, according to Daimler, Mr. Veber is familiar with the operation of CMVs worldwide.

IV. Method To Ensure an Equivalent or Greater Level of Safety

FMCSA has previously determined that the process for obtaining a German commercial license is comparable to, or as effective as, the requirements of part 383, and adequately assesses the driver's ability to operate CMVs in the U.S. Since 2012, FMCSA has granted Daimler drivers similar exemptions [May 25, 2012 (77 FR 31422); July 22, 2014 (79 FR 42626); March 27, 2015 (80 FR 16511); October 5, 2015 (80 FR 60220); July 12, 2016 (81 FR 45217); July 25, 2016 (81 FR 48496); August 17, 2017 (82 FR 39151)].

V. Public Comments

On April 24, 2018, FMCSA published notice of this application and requested public comments (82 FR 17886). No comments were submitted.

VI. FMCSA Decision

Based upon the merits of this application, including Mr. Veber's extensive driving experience and safety record, FMCSA has concluded that the exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption, in accordance with § 381.305(a).

VII. Terms and Conditions for the Exemption

FMCSA grants Daimler and Christophe Veber an exemption from the CDL requirement in 49 CFR 383.23 to allow Mr. Veber to drive CMVs in this country without a U.S. State-issued CDL, subject to the following terms and conditions: (1) The driver and carrier must comply with all other applicable provisions of the FMCSRs (49 CFR parts 350–399); (2) the driver must be in possession of the exemption document and a valid German commercial license; (3) the driver must be employed by and operate the CMV within the scope of his duties for Daimler; (4) at all times while

operating a CMV under this exemption, the driver must be accompanied by a holder of a U.S. CDL who is familiar with the routes traveled; (5) Daimler must notify FMCSA in writing within 5 business days of any accident, as defined in 49 CFR 390.5, involving this driver; and (6) Daimler must notify FMCSA in writing if this driver is convicted of a disqualifying offense under § 383.51 or § 391.15 of the FMCSRs.

In accordance with 49 U.S.C. 31315 and 31136(e), the exemption will be valid for 5 years unless revoked earlier by the FMCSA. The exemption will be revoked if: (1) Mr. Veber fails to comply with the terms and conditions of the exemption; (2) the exemption results in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would be inconsistent with the goals and objectives of 49 U.S.C. 31315 and 31136.

VIII. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate or intrastate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

Issued on: August 30, 2018.

Raymond P. Martinez,

Administrator.

[FR Doc. 2018–19636 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0332; FMCSA–2014–0385]

Qualification of Drivers; Exemption Applications; Hearing

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 2 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before October 10, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2012–0332; FMCSA–2014–0385 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

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

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to driver a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

The 2 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will

take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the 2 applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 2 drivers in this notice remain in good standing with the Agency. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of 08/13/2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Keith Byrd (TN) has satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers.

This driver was included in docket number FMCSA–2014–0385. The exemption is applicable as of 08/13/2018, and will expire on 08/13/2020.

As of 08/23/2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Byron Smith (TX) has satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers.

This driver was included in docket number FMCSA–2012–0332. The exemption is applicable as of 08/23/2018, and will expire on 08/23/2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; and (2) report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA; and (3) each driver prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 2 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in 49 CFR 391.41 (b)(11). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: August 30, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–19563 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0135]

Qualification of Drivers; Exemption Applications; Hearing

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

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 30 individuals for an exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before October 10, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0135 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

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

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 30 individuals listed in this notice have requested an exemption from the hearing requirement in 49 CFR 391.41(b)(11). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

On February 1, 2013, FMCSA announced in a Notice of Final Disposition titled, Qualification of Drivers; Application for Exemptions; National Association of the Deaf, (78 FR 7479), its decision to grant requests from 30 individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers. Since the February 1, 2013 notice, the Agency has published additional notices granting requests from hard of hearing and deaf individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers.

II. Qualifications of Applicants

David Alagna

Mr. Alagna, age 50, holds an operator's license in Illinois.

Matthew H. Albrecht

Mr. Albrecht, age 51, holds an operator's license in Pennsylvania.

Raymond Amundson

Mr. Amundson, age 66, holds a class A CDL in Oklahoma.

Michael Arwood

Mr. Arwood, age 41, holds an operator's license in Tennessee.

Jonathan D. Ball

Mr. Ball, age 51, holds a class A CDL in Pennsylvania.

Gerald Bennett

Mr. Bennett, age 39, holds an operator's license in New Hampshire.

Dominick Booker

Mr. Booker, age 25, holds an operator's license in Pennsylvania.

Michael Boarman

Mr. Boarman, age 34, holds an operator's license in Colorado.

Russell Brannan

Mr. Brannan, age 62, holds a class A CDL in Georgia.

Gerald Buoniconti

Mr. Buoniconti, age 54, holds a class A CDL in Massachusetts.

Like C. Bundrum

Mr. Bundrum, age 21, holds an operator's license in Georgia.

Steven D. Chambers

Mr. Chambers, age 65, holds a class A CDL in Oklahoma.

Michael Dohanish

Mr. Dohanish, age 41, holds an operator's license in Ohio.

Ralph K. Domel

Mr. Domel, age 70, holds a class A CDL in Texas.

Jacquelyn Hetherington

Ms. Hetherington, age 52, holds an operator's license in Oklahoma.

Julian Koch

Mr. Koch, age 31, holds an operator's license in Texas.

Jeremy Lampart

Mr. Lampard, age 41, holds an operator's license in South Carolina.

Jay Larson

Mr. Larson, age 45, holds an operator's license in Texas.

Thomas E. McLaughlin

Mr. McLaughlin, age 56, holds an operator's license in New York.

Dustin R. Miller

Mr. Miller, age 39, holds a class A CDL in Michigan.

Eric D. Peer

Mr. Peer, age 49, holds an operator's license in Deleware.

Jose B. Ramirez

Mr. Ramirez, age 32, holds an operator's license in Illinois.

Donald Reamsayder

Mr. Reamsayder, age 56, holds an operator's license in Florida.

Kenneth W. Reimer

Mr. Reimer, age 78, holds a class A CDL in Wisconsin.

Troy Rolland

Mr. Rolland, age 58, holds an operator's license in Texas.

Thomas D. Sneer

Mr. Sneer, age 61, holds a class A CDL in Minnesota.

Carlos Talamantes

Mr. Talamantes, age 43, holds an operator's license in Texas.

Kenneth Weaver

Mr. Weaver, age 52, holds an operator's license in Texas.

Paul Whetstone

Mr. Whetstone, age 41, holds an operator's license in Arizona.

Jason Wynne

Mr. Wynne, age 46, holds an operator's license in Texas.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0060 and click the search

button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0060 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: August 30, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–19564 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–6480; FMCSA–2000–7363; FMCSA–2001–10578; FMCSA–2003–15892; FMCSA–2003–16564; FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2006–24015; FMCSA–2007–0071; FMCSA–2007–26653; FMCSA–2007–27897; FMCSA–2007–28695; FMCSA–2008–0021; FMCSA–2009–0303; FMCSA–2009–0321; FMCSA–2010–0050; FMCSA–2011–0324; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2011–0378; FMCSA–2011–0379; FMCSA–2011–0380; FMCSA–2012–0040; FMCSA–2012–0104; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0165; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0347; FMCSA–2015–0348; FMCSA–2015–0350; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0025; FMCSA–2016–0027]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 95 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

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

II. Background

On June 18, 2018, FMCSA published a notice announcing its decision to renew exemptions for 95 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (83 FR 28332). The public comment period ended on July 18, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 95 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in 49 CFR 391.41 (b)(10):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of June and are discussed below:

As of June 2, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 72 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (66 FR 53826; 66 FR 66966; 68 FR 61860; 68 FR 69434; 68 FR 74699; 68 FR 75715; 69 FR 10503; 71 FR 6829; 70 FR 74102; 71 FR 14566; 71 FR 16410; 71 FR 30227; 72 FR 8417; 72 FR 36099; 72 FR 39879; 72 FR 46261; 72 FR 52419; 72 FR 54972; 72 FR 71998; 73 FR 8392; 73 FR 11989; 73 FR 15567; 73 FR 27014; 73 FR 27015; 74 FR 34394; 74 FR 60021; 74 FR 65846; 75 FR 1451; 75 FR 1835; 75 FR 8184; 75 FR 9482; 75 FR 13653; 75 FR 19674; 75 FR 27622; 76 FR 53708; 76 FR 70210; 76 FR 78729; 77 FR 3552; 77 FR 5874; 77 FR 7233; 77 FR 7657; 77 FR 10606; 77 FR 13691; 77 FR 15184; 77 FR 17107; 77 FR 17115; 77 FR 17117; 77 FR 19749; 77 FR 22059; 77 FR 22061; 77 FR 22838; 77 FR 23797; 77 FR 26816; 77 FR 27850; 78 FR 34143; 78 FR 41975; 78 FR 47818; 78 FR 52602; 78 FR 56986; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 66099; 78 FR 67454; 78 FR 67462; 78 FR 76705; 78 FR 77780; 79 FR 1908; 79 FR 2748; 79 FR 4803; 79 FR 10606; 79 FR 10607; 79 FR 10608; 79 FR 10609; 79 FR 10611; 79 FR 12565; 79 FR 13085; 79 FR 14328; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 15794; 79 FR 17641; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 22000; 79 FR 22003; 79 FR 23797; 79 FR 28588; 79 FR 29498; 80 FR 59225; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 80443; 81 FR 1474; 81 FR 6573; 81 FR 11642; 81 FR 14190; 81 FR 15404; 81 FR 16265; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 21647; 81 FR 21655; 81 FR 26305; 81 FR 28136; 81 FR 39100; 81 FR 48493; 81 FR 52516; 81 FR 60117; 81 FR 66718; 81 FR 66724; 81 FR 66731; 81 FR 91239):

Stanley W. Ahne (OK)
John M. Alfano (MI)
Felix Barajas Ramirez (IL)
Alphonso A. Barco (SC)
Daniel C. Berry (AR)
Ronald D. Boeve (MI)
David A. Brannon (FL)
Paul T. Browning (MT)
Samuel S. Byler (PA)
Darrell Canupp (MI)
Laurence R. Casey (MA)
Valentin S. Chernyy (NE)
William Chisley (MD)
Cody W. Christian (OK)
Lorimer Christianson (IA)
Darrin G. Davis (WI)
Craig L. Dawson (OH)
Eric DeFrancesco (PA)
Eric C. Dettrey (NJ)
David Diamond (IL)
Ryan C. Dugan (NY)
Shorty M. Ellis (NC)
Robin S. England (GA)
Richard R. Filion (VT)
Roger L. Frazier (NC)
Juan Gallo-Gomez (CT)
Gregory T. Garris (OK)
Andeberhan O. Gidey (WA)
Jerry L. Gray (AL)
James R. Hammond (OH)
Daniel W. Henderson (TN)
Michael T. Huso (MN)
Andy R. Junod (TX)
Chet A. Keen (UT)
Roger W. Kerns (IA)
James M. Knef (NJ)
David Knobloch (MI)
Dennis J. Lessard (IN)
Christopher B. Liston (TN)
Larry P. Magrath (MN)
Jason E. Mallette (MS)
Stanley B. Marshall (GA)
Roberto C. Mendez (TX)
Jack D. Miller (OH)
Eugene C. Murphy (FL)
Donald A. Orloski (PA)
James C. Paschal, Jr. (GA)
Juan C. Ramirez (OH)
John L. Ratayczak (WI)
Michael L. Robinson (MO)
Danny L. Rolfe (ME)
Ricky D. Rostad (MN)
John Rueckert (SD)
Mark A. Sanders (OK)
Daniel W. Schafer (PA)
Joseph W. Schmit (NE)
Dale L. Schneider (IA)
Lawrence W. Sellers (AL)
Larry W. Slinker (VA)
William T. Smiley (MD)
Richard M. Smith (CO)
Richard H. Solum (MN)
Scott R. Sorensen (CA)
James A. Spell (MD)
Harry J. Stoever, Jr. (NJ)
Peter A. Troyan (MI)
James L. Urbach (PA)
Willard H. Weerts (IL)
Charles W. Williamson (OK)
Wesley A. Willis (NJ)
Donald E. Wojtaszek (PA)
Marvin S. Zimmerman (PA)

The drivers were included in docket numbers FMCSA–2001–10578; FMCSA–2003–15892; FMCSA–2003–16564; FMCSA–2006–24015; FMCSA–2007–26653; FMCSA–2007–27897; FMCSA–2007–28695; FMCSA–2008–0021; FMCSA–2009–0321; FMCSA–2011–0324; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2011–0378; FMCSA–2011–0379; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0165; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0347; FMCSA–2015–0348; FMCSA–2015–0350; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0025; FMCSA–2016–0027. Their exemptions are applicable as of June 2, 2018, and will expire on June 2, 2020.

As of June 3, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 19 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 68195; 65 FR 20251; 65 FR 45817; 65 FR 77066; 67 FR 38311; 68 FR 1654; 69 FR 17263; 69 FR 26921; 69 FR 31447; 70 FR 7545; 71 FR 13450; 71 FR 27033; 71 FR 4194; 73 FR 11989; 73 FR 16950; 73 FR 28186; 73 FR 6242; 73 FR 9158; 74 FR 60022; 75 FR 4623; 75 FR 9477; 75 FR 9484; 75 FR 14656; 75 FR 27623; 75 FR 28682; 77 FR 10606; 77 FR 13689; 77 FR 15184; 77 FR 17107; 77 FR 17109; 77 FR 27845; 77 FR 27849; 77 FR 27850; 77 FR 29447; 79 FR 14328; 79 FR 14331; 79 FR 14571; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 27043; 79 FR 28588; 79 FR 29498; 81 FR 28138):

Rodney R. Anderson (PA)
Ernie E. Black (NC)
Gary O. Brady (WV)
Marland L. Brassfield (TX)
Michael B. Canedy (MN)
Melvin D. Clark (GA)
Rojelio Garcia-Pena (MI)
Grant G. Gibson (MN)
Stephen H. Goldcamp (OH)
Wai F. King (IL)
Eric W. Kopmann (MO)
Dennis E. Krone (IL)
George E. Lewis (OH)
Travis J. Luce (MI)
Richard J. McKenzie, Jr. (MD)
Christopher J. Meerten (OR)
Jason T. Montoya (NM)
George S. Rayson (OH)
Carl D. Short (MO)

The drivers were included in docket numbers FMCSA–1999–6480; FMCSA–2000–7363; FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2007–0071; FMCSA–2009–0303; FMCSA–2010–0050; FMCSA–2011–0379; FMCSA–2011–0380; FMCSA–2014–0003; FMCSA–2014–0004. Their exemptions are applicable as of June 3, 2018, and will expire on June 3, 2020.

As of June 6, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an

exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 23799; 77 FR 33558; 79 FR 27365; 81 FR 28138):

Richard Doroba, (IL); and Tommy Thomas, (CA).

The drivers were included in docket number FMCSA–2012–0040. Their exemptions are applicable as of June 6, 2018, and will expire on June 6, 2020.

As of June 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 27847; 77 FR 38386; 79 FR 29495; 81 FR 28138):

Matthew G. Epps, (FL); and James E. Sikkink, (IL).

The drivers were included in docket number FMCSA–2012–0104. Their exemptions are applicable as of June 27, 2018, and will expire on June 27, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: August 30, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–19576 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0012]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 12 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on July 19, 2018. The exemptions expire on July 19, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

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

II. Background

On June 18, 2018, FMCSA published a notice announcing receipt of applications from 12 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (83 FR 28320). The public comment period ended on July 18, 2018, and two comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received two comments in this proceeding. Lora Swindall submitted a comment of encouragement for the drivers listed in this notice. Christopher Craine submitted a comment asking for assistance applying for a medical exemption. This is outside the scope of the current announcement. Information regarding all medical exemptions, including application packages, is available on the FMCSA website at *https://www.fmcsa.dot.gov/medical/driver-medical-requirements/driver-exemption-programs.*

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the June 18, 2018, **Federal Register** notice (83 FR 28320) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 12 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, aphakia, chorioretinal scar, complete loss of vision, enucleation, macular scar, and retinal scarring. In most cases, their eye conditions were not recently developed. Eight of the applicants were either born with their vision impairments or have had them since childhood. The four individuals that sustained their vision conditions as adults have had it for a

range of 6 to 39 years. Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 3 to 80 years. In the past three years, two drivers were involved in crashes, and no drivers were convicted of moving violations in CMVs. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 12 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Mark F. Besco (IA)
William T. Cummins (KY)
Aaron L. Fox (OH)
Ryan N. Goyne (AR)
Eric M. Kohrs (IL)
Michael P. Mazza (WA)
James L. Okonek (WI)
Jeffrey S. Rockhill (KS)
Travis D. Summerville (IL)
Lora D. Swindall (AL)
Francis J. Toth (PA)
Joseph A. Zaccaro (AL)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: August 30, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–19579 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0017]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Comments must be received on or before October 10, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0017 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want

acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

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

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 12 individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

In July 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (Qualification of Drivers; Vision Waivers, 57 FR 31458, July 16, 1992). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

II. Qualifications of Applicants

John A. Edison

Mr. Edison, 66, has had a macular scar in his left eye since 2001. The visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2018, his optometrist stated, ''With both eyes working together, Mr. Edison has sufficient vision to operate and drive a commercial vehicle.'' Mr. Edison reported that he has driven straight trucks for 50 years, accumulating 600,000 miles, and tractor-trailer combinations for 20 years, accumulating 1.92 million miles. He holds a Class A CDL from Georgia. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Rodney P. Hains

Mr. Hains, 58, has had a retinal detachment in his left eye since 2003. The visual acuity in his right eye is 20/15, and in his left eye, no light perception. Following an examination in 2018, his optometrist stated, ''Based on that history and experience it would appear to me that he has sufficient visual capability to safely operate a commercial vehicle.'' Mr. Hains reported that he has driven straight trucks for five years, accumulating 5,000 miles, and tractor-trailer combinations for 20 years, accumulating 1.4 million miles. He holds a Class A CDL from North Dakota. His driving record for the last three years shows no crashes and no

convictions for moving violations in a CMV.

Darryl D. Kelley

Mr. Kelley, 46, has had a macular hole in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/25. Following an examination in 2018, his optometrist stated, ''My medical opinion is that he has sufficient vision to perform all driving tasks for a commercial vehicle.'' Mr. Kelley reported that he has driven buses for 23 years, accumulating 1.42 million miles. He holds a Class B CDL from Texas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Thomas J. Knapp

Mr. Knapp, 58, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/15, and in his left eye, 20/150. Following an examination in 2018, his optometrist stated, ''It is my professional opinion that Mr *[sic]* Knapp has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Knapp reported that he has driven buses for three years, accumulating 60,000 miles. He holds a Class A CDL from Washington. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Darrell D. Kropf

Mr. Kropf, 43, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2018, his ophthalmologist stated, ''In my opinion the patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Kropf reported that he has driven tractor-trailer combinations for 21 years, accumulating 945,000 miles. He holds a Class A CDL from California. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Nathanael Lee

Mr. Lee, 22, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2018, his ophthalmologist stated, ''In my opinion he does have sufficient vision and is well adapted to his vision in order to operate a commercial vehicle for driving tasks.'' Mr. Lee reported that he has driven straight trucks for two years, accumulating 9,000 miles, and tractor-trailer combinations for three years, accumulating 75,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

John G. Mudd

Mr. Mudd, 53, had his left eye enucleated due to a traumatic incident in 2015. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2018, his optometrist stated, ''Mr. Mudd has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Mudd reported that he has driven straight trucks for five years, accumulating 50,000 miles, and tractor-trailer combinations for five years, accumulating 75,000 miles. He holds a Class DA CDL from Kentucky. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jeffrey Ridenhour

Mr. Ridenhour, 48, has a macular scar in his right eye due to a traumatic incident in 1998. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''In my medical opinion, Mr. Ridenhour has sufficient enough vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Ridenhour reported that he has driven tractor-trailer combinations for four years, accumulating 32,000 miles. He holds a Class A CDL from Arkansas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

John R. Russ II

Mr. Russ, 71, has a prosthetic left eye due to a traumatic incident in 2010. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2018, his ophthalmologist stated, ''In my opinion, his vision in the left eye is sufficient to perform the driving tasks required to operate a commercial vehicle.'' Mr. Russ reported that he has driven straight trucks for 45 years, accumulating 675,000 miles, and tractor-trailer combinations for 35 years, accumulating 350,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Gary A. Ulitsch

Mr. Ulitsch, 64, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/25, and in his left eye, 20/160. Following an examination in 2018, his optometrist stated, ''In my medical opinion, he has vision sufficient *[sic]* to operate a commercial vehicle.'' Mr. Ulitsch reported that he has driven straight trucks for 46 years, accumulating 460,000 miles. He holds an operator's license from Connecticut. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Casey O. Wootan

Mr. Wootan, 48, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/15, and in his left eye, 20/200. Following an examination in 2018, his optometrist stated, ''In my medical opinion, Casey Wootan has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Wootan reported that he has driven straight trucks for 20 years, accumulating 100,000 miles, and tractor-trailer combinations for 15 years, accumulating 600,000 miles. He holds a Class A CDL from Montana. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

James C. Wright

Mr. Wright, 42, has a retinal scar in his right eye due to a traumatic incident in 2008. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''Mr. Wright's condition is stable and I feel he should be able to operate a commercial vehicle safely without correction.'' Mr. Wright reported that he has driven straight trucks for ten years, accumulating 50,000 miles. He holds a Class B CDL from Minnesota. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing

address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0017 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0017 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: August 30, 2018

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–19581 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0328]

Qualification of Drivers; Exemption Applications; Hearing

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 3 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on May 18, 2018. The exemptions expire on May 18, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

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

II. Background

On June 18, 2018, FMCSA published a notice announcing its decision to renew exemptions for 3 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (83 FR 28319). The public comment period ended on July 18, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to driver a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received no comments in this preceding.

Conclusion

Based upon its evaluation of the 3 renewal exemption applications, FMCSA announces its' decision to exempt the following drivers from the hearing requirement in 49 CFR 391.41 (b)(11):

As of May 18, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 3 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (83 FR 28319).

Tom Buretz, (FL); James Dalrymple, (AZ); and Derron Washington, (IL).

The drivers were included in docket number FMCSA–2015–0328. Their exemptions are applicable as of May 18, 2018, and will expire on May18, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: August 30, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–19575 Filed 9–7–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On July 5, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. DIAZ, Francisco (a.k.a. DIAZ MADRIZ, Francisco Javier), Residencial Lomas del Valle, Casa U5, Managua, Nicaragua; DOB 03 Aug 1961; POB Chinandega, Nicaragua; nationality Nicaragua; Gender Male; National ID No. 0810308610000L (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(C)(1) of Executive Order 13818 of December 20, 2017, ''Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption'' (E.O. 13818) and 31 CFR part 583, the Global Magnitsky Sanctions Regulations, (the GMSR) for being or having been a leader or official of the Nicaraguan National Police, an entity that has engaged in, or whose members have engaged in, serious human rights abuse relating to the leader's or official's tenure.

2. MORENO, Fidel (a.k.a. MORENO BRIONES, Fidel Antonio), Managua, Nicaragua; DOB 26 Feb 1974; POB Nicaragua; nationality Nicaragua; Gender Male (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(A) of E.O. 13818 and the GMSR for being responsible for or complicit in, or having directly or indirectly engaged in, serious human rights abuse.

Also designated pursuant to section 1(a)(ii)(C)(1) of E.O. 13818 and the GMSR for being or having been a leader or official of the Sandinista Youth, an entity that has engaged in, or whose members have engaged in, serious human rights abuse relating to the leader's or official's tenure.

3. LOPEZ, Jose Francisco (a.k.a. LOPEZ CENTENO, Jose Francisco; a.k.a. ''Chico''); DOB 17 Sep 1950; nationality Nicaragua; Gender Male; Passport C0915261 (Nicaragua) (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(B)(1) of E.O. 13818 for being a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in, corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery.

Dated: September 5, 2018.

Andrea Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2018–19590 Filed 9–7–18; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel. 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On August 17, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals/Entities

1. KHIN HLAING, Burma; DOB 02 May 1968; Gender Male (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(C)(1) of Executive Order 13818 of December 20, 2017, ''Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption'' (E.O. 13818) for being or having been a leader or official of Burma's 99th Light Infantry Division, an entity that has engaged in, or whose members have engaged in, serious human rights abuse relating to the leader's or official's tenure.

2. AUNG KYAW ZAW (a.k.a. AUNG KYAW ZAWW), Burma; DOB 20 Aug 1961; Gender Male; Passport DM–000826 issued 22 Nov 2011 (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(C)(1) of E.O. 13818 for being or having been a leader or official of Burma's Bureau of Special Operations 3, an entity that has engaged in, or whose members have engaged in, serious human rights abuse relating to the leader's or official's tenure.

3. THURA SAN LWIN, Burma; DOB 17 Mar 1959; POB Yangon, Burma; Gender Male (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(C)(1) of E.O. 13818 for being or having been a leader or official of Burma's Border Guard Police, an entity that has engaged in, or whose members have engaged in, serious human rights abuse relating to the leader's or official's tenure.

Also designated pursuant to section 1(a)(ii)(A) of E.O. 13818 for being responsible for or complicit in, or having directly or indirectly engaged in, serious human rights abuse.

4. KHIN MAUNG SOE, Burma; DOB 1972; Gender Male (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(C)(1) of E.O. 13818 for being or having been a leader or official of Burma's Military Operations Command 15, an entity that has engaged in, or whose members have engaged in, serious human rights abuse relating to the leader's or official's tenure.

5. 33RD LIGHT INFANTRY DIVISION OF THE BURMESE ARMY, Sagaing, Burma [GLOMAG].

Designated pursuant to section 1(a)(ii)(A) of E.O. 13818 for being responsible for or complicit in, or having directly or indirectly engaged in, serious human rights abuse.

6. 99TH LIGHT INFANTRY DIVISION OF THE BURMESE ARMY, Meiktila, Burma [GLOMAG].

Designated pursuant to section 1(a)(ii)(A) of E.O. 13818 for being responsible for or complicit in, or having directly or indirectly engaged in, serious human rights abuse.

Dated: August 17, 2018.

Andrea Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2018–19469 Filed 9–7–18; 8:45 am]

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Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 32

2018–2019 Refuge-Specific Hunting and Sport Fishing Regulations; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

[Docket No. FWS–HQ–NWRS–2018–0020; FXRS12610900000–189–FF09R20000]

RIN 1018–BC07

2018–2019 Refuge-Specific Hunting and Sport Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, open 3 National Wildlife Refuges (NWRs, or refuges) to hunting, open 1 NWR to sport fishing, increase the hunting activities available at 26 NWRs, increase sport fishing activities at 4 NWRs, and add pertinent refuge-specific regulations for other NWRs that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2018–2019 season. Through these openings and expansions, we open or expand an additional 251,000 acres to hunting and sport fishing within the Refuge System resulting in an estimated increase of 17,575 user days yielding approximately $711,000 in recreation-related expenditures. By having ripple effects throughout the economy, these direct expenditures yield a total economic impact of approximately $1.6 million.

DATES: This rule is effective September 10, 2018.

FOR FURTHER INFORMATION CONTACT: Katherine Harrigan, (703) 358–2440.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966 closes NWRs in all States except Alaska to all uses until opened. The Secretary of the Interior (Secretary) may open refuge areas to any use, including hunting and/or sport fishing, upon a determination that the use is compatible with the purposes of the refuge and National Wildlife Refuge System mission. The action also must be in accordance with provisions of all laws applicable to the areas, developed in coordination with the appropriate State fish and wildlife agency(ies), consistent with the principles of sound fish and wildlife management and administration, and otherwise in the public interest. These requirements ensure that we maintain the biological integrity, diversity, and environmental health of the Refuge System for the benefit of present and future generations of Americans.

We annually review refuge hunting and sport fishing programs to determine whether to include additional refuges or whether individual refuge regulations governing existing programs need modifications. Changing environmental conditions, State and Federal regulations, and other factors affecting fish and wildlife populations and habitat may warrant modifications to refuge-specific regulations to ensure the continued compatibility of hunting and sport fishing programs and to ensure that these programs will not materially interfere with or detract from the fulfillment of refuge purposes or the Refuge System's mission.

Provisions governing hunting and sport fishing on refuges are in title 50 of the Code of Federal Regulations in part 32 (50 CFR part 32). We regulate hunting and sport fishing on refuges to:

- Ensure compatibility with refuge purpose(s);
- Properly manage fish and wildlife resource(s);
- Protect other refuge values;
- Ensure refuge visitor safety; and
- Provide opportunities for quality fish- and wildlife-dependent recreation.

On many refuges where we decide to allow hunting and sport fishing, our general policy of adopting regulations identical to State hunting and sport fishing regulations is adequate in meeting these objectives. On other refuges, we must supplement State regulations with more-restrictive Federal regulations to ensure that we meet our management responsibilities, as outlined in the Statutory Authority section, below. We issue refuge-specific hunting and sport fishing regulations when we open wildlife refuges to migratory game bird hunting, upland game hunting, big game hunting, or sport fishing. These regulations may list the wildlife species that you may hunt or fish, seasons, bag or creel (container for carrying fish) limits, methods of hunting or sport fishing, descriptions of areas open to hunting or sport fishing, and other provisions as appropriate.

Statutory Authority

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee, as amended by the National Wildlife Refuge System Improvement Act of 1997 [Improvement Act]) (Administration Act), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) (Recreation Act) govern the administration and public use of refuges.

Amendments enacted by the Improvement Act built upon the Administration Act in a manner that provides an ''organic act'' for the Refuge System, similar to organic acts that exist for other public Federal lands. The Improvement Act serves to ensure that we effectively manage the Refuge System as a national network of lands, waters, and interests for the protection and conservation of our Nation's wildlife resources. The Administration Act states first and foremost that we focus our Refuge System mission on conservation of fish, wildlife, and plant resources and their habitats. The Improvement Act requires the Secretary, before allowing a new use of a refuge, or before expanding, renewing, or extending an existing use of a refuge, to determine that the use is compatible with the purpose for which the refuge was established and the mission of the Refuge System. The Improvement Act established as the policy of the United States that wildlife-dependent recreation, when compatible, is a legitimate and appropriate public use of the Refuge System, through which the American public can develop an appreciation for fish and wildlife. The Improvement Act established six wildlife-dependent recreational uses as the priority general public uses of the Refuge System. These uses are: Hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

The Recreation Act authorizes the Secretary to administer areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that doing so is practicable and not inconsistent with the primary purpose(s) for which Congress and the Service established the areas. The Recreation Act requires that any recreational use of refuge lands be compatible with the primary purpose(s) for which we established the refuge and not inconsistent with other previously authorized operations.

The Administration Act and Recreation Act also authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate uses.

We develop specific management plans for each refuge prior to opening it to hunting or sport fishing. In many cases, we develop refuge-specific regulations to ensure the compatibility of the programs with the purpose(s) for which we established the refuge and the Refuge System mission. We ensure initial compliance with the Administration Act and the Recreation Act for hunting and sport fishing on newly acquired refuges through an interim determination of compatibility made at or near the time of acquisition. These regulations ensure that we make the determinations required by these

acts prior to adding refuges to the lists of areas open to hunting and sport fishing in 50 CFR part 32. We ensure continued compliance by the development of comprehensive conservation plans and step-down management plans, and by annual review of hunting and sport fishing programs and regulations.

Summary of Comments and Responses

On May 29, 2018, we published a proposed rule in the **Federal Register** (83 FR 24598) to open 3 refuges to hunting, increase the hunting activities available at 26 refuges, open 1 refuge to sport fishing, increase the fishing activities at 4 refuges, and add pertinent refuge-specific regulations for other refuges that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2018–2019 season. We accepted public comments on the proposed rule for 30 days, ending June 28, 2018. By that date, we received 504 comments. Of those, eight comments concerned hunting on National Park Service land in Alaska, pollution in China, and management actions on refuges, which are not the subject of our proposed rule. Therefore, we do not consider them below. We discuss the other 496 comments we received below by topic.

Comment (1): Many commenters expressed general opposition to any hunting or fishing in the National Wildlife Refuge System (NWRS, or Refuge System). In many cases, commenters stated that hunting was antithetical to the purposes of a ''refuge,'' which, in their opinion, should serve as an inviolate sanctuary for all wildlife. One of these comments specifically opposed hunting at Trempealeau NWR in Wisconsin, and three commenters opposed hunting at Panther Swamp NWR in Mississippi.

Our Response: The Administration Act, as amended, stipulates that hunting (along with fishing, wildlife observation and photography, and environmental education and interpretation), if found to be compatible, is a legitimate and priority general public use of a refuge and should be facilitated. The Service has adopted policies and regulations implementing the requirements of the Administration Act that refuge managers comply with when considering hunting and fishing programs.

We allow hunting of resident wildlife on NWRs only if such activity has been determined compatible with the established purpose(s) of the refuge and the mission of the Refuge System as required by the Administration Act. Hunting of resident wildlife on NWRs generally occurs consistent with State regulations, including seasons and bag limits. Refuge-specific hunting regulations can be more restrictive (but not more liberal) than State regulations and often are more restrictive in order to help meet specific refuge objectives. These objectives include resident wildlife population and habitat objectives, minimizing disturbance impacts to wildlife, maintaining high-quality opportunities for hunting and other wildlife-dependent recreation, eliminating or minimizing conflicts with other public uses and/or refuge management activities, and protecting public safety.

Each refuge manager makes a decision regarding hunting on that particular refuge only after rigorous examination of the available information. Developing or referencing a comprehensive conservation plan (CCP), a 15-year plan for the refuge, is generally the first step a refuge manager takes. Our policy for managing units of the NWRS is that we will manage all refuges in accordance with an approved CCP, which, when implemented, will achieve refuge purposes; help fulfill the Refuge System mission; maintain and, where appropriate, restore the ecological integrity of each refuge and the Refuge System; help achieve the goals of the National Wilderness Preservation System; and meet other mandates. The CCP will guide management decisions and set forth goals, objectives, and strategies to accomplish these ends. The next step for refuge managers is developing or referencing step-down plans, of which a hunting plan would be one. Part of the process for opening a refuge to hunting after completing the step-down plan would be appropriate compliance with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), such as conducting an environmental assessment accompanied by the appropriate decision documentation (record of decision, finding of no significant impact, or environmental action memorandum or statement). The rest of the elements in the opening package are an evaluation of section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), copies of letters requesting State and/or tribal involvement, and draft refuge-specific regulatory language. We make available the CCP, hunt plan, and NEPA documents, and request public comments on them, as well as on any proposed rule, before we allow hunting on a refuge.

In sum, this illustrates that the decision to allow hunting on an NWR is not a quick or simple process. It is full of deliberation and discussion, including review of all available data to determine the relative health of a population before we allow it to be hunted.

The word ''refuge'' includes the idea of providing a haven of safety for wildlife, and as such, hunting might seem an inconsistent use of the NWRS. However, again, the Administration Act stipulates that hunting, if found compatible, is a legitimate and priority general public use of a refuge. Furthermore, we manage refuges to support healthy wildlife populations that in many cases produce harvestable surpluses that are a renewable resource. As practiced on refuges, hunting and fishing do not pose a threat to wildlife populations. It is important to note that taking certain individuals through hunting does not necessarily reduce a population overall, as hunting can simply replace other types of mortality. In some cases, however, we use hunting as a management tool with the explicit goal of reducing a population; this is often the case with exotic and/or invasive species that threaten ecosystem stability. Therefore, facilitating hunting opportunities is an important aspect of the Service's roles and responsibilities as outlined in the legislation establishing the NWRS, and the Service will continue to facilitate these opportunities where compatible with the purpose of the specific refuge and the mission of the NWRS.

Note that not all refuges are inviolate sanctuaries. If we acquired a refuge as an inviolate sanctuary, we may open up to 40 percent of that refuge's area for hunting of migratory game birds (16 U.S.C. 668dd(d)(1)(A)). However, if we acquired a refuge without the stipulation that it be an inviolate sanctuary, we may open 100 percent of the refuge's area for hunting.

The Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l) amended section 6 of the Administration Act to provide for the opening of all or any portion of an inviolate sanctuary to the taking of migratory birds if taking is determined to be beneficial to the species. Such opening of more than 40 percent of the refuge to hunting is determined by species. This amendment refers to inviolate sanctuaries created in the past or to be created in the future. It has no application to areas acquired for other management purposes.

We did not make any changes to the rule as a result of these comments.

Comment (2): We received a substantial number of comments expressing general support for the proposed changes in the rule. Of the 504 comments on the rule, 289 were in

general support of the proposed changes.

Our Response: In passing the Improvement Act, Congress reaffirmed that the Refuge System was created to conserve fish, wildlife, plants, and their habitats, and would facilitate opportunities for Americans to participate in compatible wildlife-dependent recreation, including hunting and fishing on Refuge System lands.

We did not make any changes to the rule as a result of these comments.

Comment (3): We received 76 comments requesting that the Service allow falconry as a use across the NWRS. These comments emphasized the cultural heritage and tradition of the sport of falconry, and requested that falconry be approved as a default use on all refuges. These comments were concerned with the ambiguity with which falconry is addressed in refuge-specific regulations, where some refuges allow falconry, some refuges prohibit falconry, and some refuges do not address falconry in their refuge-specific regulations. Overall, these comments expressed interest in increasing opportunities for falconry on refuges.

Our Response: As stated in our response to *Comment (1),* we allow hunting of resident wildlife on NWRs only if such activity has been determined compatible with the established purpose(s) of the refuge and the mission of the Refuge System as required by the Administration Act. Service policy, as outlined in our Service manual at 605 FW 2.7M (Special Hunts), stipulates, ''We will address special types of hunts, such as falconry, in the hunt section of the visitor service plan (VSP).'' In other words, each refuge manager, when developing their step-down VSP (which would include a hunt plan, if appropriate) from their CCP, must first determine if hunting is compatible. Assuming it is found to be compatible, the refuge manager would next determine the conduct of the hunt, which might include the use of falconry. A refuge manager has discretion to restrict hunting and types of hunting, specifically falconry, if, for example, endangered or threatened species are present, the cumulative impacts of a type of hunt have not been analyzed or are not available, or if a type of special hunt is not compatible with the refuge; thus, this issue is decided individually on a refuge-by-refuge basis.

We did not make any changes to the rule as a result of these comments.

Comment (4): We received one comment requesting the Service reconsider their proposed opening of black bear archery hunting on Swan River NWR in Montana. The commenter expressed concerns that the hunting of black bears could have an impact on threatened grizzly bears.

Our Response: Based on this public comment, the Service has removed black bear from the archery hunt on Swan River NWR in this final rule. We intend to conduct a more detailed review of this issue in the future.

Comment (5): We received a few comments requesting that the Service not open the Two Rivers unit of Ottawa NWR in Ohio to hunting based on the concerns of safety, trespassing, liability, and driveway maintenance issues. The commenters felt that hunters accessing the unit would utilize their private road to enter the hunting area, and that the general public would not obey ''no trespassing'' signs, and if public hunters were to hurt themselves on the private property, the landowners would be liable. The commenters expressed safety concerns that hunters would shoot from or across the road into their property in the pursuit of game, or drive recklessly on the road. Finally, the commenters expressed concerns over who would maintain the road accessing the unit, especially during the winter months, as the road historically has not been maintained regularly by the current landowners.

Our Response: Vehicle access to the Two Rivers unit of Ottawa NWR is by use of a right-of-way lane through private property at the end of a public road. Boat access to the unit is by use of a boat ramp on Ohio Department of Natural Resources property downriver of the unit. The refuge has a recorded access easement beyond the public road to access the Two Rivers unit.

The 318-acre parcel is not expected to receive high levels of visitation because it will remain mostly undeveloped. To address the maintenance concerns, Ottawa NWR will work with adjacent landowners to develop a plan to maintain the right-of-way so that it is safe for refuge visitors and the private landowners.

Safety during the hunting season is of paramount importance. All hunters, whether on public or private land, are responsible to know their target and to safely discharge their weapons in the pursuit of game. There are numerous regulations to promote hunter safety, from restrictions on hunting equipment and methods, to blaze orange requirements. Most hunters in Ohio are required to complete a hunter education course. Hunter education requirements have been adopted by most States, including Ohio, to improve hunter safety. Ottawa NWR has conducted safe and successful hunt programs since 1961 with no accidental shootings.

With regards to trespassing, all hunters in the State of Ohio are responsible for knowing where they are on the land. Public lands are traditionally surrounded by private land holdings, and public land managers effectively administer safe and successful public hunting programs. The Two Rivers unit is no exception. To help hunters on the Two Rivers unit, Ottawa NWR will construct an informational kiosk for the parking lot that will include a unit map and rules and regulations for public access. The refuge will also develop a hunting brochure and map that will be available both on-site and online. Federal wildlife officers and State conservation officers will patrol public hunting area to enforce game laws and address trespass issues.

All refuge units display standard U.S. Fish and Wildlife Service boundary signs along their boundaries. To address the trespassing concerns, additional private property signs will be installed on the back of the refuge boundary signs along the Two Rivers unit's western boundary (eastern boundary of adjacent private property).

We did not make any changes to the rule as a result of these comments.

Comment (6): Bear River Migratory Bird Refuge received a public comment expressing concern that allowing hunters to shoot in the units south of the D-line levee without a sufficient buffer between the levee and the closed units north of the levee would cause the birds to be disturbed in the closed units.

Our Response: The Service agrees with this comment and has revised the regulations in the final rule to include a 100-yard (90-m) no hunting buffer around the D-line levee.

Changes From the Proposed Rule

As discussed above, under Summary of Comments and Responses, based on comments we received on the proposed rule and environmental assessments for individual refuges, we made changes in this final rule to what we proposed for Bear River Migratory Bird Refuge (in Utah) and for Swan River NWR (in Montana). Specifically, for Bear River Migratory Bird Refuge, we are retaining the current shotgun shell limit for hunting on or within 50 feet (15 meters) from the center of Unit 1A or the 2C dike, and we are adding the D line levee to the list of refuge areas with a 100-yard (90-m) hunting or shooting restriction. Bear River Migratory Bird Refuge also chose a different alternative in their environmental assessment from the proposed rule, which was posted on the refuge's website for public comment on June 8, 2018, leading to

approximately 3,000 additional acres for waterfowl hunting, which brings the total acres opened or expanded by this rule to 251,000. For Swan River NWR, we removed black bear from the list of species for the archery big game hunt in order to conduct further analysis on the impacts of hunting this species on the refuge.

Regarding Table 2 under the Regulatory Flexibility Act section, we were notified of an error for William L. Finley NWR in the proposed rule that listed an additional 365 days for hunting, which should have been an additional 365 days for fishing. This error has been corrected in this final rule and does not change the number of user days from the proposed rule. This change was deemed minor and not controversial.

Effective Date

We are making this rule effective upon publication in the **Federal Register** (see **DATES**, above). We provided a 30-day public comment period for the May 29, 2018, proposed rule (83 FR 24598). We have determined that any further delay in implementing these refuge-specific hunting and sport fishing regulations would not be in the public interest, in that a delay would hinder the effective planning and administration of refuges' hunting and fishing programs. This rule does not impact the public generally in terms of requiring lead time for compliance. Rather, it relieves restrictions in that it allows activities on refuges that we would otherwise prohibit. Therefore, we find good cause under 5 U.S.C. 553(d)(3) to make this rule effective upon publication.

Amendments to Existing Regulations

This document codifies in the Code of Federal Regulations all of the Service's hunting and/or sport fishing regulations that we are updating since the last time we published a rule amending these regulations (82 FR 51940; November 8, 2017) and that are applicable at Refuge System units previously opened to hunting and/or sport fishing. We are taking this action to better inform the general public of the regulations at each refuge, to increase understanding and compliance with these regulations, and to make enforcement of these regulations more efficient. In addition to now finding these regulations in 50 CFR part 32, visitors to our refuges may find them reiterated in literature distributed by each refuge or posted on signs.

TABLE 1—CHANGES FOR 2018–2019 HUNTING/FISHING SEASON

Refuge/region (*)	State	Migratory bird hunting	Upland game hunting	Big game hunting	Sport fishing
Bear River (6)	Utah	C	C	Closed	Already Open.
Blackwater (5)	Maryland	C	Closed	C	Already Open.
Cedar Point (3)	Ohio	Closed	Closed	B	Already Open.
Charles M. Russell (6)	Montana	Already Open	Already Open	C	Already Open.
Cherry Valley (5)	Pennsylvania	C	C	C	Closed.
Cold Springs (1)	Oregon	Already Open	Already Open	B	Already Open.
Cypress Creek (3)	Illinois	C	C	C	Already Open.
Edwin B. Forsythe (5)	New Jersey	C	B	C/D	Already Open.
Felsenthal (4)	Arkansas	C	C	C	Already Open.
Glacial Ridge (3)	Minnesota	C	C/D	C	Closed.
Great River (3)	Illinois and Missouri	C	C	C	C.
Hackmatack (3)	Illinois and Wisconsin	A	A	A	Closed.
J. Clark Salyer (6)	North Dakota	Already Open	Already Open	D	Already Open.
John Heinz (5)	Pennsylvania	Closed	Closed	B	Already Open.
Kankakee (3)	Illinois	Closed	Already Open	Already Open	Closed.
Lake Woodruff (4)	Florida	Closed	Closed	D	Already Open.
Lostwood (6)	North Dakota	Closed	Already Open	D	Closed.
Moosehorn (5)	Maine	C	C	C	Already Open.
Ottawa (3)	Ohio	C/D	B	C/D	Already Open.
Patoka River (3)	Indiana	C	C	C	C.
Patuxent (5)	Maryland	Already Open	Already Open	C	Already Open.
Rachel Carson (5)	Maine	Already Open	Already Open	C	Already Open.
San Pablo Bay (8)	California	C	Already Open	Closed	B.
Sevilleta (2)	New Mexico	C/D	B	Closed	Closed.
Shiawassee (3)	Michigan	C/D	B	C	Already Open.
Swan River (6)	Montana	Already Open	Closed	B	Already Open.
Trempealeau (3)	Wisconsin	C	B	C	Already Open.
Umbagog (5)	Maine and New Hampshire	Already Open	Already Open	C	Closed.
Upper Klamath (8)	Oregon	C	Closed	Closed	Already Open.
Wallkill (5)	New Jersey and New York	C	Already Open	Already Open	C.
William L. Finley (1)	Oregon	Closed	Closed	Already Open	C.

* Number in ( ) refers to the Region as defined in the preamble to this rule under Available Information for Specific Refuges.
Key:
A = New refuge opened.
B = New activity on a refuge previously open to other activities.
C = Refuge already open to activity, but added new lands/waters or modified areas open to hunting or fishing.
D = Refuge already open to activity but added new species to hunt.
E = Activity is being closed on the refuge.

The changes for the 2018–2019 hunting/fishing season noted in the chart above are each based on a complete administrative record which, among other detailed documentation, also includes a hunt plan, a compatibility determination, and the appropriate NEPA analysis, all of which were the subject of a public review and comment process. These documents are available upon request.

Fish Advisory

For health reasons, anglers should review and follow State-issued consumption advisories before enjoying recreational sport fishing opportunities on Service-managed waters. You can find information about current fish-consumption advisories on the internet at: *http://www.epa.gov/fish-tech.*

Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs

This final rule is not an Executive Order (E.O.) 13771 (82 FR 9339, February 3, 2017) regulatory action because this final rule is not significant under E.O. 12866.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rulemaking is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act [SBREFA] of 1996) (5 U.S.C. 601 *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for ''significant impact'' and a threshold for a ''substantial number of small entities.'' See 5 U.S.C. 605(b). SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

This final rule adds 4 NWRs to the list of refuges open to sport fishing and hunting and increases hunting or fishing activities on 26 additional NWRs. As a result, visitor use for wildlife-dependent recreation on these NWRs will change. If the refuges establishing new programs were a pure addition to the current supply of those activities, it would mean an estimated increase of 17,575 user days (one person per day participating in a recreational opportunity, Table 2). Because the participation trend is flat in these activities since 1991, this increase in supply will most likely be offset by other sites losing participants. Therefore, this is likely to be a substitute site for the activity and not necessarily an increase in participation rates for the activity.

TABLE 2—ESTIMATED CHANGE IN RECREATION OPPORTUNITIES IN 2018/2019

[Dollars in thousands]

Refuge	Additional hunting days	Additional fishing days	Additional expenditures
Bear River	0		$0
Blackwater	637		25.7
Charles M. Russell	500		20.1
Cherry Valley	240		9.7
Cold Springs	25		1.0
Cypress Creek	1,650		66.5
Edwin B. Forsythe	350		14.1
Felsenthal	206		8.3
Glacial Ridge	54		2.2
Great River	1,000	200	48.9
Hackmatack	100	30	5.3
J. Clark Salyer	100		4.0
John Heinz	10		0.4
Lake Woodruff	10		0.4
Lostwood	100		4.0
Moosehorn	25		1.0
Ottawa/Cedar Point	1,424		57.4
Patoka River	75	25	4.1
Rachel Carson	57	365	17.9
San Pablo Bay	100	365	19.7
Sevilleta	50		2.0
Shiawassee	1,675		67.5
Swan River	224		9.0
Trempealeau	218		8.8
Umbagog	5,950		239.7
Upper Klamath	900		36.3
Wallkill	180	365	22.9
William L. Finley	0	365	14.7
Total	15,860	1,715	711.5

To the extent visitors spend time and money in the area of the refuge that they would not have spent there anyway, they contribute new income to the regional economy and benefit local businesses. Due to the unavailability of site-specific expenditure data, we use the national estimates from the 2011 National Survey of Fishing, Hunting, and Wildlife Associated Recreation to identify expenditures for food and lodging, transportation, and other incidental expenses. Using the average expenditures for these categories with the maximum expected additional participation of the Refuge System yields approximately $711,000 in recreation-related expenditures (Table 2). By having ripple effects throughout the economy, these direct expenditures are only part of the economic impact of these recreational activities. Using a national impact multiplier for hunting activities (2.27) derived from the report ''Hunting in America: An Economic Force for Conservation'' and for fishing activities (2.40) derived from the report ''Sportfishing in America'' yields a total economic impact of approximately $1.6 million (2017 dollars) (Southwick Associates, Inc., 2012). Using a local impact multiplier would yield more accurate and smaller results. However, we employed the national impact multiplier due to the difficulty in developing local multipliers for each specific region.

Since we know that most of the fishing and hunting occurs within 100 miles of a participant's residence, then it is unlikely that most of this spending would be ''new'' money coming into a local economy; therefore, this spending would be offset with a decrease in some other sector of the local economy. The net gain to the local economies would be no more than $1.6 million, and most likely considerably less. Since 80 percent of the participants travel less than 100 miles to engage in hunting and fishing activities, their spending patterns would not add new money into the local economy and, therefore, the real impact would be on the order of about $325,000 annually.

Small businesses within the retail trade industry (such as hotels, gas stations, taxidermy shops, bait-and-tackle shops, and similar businesses) may be affected by some increased or decreased refuge visitation. A large percentage of these retail trade establishments in the local communities around NWRs qualify as small businesses (Table 3). We expect that the incremental recreational changes will be scattered, and so we do not expect that the rule will have a significant economic effect on a substantial number of small entities in any region or nationally. As noted previously, we expect approximately $711,000 to be spent in total in the refuges' local economies. The maximum increase would be less than two-tenths of 1 percent for local retail trade spending (Table 3).

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE VISITATION FOR 2018/2019

[Thousands, 2017 dollars]

Refuge/county(ies)	Retail trade in 2012	Estimated maximum addition from new activities	Addition as % of total	Establishments in 2012	Establishments with <10 employees in 2012
Blackwater:					
Dorchester, MD	$308,272	$25.7	<0.01	100	74
Charles M. Russell:					
McCone, MT	24,790	20.1	0.08	10	7
Cherry Valley:					
Monroe, PA	2,285,124	4.8	<0.01	633	424
Northampton, PA	3,872,709	4.8	<0.01	879	603
Cold Springs:					
Umatilla, OR	857,045	1.0	<0.01	224	155
Cypress Creek:					
Pulaski, IL	37,328	66.5	0.18	18	15
Edwin B. Forsythe:					
Atlantic, NJ	4,583,003	4.7	<0.01	1,229	840
Burlington, NJ	7,333,114	4.7	<0.01	1,423	939
Ocean, NJ	8,215,768	4.7	<0.01	1,866	1,327
Felsenthal:					
Ashley, AR	197,731	2.8	<0.01	86	67
Bradley, AR	105,539	2.8	<0.01	39	28
Union, AR	545,629	2.8	<0.01	209	155
Glacial Ridge:					
Polk, MN	354,022	2.2	<0.01	110	74
Great River:					
Pike, MO	203,871	48.9	0.02	64	45
Hackmatack:					
McHenry, IL	3,912,156	2.7	<0.01	940	629
Walworth, WI	1,317,927	2.7	<0.01	359	264
J. Clark Salyer:					
Bottineau, ND	101,939	2.0	<0.01	35	28
McHenry, ND	28,290	2.0	0.01	17	12
John Heinz:					
Delaware, PA	6,906,244	0.2	<0.01	1,704	1,146
Philadelphia, PA	13,069,101	0.2	<0.01	4,524	3,448
Lake Woodruff:					
Volusia, FL	6,585,374	0.4	<0.01	1,871	1,412
Lostwood:					
Burke, ND	41,148	2.0	<0.01	10	6
Montrail, ND	292,497	2.0	<0.01	41	27

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE—Continued VISITATION FOR 2018/2019

[Thousands, 2017 dollars]

Refuge/county(ies)	Retail trade in 2012	Estimated maximum addition from new activities	Addition as % of total	Establishments in 2012	Establishments with <10 employees in 2012
Moosehorn:					
Washington, ME	462,433	1.0	<0.01	151	100
Ottawa/Cedar Point:					
Lucas, OH	6,382,144	28.7	<0.01	1,452	965
Ottawa, OH	456,610	28.7	0.01	142	109
Patoka River:					
Gibson, IN	595,275	2.0	<0.01	122	84
Pike, IN	77,438	2.0	<0.01	31	23
Patuxent Research Refuge:					
Anne Arundel, MD	9,351,065			2,014	1,286
Prince George's, MD	9,990,887			2,221	1,439
Rachel Carson:					
York, ME	2,614,299	17.9	<0.01	870	653
San Pablo Bay:					
Napa, CA	1,813,897	6.6	<0.01	526	374
Solano, CA	5,451,956	6.6	<0.01	1,066	682
Sonoma, CA	6,423,178	6.6	<0.01	1,766	1,274
Sevilleta:					
Socorro, NM	127,902	2.0	<0.01	39	31
Shiawassee:					
Saginaw, MI	3,110,321	67.5	<0.01	871	590
Swan River:					
Lake, MT	286,486	9.0	<0.01	120	89
Trempealeau:					
Buffalo, WI	83,043	4.4	0.01	47	38
Trempealeau, WI	344,603	4.4	<0.01	104	67
Umbagog:					
Oxford, ME	652,741	119.9	0.02	222	163
Coos, NH	604,938	119.9	0.02	184	143
Upper Klamath:					
Klamath, OR	808,680	36.3	<0.01	241	155
Wallkill River:					
Sussex, NJ	1,942,879	11.4	<0.01	414	299
Orange, NY	6,641,744	11.4	<0.01	1,506	1,017
William L. Finley:					
Linn, OR	1,261,501	14.7	<0.01	339	247

With the small change in overall spending anticipated from this final rule, it is unlikely that a substantial number of small entities will have more than a small impact from the spending change near the affected refuges. Therefore, we certify that this rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a small entity compliance guide is not required.

Small Business Regulatory Enforcement Fairness Act

The final rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. We anticipate no significant employment or small business effects. This rule:

a. Will not have an annual effect on the economy of 100 million or more. The minimal impact will be scattered across the country and will most likely not be significant in any local area.

b. Will not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This rule will have only a slight effect on the costs of hunting opportunities for Americans. If the substitute sites are farther from the participants' residences, then an increase in travel costs will occur. The Service does not have information to quantify this change in travel cost but assumes that, since most people travel less than 100 miles to hunt, the increased travel cost will be small. We do not expect this rule to affect the supply or demand for hunting opportunities in the United States, and, therefore, it should not affect prices for hunting equipment and supplies, or the retailers that sell equipment.

c. Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This rule represents only a small proportion of recreational spending at NWRs. Therefore, this rule will have no measurable economic effect on the wildlife-dependent industry, which has annual sales of equipment and travel expenditures of $72 billion nationwide.

Unfunded Mandates Reform Act

Since this final rule will apply to public use of federally owned and managed refuges, it will not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The rule will not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates

Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with E.O. 12630, this final rule will not have significant takings implications. This rule will affect only visitors at NWRs and describe what they can do while they are on a refuge.

Federalism (E.O. 13132)

As discussed in Regulatory Planning and Review and Unfunded Mandates Reform Act, above, this final rule will not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement under E.O. 13132. In preparing this final rule, we worked with State governments.

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the Department of the Interior has determined that this final rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Energy Supply, Distribution or Use (E.O. 13211)

On May 18, 2001, the President issued E.O. 13211 on regulations that significantly affect energy supply, distribution, or use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this final rule will open 3 refuges to hunting, open 1 refuge to sport fishing, increase the hunting activities available at 26 refuges, and increase sport fishing activities at 4 refuges, it is not a significant regulatory action under E.O. 12866, and we do not expect it to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

In accordance with E.O. 13175, we have evaluated possible effects on federally recognized Indian tribes and have determined that there are no effects. We coordinate recreational use on NWRs with Tribal governments having adjoining or overlapping jurisdiction before we propose the regulations.

Paperwork Reduction Act (PRA)

This rule does not contain any new collections of information that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). OMB has previously approved the information collection requirements associated with regulations implementing refuge-specific hunting and sport fishing regulations and assigned the following OMB control numbers:

- 1018–0102, ''National Wildlife Refuge Special Use Permit Applications and Reports, 50 CFR 25, 26, 27, 29, 30, 31, 32, & 36'' (expires August 31, 2020),
- 1018–0140, ''Hunting and Fishing Application Forms and Activity Reports for National Wildlife Refuges, 50 CFR 25.41, 25.43, 25.51, 26.32, 26.33, 27.42, 30.11, 31.15, 32.1 to 32.72'' (expires July 31, 2021), and
- 1018–0153, ''National Wildlife Refuge Visitor Check-In Permit and Use Report'' (expires December 31, 2018).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Endangered Species Act Section 7 Consultation

We comply with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), when developing comprehensive conservation plans and step-down management plans—which would include hunting and/or fishing plans—for public use of refuges, and prior to implementing any new or revised public recreation program on a refuge as identified in 50 CFR 26.32. We have completed section 7 consultation on each of the affected refuges.

National Environmental Policy Act

We analyzed this rule in accordance with the criteria of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)), 43 CFR part 46, and 516 Departmental Manual (DM) 8.

A categorical exclusion from NEPA documentation applies to publication of amendments to refuge-specific hunting and fishing regulations because they are technical and procedural in nature, and the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis (43 CFR 46.210 and 516 DM 8). Concerning the actions that are the subject of this rulemaking, we have complied with NEPA at the project level when developing each proposal. This is consistent with the Department of the Interior instructions for compliance with NEPA where actions are covered sufficiently by an earlier environmental document (43 CFR 46.120).

Prior to the addition of a refuge to the list of areas open to hunting and fishing in 50 CFR part 32, we develop hunting and fishing plans for the affected refuges. We incorporate these proposed refuge hunting and fishing activities in the refuge comprehensive conservation plan and/or other step-down management plans, pursuant to our refuge planning guidance in 602 Fish and Wildlife Service Manual (FW) 1, 3, and 4. We prepare these comprehensive conservation plans and step-down plans in compliance with section 102(2)(C) of NEPA, and the Council on Environmental Quality's regulations for implementing NEPA in 40 CFR parts 1500 through 1508. We invite the affected public to participate in the review, development, and implementation of these plans. Copies of all plans and NEPA compliance are available from the refuges at the addresses provided below.

Available Information for Specific Refuges

Individual refuge headquarters have information about public use programs and conditions that apply to their specific programs and maps of their respective areas. To find out how to contact a specific refuge, contact the appropriate Regional office listed below:

Region 1—Hawaii, Idaho, Oregon, and Washington. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Eastside Federal Complex, Suite 1692, 911 NE 11th Avenue, Portland, OR 97232–4181; Telephone (503) 231–6214.

Region 2—Arizona, New Mexico, Oklahoma, and Texas. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue SW, Albuquerque, NM 87103; Telephone (505) 248–6937.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; Telephone (612) 713–5360.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, GA 30345; Telephone (404) 679–7166.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West

Virginia. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589; Telephone (413) 253–8307.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 134 Union Blvd., Lakewood, CO 80228; Telephone (303) 236–8145.

Region 7—Alaska. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1011 E Tudor Rd., Anchorage, AK 99503; Telephone (907) 786–3545.

Region 8—California and Nevada. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825; Telephone (916) 414–6464.

Primary Author

Katherine Harrigan, Division of Natural Resources and Conservation Planning, National Wildlife Refuge System, is the primary author of this rulemaking document.

List of Subjects in 50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Regulation Promulgation

For the reasons set forth in the preamble, we amend title 50, chapter I, subchapter C of the Code of Federal Regulations as follows:

PART 32—HUNTING AND FISHING

■ 1. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i; Pub. L. 115–20, 131 Stat. 86.

§ 32.7 [Amended]

■ 2. Amend § 32.7 by adding, in alphabetical order, an entry for ''Hackmatack National Wildlife Refuge'' in the State of Illinois and in the State of Wisconsin.

■ 3. Amend § 32.23 by:

■ a. Revising the entry Bald Knob National Wildlife Refuge;

■ b. Revising the entry Big Lake National Wildlife Refuge;

■ c. Revising the entry Cache River National Wildlife Refuge;

■ d. Revising the entry Dale Bumpers White River National Wildlife Refuge;

■ e. Revising the entry Felsenthal National Wildlife Refuge;

■ f. Revising the entry Holla Bend National Wildlife Refuge;

■ g. Revising the entry Overflow National Wildlife Refuge; and

■ h. Revising the entry Wapanocca National Wildlife Refuge.

The revisions read as follows:

§ 32.23 Arkansas.

* * * * *

Bald Knob National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, snipe, woodcock, and dove on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require refuge hunting permits (signed brochure). The permits are nontransferable, and anyone on refuge land in possession of hunting equipment must possess a signed permit at all times.

2. We prohibit migratory game bird hunting on the refuge during the Quota Gun Deer Hunt.

3. With the exception of hunting for woodcock, we prohibit migratory game bird hunting after 12 p.m. (noon) during the regular State waterfowl hunting season.

4. We allow hunting for woodcock daily throughout the State season.

5. You may possess only approved nontoxic shot shells for hunting while in the field (see § 32.2(k)) in quantities of 25 or fewer. The possession limit includes shells located in or on vehicles and other personal equipment. The field possession limit for shells does not apply to goose hunting during the State Conservation Order.

6. We prohibit hunting closer than 100 yards (90 meters) to another hunter or hunting party.

7. You must remove decoys, blinds, boats, and all other equipment (see § 27.93 of this chapter) daily by 1 p.m.

8. We open the refuge to daylight use only, 30 minutes before legal sunrise to 30 minutes after legal sunset, with the exception that hunters may enter the refuge beginning at 4 a.m. and must exit by 1 hour after legal shooting time ends.

9. Boats with the owner's name and address permanently displayed or displaying valid registration may be left on the refuge from March 1 through October 31. We prohibit the use of boats from 12 a.m. (midnight) to 4 a.m. during duck season.

10. We allow use of dogs for migratory game bird hunting.

11. We prohibit airboats, hovercraft, and personal watercraft (Jet Ski, etc.).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, armadillo, and coyote on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A8, and A11 apply.

2. Hunters may use shotguns only with approved nontoxic shot (see § 32.2(k)) and rifles chambered for rimfire cartridges.

3. We allow squirrel hunting September 1 through February 28, except for season closure of the refuge during the Quota Gun Deer Hunt. We allow dogs.

4. We allow rabbit hunting in accordance with the State season, except for season closure of the refuge during the Quota Gun Deer Hunt. We allow dogs.

5. We allow quail hunting in accordance with the State season, except for season closure of the refuge during the Quota Gun Deer Hunt. We allow dogs.

6. We allow hunting of raccoon and opossum with dogs. We require dogs for hunting raccoon/opossum at night, 30 minutes after legal sunset to 30 minutes before legal sunrise. We list annual season dates in the refuge hunting brochure/permit. We prohibit field trials and organized training events.

7. Hunters may take beaver, muskrat, nutria, armadillo, and coyote during any refuge hunt with those weapons legal during those hunts, subject to applicable State seasons and regulations.

8. We limit nighttime hunting to raccoon/opossum hunting.

C. Big Game Hunting. We allow hunting of deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A8, and A11 apply.

2. We divide the refuge into two hunting units: Farm Unit and Mingo Creek Unit.

3. The archery/crossbow hunting season for deer begins on the opening day of the State season and continues throughout the State season in the Mingo Creek Unit and Farm Unit except for the season closure of the refuge during the Quota Gun Deer Hunt. We provide annual season dates and bag limits in the hunt brochure/permit (signature required).

4. Muzzleloader hunting season for deer will begin in October and continue for a period of up to 9 days in all hunting units with annual season dates and bag limits provided on the hunt brochure/permit.

5. The modern gun hunting season for deer will begin in November and continue for a period of up to 9 days in all hunting units with annual season dates and bag limits provided in the hunt brochure/permit.

6. We prohibit spring and fall gun hunting for turkey.

7. All harvested game must be checked according to State regulations. The Refuge zone to be reported is 002.

8. You may use only shotguns with rifled slugs, muzzleloaders, and legal pistols for modern gun deer hunting on the Farm Unit.

9. We allow only portable deer stands. You may erect stands 7 days prior to the refuge deer season and must remove them from the waterfowl sanctuaries prior to November 15, except for stands used by Quota Gun Deer Hunt permit holders (fee/signature required), which you must remove by the last day of the Quota Gun Deer Hunt. You must remove all stands on the remainder of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter). We prohibit leaving any tree stand, ground blind, or game camera on the refuge without the owner's name and address clearly written in a conspicuous location.

10. We prohibit the possession or use of buckshot for hunting on all refuge lands.

11. We prohibit hunting from mowed and/or graveled road rights-of-way.

12. Refuge lands are located in State-designated Flood Prone Region B, and we will close them to all deer hunting when the White River Gauge at Augusta reaches 31 feet (9.3 meters (m)), as reported by the National Weather Service, and reopen them when the same gauge reading falls below 30 feet (9.1 m) and the White River Gauge at Georgetown falls to, or below, 19 feet (5.7 m).

13. We allow only Quota Gun Deer Hunt permit holders on the refuge during the Quota Gun Deer Hunt and only for the purposes of deer hunting. We close the refuge to all other entry and public use during the Quota Gun Deer Hunt.

14. We close waterfowl sanctuaries to all entry and hunting from November 15 to February 28, except for Quota Gun Deer Hunt permit holders who may hunt in the sanctuary when the season overlaps with these dates.

15. You may enter the refuge at 4 a.m. and remain until 1 hour after legal shooting time.

D. Sport Fishing. We allow fishing in accordance with State regulations and subject to the following conditions:

1. Conditions A8 and B8 apply.

2. We close waterfowl sanctuaries to all entry from November 15 to February 28. We also close the refuge to all entry and fishing during the Quota Gun Deer Hunt.

3. We prohibit commercial fishing.

4. We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

5. We prohibit mooring houseboats to the refuge bank on the Little Red River.

Big Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, nutria, coyote, beaver, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require refuge hunt permits. The permits (found on the front cover of the annual hunt brochure/permit—signature required) are nontransferable and anyone on refuge land in possession of hunting equipment must sign and carry the permit at all times.

2. We provide annual season dates for squirrel, rabbit, raccoon, and opossum hunting in the refuge hunting brochure/permit.

3. We allow take of nutria, beaver, and coyote during any refuge hunt with the device allowed for that hunt subject to applicable State seasons and regulations.

4. You may take opossum when hunting raccoon.

5. We require dogs for night hunting of raccoon and opossum. We prohibit field trials and organized training events.

6. When hunting, you may only use shotguns with approved nontoxic shot (see § 32.2(k)) and rifles chambered for rimfire cartridges.

7. We prohibit boats from November 1 through February 28, except on that portion of the refuge open for public fishing with electric motors and Ditch 28.

8. We prohibit hunting from mowed and/or gravel road rights-of-way.

9. We limit nighttime use, 30 minutes after legal sunset to 30 minutes before legal sunrise, to fishing, frogging, and/or raccoon/opossum hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions B1, B3, and B6 through B9 apply.

2. We allow archery/crossbow hunting for white-tailed deer. We provide annual season dates in the hunt brochure/permit.

3. Hunters may use only bows or crossbows.

4. Hunters may use only biodegradable materials to mark trails.

5. All harvested game must be checked according to State regulations. The Refuge zone to be reported is 030.

6. We allow only portable deer stands. You may erect stands 7 days prior to the refuge deer season and must remove them 7 days after the closure of archery season (see § 27.93 of this chapter).

7. Hunters may enter the refuge no earlier than 4 a.m. and must leave one hour after legal sunset.

8. We prohibit leaving any tree stand, ground blind, or game camera on the refuge.

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Condition B7 applies.

2. Anglers may launch boats only in designated areas.

3. We prohibit airboats, personal watercraft, Jet Skis, and hovercraft (see § 27.31 of this chapter).

4. We allow frogging from the beginning of the State frogging season through October 31.

5. We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

Cache River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, snipe, woodcock, and dove on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require refuge hunting permits. These permits (found on the front cover of the annual hunt brochure/permit—signature required) are nontransferable, and anyone on the refuge in possession of hunting equipment must sign and carry the permit at all times.

2. We prohibit migratory game bird hunting on the refuge during the Quota Gun Deer Hunt.

3. With the exception of hunting for woodcock, we prohibit migratory game bird hunting after 12 p.m. (noon) during the regular State waterfowl hunting season.

4. We allow hunting for woodcock daily throughout the State seasons.

5. You must remove decoys, blinds, boats, and all other equipment (see § 27.93 of this chapter) daily by 1 p.m.

6. Waterfowl hunters may enter the refuge at 4 a.m. and hunt until 12 p.m. (noon).

7. Boats with the owner's name and address permanently displayed or displaying valid registration may be left on the refuge from March 1 through October 31. We prohibit boats on the refuge from 12 a.m. (midnight) to 4 a.m. during duck season.

8. We allow use of dogs for migratory game bird hunting.

9. We allow waterfowl hunting on flooded refuge roads.

10. We close all other hunts during the Quota Gun Deer Hunt. We allow only Quota Gun Deer Hunt permit (fee/signature required) holders to enter the refuge during this hunt and only for the purpose of deer hunting.

11. We prohibit airboats, hovercraft, and personal watercraft (Jet Ski, etc.) (see § 27.31 of this chapter).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, armadillo, and coyote on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A10, and A11 apply.

2. We allow squirrel hunting September 1 through February 28, except for refuge-wide season closure during the Quota Gun Deer Hunt. We allow dogs.

3. Rabbit season corresponds with the State season, except for refuge-wide season closure during the Quota Gun Deer Hunt. We allow dogs.

4. Quail season corresponds with the State season, except for refuge-wide season closure during the Quota Gun Deer Hunt. We allow dogs.

5. We allow hunting of raccoon and opossum with dogs. We require dogs for hunting of raccoon/opossum at night, 30 minutes after legal sunset to 30 minutes before legal sunrise. We provide annual season dates in the refuge hunting brochure/permit. We prohibit field trials and organized training events.

6. You may take beaver, muskrat, nutria, armadillo, and coyote during any refuge hunt with those weapons legal during those hunts subject to applicable State seasons and regulations.

7. We prohibit hunting from mowed and/or graveled refuge roads except by waterfowl hunters during flooded conditions.

8. You may use only shotguns with approved nontoxic shot (see § 32.2(k)) and rifles chambered for rimfire cartridges when hunting.

9. We limit nighttime use, 30 minutes after legal sunset to 30 minutes before legal sunrise, to fishing, frogging, and/or raccoon/opossum hunting.

C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A10, A11, B6, B7, and B9 apply.

2. Archery/crossbow hunting season for deer begins on the opening day of the State season and continues throughout the State season, except for refuge-wide season closure during the Quota Gun Deer Hunt. We provide annual season dates and bag limits in the refuge hunting brochure/permit.

3. Muzzleloader hunting season for deer will begin in October and will continue for a period of up to 9 days with annual season dates and bag limits provided on the hunt brochure/permit.

4. Modern gun deer hunting will begin in November and continue for a period of up to 11 days with annual season dates and bag limits provided in the refuge hunt brochure/permit.

5. You may take feral hog with weapons legal during those hunts and according to applicable State Wildlife Management Area regulations.

6. The spring gun hunt for turkey will begin on the opening day of the State season and continue throughout the State season on all refuge lands located south of Interstate 40. The remainder of the refuge is closed with the exception of those refuge lands included in the combined Black Swamp Wildlife Management Area/Cache River National Wildlife Refuge quota permit hunts administered by the Arkansas Game and Fish Commission.

7. Hunters may only use shotguns with rifled slugs, muzzleloaders, or legal pistols for modern gun deer hunting on the Dixie Farm Unit Waterfowl Sanctuary, adjacent waterfowl hunt area, and Plunkett Farm Unit Waterfowl Sanctuary.

8. We allow only portable stands. Hunters may erect stands 7 days prior to the refuge deer season and must remove them from the waterfowl sanctuaries prior to November 15, and from the rest of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter). We prohibit leaving any tree stand, ground blind, or game camera on the refuge without the owner's name and address clearly written in a conspicuous location.

9. We prohibit the possession or use of buckshot for hunting on all refuge lands.

10. We prohibit hunting from mowed and/or graveled road rights-of-way.

11. We will close refuge lands located in State-designated Flood Prone Region B to all deer hunting when the White River gauge at Augusta reaches 31 feet (9.3 meters (m)), as reported by the National Weather Service, and reopen them when the same gauge reading falls below 30 feet (9.1 m) and the White River gauge at Georgetown falls to, or below, 19 feet (5.7 m).

12. We will close refuge lands located in State-designated Flood Prone Region C to all deer hunting when the Cache River gauge at Patterson exceeds 10 feet (3 m), as reported by the National Weather Service, and reopen them when the same gauge reading falls below 8.5 feet (2.6 m).

13. We will close refuge lands located in Flood Prone Region D to all deer and turkey hunting when the White River gauge at Clarendon reaches 28 feet (8.4 m), as reported by the National Weather Service, and reopen them when the same gauge reading falls to, or below, 27 feet (8.1 m).

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A10 and B9 apply.

2. We close waterfowl sanctuaries to all entrance and fishing/frogging from November 15 to February 28. We prohibit refuge-wide entry and fishing during the Quota Gun Deer Hunt.

3. We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

4. We prohibit the mooring of houseboats to refuge property.

Dale Bumpers White River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require all refuge users to sign and possess a refuge user brochure/permit (signature required).

2. We allow duck hunting from legal shooting hours until 12 p.m. (noon).

3. We allow retriever dogs for migratory game bird hunting.

4. You must remove blinds, blind material, and decoys (see § 27.93 of this chapter) from the refuge by 1 p.m. each day.

5. Waterfowl hunters may enter and access the refuge no earlier than 4 a.m.

6. We prohibit boating November 1 through January 31 in the South Unit Waterfowl Hunt Areas, except from 4 a.m. to 1 p.m. on designated waterfowl hunt days.

7. We prohibit waterfowl hunting on Kansas Lake Area (indicated in refuge user brochure/permit).

8. We allow duck hunting on specific scattered tracts of land, in accordance with the North Unit regulations. Consult the refuge office for further information.

9. We only allow all-terrain vehicles (ATVs) for wildlife-dependent hunting and fishing activities. We restrict ATVs to designated yellow-marked trails throughout the refuge, unless marked otherwise. We prohibit the use of ATVs after December 15 each year in designated South Unit areas as shown in refuge user brochure/permit. We define ATVs as an off-road vehicle with factory

specifications not to exceed the following: A maximum dry weight of 1,550 pounds (697.5 kilograms), tires having a centerline lug depth of 1 inch (2.5 centimeters) or less and a maximum tire pressure of 15 pounds per square inch (psi) as indicated on the tire by the manufacturer. We allow only those vehicles originally designed by their manufacturer to be ATVs; we prohibit mini trucks or other modified off-road vehicles.

10. We prohibit the use of decoys that contain moving parts or electrical components, except that you may use manually operated 'jerk strings' to simulate decoy movement.

11. You may not utilize a guide, guide service, outfitter, club, organization, or any other person who provides equipment, services, or assistance on the refuge for compensation.

12. We allow camping only in designated sites and areas identified in the refuge user brochure/permit (signed brochure), and we restrict camping to individuals involved in wildlife-dependent activities. We limit camping on the refuge to no more than 14 days during any 30 consecutive-day period. Campers must occupy camps daily. We prohibit all disturbances, including use of generators, after 10 p.m.

13. We allow refuge users to leave boats 16 feet (4.8 m) or less in length unattended overnight from March 1 to October 31, as long as the owner clearly and prominently displays his or her complete name and physical address.

14. We prohibit all access in the Demonstration and Dry Lake Waterfowl Rest Areas as indicated in the refuge brochure/permit.

15. We prohibit hovercraft, personal watercraft (*e.g.,* jet skis, etc.), and airboats.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, beaver, coyote, raccoon, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A1 applies.

2. We allow hunting of rabbit and squirrel on the North Unit from September 1 until January 31.

3. We allow dogs for hunting of rabbit and squirrel from December 1 through January 31 on the North Unit.

4. You may hunt rabbit and squirrel on the South Unit from September 1 until November 30.

5. We prohibit dogs on the South Unit for the purpose of squirrel or rabbit hunting.

6. We close all upland game hunts during quota Gun Deer Hunt and quota Muzzleloader Deer Hunt.

7. We allow furbearer (as defined by State law) hunting in accordance with season dates posted in the refuge user brochure/permit (signed brochure). We allow furbearer hunting only with rimfire weapons and shotguns.

8. We allow the use of dogs for hunting furbearers from legal sunset to legal sunrise. Hunters must tether or pen all dogs used for furbearer hunting from legal sunrise to legal sunset and any time they are not involved in actual hunting.

9. We allow upland game hunting on specific scattered tracts of land, in accordance with Statewide regulations.

C. Big Game Hunting. We allow the hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A1 applies.

2. Archery deer seasons on the North Unit are from the beginning of October until the end of January except during quota muzzleloader and quota gun deer hunts, when the archery season is closed. We provide annual season dates and bag limits in the refuge user brochure/permit (signed brochure).

3. Archery deer seasons on the South Unit are from the beginning of October until the end of December except during quota muzzleloader and quota gun deer hunts, when the archery season is closed. We provide annual season dates and bag limits in the refuge user brochure/permit (signed brochure).

4. Muzzleloader season for deer will begin in October and will continue for a period of up to 3 days of quota hunting and 4 days of non-quota hunting in the North Unit. We provide annual season dates and bag limits in the refuge user brochure/permit (signed brochure).

5. The gun deer hunt will begin in November and will continue for a period of 3 days of quota hunting in the North and South Units, and 2 days of non-quota hunting in the North Unit. We provide annual season dates, bag limits, and areas in the refuge user brochure/permit.

6. We restrict hunt participants for quota hunts to those drawn for a quota permit. The permits are nontransferable and nonrefundable. Hunt dates and application procedures will be available at the refuge office in April.

7. We do not open for the bear season on all refuge-owned lands, including outlying and refuge lands in the Trusten Holder Wildlife Management Area.

8. If you harvest deer or turkey on the refuge, you must immediately record the zone number (Zone 145 for the South Unit or Zone 146 for the North Unit) on your hunting license and later check deer and/or turkey through the State checking system. Outlying tracts use the same zone number as the surrounding State zone.

9. We close the refuge to all non-quota hunting during refuge-wide quota muzzleloader and quota gun deer hunts.

10. You must follow refuge guidance regarding flood-zone closures during the deer hunt. Guidance is found in the refuge brochure, which you must carry at all times.

11. We prohibit the use of dogs other than those specified in the user permit.

12. We prohibit all forms of organized deer drives.

13. We prohibit firearm hunting from or across roads, ATV trails, levees, and maintained utility rights-of-way for deer only.

14. You may only use portable deer stands (see § 27.93 of this chapter). You may erect stands up to 7 days before each hunt, but you must remove them within 7 days after each hunt. All unattended deer stands on the refuge must have the owner's complete name and physical address clearly displayed.

15. We close the Kansas Lake Area to all entry on December 1 and reopen it on March 1.

16. We prohibit the possession of buckshot on the refuge.

17. We prohibit the possession and/or use of toxic shot by hunters using shotguns (see § 32.2(k) of this chapter) when hunting.

18. We provide information on feral hog hunting in the refuge brochure/permit (signed brochure).

D. Sport Fishing. We allow fishing, frogging, and crawfishing for personal use on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A1 applies.

2. We allow fishing year-round in LaGrue, Essex, Prairie, Scrubgrass and Brooks Bayous, Big Island Chute, Moon and Belknap Lakes next to Arkansas Highway 1, Indian Bay, the Arkansas Post Canal and adjacent drainage ditches; borrow ditches located adjacent to the west bank of that portion of the White River Levee north of the Graham Burke pumping station; and all refuge-owned North Unit and scattered tract waters. We open all other South Unit refuge waters to sport fishing from March 1 through November 30 unless posted otherwise.

3. We allow frogging on all refuge-owned waters open for sport fishing as follows: We allow frogging on the South Unit from the beginning of the State season through November 30; we allow frogging on the North Unit for the entire State season.

4. We prohibit all commercial and recreational harvest of turtle on all property administered by Dale Bumpers White River National Wildlife Refuge.

5. We prohibit take or possession of any freshwater mussel, and we do not open to mussel shelling.

Felsenthal National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting of duck, goose, and coot during the State waterfowl season except during scheduled quota refuge Gun Deer Hunts.

2. Hunting of duck, goose, and coot ends at 12 p.m. (noon) each day.

3. We allow only portable blinds. You must remove all duck hunting equipment (portable blinds, boats, guns, and decoys) (see § 27.93 of this chapter) from the hunt area by 1:30 p.m. each day.

4. We close areas of the refuge posted with ''Area Closed'' signs and identify them on the refuge hunt brochure map as a waterfowl sanctuary. Waterfowl sanctuaries are closed to all public entry and public use during waterfowl hunting season.

5. Hunters must possess and carry a signed Refuge Public Use Regulations Brochure/Access Permit (signed brochure) while hunting.

6. We prohibit possession and/or use of herbicides (see § 27.51 of this chapter).

7. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a valid hunting license. One adult may supervise no more than two youth hunters.

8. We allow only all-terrain vehicles/utility-type vehicles (ATVs/UTVs) for hunting and fishing activities. We restrict ATVs/UTVs to designated times and designated trails (see § 27.31 of this chapter) marked with signs and paint. We identify these trails and the dates they are open for use in the refuge hunt brochure. We limit ATVs/UTVs to those having an engine displacement size not exceeding 700cc. We limit ATV/UTV tires to those having a centerline lug depth not exceeding 1 inch (2.5 centimeters). You may use horses on roads and ATV/UTV trails (when open to motor vehicle and ATV/UTV traffic, respectively) as a mode of transportation for hunting and fishing activities on the refuge.

9. We prohibit hunting within 150 feet (45 meters (m)) of roads and trails open to motor vehicle use (including ATV/UTV trails).

10. We allow camping only at designated primitive campground sites identified in the refuge hunt brochure, and we restrict camping to individuals involved in wildlife-dependent refuge activities. Campers may stay no more than 14 days during any 30 consecutive-day period in any campground and must occupy camps daily. We prohibit all disturbances, including use of generators, after 10 p.m. You must unload all hunting weapons (see § 27.42(b) of this chapter) within 100 yards (90 m) of a campground.

11. You may take beaver, nutria, and coyote during any daytime refuge hunt with weapons and ammunition allowed for that hunt. There is no bag limit.

12. We allow the use of retriever dogs.

13. We prohibit the use or possession of any electronic call or other electronic device used for producing or projecting vocal sounds of any wildlife species.

14. We prohibit leaving any boat on the refuge.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, and furbearers (as defined by State law) on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A4 through A10, and A12 apply.

2. We allow hunting for quail, squirrel, rabbit, and furbearers (as defined by State law) on the refuge during State seasons through January 31. We list specific hunting season dates annually in the refuge hunt brochure. We close upland game hunting during refuge quota deer hunts. We annually publish dates for these quota deer hunts in the refuge hunt brochure.

3. We do not open for spring squirrel hunting season, summer/early fall raccoon hunting season, or spring bobcat hunting season.

4. We prohibit possession of lead ammunition except that you may possess rimfire rifle lead ammunition no larger than .22 caliber for upland game hunting. We prohibit possession of shot larger than that legal for waterfowl hunting. During the deer and turkey hunts, hunters may possess lead ammunition legal for taking deer and turkey. We prohibit buckshot for gun deer hunting.

5. You may use dogs for squirrel and rabbit hunting from December 1 through January 31. You may also use dogs for quail hunting and for raccoon/opossum hunting during open season on the refuge for these species.

C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A5 through A10 apply.

2. We allow archery deer hunting on the refuge from the opening of the State season through January 31.

3. We close archery deer hunting during the quota gun deer hunts.

4. The refuge will conduct no more than two muzzleloader deer hunts and no more than four quota modern gun deer hunts.

5. We allow muzzleloader deer hunting during the October State Muzzleloader season for this deer management zone. The refuge will conduct one 4-day quota modern gun hunt for deer, typically in November. The refuge also may conduct one mobility-impaired hunt for deer typically in early November.

6. Total deer harvested refuge-wide is two deer (two does or one buck and one doe as defined by State law) regardless of method. See refuge brochure for specific bag limit information.

7. Hunters must check all harvested deer during quota hunts at refuge deer check stations on the same day of the kill. We identify the check station locations in the refuge hunt brochure. Carcasses of deer taken must remain intact (except you may field dress) until checked.

8. You may only use portable deer stands erected no earlier than the opening day of Archery Season and you must remove them no later than January 31 each year (see § 27.93 of this chapter).

9. We prohibit the use of deer decoy(s).

10. We prohibit horses and mules during refuge quota deer hunts.

11. We open spring archery turkey hunting during the State spring turkey season. We do not open for fall archery turkey season.

12. We close spring archery turkey hunting during scheduled turkey quota gun hunts.

13. The refuge will conduct no more than three quota permit spring turkey gun hunts and no more than two 3-day quota spring turkey hunts (typically in April). Specific hunt dates and application procedures will be available at the refuge office in January. We restrict hunt participants to those selected for a quota permit, except that one nonhunting adult age 21 or older possessing a valid hunting license must accompany the youth hunter age 15 and younger.

14. An adult age 21 or older possessing a valid hunting license must accompany and be within sight and normal voice contact of hunters age 15

and younger. One adult may supervise no more than one youth hunter.

15. We prohibit leaving any tree stand, ground blind, or game camera on the refuge without the owner's name and address clearly written in a conspicuous location. Game cameras must be removed from the refuge daily and are prohibited from being left overnight.

16. We restrict hunt participants for quota hunts to those drawn for a quota permit (Quota Deer Hunt Application, FWS Form 3–2354). These permits are nontransferable and permit fees are nonrefundable. If conditions prevent the hunts from taking place, there will be no refunds or permits carried over from year to year. Hunt dates and application procedures will be available at the refuge office in July for deer and January for turkey.

17. The incidental taking of feral hogs will be in accordance with Arkansas Game and Fish Commission regulations concerning the taking of feral hogs on State WMAs. If allowed on State WMAs, feral hogs may be taken incidental to daytime refuge hunts (without the use of dogs) with legal hunting equipment and ammunition allowed for that hunt. No bag limit. Live hogs may not be transported or possessed.

D. Sport Fishing. We allow fishing, frogging, and crawfishing for personal use on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A5, A6, A7, A10, and A14 apply.

2. We prohibit fishing in the waterfowl sanctuary area when the sanctuary is closed, with the exception of the main channel of the Ouachita and Saline Rivers and the borrow pits along Highway 82. We post the waterfowl sanctuary area with ''Area Closed'' signs and identify those areas in refuge hunt brochures.

3. We allow fishing only in areas accessible from the Ouachita and Saline Rivers and Eagle, Jones, and Pereogeethe Lakes during the refuge quota gun hunts.

4. You must reset trotlines when receding water levels expose them.

Holla Bend National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, opossum, beaver, armadillo, coyote, and bobcat on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require refuge hunting permits (found on the front cover of the annual hunt brochure/permit—signature required). The permits are nontransferable, and anyone on refuge land in possession of hunting equipment must sign and carry the permits at all times. Your hunt permit will also act as your entrance pass to the refuge.

2. During the refuge archery season, you may take only squirrel, rabbit, raccoon, opossum, beaver, armadillo, coyote, or bobcat.

3. We allow gun hunting of raccoon and opossum with dogs every Thursday, Friday, and Saturday until legal sunrise during the month of February. We prohibit field trials and organized training events (see § 26.21(b) of this chapter).

4. We only allow all-terrain vehicles (ATVs) for hunters and anglers with disabilities. We require a refuge ATV permit (Special Use Permit; FWS Form 3–1383–G) issued by the refuge manager.

5. We prohibit hunting from a vehicle.

6. You must enter and exit the refuge from designated roads and parking areas. We prohibit accessing refuge waters and land from the Arkansas River. We prohibit boating over the dam at the Old River Channel from either direction.

7. We prohibit hunting within 100 feet (30 meters) of roads open to motor vehicle use and nature trails.

8. We allow the use of nonmotorized boats during the refuge fishing/boating season (March 1 to October 31), but we prohibit hunters leaving boats on the refuge overnight (see § 27.93 of this chapter).

C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions B1 and B4 through B8 apply.

2. We allow archery/crossbow hunting for white-tailed deer and turkey. We provide annual season dates in the public use regulations brochure/permit (signature required).

3. The refuge will conduct one youth-only (between ages 6 and 15 at the beginning of the gun deer season in Zone 7) quota gun deer hunt. Specific hunt dates and application procedures will be available at the refuge office in July. We restrict hunt participants to those selected for a quota permit, except that one nonhunting adult must accompany the youth hunter during the youth hunt.

4. We open spring archery turkey hunting during the State turkey season.

5. We close the refuge to all entry and public use during scheduled youth quota gun hunts, except for those allowed to participate in the youth quota gun hunt.

6. The refuge will conduct two youth-only (age 6 to 15 at the beginning of the spring turkey season) quota spring gun turkey hunts, each 2 days in length. Specific hunt dates and application procedures will be available at the refuge office in January. We restrict hunt participants to those selected for a quota permit (name, address, phone number required), except that one nonhunting adult age 21 or older must accompany the youth hunter during the youth hunt.

7. We allow only portable deer stands. You may erect stands 7 days before the start of the season and must remove the stands from the refuge within 7 days after the season ends (see §§ 27.93 and 27.94 of this chapter).

8. You must permanently affix the owner's name, address, and phone number to all tree stands, ground blinds, or game cameras on the refuge.

9. We prohibit hunting from paved, graveled, and mowed roads and mowed trails (see § 27.31 of this chapter).

10. We prohibit all forms of organized game drives.

11. You must check all game at the refuge check station.

D. Sport Fishing. We allow sport fishing and frogging in accordance with State regulations and subject to the following conditions:

1. Conditions B4, B6, and C5 apply.

2. Waters of the refuge are only open for fishing March 1 through October 31 from legal sunrise to legal sunset.

3. We prohibit anglers from leaving their boats unattended overnight on any portion of the refuge (see § 27.93 of this chapter).

4. We prohibit the take and possession of turtles and/or mollusks (see § 27.21 of this chapter).

5. We prohibit airboats, hovercraft, and personal watercraft (Jet Skis, etc.) (see § 27.31 of this chapter).

Overflow National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must possess and carry a Refuge Public Use Regulations Brochure/Access Permit (signed brochure) while hunting.

2. Hunting of duck, goose, and coot ends at 12 p.m. (noon) each day.

3. We allow only portable blinds. Hunters must remove portable blinds, boats, and decoys from the hunt area by 1:30 p.m. each day (see § 27.93 of this chapter).

4. You may only possess shotshells in quantities of 25 or fewer per day during

waterfowl hunting season; hunters may not discharge more than 25 shells per day.

5. Hunters under age 16 do not need to have a hunter education card if they are under the direct supervision (within arm's reach) of a holder of a valid hunting license who is at least age 21.

6. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a valid hunting license. One adult may supervise no more than two youth hunters.

7. We allow only all-terrain vehicles/utility-type vehicles (ATVs/UTVs) for hunting activities. We restrict ATVs/UTVs to designated times and designated trails (see § 27.31 of this chapter) marked with signs and paint. We identify those trails and the dates that they are open for use in the refuge hunt brochure. We limit ATVs/UTVs to those having an engine displacement size not exceeding 700cc. We limit ATV/UTV tires to those having a centerline lug depth not exceeding 1 inch (2.5 centimeters). You may use horses on roads and ATV/UTV trails (when open to motor vehicle and ATV/UTV traffic respectively) as a mode of transportation for hunting activities on the refuge.

8. We prohibit hunting within 150 feet (45 meters) of roads and trails open to motor vehicle use (including ATV/UTV trails).

9. You may take beaver, nutria, and coyote during any daytime refuge hunt with weapons and ammunition legal for that hunt. There is no bag limit. We prohibit transportation or possession of live hog.

10. All boats are prohibited on the refuge between the hours of 1:30 p.m. and 4 a.m. during waterfowl season.

11. All boat motors (including surface drive motors, mud motors, etc.) larger than 25 horsepower (HP) are prohibited.

12. Hunters may not enter the refuge until 4 a.m., with the exception of designated parking areas. Hunting ends at 12 p.m. (noon) each day.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, and furbearers (as defined by State law) on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A4 through A9, and A11 apply.

2. We allow hunting during State seasons (see State regulations for the appropriate zone) for quail, squirrel, rabbit, and furbearers (as defined by State law) through January 31. We list specific hunting season dates annually in the refuge hunt brochure.

3. We do not open for the spring squirrel hunting season, summer/fall raccoon hunting season, or the spring bobcat hunting season.

4. When upland game hunting, we prohibit possession of lead ammunition except that you may possess rimfire rifle lead ammunition no larger than .22 caliber. We prohibit possession of shot larger than that legal for waterfowl hunting.

5. You may use dogs for squirrel and rabbit hunting from December 1 through January 31. You may also use dogs for quail hunting and for raccoon/opossum hunting during open season on the refuge for these species.

6. We allow nighttime raccoon and opossum hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A5 through A9, and A11 apply.

2. We allow muzzleloader deer hunting during the first State muzzleloader season for this zone (see State regulations for appropriate zone).

3. We prohibit buckshot for gun deer hunting.

4. Bag limit for the muzzleloader deer hunt is two deer, with no more than one buck.

5. You may only use portable deer stands erected no earlier than the opening day of Archery Season and you must remove them no later than January 31 each year (see § 27.93 of this chapter). Limit is one deer stand, blind, etc., per person.

6. We prohibit the use of deer decoy(s).

7. The refuge will conduct no more than one quota permit youth spring turkey gun hunt. Specific hunt dates and application procedures will be available at the refuge office in January. We restrict hunt participants on these hunts to those selected for a quota permit, except that one nonhunting adult age 21 or older and possessing a valid hunting license must accompany a youth hunter age 15 or younger.

8. An adult age 21 or older possessing a valid hunting license must accompany and be within sight or normal voice contact of hunters age 15 and younger. One adult may supervise no more than one youth hunter.

9. The incidental taking of feral hogs will be in accordance with Arkansas Game and Fish Commission regulations concerning the taking of feral hogs on State WMAs. If allowed on State WMAs, feral hogs may be taken incidental to daytime refuge hunts (without the use of dogs) with legal hunting equipment and ammunition allowed for that hunt. No bag limit. Live hogs may not be transported or possessed.

D. Sport Fishing. [Reserved]

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Wapanocca National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of snow geese on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require refuge hunting permits. The permits (found on the front cover of the annual hunt brochure/permit—signature required) are nontransferable and anyone on refuge land in possession of hunting equipment must sign and carry them at all times.

2. We provide annual season dates on the hunt brochure/permit.

3. Hunters may enter the refuge at 4 a.m. and must leave the refuge by legal sunset.

4. Roundpond and Pigmon Units are closed to all migratory bird hunting.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, nutria, beaver, coyote, feral hog, and opossum in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A4 apply.

2. You may use only shotguns with approved nontoxic shot (see § 32.2(k)) and rifles chambered for rimfire cartridges when hunting.

3. We provide annual season dates for squirrel, rabbit, raccoon, and opossum hunting on the hunt brochure/permit. We allow dogs.

4. You may take nutria, beaver, and coyote during any refuge hunt with those weapons legal during those hunts, subject to applicable State seasons and regulations.

5. You may take feral hog only during the refuge Quota Gun Deer Hunt and according to State WMA regulations.

6. We limit nighttime hunting to raccoon/opossum hunting.

7. We close all other hunts during the Quota Gun Deer Hunt. We allow only Quota Gun Deer Hunt permit (fee/signature required) holders to enter the refuge during this hunt and only for deer hunting.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A4, and B4 through B7 apply.

2. We prohibit hunting from mowed and/or graveled road rights-of-way.

3. We specify annual season dates, bag limits, and hunting methods on the annual hunting brochure/permit.

4. We allow only portable deer stands. You may erect stands 7 days prior to the refuge deer season and must remove them from the waterfowl sanctuaries by December 1. You must remove all stands on the remainder of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter).

5. We prohibit the possession or use of buckshot for hunting on all refuge lands.

6. We prohibit leaving any tree stand, ground blind, or game camera on the refuge without the owner's name, address, and phone number clearly written in a conspicuous location.

D. Sport Fishing. We allow fishing on the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing from March 1 through October 31 from ½ hour before legal sunrise to ½ hour after legal sunset.

2. We prohibit the possession or use of live carp, shad, buffalo, or goldfish for bait.

3. We prohibit the possession or use of yo-yos, jugs, or other floating containers; drops or limb lines; trotlines; and commercial fishing tackle.

4. We allow bank fishing.

5. We prohibit the take or possession of frogs, mollusks, and/or turtles (see § 27.21 of this chapter).

6. Anglers may launch boats only in designated areas.

7. Anglers must remove all boats daily from the refuge (see § 27.93 of this chapter). We prohibit airboats, personal watercraft, and hovercraft.

■ 4. Amend § 32.24 by:
■ a. Revising the entry Kern National Wildlife Refuge;
■ b. Revising the entry Lower Klamath National Wildlife Refuge;
■ c. Revising the entry Merced National Wildlife Refuge;
■ d. Revising the entry Sacramento River National Wildlife Refuge;
■ e. Revising the entry San Luis National Wildlife Refuge;
■ f. Revising the entry San Pablo Bay National Wildlife Refuge; and
■ g. Revising the entry Tule Lake National Wildlife Refuge.

The revisions read as follows:

§ 32.24 California.

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Kern National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, coots, and moorhens on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Hunters assigned to the spaced blind unit must remain within 100 feet (30.5 meters) of the numbered steel post (blind site) except when pursuing cripples, placing decoys, or traveling to and from the parking area.

2. Hunters may not possess more than 25 shells while in the field.

3. We allow only nonmotorized boats.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow pheasant hunting only in the free roam unit.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

Lower Klamath National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge in accordance with State laws and regulations and subject to the following conditions:

1. In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass for all hunters age 16 or older. An adult with a valid Recreation Pass must accompany hunters age 17 and younger who are hunting in the controlled area.

2. We require advance reservations for the first 2 days of the hunting season. Reservations are obtained through the Waterfowl Lottery each year.

3. Entry hours begin at 4:30 a.m. unless otherwise posted.

4. Shooting hours end at 1 p.m. on all California portions of the refuge with the following exceptions:

i. The refuge manager may designate up to 6 afternoon special youth, ladies, veteran, or disabled hunter waterfowl hunts per season.

ii. The refuge manager may designate up to 3 days per week of afternoon waterfowl hunting for the general public after December 1.

5. You may not set decoys in retrieving zones.

6. We prohibit air-thrust and inboard water-thrust boats.

7. You may use only nonmotorized boats and boats with electric motors on designated motorless units from the start of the hunting season through November 30. You may use motorized boats on designated motorless units from December 1 through the end of hunting season.

8. Pit style hunting blinds located in the Stearns units and unit 9D are first-come, first-served. We require you to hunt within a 200-foot (61-meter) radius of the blind.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge in accordance with State laws and regulations and subject to the following condition: In the controlled pheasant hunting area, we require a valid Refuge Recreation Pass for all hunters age 16 or older. An adult with a valid Recreation Pass must accompany hunters age 17 or younger who are hunting in the controlled area.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

Merced National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and moorhen on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You may possess only 25 or fewer shotshells per day after leaving the parking lot.

2. Each hunter must remain inside his or her assigned blind, except for placing decoys, retrieving downed birds, and traveling to and from the parking area. We prohibit shooting from outside the blind.

3. We restrict hunters in the spaced zone area of the Lonetree Unit to their assigned zone except when they are traveling to and from the parking area, retrieving downed birds, or shooting to retrieve crippled birds.

4. Dogs must remain under the immediate control of their owners at all times (see § 26.21(b) of this chapter).

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

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Sacramento River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, dove, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Access to the hunt area on all units open to public hunting is by boat only, except on designated units, which are accessible by foot traffic or boat. We prohibit bicycles or other conveyances. Mobility-impaired hunters should consult with the refuge manager for allowed conveyances. We prohibit waterfowl hunting on the Mooney and Codora Units.

2. On the Codora Unit, we prohibit hunting except for junior hunters on weekends only. Junior hunters must possess a valid junior hunting license and be accompanied by a nonhunting adult.

3. We allow only shotgun hunting.

4. We prohibit hunting within 50 feet (15 meters (m)) of any landward boundary adjacent to private property.

5. We prohibit hunting within 150 yards (45 m) of any occupied dwelling,

house, residence, or other building or any barn or other outbuilding used in connection therewith.

6. We prohibit fires on the refuge, except we allow portable gas stoves on gravel bars (see § 27.95(a) of this chapter).

7. We open the refuge for day-use access from 2 hours before legal sunrise until 1½ hours after legal sunset. We allow access during other hours on gravel bars only.

8. We require dogs to be kept on a leash, except for hunting dogs engaged in authorized hunting activities, and under the immediate control of a licensed hunter (see § 26.21(b) of this chapter).

B. Upland Game Hunting. We allow hunting of pheasant, turkey, and quail on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow only shotgun and archery hunting.

2. Conditions A1, A2, and A4 through A8 apply.

C. Big Game Hunting. We allow hunting of black-tailed deer and feral hogs on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A2, A4 through A8, and B1 apply.

2. Feral hogs may be hunted September 1 through March 15.

3. We prohibit the use of dogs while hunting black-tailed deer and feral hogs.

4. We allow the use of only shotguns not capable of holding more than three rounds and firing single non-lead shotgun slugs, and archery equipment. We prohibit the use or possession of rifles and pistols on the refuge for hunting.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A6 through A8 apply.

2. On Packer Lake and Drumheller North, due to primitive access, we only allow boats up to 14 feet (4.2 m) and canoes. Electric motors only.

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San Luis National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You may only hunt snipe within the free-roaming portion of the San Luis Unit waterfowl hunting area.

2. You may only possess shotshells in quantities of 25 or fewer after leaving your assigned parking lot or boat launch.

3. We prohibit dropping of passengers or equipment, and stopping between designated parking areas. You must return your permits to the check stations immediately upon completion of your hunt and prior to using any tour routes or leaving the refuge vicinity.

4. We restrict hunters in the spaced blind area to their assigned blind except when they are placing decoys, traveling to and from the parking area, retrieving downed birds, or pursuing cripples.

5. We restrict hunters in the spaced zone area of the East Bear Creek Unit to their assigned zone except when they are traveling to and from the parking area, retrieving downed birds, or pursuing crippled birds.

6. Access to the Freitas Unit free-roam hunting area is by boat only with a maximum of 5 miles per hour (mph). Prohibited boats include air-thrust and/or inboard water-thrust types.

7. We prohibit the use of motorized boats in the free-roam units with the exception of the Freitas Unit.

8. We do not allow vehicle trailers of any type or size to be in the refuge hunt areas at any time or to be left unattended at any location on the refuge.

9. Dogs must remain under the immediate control of their owners at all times (see § 26.21(b) of this chapter).

B. Upland Game Hunting. We allow hunting of pheasants on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You may only possess shotshells in quantities of 25 or fewer while in the field.

2. Dogs must remain under the immediate control of their owners at all times (see § 26.21(b) of this chapter).

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We only allow fishing during normal refuge visitation hours in designated areas as posted.

2. We only allow the use of pole and line or rod and reel to take fish, and anglers must attend their equipment at all times.

San Pablo Bay National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We only allow hunting in the open waters of San Pablo Bay and navigable sloughs, the Cullinan Ranch Unit, and the Sears Point Dickson Ranch Unit.

2. You may only hunt from a boat. We prohibit walk-in hunting on the refuge.

3. You may possess shotshells only in quantities of 25 or fewer while in the field.

4. We only allow dogs engaged in hunting activities on the refuge during waterfowl season. We prohibit other domesticated animals or pets.

5. We allow foot access through the refuge to the State's Tolay Creek Unit (Midshipman Slough) for waterfowl hunting.

6. We allow waterfowl hunting from legal sunrise to legal sunset.

7. Hunters may enter closed areas of the refuge (tidal marshes) only to retrieve downed birds, but all weapons must be left in the designated hunting areas.

8. We prohibit launching of boats and access to the Bay or sloughs from refuge property except from designated boat launch sites (Cullinan Ranch Unit and Dickson Ranch Unit).

B. Upland Game Hunting. We allow hunting of pheasant only in areas of the Tolay Creek Unit designated by posted signs in accordance with State regulations and subject to the following conditions:

1. You may only hunt on Wednesdays, Saturdays, and Sundays.

2. You may only possess approved nontoxic shotshells (see § 32.2(k)) in quantities of 25 or fewer while in the field.

3. You may only access the Tolay Creek Unit by foot or bicycle.

4. We only allow dogs engaged in hunting activities on the refuge during pheasant season. We prohibit other domesticated animals or pets.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on the refuge in accordance with State and Federal regulations, and subject to the following conditions:

1. The refuge is only open to fishing from legal sunrise to legal sunset.

2. We only allow fishing in the open waters of San Pablo Bay and navigable sloughs, the Cullinan Ranch Unit, and the Dickson Ranch Unit.

3. We prohibit walking through or over marsh vegetation.

4. We prohibit launching of boats and access to the Bay or sloughs from refuge property except from designated boat launch sites. We allow only nonmotorized crafts at the Cullinan Ranch Unit and Dickson Ranch Unit launch sites.

5. We only allow fishing from the shore at designated areas along the west side of Cullinan Ranch Unit in addition to the fishing and wildlife observation pier and canoe/kayak dock.

6. We allow fishing only with a pole and line or rod and reel. We prohibit bow fishing and gigging.

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Tule Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge in accordance with State laws and regulations, and subject to the following conditions:

1. In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass for all hunters age 16 or older. An adult with a valid Recreation Pass must accompany hunters age 17 or younger who are hunting in the controlled area.

2. We require advance reservations for the first 2 days of the hunting season. You may obtain a reservation through the Waterfowl Lottery each year.

3. Entry hours begin at 4:30 a.m. unless otherwise posted.

4. Shooting hours end at 1 p.m. on all portions of the refuge with the following exceptions:

i. The refuge manager may designate up to 6 afternoon special youth, ladies, veteran, or disabled hunter waterfowl hunts per season.

ii. The refuge manager may designate up to 3 days per week of afternoon waterfowl hunting for the general public after December 1.

5. You select blind sites by lottery at the beginning of each hunt day. You may shoot only from within your assigned blind site.

6. We prohibit the setting of decoys in retrieving zones.

7. We prohibit air-thrust and inboard water-thrust boats.

8. We prohibit the use of all-terrain amphibious or utility-type vehicles (UTVs) in wetland units.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge in accordance with State laws and regulations, and subject to the following condition: In the controlled pheasant hunting area, we require a valid Refuge Recreation Pass for all hunters age 16 or older. An adult with a valid Recreation Pass must accompany hunters age 17 or younger who are hunting in the controlled area.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

■ 5. Amend § 32.25 by:

■ a. Under the entry Alamosa National Wildlife Refuge:

■ i. Removing paragraphs A.2 and A.4;

■ ii. Redesignating paragraph A.3 as A.2; and

■ iii. Revising paragraphs B and C;

■ b. Revising the entry Arapaho National Wildlife Refuge;

■ c. Revising the entry Baca National Wildlife Refuge; and

■ d. Revising the entry Monte Vista National Wildlife Refuge.

The revisions read as follows:

§ 32.25 Colorado.

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Alamosa National Wildlife Refuge

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B. Upland Game Hunting. We allow hunting of cottontail rabbit, and black-tailed and whitetailed jackrabbit, on designated areas of the refuge in accordance with State regulations and subject to the following condition: Condition A2 applies.

C. Big Game Hunting. We allow hunting of elk on designated areas of the refuge in accordance with State regulations.

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Arapaho National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, coot, merganser, Canada goose, snipe, Virginia and Sora rail, and mourning dove on designated areas of the refuge in accordance with State and Federal regulations, and subject to the following conditions:

1. All migratory bird hunting closes annually on December 31.

2. We allow access to the refuge one hour prior to legal shooting time.

3. We allow use of only portable stands and blinds that the hunter must remove following each day's hunt (see § 27.93 of this chapter).

4. We prohibit hunting 200 feet (60 meters) from any public use road, designated parking area, or designated public use facility located within the hunt area.

B. Upland Game Hunting. We allow hunting of jackrabbit, cottontail rabbit, and sage grouse on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. All upland game hunting closes annually on December 31.

2. Condition A2 applies.

C. Big Game Hunting. We allow hunting of antelope and elk on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A2 and A3 apply.

2. Elk hunters:

i. Must possess a refuge-specific permit to hunt elk; and

ii. Must attend a scheduled pre-hunt information meeting prior to hunting.

D. Sport Fishing. We allow fishing on designated areas of the refuge on the Illinois River in accordance with State regulations and subject to the following conditions:

1. We prohibit fishing between June 1 and July 31 each year.

2. We allow fishing only from legal sunrise to legal sunset.

3. We prohibit ice fishing on the refuge.

4. Fishing is closed in Unit C when the refuge is open to big game rifle hunting.

5. We prohibit lead sinkers and live bait for fishing.

Baca National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of Eurasian collared-doves and mourning doves only in designated areas of the refuge in accordance with State and Federal regulations, and subject to the following conditions:

1. We allow Eurasian collared-dove hunting only during the mourning dove season.

2. The only acceptable methods of take are shotguns, hand-held bows, and hawking/falconry.

B. Upland Game Hunting. We allow hunting of cottontail rabbit, and black-tailed and white-tailed jackrabbit, on designated areas of the refuge in accordance with State regulations and subject to the following condition: Shotguns, rifles firing rimfire cartridges less than .23 caliber, hand-held bows, pellet guns, slingshots, and hawking/falconry are the only acceptable methods of take.

C. Big Game Hunting. We allow hunting of elk on designated areas of the refuge in accordance with State regulations and subject to the following condition: You must possess a valid State license and a refuge-specific permit from the State, or a valid State license issued specifically for the refuge, to hunt elk. State license selection will be made via the Colorado Parks and Wildlife hunt selection process.

D. Sport Fishing. [Reserved]

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Monte Vista National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, coots, snipe, Eurasian collared-doves, and mourning doves on designated areas of the refuge in accordance with State and Federal regulations, and subject to the following conditions:

1. We allow Eurasian collared-dove hunting only during the mourning dove season.

2. The only acceptable methods of take are shotguns, hand-held bows, and hawking/falconry.

B. Upland Game Hunting. We allow hunting of cottontail rabbit, and black-tailed and white-tailed jackrabbit, on designated areas of the refuge in

accordance with State regulations and subject to the following condition: Condition A2 applies.

C. Big Game Hunting. We allow hunting of elk on designated areas of the refuge in accordance with State regulations and subject to the following condition: You must possess a valid State license and a refuge-specific permit from the State, or a valid State license issued specifically for the refuge, to hunt elk. State license selection will be made via the Colorado Parks and Wildlife hunt selection process.

D. Sport Fishing. [Reserved]

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§ 32.26 [Amended]

■ 6. Amend § 32.26, the entry Stewart B. McKinney National Wildlife Refuge, by:

■ a. Removing paragraphs A.2, A.3, A.5, A.6, A.7, A.8, A.9, A.12, A.13, and A.14; and

■ b. Redesignating paragraphs A.4, A.10, and A.11 as paragraphs A.2, A.3, and A.4, respectively.

■ 7. Amend § 32.27 by:

■ a. Under the entry Bombay Hook National Wildlife Refuge:

■ i. Revising paragraphs A and B, and the introductory text of paragraph C; and

■ ii. Removing paragraphs C.3 and C.4; and

■ b. Revising the entry Prime Hook National Wildlife Refuge.

The revisions read as follows:

§ 32.27 Delaware.

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Bombay Hook National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations and subject to the following condition: We require a permit for waterfowl hunting except on the South Upland Hunting Area.

B. Upland Game Hunting. We allow hunting of grey squirrel, cottontail rabbit, ring-necked pheasant, bobwhite quail, raccoon, opossum, red fox, and mourning dove on designated areas of the refuge in accordance with State regulations.

C. Big Game Hunting. We allow hunting of turkey and deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

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Prime Hook National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow the hunting of waterfowl, coot, mourning dove, snipe, and woodcock on designated areas of the refuge during designated seasons in accordance with State regulations and subject to the following conditions:

1. Refuge permits are required for waterfowl hunting except in ''walk-in'' areas as defined in the refuge brochure. You must obtain and possess a refuge permit from the refuge office or website.

2. You must complete and return a Migratory Bird Hunt Report (FWS Form 3–2361), available at the refuge administration office or on the refuge's website, within 15 days of the close of the season.

3. You may access the Lottery Waterfowl hunt area by boat. The maximum horsepower allowed for boat motors is 30 horsepower (HP). You must abide by the slow, no-wake zones on designated portions of refuge waterways as depicted in maps or within the brochure.

4. Disabled Waterfowl Draw Area.

i. All disabled hunters must possess and carry a State of Delaware Certified Hunter with Disabilities Card while hunting in disabled areas. We will not accept photocopies or electronic copies of these forms.

ii. Disabled hunters may have a nonhunting assistant who is age 18 or older. The assistant must remain within sight and normal voice contact, must not be engaged in hunting, and must possess a valid refuge hunt brochure signed in ink and a valid government-issued photo identification. Any assistant engaged in hunting must possess and carry all pertinent State and Federal licenses and stamps.

iii. We do not allow assistants to enter a designated disabled hunting area unless they are accompanied by a certified disabled hunter.

B. Upland Game Hunting. We allow hunting of rabbit, quail, pheasant, and red fox on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We do not allow squirrel hunting due to the similarity of gray squirrels and the State endangered Delmarva fox squirrel.

2. You must obtain and possess a refuge permit from the refuge office or website.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit organized deer drives.

2. Hunting on the headquarters deer hunt area will be by lottery. You must obtain and possess a refuge permit from the refuge office or website.

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Turkle and Fleetwood ponds are restricted to electric trolling motors only.

2. All crabbing and fishing gear must be attended at all times. No gear may be left overnight.

■ 8. Amend § 32.28 by:

■ a. Revising the entry Arthur R. Marshall Loxahatchee National Wildlife Refuge;

■ b. Under the entry J. N. ''Ding'' Darling National Wildlife Refuge:

■ i. Revising the introductory text of paragraph D and paragraph D.1;

■ ii. Removing paragraphs D.2, D.3, D.4, D.5, D.14, D.17, and D.21;

■ iii. Redesignating paragraphs D.6 through D.10, D.12, D.13, D.15, D.16, and D.18 through D.20 as paragraphs D.2 through D.6, D.7, D.8, D.9, D.10, and D.12 through D.14, respectively; and

■ iv. Revising newly redesignated paragraphs D.6 and D.10, paragraph D.11, and newly redesignated paragraph D.13; and

■ c. Under the entry Lake Woodruff National Wildlife Refuge:

■ i. Revising the introductory text of paragraph C, and paragraphs C.1 and C.2;

■ ii. Removing paragraphs C.3, C.4, C.7, C.10, C.16, and C.17;

■ iii. Redesignating paragraphs C.5, C.8, C.9, C.11 through C.15, and C.18 as paragraphs C.3, C.4, C.5, C.7 through C.11, and C.12, respectively;

■ iv. Revising newly redesignated paragraph C.5, paragraph C.6, and newly redesignated paragraphs C.8 and C.12;

■ v. Removing paragraph D.1; and

■ vi. Redesignating paragraphs D.2 through D.5 as paragraphs D.1 through D.4, respectively.

The revisions read as follows:

§ 32.28 Florida.

* * * * *

Arthur R. Marshall Loxahatchee National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas of the refuge in accordance with State and Federal regulations, and subject to the following conditions:

1. You must possess and carry a signed refuge waterfowl hunt permit (signed brochure) while hunting. These brochures are available at the refuge visitor center and on the refuge's website (*http://www.fws.gov/loxahatchee*).

2. We allow hunting in the interior of the refuge south of latitude line

26.27.130 and north of mile markers 12 and 14 (SEE PERMIT MAP). We prohibit hunting from canals or levees and those areas posted as closed.

3. We do not open to hunting on Mondays, Tuesdays, and Christmas Day.

4. We allow hunting on the refuge from ½ hour before legal sunrise to 1 p.m. Hunters may enter the refuge no earlier than 4 a.m. and must be off the refuge by 3 p.m.

5. Hunters may only enter and leave the refuge at the Headquarters Area (Boynton Beach) and the Hillsboro Area (Boca Raton).

6. We allow only temporary blinds of native vegetation.

7. Hunters must remove decoys and other personal property (see § 27.93 of this chapter) from the hunting area at the end of each hunt day.

8. Hunters must complete a Migratory Bird Hunt Report (FWS Form 3–2361) and place it in an entrance fee canister each day prior to exiting the refuge.

9. All youth hunters age 15 and younger must be supervised by a licensed and permitted adult age 21 or older, and must remain with the adult while hunting. Youth hunters must have completed a hunter education course.

10. We allow only boats equipped with factory-manufactured-water-cooled outboard motors, boats with electric motors, and nonmotorized boats. We prohibit boats with air-cooled engines, airboats, fan boats, hovercraft, and personal watercraft (Jet Skis, Jet Boats, Wave Runners, etc.).

11. There is a 35 mph speed limit in all waters of the refuge. A 500-foot (150-meter) Idle Speed Zone is at each of the refuge's three boat ramps.

12. We require all boats operating outside of the main perimeter canals (the L–40 Canal, L–39 Canal, L–7 Canal, and L–101 Canal) in interior areas of the refuge and within the hunt area to fly a 12-inch by 12-inch (30-cm by 30-cm) orange flag 10 feet (3 m) above the vessel's waterline.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of alligators on designated areas of the refuge in accordance with Federal and State regulations, and subject to the following conditions:

1. You must possess and carry a signed refuge alligator hunt permit (signed brochure) while hunting. These brochures are available at the refuge visitor center and on the refuge's website (*http://www.fws.gov/loxahatchee/*).

2. We allow hunting in the interior of the refuge south of latitude line 26.27.130 and north of mile markers 12 and 14, including the canals south of that line (SEE PERMIT MAP). We prohibit hunting from levees and those areas posted as closed.

3. We allow hunting on the refuge 1 hour before sunset on Friday night through 1 hour after sunrise Saturday morning, and 1 hour before sunset on Saturday night through 1 hour after sunrise Sunday morning. We allow alligator hunting the first 2 weekends during Harvest Period 1 (August) and the first 2 weekends during Harvest Period 2 (September). Following the close of Harvest Period 2, the remaining weekends in October will be open for alligator harvest permittees who possess unused CITES tags. Specific dates for the alligator hunt will be provided on the harvest permit.

4. Hunters age 18 and older must be in possession of all necessary State and Federal licenses, permits, and CITES tags, as well as a refuge hunt permit (signed hunt brochure) while hunting on the refuge. They must possess an Alligator Trapping License with CITES tags or an Alligator Trapping Agent License, if applicable.

5. Hunters age 17 and younger may not hunt, but may only accompany an adult age 21 or older who possesses an Alligator Trapping Agent License.

6. Hunters may only enter and leave the refuge at the Hillsboro Area (Loxahatchee Road, Boca Raton).

7. You may take alligators using hand-held snares, harpoons, gigs, snatch hooks, artificial lures, manually operated spears, spear guns, and crossbows. We prohibit the taking of alligators using baited hooks, baited wooden pegs, or firearms. We allow the use of bang sticks (a hand-held pole with a pistol or shotgun cartridge on the end in a very short barrel) with nontoxic ammunition only for taking alligators attached to a restraining line (see § 32.2(k)). Once an alligator is captured, it must be killed immediately. We prohibit catch and release of alligators. Once the alligator is dead, you must lock a CITES tag through the skin of the carcass within 6 inches (15.2 centimeters) of the tip of the tail. The tag must remain attached to the alligator at all times.

8. Hunters must remove all personal property (see § 27.93 of this chapter) from the hunting area at the end of each hunt day.

9. We allow only one vessel per hunting group or party.

10. Conditions A9 and A10 apply.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with Federal and State regulations, and subject to the following conditions:

1. We allow fishing south of a line of latitude of 26.27.130 and in the rim canal in the rest of the refuge. We prohibit fishing in those areas posted as closed to fishing or to the public.

2. We only allow the use of rods and reels and poles and lines, and anglers must attend them at all times.

3. We prohibit commercial fishing and the taking of frogs, turtles, and other wildlife (see § 27.21 of this chapter).

4. We allow 12 fishing tournaments a year by Special Use Permit only (General Activities—Special Use Permit Application, FWS Form 3–1383–G). Contact the Refuge Office at 561–735–6029 for more information.

5. We prohibit the possession or use of cast nets, seines, trot lines, jugs, gigs, and other fishing devices.

6. Anglers may only launch boats at the Headquarters Area (Boynton Beach), the Hillsboro Area (Boca Raton), and 20 Mile Bend (West Palm Beach).

7. Conditions A9 and A10 apply.

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J. N. ''Ding'' Darling National Wildlife Refuge

* * * * *

D. Sport Fishing. We allow fishing and crabbing in refuge waters in accordance with State regulations and subject to the following conditions:

1. We allow the take of crabs with the use of dip nets only.

* * * * *

6. We allow launching of canoes and kayaks anywhere on the right (north) side of Wildlife Drive. We prohibit launching motorized vessels over 14 feet (4.2 meters) in length from Wildlife Drive. Motorized vessels less than 14 feet (4.2 meters) in length may only be launched from designated site #2.

* * * * *

10. We prohibit the use of cast nets from the left (south) side of Wildlife Drive or any water control structure, bridge, boardwalk, or rip rap affixed to Wildlife Drive.

11. All fish must remain in whole condition until removed from refuge lands and waters.

* * * * *

13. We prohibit airboats, hovercraft, personal watercraft, and ''Go-Devil''-style outboard motors.

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Lake Woodruff National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require a valid Lake Woodruff Quota Hunt Permit, which can be

purchased through Florida Fish and Wildlife Conservation Commission; and a valid Lake Woodruff National Wildlife Refuge hunt permit (signed annual hunt brochure), which is free and nontransferable.

2. All hunters must be on stands or in blinds during deer hunts.

* * * * *

5. You may set up stands or blinds 2 days prior to the hunt for which you are permitted, and you must remove them on or before the last day of your permitted hunt. You must clearly mark stands with the hunter's name and address or the Florida Fish and Wildlife Conservation Commission (FWC) permit number found on your hunting license. No more than one stand or blind per person may be on the refuge at any time, unless a permitted hunter is accompanied by a youth hunter. Stands and/or blinds for youth hunters must be placed within sight and normal voice contact of the permitted hunter's stand and marked with the adult permitted hunter's name and address or the FWC permit number and the word ''YOUTH.''

6. If you use flagging or other trail marking material, you must print your name or FWC permit number on each piece or marker. You may set up flagging and trail markers 2 days prior to the permitted hunt, and you must remove them on or before the last day of the permitted hunt.

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8. The Western Unit is only accessible by boat.

* * * * *

12. We prohibit shotgun loads larger than number two shot and slugs during turkey hunts.

* * * * *

■ 9. Amend § 32.29 by:

■ a. Under the entry Blackbeard Island National Wildlife Refuge:

■ i. Removing paragraphs C.7, C.8, C.10, C.13, C.14, and C.21;

■ ii. Redesignating paragraphs C.9, C.11, C.12, and C.15 through C.20 as paragraphs C.7, C.8, C.9, and C.10 through C.15, respectively;

■ iii. Revising newly redesignated paragraph C.12; and

■ iv. Removing paragraph D.3;

■ b. Under the entry Harris Neck National Wildlife Refuge:

■ i. Removing paragraphs C.3, C.4, C.8, C.13, C.14, C.16, and C.20;

■ ii. Redesignating paragraphs C.5, C.6, C.7, C.9 through C.12, C.15, C.17, C.18, and C.19 as paragraphs C.3, C.4, C.5, C.6 through C.9, C.10, C.11, C.12, and C.13, respectively;

■ iii. Revising newly redesignated paragraph C.12;

■ iv. Removing paragraphs D.3 and D.5; and

■ v. Redesignating paragraph D.4 as D.3;

■ c. Revising the entry Okefenokee National Wildlife Refuge;

■ d. Under the entry Savannah National Wildlife Refuge:

■ i. Revising paragraphs A.2 and A.3;

■ ii. Removing paragraphs A.4, A.5, and A.8;

■ iii. Redesignating paragraphs A.6 and A.7 as A.4 and A.5, respectively;

■ iv. Revising paragraph B.1;

■ v. Removing paragraphs B.2, B.4, and B.5;

■ vi. Redesignating paragraphs B.3 and B.6 as paragraphs B.2 and B.3, respectively;

■ vii. Revising newly redesignated paragraph B.3, and paragraphs C.1 and C.2;

■ viii. Removing paragraphs C.3, C.6, and C.11;

■ ix. Redesignating paragraphs C.4, C.5, and C.7 through C.10 as paragraphs C.3, C.4, and C.5 through C.8, respectively;

■ x. Revising newly redesignated paragraph C.8, and paragraph D.3;

■ xi. Removing paragraphs D.5 and D.7; and

■ xii. Redesignating paragraph D.6 as D.5; and

■ e. Under the entry Wassaw National Wildlife Refuge:

■ i. Removing paragraphs C.2, C.3, C.6, C.7, C.14, and C.22;

■ ii. Redesignating paragraphs C.4, C.5, C.8 through C.13, and C.15 through C.21 as paragraphs C.2, C.3, C.4 through C.9, and C.10 through C.16, respectively;

■ iii. Revising newly redesignated paragraphs C.5, C.8, and C.14; and

■ iv. Removing paragraph D.4.

The revisions read as follows:

§ 32.29 Georgia.

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Blackbeard Island National Wildlife Refuge

* * * * *

C. * * *

12. Youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise no more than one youth hunter.

* * * * *

Harris Neck National Wildlife Refuge

* * * * *

C. * * *

12. Youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise no more than one youth hunter.

* * * * *

Okefenokee National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow the hunting of rabbit, squirrel, bobwhite quail, and turkey on the Cowhouse Unit of the refuge. The season will be consistent with the adjacent Dixon Memorial Wildlife Management Area and in accordance with State regulations and subject to the following conditions:

1. We only allow foot and bicycle traffic on the refuge portion of Cowhouse Island.

2. We only allow dogs to locate, point, and retrieve during quail hunts.

3. Feral hogs can only be taken during small game dates after October 31.

C. Big Game Hunting. We allow hunting of turkey only on the Cowhouse Island Unit of the refuge. We allow hunting of white-tailed deer and feral hog, as an incidental take, at the Suwannee Canal Recreation Area, the Pocket Unit, and Cowhouse Island Unit in accordance with State regulations and subject to the following conditions:

1. In the Pocket Unit:

i. We only allow archery hunting and foot traffic.

ii. You must sign in and out daily.

iii. We prohibit possessing a cocked crossbow in a motor vehicle.

iv. We allow nonmotorized scouting 7 days prior to scheduled hunt.

2. In the Suwannee Canal Unit:

i. We only allow two half-day hunts reserved for 30 hunters and 10 mobility-impaired/youth hunters.

ii. We allow only shotguns with slugs or muzzleloaders.

iii. We require a refuge permit (Big/Upland Game Hunt Application, FWS Form 3–2356) obtained through refuge lottery.

iv. You must sign in and sign out daily.

v. You must tag your deer with special refuge tags.

vi. There is a limit of two deer of either sex per day.

vii. We zone Chesser Island Hunt area to accommodate mobility-impaired and youth hunters. Only mobility-impaired hunters may use ATVs and vehicles on firebreaks and unpaved roads.

viii. We allow nonmotorized scouting 7 days prior to scheduled hunt.

ix. Condition C.1.iii applies.

3. In the Cowhouse Island Unit:

i. Dixon Memorial Wildlife Management Area rules, regulations, dates, and times apply.

ii. Conditions B.1, C.1.iii, and C.1.iv apply.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You may use only 10 horsepower motors or less on the refuge.

2. We prohibit possession of live bait fish.

3. We only allow the use of pole and line or rod and reel.

4. We prohibit paddleboarding, air boats, swimming, and wading.

5. All boats must be off the water by posted time.

6. In the Suwannee Canal Unit, we prohibit fishing in ponds and canals along Swamp Island Drive.

* * * * *

Savannah National Wildlife Refuge

A. * * *

2. To participate in the quota youth waterfowl hunt, youth hunters must submit the Waterfowl Lottery Application (FWS Form 3–2355). You must pay an application fee to enter the hunt drawing.

3. Youth hunters, defined as those age 15 and younger, must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise no more than two youth hunters.

* * * * *

B. * * *

1. Conditions A1 and A4 apply.

* * * * *

3. Youth hunters, defined as those age 15 and younger, must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise no more than one youth hunter.

C. * * *

1. Conditions A1, A4, and B3 apply.

2. To participate in the quota gun hunt for wheelchair-dependent hunters, hunters must submit the Quota Deer Hunt Application (FWS Form 3–2354). To participate in the quota Youth Turkey Hunt & Learn Weekend, youth hunters must submit the Big/Upland Game Hunt Application (FWS Form 3–2356). You must pay an application fee to enter these hunt drawings.

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8. We prohibit the use of trail or game cameras.

D. * * *

3. We allow fishing from legal sunrise to legal sunset.

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Wassaw National Wildlife Refuge

* * * * *

C. * * *

5. We allow only shotguns (20 gauge or larger; slug only), center-fire rifles, center-fire pistols, bows, and primitive weapons, in accordance with State regulations, for deer and hog hunting during the gun hunt.

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8. We only allow camping at the designated camping area.

* * * * *

14. Youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise no more than one youth hunter.

* * * * *

■ 10. Amend § 32.32 by:

■ a. Revising the entry Great River National Wildlife Refuge; and

■ b. Adding, in alphabetical order, an entry for Hackmatack National Wildlife Refuge.

The addition and revision read as follows:

§ 32.32 Illinois.

* * * * *

Great River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl and coot on the Long Island and Slim Island Divisions of the refuge in accordance with State and Federal regulations, and subject to the following conditions:

1. On the Long Island Division, we allow hunting only from blinds constructed on sites posted by the Illinois Department of Natural Resources.

2. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of small game, furbearers, and game birds on the Long Island, Fox Island, and Slim Island Divisions, and Cherry Box and Hickory Creek Units of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A2 applies.

2. We open refuge divisions for upland game hunting from ½ hour before legal sunrise to ½ hour after legal sunset. On the Cherry Box and Hickory Creek Units, we allow hunting with shotgun only during the Statewide upland game season.

3. We close Fox Island Division to all upland game hunting from October 16 through December 31.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated portions of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A2 applies, except for when hunting for white-tailed deer.

2. We only allow portable tree stands from September 1 through January 31 of each year. The hunter's full name, address, and State-generated hunter identification number must be permanently attached in a visible location on the stand. Limit one stand per hunter.

3. On the Fox Island and Slim Island Divisions, we only allow deer hunting during the Statewide archery deer season and special State-managed hunts.

4. On the Cherry Box and Hickory Creek Units, we allow deer hunting during the Statewide archery deer season only.

5. On the Delair Division, we only allow deer hunting during special managed hunts and subject to the following conditions:

i. You must possess and carry a refuge permit (hunt letter) when hunting.

ii. You must register at the hunter sign-in/out station and record the sex and age of deer harvested on the Big Game Harvest Report (FWS Form 3–2359). Shooting hours end at 3 p.m. each day.

6. On the Long Island Division, we allow deer and turkey hunting in accordance with State seasons and regulations.

7. On the Slim Island Division, we allow turkey hunting in accordance with State seasons and regulations.

8. On the Fox Island Division, Cherry Box Unit, and Hickory Creek Unit, we allow turkey hunting during the State spring season, youth season, and fall archery season.

D. Sport Fishing. We allow fishing on the Long Island, Fox Island, and Slim Island Divisions of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit the taking of turtle and frog (see § 27.21 of this chapter).

2. On the Fox Island Division, we only allow bank fishing along any portion of the Fox River from January 1 through October 15.

Hackmatack National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with Federal and State regulations, and subject to the following condition: We allow the use of only portable or temporary blinds.

B. Upland Game Hunting. We allow upland game hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow the use of only portable or temporary blinds.

2. For hunting, you may possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

C. Big Game Hunting. We allow big game hunting on designated areas of the

refuge in accordance with State regulations and subject to the following condition: Condition B.2 applies.

D. Sport Fishing. [Reserved]

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■ 11. Amend § 32.35 by:
■ a. Under the entry Flint Hills National Wildlife Refuge:
■ i. Revising paragraph A.5;
■ ii. Removing paragraphs A.6, A.7, A.8, and A.10.iii;
■ iii. Redesignating paragraphs A.9 and A.10 as paragraphs A.6 and A.7, respectively;
■ iv. Revising paragraph B.1;
■ v. Removing paragraph B.2;
■ vi. Redesignating paragraphs B.3 and B.4 as paragraphs B.2 and B.3, respectively;
■ vii. Removing paragraphs C.4 and C.7;
■ viii. Revising paragraph C.5;
■ ix. Redesignating paragraph C.6 as paragraph C.4; and
■ x. Revising paragraph D.2;
■ b. Under the entry Kirwin National Wildlife Refuge:
■ i. Revising paragraph A;
■ ii. Removing paragraphs B.3, B.4, and B.5;
■ iii. Revising paragraphs C.2 and C.4;
■ iv. Removing paragraphs C.3, C.6, C.7, C.8, and C.9;
■ v. Redesignating paragraph C.5 as paragraph C.3;
■ vi. Removing paragraphs D.2, D.5, D.8, and D.9; and
■ vii. Redesignating paragraphs D.3, D.4, D.6, and D.7 as paragraphs D.2, D.3, D.4, and D.5, respectively;
■ c. Under the entry Marais des Cygnes National Wildlife Refuge:
■ i. Removing paragraph A.5;
■ ii. Revising the introductory text of paragraph B and paragraph B.1;
■ iii. Removing paragraph B.4;
■ iv. Revising paragraph C.1;
■ v. Removing paragraph C.3; and
■ vi. Redesignating paragraphs C.4 and C.5 as paragraphs C.3 and C.4, respectively; and
■ d. Under the entry Quivira National Wildlife Refuge:
■ i. Removing paragraphs A.2, A.5, A.6, and A.7;
■ ii. Redesignating paragraphs A.3, A.4, A.8, and A.9 as paragraphs A.2, A.3, A.4, and A.5, respectively;
■ iii. Revising paragraphs B.1, D.1, and D.7; and
■ iv. Removing paragraph D.8.

The revisions read as follows:

§ 32.35 Kansas.

* * * * *

Flint Hills National Wildlife Refuge

A. * * *

5. You may leave temporary blinds (other than portable blinds) constructed of natural vegetation found on site overnight. We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

* * * * *

B. * * *

1. Conditions A1 and A3 apply.

* * * * *

C. * * *

5. Conditions A1, A3, and B2 apply.

* * * * *

D. * * *

2. We prohibit the take of reptiles and amphibians.

Kirwin National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, merganser, coot, mourning dove, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You may use natural vegetation to construct a temporary blind.

2. You may use portable hunting blinds.

3. We only allow waterfowl hunting by boat in Bow Creek. You may not create a wake while in Bow Creek.

* * * * *

C. * * *

2. You must obtain a refuge-issued permit to hunt deer on the refuge.

* * * * *

4. We prohibit retrieving deer or turkey from an area closed to deer or turkey hunting.

* * * * *

Marais des Cygnes National Wildlife Refuge

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B. Upland Game Hunting. We allow hunting of cottontail rabbit, squirrel, and upland birds on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A3 apply.

* * * * *

C. * * *

1. Conditions A1, A3, A4, and B2 apply.

* * * * *

Quivira National Wildlife Refuge

* * * * *

B. * * *

1. Conditions A1 through A3 apply.

* * * * *

D. * * *

1. We prohibit taking of frog, snake, or any other wildlife (see § 27.21 of this chapter).

* * * * *

7. Condition A2 applies.

■ 12. Amend § 32.37 by:
■ a. Under the entry Bayou Sauvage National Wildlife Refuge:
■ i. Revising paragraphs A.1, A.3, and A.8;
■ ii. Removing paragraphs A.9, A.11, A.12, A.14, A.15, A.16, A.17, A.18, and A.19;
■ iii. Redesignating paragraphs A.10, A.13, and A.20 as paragraphs A.9, A.10, and A.11, respectively;
■ iv. Revising paragraph D.6; and
■ v. Removing paragraphs D.7, D.8, and D.9;
■ b. Revising the entry Bayou Teche National Wildlife Refuge;
■ c. Revising the entry Big Branch Marsh National Wildlife Refuge;
■ d. Revising the entry Bogue Chitto National Wildlife Refuge;
■ e. Under the entry Delta National Wildlife Refuge:
■ i. Revising paragraph A.3;
■ ii. Removing paragraphs A.4, A.7, A.12, A.14, A.15, and A.16;
■ iii. Redesignating paragraphs A.5, A.6, A.8 through A.11, and A.13 as paragraphs A.4, A.5, A.6 through A.9, and A.10, respectively;
■ iv. Revising newly redesignated paragraph A.9, and paragraphs B.4, C.1, C.3, and C.5;
■ v. Removing paragraphs C.6 and C.7;
■ vi. Redesignating paragraphs C.8 and C.9 as paragraphs C.6 and C.7, respectively;
■ vii. Removing paragraph D.2;
■ viii. Redesignating paragraphs D.3 through D.5 as paragraphs D.2 through D.4, respectively; and
■ ix. Revising newly redesignated paragraph D.3;
■ f. Under the entry Mandalay National Wildlife Refuge:
■ i. Removing paragraphs A.6, A.8, A.9, A.10, A.11, and A.12;
■ ii. Redesignating paragraphs A.3 through A.5 as paragraphs A.4 through A.6, respectively;
■ iii. Adding new paragraph A.3;
■ iv. Revising newly redesignated paragraph A.4;
■ v. Revising paragraphs C.7 and C.8;
■ vi. Removing paragraph D.1;
■ vii. Redesignating paragraphs D.2 through D.6 as D.1 through D.5, respectively; and
■ viii. Revising newly redesignated paragraph D.4; and
■ g. Revising the entry Tensas River National Wildlife Refuge.

The addition and revisions read as follows:

§ 32.37 Louisiana.

* * * * *

Bayou Sauvage National Wildlife Refuge

A. * * *

1. We consider all waterfowl and coot hunting to be youth hunts. An adult at least age 21 must supervise youth hunters during hunts. State regulations define youth hunter age and hunter-educations requirements. The youth must be capable of and must actively participate in such hunt by the possession and/or firing of a legal weapon during such hunt for the express purpose of harvesting game.

* * * * *

3. We allow waterfowl hunting on Wednesdays, Thursdays, Saturdays, and Sundays from one half hour before legal sunrise until 12 p.m. (noon), on Wednesdays, Thursdays, Saturdays, and Sundays, including early teal season, youth waterfowl hunt season, or other such special seasons that may be promulgated by law or statute. We will close the refuge to waterfowl and coot hunting during any segment of goose season that extends beyond the regular duck season.

* * * * *

8. When hunting migratory game birds, we only allow the use of dogs to locate, point, and retrieve.

* * * * *

D. * * *

6. Condition A10 applies.

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Bayou Teche National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds and waterfowl on designated areas of the refuge in accordance with State regulations and subject to the following conditions.

1. All hunters must possess and carry a signed hunt permit while hunting on the refuge. This permit is free and available on the front cover of the refuge brochure.

2. We prohibit hunting in and/or shooting into or across any agricultural field, roadway, or canal.

3. An adult age 21 or older must supervise youth hunters during all hunts. State regulations define youth hunter age and hunter-educations requirements. One adult may supervise two youths during small game and migratory game bird hunts but may supervise only one youth during big game hunts. Youth(s) must remain within normal voice contact of the adult who is supervising them. Adult guardians are responsible for ensuring that youth hunters do not engage in conduct that would constitute a violation of refuge regulations.

4. We require waterfowl hunters to remove all portable blinds, boats, decoys, and other personal equipment from the refuge by 1 p.m. daily.

5. All hunters must check-in prior to hunting and check out after hunting at a refuge self-clearing check station. You must report all game taken on the refuge when checking out by using the check card.

6. We prohibit airboats and marsh buggies (tracked vehicles) on the refuge. We restrict motorized boat use to existing canals, ditches, trenasses, ponds, and from areas marked as nonmotorized areas only.

7. We prohibit parking, walking, or hunting within 150 feet (45 meters (m)) of any active oil well site, production facility, or equipment. We also prohibit hunting within 150 feet (45 m) of any public road, refuge road, building, residence, or designated public facility.

8. We allow hunting until 12 p.m. (noon). Hunters may only enter the refuge after 4 a.m.

9. We allow waterfowl hunting in Centerville, Garden City, Bayou Sale, North Bend East, and North Bend West Units during the State waterfowl season. We open no other units to migratory waterfowl hunting.

10. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

11. We prohibit the use of any type of material used as flagging or trail markers, except reflective tacks.

B. Upland Game Hunting. We allow hunting of squirrel and rabbit on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We only allow hunting from the start of the State squirrel and rabbit seasons until the last day of State waterfowl season in the Coastal Zone, except that the Centerville Unit will be open until the last day of the State waterfowl season in the East Zone.

2. We prohibit squirrel and rabbit hunting in the Franklin Unit.

3. We prohibit upland game hunting on days corresponding with refuge deer gun hunts.

4. We allow hunters to enter the refuge after 4 a.m., but they must leave the refuge 1 hour after legal sunset.

5. We allow hunting 7 days per week beginning with the opening of the State season through the last day of the State waterfowl season in the Coastal Zone in the following refuge units: Garden City, Bayou Sale, North Bend—East, and North Bend—West Units. The Centerville Unit is in the East Zone. We open no other units to the hunting of upland game.

6. Conditions A1 through A3, A5 through A7, and A11 apply, except we allow the use of .17 and .22 caliber rimfire or smaller while hunting small game.

C. Big Game Hunting. We allow the hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting of deer only with firearms (see § 27.42 of this chapter) during 5 specific days during October and November. A youth gun hunt will occur during the last weekend of October. The general gun hunt will occur during the final full weekend in November. The youth gun hunt includes both Saturday and Sunday. The general gun hunt includes the Friday immediately before the weekend.

2. We allow archery deer hunting from the start of the State archery season until January 31. Hunters may take deer of either sex in accordance with State-approved archery equipment and regulations. The State season limits apply. The following units are open to archery deer hunting: Bayou Sale, North Bend—East, North Bend—West, and Garden City. The Centerville Unit is open until February 15. We close refuge archery hunting on those days that the refuge deer gun hunts occur.

3. We do not allow hunting within 500 feet (152.4 meters) of the Garden City parking area and boardwalk.

4. The Bayou Sale Unit is not open for big game firearm hunts.

5. We allow each hunter to possess only one deer per day; the deer may be a buck or a doe. State season limits apply.

6. You may take feral hogs only as incidental take with archery equipment while participating in the refuge deer archery hunt.

7. Hunters may use only portable deer stands. Hunters may erect deer stands one day before the deer archery season and must remove them from the refuge within 1 day after the season closes. Hunters may place only one deer stand on a refuge. Deer stands must have owner's name, address, and phone number clearly printed on the stand. Hunters must place stands in a nonhunting position when not in use (see § 27.93 of this chapter).

8. Conditions A1 through A3, A5 through A7, A11, and B3 apply.

9. We prohibit the use of trail cameras.

10. We prohibit the use of deer decoys.

11. We prohibit organized deer drives.

D. Sport Fishing. We allow fishing in all refuge waters in accordance with State regulations and subject to the following conditions:

1. We prohibit the use of unattended nets, traps, or lines (trot, jug, bush, etc.).

2. The refuge is open from legal sunrise until legal sunset unless stated otherwise.

3. The Franklin Unit canals (birdfoot canals) will be open for motorized boats between April 15 and August 31. This unit is open to nonmotorized boats all year.

4. Condition A6 applies.

Big Branch Marsh National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, coot, goose, snipe, rail, gallinule, and woodcock on designated areas of the refuge during the State season for these species in accordance with State regulations and subject to the following conditions:

1. We allow waterfowl hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 12 p.m. (noon), including the State special teal season and State youth waterfowl hunt.

2. We do not open the refuge to goose hunting for that part of the season that extends beyond the regular duck season.

3. We allow only temporary blinds, and hunters must remove the blinds and decoys by 1 p.m. (see § 27.93 of this chapter).

4. Hunters must possess and carry a valid refuge hunt permit (signed brochure).

5. We prohibit air-thrust boats, aircraft, mud boats, and air-cooled propulsion engines on the refuge.

6. An adult age 21 or older must supervise youth hunters during all hunts. State regulations define youth hunter age and hunter-education requirements. One adult may supervise two youths during small game hunts and migratory bird hunts, but is only allowed to supervise one youth during big game hunts. Youths must remain within normal voice contact of the adult who is supervising them. Adult guardians are responsible for ensuring that youth hunters do not engage in conduct that would constitute a violation of refuge regulations.

7. We prohibit hunting or discharge of firearm (see § 27.42 of this chapter) within 150 feet (45 meters (m)) of any residence or structure adjacent to the refuge, from the centerline of any road, railroad, designated public use maintained trails, designated parking area, or other designated public use facilities. We prohibit hunting in refuge-designated closed areas, which we post on the refuge and identify in the refuge hunt permits (see § 27.31 of this chapter).

8. We open the refuge to public entry from ½ hour before legal sunrise to ½ hour after legal sunset with the exception that hunters may enter the refuge earlier, but not before 4 a.m. and must exit the refuge no later than 2 hours after legal sunset for that day.

9. We only allow reflective tacks to be left on the refuge as trail markers.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, and quail on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow upland game hunting during the open State season. When hunting, you must possess only approved nontoxic shot (see § 32.2(k) of this chapter), shot size 4 or smaller, or 0.22 caliber rim-fire rifles or smaller.

2. We allow the use of dogs for hunting squirrel and rabbit only after the close of the State archery deer season.

3. We only allow dogs to locate, point, and retrieve when hunting for quail.

4. Conditions A4 through A9 apply.

5. All hunters, including archers (while on the ground), except waterfowl hunters must wear a hunter orange cap or hat during the dog season for squirrel and rabbit that is hunter orange, blaze pink, or other such color that meets State hunter safety requirements.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We are open only during the State season for archery hunting of deer.

2. We prohibit organized deer drives.

3. We allow the take of either-sex deer in accordance with State-approved archery equipment and regulations. The State season limits apply. Archery equipment, which State regulations define as legal gear for archery season, will be a legal means of take during the deer archery season.

4. We allow placement of temporary deer stands 1 day prior to the start of deer archery season. Hunters must remove all deer stands within 1 day after the archery deer season closes. Hunters are allowed to place only one deer stand on the refuge. Deer stands must have the owner's name, address, and phone number clearly printed on the stand. We prohibit hunting stands on trees painted with white bands.

5. We allow take of feral hogs only as incidental take with archery equipment while participating in the refuge deer archery hunt.

6. Conditions A4 through A9 apply.

7. We prohibit the use of trail cameras.

8. We prohibit the use of deer decoys.

D. Sport Fishing. We allow fishing in designated waters of the refuge in accordance with State regulations and subject to the following conditions:

1. You may fish only from ½ hour before legal sunrise until ½ hour after legal sunset, except we allow night fishing from the bank and pier on Lake Road.

2. You must only use rods and reel or pole and lines while fishing.

3. We prohibit the use of trotlines, limblines, slat traps, gar sets, nets, or alligator lines on the refuge. We allow take of bait with cast nets 8 feet (2.4 meters) in diameter or less.

4. We allow recreational crabbing.

5. Condition A5 applies.

6. You must attend to any fishing, crabbing, and crawfishing equipment at all times.

* * * * *

Bogue Chitto National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting from ½ hour before legal sunrise until 12 p.m. (noon), including the State special teal season and State youth waterfowl hunt. You must remove blinds and decoys by 1 p.m. (see § 27.93 of this chapter). We do not open the refuge to goose hunting for that part of the season that extends beyond the regular duck season.

2. We allow woodcock hunting in accordance with State regulations using only approved nontoxic shot (see § 32.2(k)) size #4 or smaller.

3. We allow public hunting on designated areas during the open State season for duck, goose, coot, and woodcock. We designate areas where public use is restricted in the refuge hunt permit (signed brochure) or by designated signage.

4. When hunting for migratory game birds, we only allow dogs to locate, point, and retrieve.

5. Hunters must possess and carry a valid refuge hunt permit (signed refuge brochure).

6. An adult age 21 or older must supervise youth hunters during all hunts. State regulations define youth hunter age and hunter-education requirements. One adult is allowed to supervise two youths during small game hunts and migratory bird hunts but may supervise only one youth during big game hunts. Youths must remain within normal voice contact of the adult who is supervising them. Adult guardians are responsible for ensuring that youth hunters do not engage in conduct that would constitute a violation of refuge regulations.

7. We prohibit hunting or discharge of firearms (see § 27.42 of this chapter)

within 150 feet (45.7 meters) from the centerline of any public road, refuge road, designated or maintained trail, building, residence, designated camping area, designated public facility, or from or across aboveground oil, gas, or electric facilities. We prohibit hunting in refuge-designated closed areas, which we post on the refuge and identify in the refuge hunt permits (signed brochure).

8. For the purpose of hunting, we prohibit possession of slugs, buckshot, rifle, or pistol ammunition unless otherwise specified.

9. We allow primitive camping within 100 feet (30 meters) of designated streams. These include either bank of the Boque Chitto River, Wilson Slough, and West Pearl River south of Wilson Slough; refuge lands along the East Pearl River; and Holmes Bayou. Campers must mark their campsite with the owner's name, address, phone number, and dates of occupancy placed in a conspicuous location in the center of camp.

10. We prohibit horses, trail cameras, all-terrain vehicles (ATVs) and utility-terrain vehicles (UTVs), except UTVs are allowed on designated physically challenged hunt trails and are restricted to physically challenged State-issued permit holders and persons 60 years or older with proof of age for all refuge designated hunts. Those users may utilize Physically Challenged UTV trails as indicated on the refuge hunt permit (signed brochure) map. Physically Challenged UTV users must not deviate from the designated UTV trails on the area map. Vehicles must park in designated parking areas. We prohibit blocking gates, trails, or roads with a vehicle or UTV.

11. We only allow reflective tacks to be left on the refuge as trail markers.

12. We allow State-licensed physically challenged hunters and persons 60 years or older with proof of age exclusive use of designated physically challenged hunt trails for any open hunt seasons on the refuge. Specific hunt trails are designated on the refuge hunt permit (signed brochure). An assistant may accompany the physically challenged or person 60 years or older while hunting, but the assistant may not hunt.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow the use of dogs for rabbit, squirrel, raccoon, and opossum on specific dates listed in the refuge hunt brochure.

2. We will close the refuge to hunting (except waterfowl) and camping when the Pearl River reaches 15.5 feet (4.65 meters) on the Pearl River Gauge at Pearl River, Louisiana.

3. We prohibit the take of feral hog during any upland game hunts.

4. All hunters, except waterfowl hunters and nighttime raccoon and opossum hunters, must abide by State WMA hunter-orange or blaze pink (or other approved colors by the State) regulations during any open deer firearm or primitive firearm season on the refuge. During the dog season for squirrels and rabbits, all hunters, including archery hunters (while on the ground), except waterfowl hunters, must wear a hunter-orange (or blaze pink in Louisiana, or other approved color by the State) hat or cap. Deer hunters hunting from concealed blinds must display State WMA hunter-orange or blaze-pink (as required by State regulations) above or around their blinds; this must be visible from 360 degrees.

5. Conditions A5 through A12 apply, except you may use .22-caliber rifles or smaller, and the nontoxic shot in your possession while hunting must be size 4 or smaller (see § 32.2(k)).

C. Big Game Hunting. We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A5 through A7, A9 through A10, A12, B2, and B4 apply.

2. Hunters may erect deer stands one day before the deer archery season and must remove them from the refuge within 1 day after this season closes. We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's name, address, and phone number clearly printed on the stand.

3. We allow take of hog as incidental game while participating in the refuge archery, primitive weapon, and general gun deer hunts and where otherwise specified using legal methods of take for the hunt. We list specific dates for the special hog hunt in February in the refuge hunt permit (signed brochure). During the special hog hunt in February, you must use trained hog-hunting dogs to aid in the take of hog. During the special hog hunt, we allow take of hog from ½ hour before legal sunrise until ½ hour after legal sunset. You must possess only approved nontoxic shot or pistol or rifle ammunition not larger than .22 caliber rim-fire to take the hog after it has been caught by dogs. Condition A8 applies during special hog hunt in February.

4. You must kill all hogs prior to removal from the refuge.

5. We prohibit the use of deer and turkey gobbler decoys.

6. We prohibit using shot larger than BB lead or T steel while hunting during turkey season.

D. Sport Fishing. We allow recreational fishing year-round in accordance with State regulations and subject to the following conditions:

1. We only allow cotton limb lines.

2. Conditions A8 and A10 apply.

3. We close the fishing ponds at the Pearl River Turnaround to fishing from April through the first full week of June and to boating during the months of April, May, June, and July.

4. When the Pearl River Turnaround area is open, we allow boats that do not have gasoline-powered engines attached in the fishing ponds at the Pearl River Turnaround. Anglers must hand-launch these boats into the ponds. When open, we only allow hook and line as a legal method of take in the fishing ponds at the Pearl River Turnaround.

5. We allow trotlines, but the last 5 feet of trotline must be 100% cotton.

6. The Pearl River Turnaround area, when open, is open ½ hour before legal sunrise to ½ hour after legal sunset.

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Delta National Wildlife Refuge

A. * * *

3. When hunting for migratory game birds, we only allow the use of dogs to locate, point, and retrieve.

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9. An adult age 21 or older must supervise youth hunters during all hunts. State regulations define youth hunter age and hunter-educations requirements. One adult may supervise two youths during small game and migratory game bird hunts but must supervise only one youth during big game hunts. Youth(s) must remain within normal voice contact of the adult who is supervising them. Adult guardians are responsible for ensuring that youth hunters do not engage in conduct that would constitute a violation of refuge regulations.

* * * * *

B. * * *

4. Conditions A4 through A10 apply.

* * * * *

C. * * *

1. Conditions A4 through A10 apply with the following exception to condition A9: Each adult is allowed to supervise only one youth hunter.

* * * * *

3. We only allow portable deer stands (see § 27.93 of this chapter). Hunters may erect deer stands 1 day before the

deer archery season and must remove them from the refuge within 1 day after the season closes. Hunters may place only one deer stand on a refuge. Deer stands must have the owner's name, address, and phone number clearly printed on the stand.

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5. We allow the take of hog(s) only with archery equipment during the archery deer season.

* * * * *

D. * * *

3. Conditions A6 and A7 apply.

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Mandalay National Wildlife Refuge

A. * * *

3. When hunting migratory game birds, we only allow the use of dogs to locate, point, and retrieve.

4. An adult age 21 or older must supervise youth hunters during all hunts. State regulations define youth hunter age and hunter-educations requirements. One adult may supervise two youths during small game and migratory game bird hunts. An adult may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters age 16 or younger do not engage in conduct that would constitute a violation of refuge regulations.

* * * * *

C. * * *

7. We prohibit organized deer drives.

8. Conditions A3, A4, and A7 apply.

* * * * *

D. * * *

4. Condition A7 applies.

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Tensas River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, coot, woodcock, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting of duck and coot on Tuesdays, Thursdays, Saturdays, and Sundays until 2:00 p.m. during the State season. We prohibit migratory bird hunting during refuge gun hunts for deer.

2. We allow refuge hunters to enter the refuge no earlier than 4 a.m., and they must leave no later than 2 hours after legal sunset unless they are participating in the refuge nighttime raccoon hunt.

3. In areas posted ''Area Closed'' or ''No Waterfowl Hunting Zone,'' we prohibit hunting of migratory birds at any time. The Public Use Regulations brochure will be available at the refuge headquarters no later than August.

4. We allow nonmotorized boats, electric motors, and boats with motors 10 horsepower (hp) or less in refuge lakes, streams, and bayous. Boaters must follow State boating regulations, including those for navigation lights. We prohibit boat storage on the refuge. Hunters/anglers must remove boats daily (see § 27.93 of this chapter).

5. We allow all-terrain vehicle (ATV) travel on designated trails for access typically from September 15 to the last day of the refuge squirrel season. We open designated trails from 4 a.m. to no later than 2 hours after legal sunset unless otherwise specified. We define an ATV as an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: Weight 750 pounds (337.5 kilograms (kg)), length 85 inches (212.5 centimeters (cm)), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 26 inches (66 cm) by 12 inches (30 cm) with a 1-inch (2.5-cm) lug height and maximum allowable tire pressure of 12 psi. Hunters/anglers using the refuge physically challenged all-terrain trails must possess the State's Physically Challenged Program Hunter Permit or be age 60 or older. Additional physically challenged access information will be available at the refuge headquarters.

6. We prohibit field dressing of game within 150 feet (45 meters (m)) of parking areas, maintained roads, and trails.

7. An adult age 18 or older must supervise youth hunters age 17 or younger during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters age 17 or younger do not engage in conduct that would constitute a violation of refuge regulations.

B. Upland Game Hunting. We allow hunting of raccoon, squirrel, and rabbit on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow nighttime raccoon hunting beginning typically the third Saturday in December and typically ending January 31. We allow raccoon hunters to hunt from legal sunset to legal sunrise with the aid of dogs, horses, and mules, and with use of lights. We allow such use of lights on the refuge only at the point of kill. We prohibit all other use of lights for hunting on the refuge. Hunt dates will be available at refuge headquarters typically in July. We prohibit ATVs during the raccoon hunt. Hunters must attempt to take treed raccoons.

2. We allow squirrel and rabbit hunting with and without dogs:

i. We allow hunting without dogs from the beginning of the State season to December 31; during this time period, we do not require hunters to wear hunter orange.

ii. We allow squirrel and rabbit hunting with or without dogs from January 1 to the last day of February; during this time period, we require a minimum of a solid-hunter-orange cap.

iii. We allow no more than three dogs per hunting party.

3. We close squirrel and rabbit hunting during the following gun hunts for deer: refuge-wide youth hunt, primitive firearms hunt, and modern firearms hunt.

4. In areas posted ''Area Closed'' and ''No Hunting Zone,'' we prohibit upland game hunting at any time.

5. When hunting, we allow .22 caliber and smaller rimfire weapons.

6. Conditions A2 and A4 through A7 apply.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of refuges in accordance with State regulations and subject to the following conditions:

1. Deer archery season will begin the first Saturday in November and will conclude on January 31. We prohibit archery hunting during the following refuge-wide deer hunts: Youth gun hunt and modern firearms hunts. We prohibit possession of pods, drug-tipped arrows, or other chemical substances.

2. The deer primitive firearms season will occur between November 1 and January 31. We allow all legal primitive firearms as defined by State regulations.

3. During the deer primitive firearms season, hunters may fit any legal primitive firearms with magnified scopes. We allow hunters using primitive weapons to hunt reforested areas. We prohibit youth hunters from using modern firearms during the primitive weapon hunt.

4. We will conduct two quota-modern-firearms hunts for deer typically in the months of November and/or December. Hunt dates and permit application procedures will be available at refuge headquarters no later than August. Hunters using primitive weapons or muzzleloaders must follow all modern firearm regulations (no hunting in reforested areas). We prohibit hunting and/or shooting into or across any reforested area during the quota

hunt for deer. We require a quota hunt permit for these hunts.

5. We will conduct guided quota youth deer hunts and guided quota deer hunts for the Full-Time Wheelchair Users in the Greenlea Bend area typically in December and January. Hunt dates and permit application procedures will be available at the refuge headquarters typically in July. For the guided quota youth hunts, we consider youth to be ages 8 through 15.

6. We will conduct a refuge-wide youth deer hunt. Hunt dates will be available at refuge headquarters typically in July. An adult at least age 18 must supervise youth hunters age 15 and younger during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters age 16 and younger do not engage in conduct that would constitute a violation of refuge regulations.

7. Hunters may take only one deer (one buck or one doe) per day during refuge deer hunts except during guided youth and wheelchair-bound hunts where the limit will be one antlerless and one antlered deer per day.

8. We allow turkey hunting the first 16 days of the State turkey season. We will conduct a youth turkey hunt the Saturday and Sunday before the regular State turkey season. Hunters may harvest two bearded turkeys per season. We allow the use and possession of lead shot while turkey hunting on the refuge (see § 32.2(k)). We allow use of nonmotorized bicycles on designated all-terrain vehicle trails. Although you may hunt turkey without displaying a solid-hunter-orange cap or vest during your turkey hunt, we do recommend its use.

9. Conditions A2, A4, A5, and A6 apply.

10. In areas posted ''Area Closed'' or ''No Hunting Zone,'' we prohibit big game hunting at any time. We close ''Closed Areas'' (designated on the Public Use Regulations brochure map) to all hunts. We prohibit shooting into or across any closed area with a gun or archery equipment.

11. We allow muzzleloader hunters to discharge their primitive firearms at the end of each hunt safely into the ground at least 150 feet (135 meters) from any designated public road, maintained road, trail, fire break, dwelling, or above-ground oil and gas production facility. We define a maintained road or trail as one that has been mowed, disked, or plowed, or one that is free of trees.

12. We prohibit deer hunters leaving deer stands unattended before the opening day of the refuge archery season. Hunters must remove stands by the end of the last day of the refuge archery season (see § 27.93 of this chapter). Hunters must clearly mark stands left unattended on the refuge with the name and address of the stand owner. Hunters must remove portable stands from trees daily and place freestanding stands in a nonhunting position when unattended.

13. We allow hunting with slugs, rifle, or pistol ammunition larger than .22 caliber rimfire only during the quota hunts for deer. We prohibit use of buckshot when hunting.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow anglers to enter the refuge no earlier than 4 a.m., and they must depart no later than 2 hours after legal sunset.

2. We prohibit the taking of turtle (see § 27.21 of this chapter).

3. Condition A4 applies.

4. We prohibit fish cleaning within 150 feet (45 meters) of parking areas, maintained roads, and trails.

* * * * *

■ 13. Amend § 32.38 by:

■ a. Under the entry Moosehorn National Wildlife Refuge:

■ i. Revising paragraphs A, B, and C.1;

■ ii. Removing paragraph C.3;

■ iii. Redesignating paragraphs C.4 and C.6 as paragraphs C.3 and C.4, respectively;

■ iv. Revising paragraph C.5;

■ v. Redesignating paragraph C.11 as paragraph C.6;

■ vi. Removing paragraph C.7;

■ vii. Redesignating paragraph C.12 as paragraph C.7;

■ viii. Revising paragraphs C.8, C.9, and C.10;

■ ix. Adding new paragraph C.11; and

■ x. Removing paragraphs C.13, C.14, and C.15;

■ b. Under the entry Petit Manan National Wildlife Refuge:

■ i. Revising paragraph A.2;

■ ii. Removing paragraph A.3;

■ iii. Revising paragraphs B.1, B.2, and B.5;

■ iv. Adding new paragraph B.6;

■ v. Revising the introductory text of paragraph C, and paragraphs C.1, C.2, and C.4; and

■ vi. Removing paragraph C.5;

■ c. Revising the entry Rachel Carson National Wildlife Refuge;

■ d. Revising the entry Sunkhaze Meadows National Wildlife Refuge; and

■ e. Revising the entry Umbagog National Wildlife Refuge.

The additions and revisions read as follows:

§ 32.38 Maine.

* * * * *

Moosehorn National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, American woodcock, and snipe on designated areas of the Baring and Edmunds Division of the refuge in accordance with State regulations and subject to the following conditions:

1. We require every hunter to possess and carry a personally signed Migratory Bird Hunt Application (FWS Form 3–2357). Permits and information are available from the refuge.

2. We allow hunters to enter the refuge 2 hours before legal shooting hours, and they must exit the refuge by 1 hour past legal shooting hours.

3. You may hunt American woodcock and snipe on the Edmunds Division and that part of the Baring Division that lies west of State Route 191.

4. You may hunt waterfowl (duck and goose) in that part of the Edmunds Division that lies north of Hobart Stream and west of U.S. Route 1, and in those areas east of U.S. Route 1, and refuge lands that lie south of South Trail; and in that portion of the Baring Division that lies west of State Route 191.

5. We prohibit hunting waterfowl in the Nat Smith Field and Marsh or Bills Hill Field or Ponds on the Edmunds Division.

6. We only allow portable or temporary blinds and decoys that must be removed from the refuge following each day's hunt. We prohibit construction or use of any permanent blind.

7. You may possess only approved nontoxic shot when hunting woodcock and snipe on the refuge (see § 32.2(k)).

8. We prohibit use of motorized or mechanized vehicles and equipment in designated Wilderness Areas. This includes all vehicles and items such as winches, pulleys, and wheeled game carriers. You must remove animals harvested within the Wilderness Areas by hand without the aid of mechanical equipment of any type.

9. We prohibit dog training on the refuge.

B. Upland Game Hunting. We allow hunting of ruffed grouse, snowshoe hare, red fox, gray and red squirrel, raccoon, skunk, and woodchuck on designated areas of the Edmunds Division and that part of the Baring Division that lies west of State Route 191 in accordance with State regulations and subject to the following conditions:

1. We require every hunter to possess and carry a personally signed Big/Upland Game Hunt Application (FWS Form 3–2356). Permits and regulations are available from the refuge.

2. You may possess only approved nontoxic shot when hunting upland game on the refuge (see § 32.2(k)).

3. We prohibit use of motorized or mechanized vehicles and equipment in designated Wilderness Areas. This includes all vehicles and items such as winches, pulleys, and wheeled game carriers. You must remove animals harvested within the Wilderness Areas by hand without the aid of mechanical equipment of any type.

4. We allow hunters to enter the refuge 2 hours before legal shooting hours, and they must exit the refuge by 1 hour past legal shooting hours, except for hunters pursuing raccoons at night.

5. We prohibit hunting of upland game species on refuge lands between April 1 and September 30.

6. You must notify the refuge office prior to hunting raccoon or red fox with trailing dogs.

7. We prohibit dog training on the refuge.

C. * * *

1. Conditions B1 and B3 apply.

* * * * *

5. We allow portable tree stands, blinds, and ladders. You must clearly label any tree stand, blind, or ladder left on the refuge overnight with your name, address, phone number, and hunting license number. We require all tree stands, blinds, and ladders to be removed from the refuge on the last day of the muzzleloader deer season. We prohibit construction or use of permanent tree stands, blinds, or ladders.

* * * * *

8. We prohibit use of firearms to hunt bear and coyote during the archery deer season on that part of the Baring Division that lies east of Route 191. We prohibit the use of firearms, other than a muzzleloader, to hunt coyote during the deer muzzleloader season on that part of the Baring Division that lies east of Route 191.

9. You must notify the refuge office prior to hunting black bear, bobcat, or eastern coyote with trailing dogs.

10. We prohibit dog training on the refuge.

11. We prohibit hunting in the following areas:

i. The South Magurrewock Area.

ii. The North Magurrewock Area.

iii. The posted safety zone around the refuge headquarters.

iv. The Southern Gravel Pit.

* * * * *

Petit Manan National Wildlife Refuge

A. * * *

2. You may only possess approved nontoxic shot when hunting woodcock and snipe (see § 32.2(k)).

B. * * *

1. You may only possess approved nontoxic shot when hunting upland game on the refuge (see § 32.2(k)).

2. We allow the use of dogs for hunting; however, the dogs must be under the hunter's control at all times.

* * * * *

5. Hunters must retrieve all species, including coyotes, harvested on the refuge.

6. We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

C. Big Game Hunting. We allow hunting of white-tailed deer and black bear on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow white-tailed deer hunting on Sawyers Marsh and Gouldsboro Bay Divisions, Bois Bubert Island, and designated areas of the Petit Manan Point. Petit Manan Point is open only during the State-prescribed muzzleloader season.

2. We allow black bear hunting on the Sawyers Marsh and Gouldsboro Bay Divisions during the firearm season for white-tailed deer.

* * * * *

4. We allow hunters to enter the refuge 1 hour prior to legal sunrise and remain on the refuge 1 hour after legal sunset.

* * * * *

Rachel Carson National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, woodcock, and snipe in accordance with State regulations on designated areas of the Brave Boat Harbor, Lower Wells, Upper Wells, Mousam River, Goose Rocks, and Spurwink River Divisions of the refuge and subject to the following conditions:

1. Prior to entering designated refuge hunting areas, you must obtain a Migratory Bird Hunt Application (FWS Form 3–2357), pay a recreation fee, and sign and carry the permit at all times.

2. We open Designated Youth Hunting Areas to hunters age 15 and younger who possess and carry a refuge hunting permit. Youth hunters must be accompanied by an adult age 18 or older. The accompanying adult must possess and carry a refuge hunting permit and may also hunt.

3. You may only possess approved nontoxic shot for hunting woodcock and snipe on the refuge (see § 32.2(k)).

4. You may use seasonal blinds with a Special Use Permit (FWS Form 3–1383–G). A permitted seasonal blind is available to permitted hunters on a first-come, first-served basis. The permit holder for the blind is responsible for the removal of the blind at the end of the season and compliance with all conditions of the Special Use Permit.

5. We close the Moody, Little River, Biddeford Pool, and Goosefare Brook divisions of the refuge to all migratory bird hunting.

B. Upland Game Hunting. We allow hunting of pheasant, quail, and grouse on designated areas of the Brave Boat Harbor, Lower Wells, Upper Wells, Mousam River, Goose Rocks, Goosefare Brook, Spurwink River, and York River divisions of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A5 apply.

2. For upland game, you may only take pheasant, quail, and grouse (no mammals) by falconry on the refuge during State seasons.

3. You may only possess approved nontoxic shot for hunting upland game on the refuge (see § 32.2(k)).

4. We close the Moody, Little River, and Biddeford Pool divisions of the refuge to all upland game hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the Brave Boat Harbor, Lower Wells, Upper Wells, Mousam River, Goose Rocks, Little River, Goosefare Brook, and Spurwink River divisions of the refuge in accordance with State regulations and subject to the following conditions:

1. Prior to entering designated refuge hunting areas, you must obtain a Big/Upland Game Hunt Application (FWS Form 3–2356), pay a recreation fee, and sign and carry the permit at all times.

2. Condition A5 applies.

3. We allow hunting of deer and turkey with shotgun and archery only. We prohibit rifles and muzzleloading firearms for hunting.

4. We allow turkey hunting during the fall season only, as designated by the State.

5. We close the Moody and Biddeford Pool divisions of the refuge to white-tailed deer and turkey hunting.

6. We allow archery on only those areas of the Little River division open to hunting.

7. We allow hunting of fox and coyote with archery or shotgun with a refuge big game permit, during State firearm deer season. We prohibit night hunting from ½ hour after sunset until ½ hour before sunrise the following day.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge

in accordance with State regulations and subject to the following conditions:

1. We allow sport fishing along the shoreline on the following areas of the refuge:

i. At the Brave Boat Harbor division on the north side (York) of the stream crossing under Route 103, beginning at Route 103 then downstream to the first railroad trestle.

ii. At the Moody division on the north side of the Ogunquit River and downstream of Route 1, beginning at the refuge boundary then downstream a distance of 500 feet (150 meters).

iii. At the Moody division on the east side of Stevens Brook and downstream of Bourne Avenue, beginning at Bourne Avenue then downstream to where the refuge ends near Ocean Avenue.

iv. At the Lower Wells division on the west side of the Webhannet River downstream of Mile Road, from Mile Road north to the first creek.

v. At the Upper Wells division on the south side of the Merriland River downstream of Skinner Mill Road, beginning at the refuge boundary and then east along the oxbow to the woods.

vi. At the Mousam River division on the north side of the Mousam River downstream of Route 9, beginning at the refuge boundary and then east to a point opposite Great Hill Road. Access is from the Bridle Path along the first tidal creek.

vii. At the Goosefare Brook division on the south side of Goosefare Brook where it flows into the Atlantic Ocean.

viii. At the Spurwink River division on the west side (Scarborough) of the Spurwink River upstream of Route 77, beginning at Route 77 and then upstream approximately 1,000 feet (300 meters) to a point near the fork in the river.

2. We allow car-top launching from legal sunrise to legal sunset on the following areas of the refuge:

i. At Brave Boat Harbor division on Chauncey Creek at the intersection of Cutts Island Road and Sea Point Road.

ii. At Little River division at the end of Granite Point Road into the Little River.

iii. At Spurwink River division on the upstream side of Route 77 at the old road crossing.

3. We allow fishing from legal sunrise to legal sunset.

4. We prohibit lead jigs and sinkers.

5. We prohibit collection of bait on the refuge.

Sunkhaze Meadows National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on all areas of the refuge, including Sunkhaze Meadows Unit in Milford, Carlton Pond Waterfowl Production Area in Troy, Benton Unit in Benton, and Sandy Stream Unit in Unity in accordance with State regulations and subject to the following conditions:

1. You may possess only approved nontoxic shot when hunting crow, woodcock, and snipe on the refuge (see § 32.2(k)).

2. We prohibit dog training on the refuge.

B. Upland Game Hunting. We allow hunting of upland game on all areas of the refuge, including Sunkhaze Meadows Unit in Milford, Carlton Pond Waterfowl Production Area in Troy, Benton Unit in Benton, and Sandy Stream Unit in Unity in accordance with State regulations and subject to the following conditions:

1. You may possess only approved nontoxic shot when hunting upland game on the refuge (see § 32.2(k)).

2. We allow eastern coyote hunting from October 1 to March 31.

3. We allow hunters to enter the refuge 1 hour before legal shooting hours and they must exit the refuge by 1 hour past legal shooting hours, except for hunters pursuing raccoons and coyotes at night.

4. The hunter must retrieve all species, including coyotes, harvested on the refuge.

5. We prohibit dog training on the refuge.

C. Big Game Hunting. We allow hunting of black bear, bobcat, moose, and white-tailed deer on all areas of the refuge, including Sunkhaze Meadows Unit in Milford, Carlton Pond Waterfowl Production Area in Troy, Benton Unit in Benton, and Sandy Stream Unit in Unity in accordance with State regulations and subject to the following conditions:

1. We allow hunters to enter the refuge 1 hour before legal shooting hours and they must exit the refuge by 1 hour past legal shooting hours.

2. We allow portable tree stands, blinds, and ladders. You must clearly label any tree stand, blind, or ladder left on the refuge overnight with your name, address, phone number, and hunting license number. We require all tree stands, blinds, and ladders to be removed from the refuge on the last day of the muzzleloader deer season. We prohibit construction or use of permanent tree stands, blinds, or ladders.

3. We prohibit dog training on the refuge.

D. Sport Fishing. We allow sport fishing on the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing on the waters of and from the banks of Baker Brook, Birch Stream, Buzzy Brook, Dudley Brook, Johnson Brook, Little Birch Stream, Little Buzzy Brook, Sandy Stream, and Sunkhaze Stream.

2. We prohibit trapping of bait fish on the refuge.

Umbagog National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, snipe, coot, crow, and woodcock in accordance with State regulations and subject to the following conditions:

1. Hunters must remove temporary blinds, boats, and decoys from the refuge following each day's hunt (see § 27.93 of this chapter).

2. We prohibit dog training on the refuge.

3. You may possess only approved nontoxic shot when hunting snipe, crow, and woodcock on the refuge (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of fox, raccoon, woodchuck, squirrel, porcupine, skunk, snowshoe hare, ring-necked pheasant, and ruffed grouse in accordance with State regulations, seasons, and bag limits, and subject to the following conditions:

1. We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

2. You may possess only approved nontoxic shot when hunting upland game on the refuge (see § 32.2(k)).

3. Condition A2 applies.

C. Big Game Hunting. We allow hunting of bear, white-tailed deer, coyote, wild turkey, and moose in accordance with State regulations and subject to the following conditions:

1. We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

2. Condition A2 applies.

3. Hunters must retrieve all species, including coyotes, harvested on the refuge.

4. We allow temporary blinds and tree stands that are clearly marked with the owner's name and address. Temporary blinds and tree stands may be erected no earlier than 14 days prior to the hunting season and must be removed within 14 days after the hunting season.

D. Sport Fishing. [Reserved]

■ 14. Revise § 32.39 to read as follows:

§ 32.39 Maryland.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

Blackwater National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose and duck on

designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must obtain a refuge waterfowl hunting permit (signed brochure) by signing the corresponding season's refuge waterfowl hunting brochure in ink. You must abide by the terms and conditions outlined in the ''Blackwater NWR Waterfowl Hunting Brochure'' (see § 32.2(e) of this chapter). This brochure contains seasons, bag limits, methods of hunting, maps depicting areas open to hunting, hunt unit reservation procedures, and the terms and conditions under which we issue hunting permits. They are available at the refuge visitor center and on the refuge's website.

2. Up to three additional hunters may accompany you on your reserved unit.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow the hunting of white-tailed and sika deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. General Hunt Regulations.

i. You must obtain a deer or turkey hunting permit (Big/Upland Game Hunt Application, FWS Form 3–2356 or Quota Deer Hunt Application, FWS Form 3–2354).

ii. We prohibit organized deer drives, unless otherwise authorized by the refuge manager on designated hunt days.

iii. We prohibit shooting a projectile from a firearm, muzzleloader, bow, or crossbow from, down, or across any refuge road. A refuge road is any road that is traveled by vehicular traffic.

iv. We prohibit leaving deer or turkey entrails or other waste within 50 feet (15.2 meters) of any road, parking area, trail, or refuge structure on the refuge.

v. You must check all deer harvested at the refuge-sponsored check station during hunt days when the refuge-sponsored check station is open. If you fail to check deer during operation hours of the check station, you must notify the hunt coordinator by 12 p.m. (noon) on the day after your kill.

vi. You must adhere to the bag limits set forth annually in the brochure. Deer harvested on the refuge do not count toward State bag limits but must be recorded and checked with the State. Deer harvested on the refuge must be checked pursuant to the refuge hunt in which they are taken, regardless of the weapon used or corresponding State season.

vii. We prohibit the use of rimfire or centerfire rifles and all handguns, including muzzleloading pistols, for hunting.

2. Archery Deer Hunt. We do not allow archery hunters to hunt within areas designated for the youth hunt on designated days.

3. Turkey Hunt. We allow turkey hunt permit holders to have an assistant, who must remain within sight and normal voice contact.

4. Youth Deer and Turkey Hunt.

i. We allow youth hunters to hunt on designated areas on designated days (Youth Hunt) if they meet the criteria of a ''youth hunter'' as defined by State law.

ii. Deer taken during youth days do not count toward the State bag limit and are in addition to any other deer taken during any other hunts on the refuge.

5. Designated Disabled Hunt.

i. Disabled hunters are required to have their Federal Government Access pass (OMB Control 1024–0252) in their possession while hunting in disabled areas.

ii. Disabled hunters may have an assistant, age 18 or older, who must remain within sight and normal voice contact while hunting. Assistants must possess a valid refuge hunt brochure (permit), signed in ink, and a valid government-issued photo identification.

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing and crabbing only from April 1 through September 30 during daylight hours in refuge waters, unless otherwise authorized by the refuge manager.

2. We allow only fishing and crabbing in the Big Blackwater and the Little Blackwater River by boat and from designated areas listed in the refuge fishing brochure.

3. We prohibit boat launching from refuge lands except from the car-top boat launch located near the Blackwater River Bridge on Route 335. Only canoes, kayaks, and small jon boats under 17 feet are considered car-top boats.

4. We prohibit the use of airboats on refuge waters.

Eastern Neck National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State hunting regulations and subject to the following conditions:

1. General Hunt Regulations.

i. You must obtain a deer or turkey hunting permit (Big/Upland Game Hunt Application, FWS Form 3–2356). Hunting brochures contain hunting application procedures, seasons, bag limits, methods of hunting, maps depicting areas open to hunting, and the terms and conditions under which we issue hunting permits.

ii. We prohibit shooting a projectile from a firearm, muzzleloader, bow, or crossbow from, down, or across any refuge road. A refuge road is any road that is traveled by vehicular traffic.

iii. We prohibit leaving deer entrails or other waste within 50 feet (15.2 meters) of any refuge road, trail, parking area, or structure.

iv. We prohibit the use of rimfire or centerfire rifles and all handguns, including muzzleloading pistols, for hunting.

2. Youth Deer Hunt. We allow hunters to hunt on designated areas on designated days (Youth Hunt) if they meet the criteria of a ''youth hunter'' as defined by State law.

3. Designated Disabled Hunt.

i. All disabled hunters must possess a Federal Government Access pass (OMB Control 1024–0252). Disabled hunters are required to have their Federal Government Access pass (OMB Control 1024–0252) in their possession while hunting in disabled areas.

ii. Disabled hunters may have an assistant who must be age 18 or older and remain within sight and normal voice contact. Assistants must possess a valid refuge hunt brochure (permit), signed in ink, and a valid government-issued photo identification.

D. Sport Fishing. We allow fishing and crabbing in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing and crabbing from designated shoreline areas located at the Ingleside Recreation Area from legal sunrise to legal sunset, April 1 through September 30.

2. We allow fishing from designated shoreline areas located at the Chester River end of Boxes Point and Duck Inn Trails from legal sunrise to legal sunset.

3. We prohibit boat launching from refuge lands except for canoes/kayaks at the canoe/kayak ramp located at the Ingleside Recreation Area.

Patuxent Research Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and dove on the North Tract in accordance with State regulations and subject to the following conditions:

1. We require a Refuge Hunt Application (PRR Hunt Form #1).

2. Goose, duck, and dove hunting is suspended during the muzzleloader and firearms seasons, with the exceptions

that waterfowl hunting will remain open during the 2-day January firearms season and during the early muzzleloader season, and waterfowl hunters are restricted to hunting only Blue Heron Pond, Lake Allen, and Area Z.

B. Upland Game Hunting. We allow hunting of gray squirrel, eastern cottontail rabbit, and woodchuck on the North Tract in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. You may possess only approved nontoxic shot while hunting in the field (see § 32.2(k)), except for the use of .22-caliber rimfire rifles during the months of December and January only to hunt squirrel.

C. Big Game Hunting. We allow hunting of turkey on North Tract only and white-tailed deer on the North, Central, and South Tracts in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We require turkey hunters to use #4, #5, or #6 nontoxic shot; vertical bows; or crossbows.

3. We prohibit deer drives or anyone taking part in any deer drive. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

D. Sport Fishing. We allow sport fishing in accordance with State hook and line fishing regulations and subject to the following conditions:

1. We prohibit the use and/or possession of lead sinkers.

2. We allow the use of earthworms as the only source of live bait. We prohibit bloodworms, fish, or other animals or parts of animals to be used as bait.

3. Anglers may take the following species: Chain pickerel, catfish, golden shiner, eel, and sunfish (includes bluegill, black crappie, warmouth, and pumpkinseed). Maryland State daily harvest limits apply unless otherwise noted. We allow take of one chain pickerel per day.

4. We prohibit the use of any type of watercraft on North Tract.

■ 15. Amend § 32.40 by:

■ a. Revising the entry Assabet River National Wildlife Refuge:

■ b. Revising the entry Great Meadows National Wildlife Refuge;

■ c. Revising the entry Nantucket National Wildlife Refuge;

■ d. Revising the entry Oxbow National Wildlife Refuge; and

■ e. Revising the entry Parker River National Wildlife Refuge.

The revisions read as follows:

§ 32.40 Massachusetts.

* * * * *

Assabet River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of woodcock on designated portions of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow woodcock hunting within the portions of the refuge located north of Hudson Road, except those areas north of Hudson Road that are designated as ''archery only'' hunting as shown on the current refuge hunting map. Hunters must obtain and possess a refuge-specific hunting permit to hunt woodcock on the refuge.

2. You may begin scouting hunting areas 4 weeks prior to the opening day of your permitted season. We require possession of valid refuge hunting permits while scouting.

3. We prohibit the training of dogs on the refuge.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow shotgun hunting for ruffed grouse, cottontail rabbit, and gray squirrel within those portions of the refuge located north of Hudson Road, except those areas north of Hudson Road designated as ''archery only'' hunting as shown on the current refuge hunting map.

2. Hunters must obtain and possess a refuge-specific hunting permit to hunt designated upland game on the refuge.

3. You may possess only approved nontoxic shot while hunting upland game on the refuge (see § 32.2(k)).

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow shotgun and muzzleloader hunting of white-tailed deer, as well as shotgun hunting of turkey, within the portions of the refuge located north of Hudson Road, except those areas north of Hudson Road that are designated as ''archery only'' hunting as shown on the current refuge hunting map.

2. We allow archery deer and archery turkey hunting within all portions of the refuge during the hunting seasons for these species.

3. Hunters must obtain and possess a refuge-specific hunting permit to hunt deer and turkey on the refuge.

4. You may begin scouting hunting areas 4 weeks prior to the opening day of your permitted season. We require possession of valid refuge hunting permits while scouting.

5. We prohibit driving deer by any means on the refuge.

6. One nonhunting companion may accompany each permitted hunter. We prohibit nonhunting companions from hunting, but they may assist in other means. All companions must carry identification and stay with the hunter.

7. You may use temporary tree stands and/or ground blinds while engaged in hunting deer during the applicable archery, shotgun, or muzzleloader deer seasons or while hunting turkey. We allow hunters to keep one tree stand or ground blind on each refuge during the permitted season.

Hunters must mark ground blinds with the hunter's permit number. Hunters must mark tree stands with the hunter's permit number in such a fashion that all numbers are visible from the ground. Hunters must remove all temporary tree stands and ground blinds by the 15th day after the end of the hunter's permitted season.

D. We allow sport fishing in Puffer Pond in accordance with State regulations and subject to the following conditions:

1. We allow fishing from designated locations on the banks of Puffer Pond. We prohibit the use of motorized and nonmotorized boats on Puffer Pond.

2. We allow catch and release fishing only.

3. We allow the use of live bait with the exception of any amphibians or reptiles (frogs, salamanders, etc.)

4. We prohibit ice fishing on the refuge except for special refuge events.

Great Meadows National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of ducks and geese on designated areas of the refuge in accordance with State regulations and subject to the following condition: We prohibit the training of dogs on the refuge.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow archery hunting of whitetail deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow archery hunting of whitetail deer within the portions of the Concord Unit of the refuge that are located north of Massachusetts Route 225. We also allow archery hunting of whitetail deer within the portions of the Sudbury Unit of the refuge that are located north of Stonebridge Road in Wayland, Massachusetts, and south of Lincoln Road/Sherman's Bridge Road

on the Sudbury and Wayland Town Line. Hunters must obtain and possess a valid refuge hunting permit to hunt deer on the refuge.

2. We prohibit the use of firearms for hunting deer on the refuge.

3. Hunters may begin scouting hunting areas beginning 4 weeks prior to the opening day of their permitted season. We require possession of valid refuge hunting permits while scouting. We prohibit the use of dogs during scouting.

4. We allow one nonhunting companion to accompany each permitted hunter. We prohibit nonhunting companions from hunting, but they can assist in other means. All companions must carry identification and stay with the hunter.

5. We prohibit driving deer by any means on the refuge.

6. You may use temporary tree stands and/or ground blinds while engaged in hunting deer during the applicable archery season. We allow hunters to keep one tree stand or ground blind on each refuge during the permitted season. Hunters must mark ground blinds with their permit number. Hunters must mark tree stands with their permit number in such a fashion that all numbers are visible from the ground. Hunters must remove all temporary tree stands and ground blinds by the 15th day after the end of the permitted deer season.

D. Sport Fishing. We allow sport fishing in designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow fishing along the main channels of the Concord and Sudbury Rivers and from designated banks of Heard Pond.

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Nantucket National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing in accordance with State regulations and subject to the following conditions:

1. We may close the refuge shoreline and beach area to surf fishing and over-sand vehicle use during varying times of the year based on biological needs and beach conditions. Seasonal closures are delineated with posted signs.

2. We require a permit obtained from the Trustees of Reservations for the use of over-sand vehicles on the refuge.

Oxbow National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl, woodcock, and common snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow waterfowl and common snipe hunting within the portions of the refuge located south of Massachusetts Route 2 and west of Tank Road.

2. We allow woodcock hunting within the portions of the refuge south of Massachusetts Route 2 and west of the B&M railroad tracks; north of Massachusetts Route 2 and south of Hospital Road; and within the portions of the refuge along the westerly side of the Nashua River located north of the commuter rail tracks in Shirley, Massachusetts. Hunters must obtain and possess a refuge-specific hunting permit to hunt woodcock on the refuge.

3. Hunters may begin scouting hunting areas 4 weeks prior to the opening day of your permitted season. We require possession of valid refuge hunting permits while scouting. We prohibit the use of dogs during scouting.

4. We prohibit the training of dogs on the refuge.

5. One nonhunting companion may accompany each permitted hunter. We prohibit nonhunting companions from hunting, but they can assist in other means. All companions must carry identification and stay with the hunter.

B. Upland Game Hunting. We allow upland game hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow shotgun hunting of ruffed grouse, cottontail rabbit, and gray squirrels within the areas of the refuge located south of Massachusetts Route 2 and west of the B&M railroad tracks; north of Massachusetts Route 2 and south of Hospital Road; and within the portions of the refuge along the westerly side of the Nashua River located north of the commuter rail tracks in Shirley, Massachusetts. Hunters must obtain and possess a refuge-specific hunting permit to hunt upland game on the refuge.

2. You may possess only approved nontoxic shot while hunting upland game on the refuge (see § 32.2(k)).

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow shotgun, archery, and muzzleloader hunting of white-tailed deer, as well as shotgun and archery hunting of turkey, within the portions of the refuge located south of Massachusetts Route 2 and west of the B&M railroad tracks.

2. We allow archery deer and archery turkey hunting within the portions of the refuge located south of Massachusetts Route 2 and east of the B&M railroad tracks, and within the portions of the refuge along the easterly side of the Nashua River located north of the commuter rail tracks in Ayer, Massachusetts.

3. We allow archery deer hunting as well as shotgun and archery turkey hunting within the portions of the refuge located north of Massachusetts Route 2 and south of Hospital Road, and within the portions of the refuge along the westerly side of the Nashua River located north of the commuter rail tracks in Shirley, Massachusetts.

4. Hunters must obtain and possess a refuge-specific hunting permit to hunt deer and turkey on the refuge.

5. Hunters may begin scouting hunting areas 4 weeks prior to the opening day of your permitted season. We require possession of valid refuge hunting permits while scouting. We prohibit the use of dogs during scouting.

6. One nonhunting companion may accompany each permitted hunter. We prohibit nonhunting companions from hunting, but they can assist in other means. All companions must carry identification and stay with the hunter.

7. We prohibit driving deer by any means on the refuge.

8. Hunters may use temporary tree stands and/or ground blinds while engaged in hunting deer during the applicable archery, shotgun, or muzzleloader deer seasons or while hunting turkey. We allow hunters to keep one tree stand or ground blind on each refuge during the permitted season. Hunters must mark ground blinds with their permit number. Hunters must mark tree stands with their permit number in such a fashion that all numbers are visible from the ground. Hunters must remove all temporary tree stands and ground blinds by the 15th day after the end of the permitted season.

D. Sport Fishing. We allow sport fishing along the Nashua River in accordance with State regulations.

Parker River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting in designated areas for waterfowl in accordance with Federal and State hunting regulations.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the Plum Island portion of the refuge in accordance with Federal, State, and local hunting regulations and subject to the following condition: We require hunters to obtain and possess a refuge deer hunting permit, issued pursuant to an annual selection lottery.

D. Sport Fishing. We allow saltwater fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow saltwater fishing on the ocean beach and the surrounding waters of the Broad Sound with the following conditions:

i. We prohibit fishing during closures.

ii. We allow persons using refuge fishing areas access from legal sunrise to legal sunset without a refuge permit. They are, however, subject to entrance fee requirements.

iii. Nelson Island is open to fishing from legal sunrise to legal sunset, except during waterfowl seasons, or other closures. We limit access to the trail, and fishing within 100 feet (30 meters) on either side of the trail at the shoreline of Broad Sound.

iv. The south-facing shoreline of Stage Island is open to fishing. Access to the fishing area is permitted from the refuge's Stage Island Trail, as well as Sandy Point State Reservation, along the shoreline below mean high tide to a point 250 feet (73 meters) beyond the terminus, or most western point, of the Stage Island peninsula known as Ipswich Bluff.

2. We allow walk-on night fishing after legal sunset with the following conditions:

i. Anglers must enter the refuge through the entrance gate, pay an entrance fee, and arrive prior to legal sunset.

ii. We require a valid refuge permit (vehicle sticker issued by the refuge office) and permit fee for walk-on night fishing.

3. We allow anglers to use over-the-sand, surf-fishing vehicles (ORVs) with the following conditions:

i. Anglers must enter the refuge through the entrance gate, pay an entrance fee, and arrive prior to legal sunset.

ii. We require a valid refuge permit and permit fee for persons wishing access to the refuge beach with ORVs as determined in an annual lottery. Drive-on information, as provided in the ''Parker River National Wildlife Refuge Drive-on Surf Fishing Information'' sheet, will be in effect.

* * * * *

■ 16. Amend § 32.41 by revising the entry Shiawassee National Wildlife Refuge to read as follows:

§ 32.41 Michigan.

* * * * *

Shiawassee National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl (ducks and geese), American coot, common gallinule, sora, Virginia rail, and Wilson's snipe on designated areas in accordance with State regulations and subject to the following conditions:

1. You must possess and carry a refuge permit.

2. We allow waterfowl hunting on Saturdays, Sundays, Tuesdays, and Thursdays during regular goose season after September 30.

3. We allow hunter access 1½ hours before legal shooting time.

4. We allow hunters to shoot ½ hour before legal sunrise until 12:00 p.m. (noon).

5. You may possess no more than 25 shotgun shells while hunting in the field.

6. We allow hunting with dogs.

7. We allow the take of feral hogs incidental to other lawful hunting using legal methods of take.

B. Upland Game Hunting. We allow hunting of turkey, small game (eastern fox squirrel, eastern cottontail, ring-necked pheasant, American woodcock, and American crow), and furbearers (raccoon, coyote, and red fox) on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A6 applies.

2. You may only hunt turkey during spring season.

3. We allow hunter access for spring wild turkey season from 1½ hour before legal shooting time.

4. We allow hunter access for small game from ½ hour before legal shooting time to ½ hour after legal shooting time.

5. We allow hunting with dogs, but we prohibit training of dogs. Raccoon hunting dogs must wear GPS or radio collars.

6. You may only hunt furbearers from ½ hour before legal sunrise to ½ hour after legal sunset.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A6 applies.

2. You must possess and carry a refuge permit.

D. Sport Fishing. We allow sport fishing on designated areas in accordance with State regulations and subject to the following conditions:

1. We allow fishing by boat in navigable waterways but not within any managed refuge units.

2. We allow bank fishing from legal sunrise to legal sunset only at designated sites along the Tittabawassee and Cass Rivers.

■ 17. Amend § 32.42 by revising the entry Glacial Ridge National Wildlife Refuge to read as follows:

§ 32.42 Minnesota.

* * * * *

Glacial Ridge National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, woodcock, snipe, rail, and mourning dove on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit the use of motorized boats. We allow nonmotorized boats in areas open to migratory bird hunting during the migratory bird hunting seasons.

2. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

3. We prohibit hunting during the Spring Light Goose Conservation Order.

4. We allow hunting during special State-administered youth seasons.

5. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times.

6. We allow the use of wheeled, nonmotorized conveyance devices (*e.g.,* bikes, game carts).

7. We prohibit entry onto the refuge earlier than 2 hours before legal shooting time and require hunters to leave the refuge no later than 2 hours after legal shooting time.

B. Upland Game Hunting. We allow hunting of prairie chicken, sharp-tailed grouse, ring-necked pheasant, gray (Hungarian) partridge, ruffed grouse, rabbit (cottontail and jack), snowshoe hare, squirrel (fox and gray), and wild turkey on designated areas of the refuge in accordance with State regulations and subject to the following condition: Conditions A2, A5, A6, and A7 apply.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit shooting from, across, or within 30 feet (9 meters) of a road edge open to public vehicle transportation.

2. Conditions A2, A4, A6, and A7 apply.

D. Sport Fishing. [Reserved]

* * * * *

■ 18. Amend § 32.45 by:

■ a. Revising the entry Benton Lake National Wildlife Refuge;

■ b. Revising the entry Benton Lake Wetland Management District;

■ c. Revising paragraphs A and B in the entry Bowdoin National Wildlife Refuge;

■ d. Revising the entry Bowdoin Wetland Management District;

■ e. Revising the entry Creedman Coulee National Wildlife Refuge;
■ f. Revising the entry Lake Mason National Wildlife Refuge;
■ g. Revising the entry Lake Thibadeau National Wildlife Refuge;
■ h. Revising the entry Lamesteer National Wildlife Refuge;
■ i. Revising the entry Swan River National Wildlife Refuge;
■ j. Revising the entry UL Bend National Wildlife Refuge; and
■ k. Revising the entry War Horse National Wildlife Refuge.

The revisions read as follows:

§ 32.45 Montana.

* * * * *

Benton Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, swan, and coot in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunters to enter and remain in open hunting areas 2 hours before legal sunrise until 2 hours after legal sunset.
2. We allow hunting with the opening of waterfowl season and close hunting at the end of waterfowl season.
3. We allow hunting during a youth-only, special waterfowl hunt in accordance with State regulations.
4. Hunters with a documented mobility disability may reserve an accessible blind in advance by contacting the refuge office.
5. We only allow nonmotorized boats on refuge waters.

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, and gray partridge in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.
2. We allow hunting during a youth-only, special pheasant hunt in accordance with State regulations.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may sport fish on designated areas of the refuge as posted by signs.

Benton Lake Wetland Management District

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas (WPAs) throughout the District, excluding Sands WPA in Hill County and H2–0 WPA in Powell County, in accordance with State regulations and subject to the following condition: We prohibit the use of motorboats.

B. Upland Game Hunting. We allow the hunting of coyotes, skunks, red fox, raccoons, hares, rabbits, and tree squirrels on WPAs throughout the District, excluding Sands WPA in Hill County and H2–0 WPA in Powell County, in accordance with State regulations and subject to the following conditions:

1. Hunters may possess only approved nontoxic shot (see § 32.2(k)).
2. We prohibit the use of horses for any purposes.

C. Big Game Hunting. We allow big game hunting on WPAs throughout the District, excluding Sands WPA in Hill County and H2–0 WPA in Powell County, in accordance with State regulations and subject to the following condition: Condition B2 applies.

D. Sport Fishing. We allow sport fishing on WPAs throughout the District in accordance with State regulations and subject to the following condition: We prohibit the use of motorboats.

* * * * *

Bowdoin National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, swan, sandhill crane, and mourning dove on designated areas of the refuge in accordance with State regulations and subject to the following condition: We prohibit the use of air-thrust boats or boats with motors greater than 25 horsepower.

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, sage grouse, gray partridge, fox, and coyote on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must possess and carry a refuge Special Use Permit (FWS Form 3–1383–G) to hunt fox and coyotes.
2. Fox and coyote hunters may only use centerfire rifles, rimfire rifles, or shotguns with approved nontoxic shot.
3. Any person hunting or accompanying a hunter must wear a minimum of 400 square inches of hunter orange (fluorescent) material above the waist, visible at all times.

* * * * *

Bowdoin Wetland Management District

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on all Waterfowl Production Areas (WPAs) (except Holm WPA) throughout the District in accordance with State regulations and subject to the following condition: We prohibit the use of motorboats.

B. Upland Game Hunting. We allow upland game hunting on all WPAs (except Holm WPA) throughout the District in accordance with State regulations.

C. Big Game Hunting. We allow big game hunting on all WPAs (except Holm WPA) throughout the District in accordance with State regulations and subject to the following conditions:

1. We allow portable tree stands, portable blinds, and freestanding elevated platforms to be left on WPAs from August 15 to December 15.
2. You must label portable tree stands, portable blinds, and freestanding elevated platforms with your automated licensing system (ALS) number. The label must be legible from the ground.
3. We only allow the use of archery, muzzleloader (as defined by State regulations), or shotgun on the McNeil Slough WPA and Hammond WPA.

D. Sport Fishing. We allow sport fishing on WPAs throughout the District in accordance with State regulations and subject to the following condition: We prohibit the use of motorboats.

* * * * *

Creedman Coulee National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, swan, sandhill crane, and mourning dove on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, sage grouse, gray partridge, fox, and coyote on designated areas of the refuge in accordance with State regulations.

C. Big Game Hunting. We allow big game hunting on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. [Reserved]

* * * * *

Lake Mason National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge in accordance with State regulations and subject to the following condition: You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. [Reserved]

Lake Thibadeau National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, swan, sandhill crane, and mourning

dove in designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, sage grouse, gray partridge, fox, and coyote on designated areas of the refuge in accordance with State regulations.

C. Big Game Hunting. We allow big game hunting on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. [Reserved]

Lamesteer National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory birds on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge in accordance with State regulations.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations.

* * * * *

Swan River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, and coots on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow archery hunting of elk, white-tailed deer, and mule deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow the use of portable blinds and stands. You may install stands and blinds no sooner than August 1, and you must remove them by December 15 of each year. We limit each hunter to one stand or blind. The hunter must have their name, address, phone number, and automated licensing system number (ALS) visibly marked on the stand.

2. We prohibit the use of game or trail cameras.

D. Sport Fishing. The refuge is open to sport fishing in accordance with State regulations on Swan River, Swan Lake, and Spring Creek North of Bog Trail Road.

UL Bend National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of upland game birds on designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow coyote hunting from the first day of antelope rifle season through March 1 annually.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations.

War Horse National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of upland game birds on designated areas of the refuge in accordance with State regulations and subject to the following condition: You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations.

■ 19. Amend § 32.46 by:

■ a. Revising paragraphs A, B.1, B.2, C, D.1, and D.4 in the entry Crescent Lake National Wildlife Refuge;

■ b. Revising paragraph C in the entry Fort Niobrara National Wildlife Refuge;

■ c. Revising paragraphs C.1 and D in the entry North Platte National Wildlife Refuge; and

■ d. Under the entry Rainwater Basin Wetland Management District:

■ i. Removing paragraphs A.2, A.3, A.5, A.6, A.7, and A.8,

■ ii. Redesignating paragraph A.4 as A.2;

■ iii. Removing paragraph B.1;

■ iv. Redesignating paragraphs B.2 and B.3 as paragraphs B.1 and B.2, respectively; and

■ v. Revising newly redesignated paragraph B.2 and paragraphs C and D.

The revisions read as follows:

§ 32.46 Nebraska.

* * * * *

Crescent Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl and coot in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Hunters may enter the designated hunting area 2 hours before legal sunrise and must be back to their vehicle in the process of leaving the refuge 2 hours after legal sunset. Official shooting hours are from ½ hour before legal sunrise until ½ hour after legal sunset for deer, coyote, and furbearer hunters; and from ½ hour before legal sunrise until legal sunset for all other hunters.

2. We only allow you to unleash dogs used to locate, point, and retrieve upland and small game and migratory birds on the refuge while hunting (see § 26.21(b) of this chapter).

3. We open the refuge to hunting from September 1 through January 31.

4. We allow parking within one vehicle length of the road.

5. We prohibit publicly organized hunts unless authorized under a Special Use Permit (FWS Form 3–1383–C).

6. We only allow floating blinds on Island Lake. We prohibit all boats (including a floating device of any kind) on all other refuge lakes.

B. * * *

1. Conditions A1 through A5 apply.

2. We allow electronic calls for coyote and furbearer hunting.

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and mule deer on designated areas of the refuge in accordance with State regulations and subject to the following condition: Conditions A1, A4, and A5 apply.

D. * * *

1. Anglers may enter the refuge 1 hour before legal sunrise and remain until 1 hour after legal sunset.

* * * * *

4. We only allow boating and float tubes on Island Lake. We prohibit use of internal combustion motors for boats on Island Lake.

* * * * *

Fort Niobrara National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of deer and elk on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require the submission of a Big/Upland Game Hunt Application (FWS Form 3–2356). You must possess and carry a signed refuge hunt permit (signed brochure) when hunting. We require hunters to complete a Big Game Harvest Report (FWS Form 3–2359) and return it to the refuge at the conclusion of the hunting season.

2. We allow hunting with muzzleloader and archery equipment. We prohibit hunting with firearms capable of firing cartridge ammunition.

3. We allow hunting in the area defined as those refuge lands situated north and west of the Niobrara River. We allow access to this area only from designated refuge parking areas and the Niobrara River.

4. We prohibit hunting within 200 yards (180 meters) of any public use facility.

5. We allow hunter access from 2 hours before legal sunrise until 2 hours after legal sunset.

6. We allow horses within the wilderness area. We limit horse use to three groups at a time and no more than five horses per group. We prohibit horses from 2 hours after legal sunset until 2 hours before legal sunrise. We require registration at the refuge headquarters prior to horse use during the hunting season. We limit horse access to the wilderness area via the refuge corrals and buffalo bridge.

7. We prohibit leaving tree stands and ground blinds in the same location for more than 7 consecutive days. You must label unattended tree stands, elevated platforms, and ground blinds with your name and address; the label must be legible from the ground. You may put up tree stands, elevated platforms, and ground blinds, but no earlier than opening day of deer season; you must remove them by the last day of deer season.

8. We prohibit hunting during the Nebraska November Firearm Deer Season.

9. We prohibit the use of electronic or photographic trail monitoring devices.

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North Platte National Wildlife Refuge

* * * * *

C. * * *

1. Condition B1 applies.

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following condition: Fishing is only allowed on the Winter's Creek Unit.

Rainwater Basin Wetland Management District

* * * * *

B. * * *

2. Condition A2 applies.

* * * * *

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas (WPAs) throughout the District, excluding McMurtrey WPA in Clay County, in accordance with State regulations and subject to the following condition: Condition A2 applies.

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas (WPAs) throughout the District, excluding McMurtrey WPA in Clay County, in accordance with State regulations and subject to the following condition: Condition A1 applies.

* * * * *

■ 20. Amend § 32.47 by:

■ a. Under the entry Ash Meadows National Wildlife Refuge:

■ i. Removing paragraphs A.1 and A.4;

■ ii. Redesignating paragraphs A.2 and A.3 as paragraphs A.1 and A.2, respectively; and

■ iii. Revising paragraph B; and

■ b. Under the entry Pahranagat National Wildlife Refuge:

■ i. Removing paragraph A.1;

■ ii. Redesignating paragraphs A.2 and A.3 as paragraphs A.1 and A.2, respectively; and

■ iii. Revising newly redesignated paragraph A.2 and paragraphs B and D.2.

The revisions read as follows:

§ 32.47 Nevada.

* * * * *

Ash Meadows National Wildlife Refuge

* * * * *

B. Upland Game Hunting. We allow hunting of quail and rabbit on designated areas of the refuge in accordance with State regulations and subject to the following condition: Condition A2 applies.

* * * * *

Pahranagat National Wildlife Refuge

A. * * *

2. From October 1 to February 1, you may only possess shotshells in quantities of 25 or fewer when in the field.

B. Upland Game Hunting. We allow hunting of quail and rabbit on designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow hunting of jackrabbits only during the State cottontail season.

* * * * *

D. * * *

2. We only allow motorless boats or boats with electric motors on the Upper Lake, Middle Marsh, and Lower Lake, with the exception that we close Upper Lake to all boating from October 1 through February 1.

* * * * *

■ 21. Revise § 32.48 to read as follows:

§ 32.48 New Hampshire.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

Great Bay National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl in accordance with State regulations and subject to the following conditions:

1. We allow hunting within the refuge boundary upon navigable waters from within a boat.

2. We prohibit access to land areas, mud flats, rocks, or marsh grass above mean high tide within the refuge.

3. We prohibit hunters retrieving birds inland of the boundary signs.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State and local regulations, and subject to the following conditions:

1. We require hunters to obtain and possess a refuge deer hunting permit, issued pursuant to an annual selection lottery.

2. We require deer hunters to wear in a visible manner on the head, chest, and back, a minimum of 400 square inches (2,600 square centimeters) of solid-colored, blaze-orange clothing or material.

D. Sport Fishing. [Reserved]

Silvio O. Conte National Fish and Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, common snipe, and American woodcock on the Pondicherry Division of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of coyote, fox, raccoon, woodchuck, red squirrel, eastern gray squirrel, porcupine, skunk, American crow, snowshoe hare, ring-necked pheasant, and ruffed grouse on the Pondicherry Division of the refuge in accordance with State regulations.

C. Big Game Hunting. We allow hunting of white-tailed deer, moose, black bear, and wild turkey on the Pondicherry Division of the refuge in accordance with State regulations and subject to the following condition: You may use portable tree stands and blinds. Your name and address must be clearly visible on the tree stands or blinds, and you must remove your tree stands or blinds by the end of the season.

D. Sport Fishing. [Reserved]

Umbagog National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, snipe, coot, crow, and woodcock in accordance with State regulations and subject to the following conditions:

1. Hunters must remove temporary blinds, boats, and decoys from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

2. We prohibit dog training on the refuge.

3. You may possess only approved nontoxic shot when hunting snipe, crow, and woodcock on the refuge (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of fox, raccoon, woodchuck,

squirrel, porcupine, skunk, snowshoe hare, ring-necked pheasant, and ruffed grouse in accordance with State regulations, seasons, and bag limits, and subject to the following conditions:

1. We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

2. You may possess only approved nontoxic shot when hunting upland game on the refuge (see § 32.2(k)).

3. Condition A2 applies.

C. Big Game Hunting. We allow hunting of bear, white-tailed deer, coyote, wild turkey, and moose in accordance with State regulations and subject to the following conditions:

1. We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

2. Condition A2 applies.

3. Hunters must retrieve all species, including coyotes, harvested on the refuge.

4. We allow temporary blinds and tree stands that are clearly marked with the owner's name and address. Temporary blinds and tree stands may be erected no earlier than 14 days prior to the hunting season and must be removed within 14 days after the hunting season.

D. Sport Fishing. [Reserved]

■ 22. Amend § 32.49 by:

■ a. Under the entry Cape May National Wildlife Refuge:

■ i. Revising paragraphs A, B.1, and B.2;

■ ii. Removing paragraph B.4;

■ iii. Revising paragraph C;

■ iv. Revising the introductory text of paragraph D and paragraph D.5; and

■ v. Removing paragraphs D.6, D.7, D.8, and D.9;

■ b. Revising the entry Edwin B. Forsythe National Wildlife Refuge;

■ c. Revising the entry Great Swamp National Wildlife Refuge;

■ d. Revising paragraphs A, C, and D.1 in the entry Supawna Meadows National Wildlife Refuge; and

■ e. Revising the entry Wallkill River National Wildlife Refuge.

The revisions read as follows:

§ 32.49 New Jersey.

* * * * *

Cape May National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl, coot, moorhen, rail, common snipe, and woodcock on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting only on those refuge tracts located west of Route 47 in the Delaware Bay Division and on those tracts north of Route 550 in the Great Cedar Swamp Division. We prohibit hunting on the Two Mile Beach Unit.

2. The common snipe season on the refuge begins with the start of the State early woodcock south zone season and continues through the end of the State common snipe season.

3. You may possess only approved nontoxic shot while hunting woodcock on the refuge (see § 32.2(k)).

4. We allow the use of dogs for hunting; however, the dogs must be under the hunter's control at all times. We prohibit dog training on the refuge.

5. We prohibit falconry.

B. * * *

1. Conditions A1 and A5 apply.

2. We allow rabbit and squirrel hunting following the end of the State's Six-Day Firearm Season for white-tailed deer, until the close of the regular rabbit and squirrel season.

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting of white-tailed deer on all areas of the refuge except for the Two Mile Beach Unit.

2. We allow turkey hunting only on refuge tracts located north of County Route 550 in the Great Cedar Swamp Division. We prohibit turkey hunting on the Two Mile Beach Unit.

3. We prohibit the use of dogs for turkey hunting.

4. You must mark tree stands with owner information (name, address, and phone number). You must remove all deer hunting stands, blinds, and hunting materials at the end of the State deer hunting season. We prohibit permanent stands or blinds.

D. Sport Fishing. We allow saltwater sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

5. We prohibit fishing for, or possession of, shellfish on refuge lands.

Edwin B. Forsythe National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl, coot, moorhen, and rail on designated areas of the refuge in accordance with State regulations and subject to the following condition: We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge.

B. Upland Game Hunting. We allow hunting of squirrel on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge.

2. We prohibit the use of dogs while hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting deer and turkey on the refuge.

2. We require deer stands to be marked with the hunter's Conservation Identification Number and removed at the end of the last day of the hunting season (no permanent stands).

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following condition: We prohibit use of internal combustion engines on Lily Lake and the Loveladies Kayak Area.

Great Swamp National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State regulations and subject to the following refuge hunting regulations:

1. We require hunters to obtain and possess a State permit for the appropriate New Jersey Deer Management Zone at all times while hunting or scouting on the refuge.

2. Hunters must purchase a refuge Deer Hunting Permit, and possess the signed refuge permit at all times while hunting or scouting on the refuge. Youth hunters age 16 years or younger must obtain a permit, but are only charged a processing fee.

3. On scouting days, hunters must access the refuge between legal sunrise and legal sunset. On hunting days, hunters may enter the refuge 2 hours before legal shooting time and must leave no later than 2 hours after legal shooting time.

4. Hunters may put up tree stands beginning on the first scouting day, except on the day of the refuge's youth hunt. They must retrieve their stands by 12 p.m. (noon) on the Sunday after the last day of the hunt. All hunters must put their name and phone number on their stand, and they may have only one stand in the field at any one time. The refuge is not responsible for any stolen stands.

5. We allow hunters to use sleds to slide deer out (no wheeled game carriers

allowed) in the Wilderness Area east of Long Hill/New Vernon Road.

6. We prohibit organized deer drives.

7. The refuge hunt season consists of several scouting days, a 1-day youth hunt, and a 4-day regular hunt, usually in late October and early November. Dates are available annually from the refuge website and in the Great Swamp NWR Hunter Information Sheet.

8. Refuge bag limits and hunt areas are determined annually by the refuge. Please refer to the most recent Great Swamp NWR Hunter Information Sheet and Refuge Hunt Map for specific information on annual bag limits and areas open to hunting.

D. Sport Fishing. [Reserved]

Supawna Meadows National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese and ducks on designated areas of the refuge in accordance with State regulations.

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C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow only bow hunting on the refuge.

D. * * *

1. We prohibit the taking of frogs and turtles from all nontidal waters and refuge lands.

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Wallkill River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory birds on designated areas of the refuge in accordance with State of New Jersey regulations and subject to the following conditions:

1. Hunters must purchase a Wallkill River NWR Migratory Bird Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

B. Upland Game Hunting. We allow hunting of coyote, fox, crow, ruffed grouse, opossum, raccoon, pheasant, chukar, rabbit/hare/jackrabbit, squirrel, and woodchuck on designated areas of the refuge in accordance with State of New Jersey regulations and subject to the following conditions:

1. Hunters must purchase a Wallkill River NWR Small Game Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. We prohibit night hunting.

3. We prohibit the use of dogs.

4. We prohibit the use of rifles.

5. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

C. Big Game Hunting. We allow hunting of white-tailed deer, bear, and wild turkey on designated areas of the refuge in accordance with State of New Jersey regulations and subject to the following conditions:

1. Hunters must purchase a Wallkill River NWR Deer, Bear, or Turkey Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. We prohibit organized deer drives.

3. The Armstrong tract is archery only for deer (see hunt map).

4. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

D. Sport Fishing. We allow sport fishing on the refuge in accordance with State of New Jersey regulations and subject to the following conditions:

1. Owens Station Crossing is open for catch and release only.

2. Fishing is permitted ½ hour before legal sunrise to ½ hour after legal sunset. We prohibit night fishing.

3. We prohibit the taking of amphibians and reptiles.

4. We prohibit minnow/bait trapping.

■ 23. Amend § 32.50 by revising the entry Sevilleta National Wildlife Refuge to read as follows:

§ 32.50 New Mexico.

* * * * *

Sevilleta National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of mourning dove, white-winged dove, geese, ducks, and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. In Units A and B, legal hunting hours will run from ½ hour before legal sunrise and will not extend past 1:00 p.m. (local time) on each hunt day. Hunters may access Units A and B from 1 hour before legal sunrise until 1 hour after legal sunset. We allow falcons to hunt dove in the Rio Puerco Unit only.

2. Hunters may not possess more than 25 shotgun shells while in the field.

3. We allow unleashed hunting and/or retrieving dogs on the refuge when hunters are legally present in areas where hunting is allowed, only if the dogs are under the immediate control of hunters at all time, and only to pursue species legally in season at that time.

4. We prohibit hunting along/on the river within the refuge boundary.

5. At Unit A, in the Cornerstone Marsh Unit, hunters who are disabled (per Mobility-Impaired Certification in the State Hunting Rules and Information pamphlet) are given priority use.

B. Upland Game Hunting. We allow hunting of Gambel's quail and Eurasian collared-dove on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A2 through A5 apply.

2. In the Rio Puerco Unit, legal hunting hours will run from ½ hour before legal sunrise to legal sunset.

3. We allow Eurasian collared-dove hunting in all three hunt units. We allow Gambel's quail hunting only in the Rio Puerco Unit as designated on the refuge hunting map.

4. While all State and Federal hunting regulations regarding methods of take, bag limits, and other factors apply to Eurasian collared-dove hunting on the refuge, hunting dates for Eurasian collared-dove are limited to the same dates as the New Mexico Department of Game and Fish (NMDGF) Dove South Zone.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

■ 24. Amend § 32.51 by:

■ a. Revising paragraph D in the entry Amagansett National Wildlife Refuge;

■ b. Revising paragraph D in the entry Elizabeth A. Morton National Wildlife Refuge;

■ c. Revising the entry Iroquois National Wildlife Refuge;

■ d. Revising the entry Montezuma National Wildlife Refuge;

■ e. Revising paragraph D in the entry Oyster Bay National Wildlife Refuge;

■ f. Revising paragraph D in the entry Seatuck National Wildlife Refuge;

■ g. Revising paragraph C in the entry Shawangunk Grasslands National Wildlife Refuge;

■ h. Revising paragraph D in the entry Target Rock National Wildlife Refuge;

■ i. Revising the entry Wallkill River National Wildlife Refuge; and

■ j. Under the entry Wertheim National Wildlife Refuge:
■ i. Revising paragraph C and the introductory text of paragraph D;
■ ii. Removing paragraph D.3; and
■ iii. Redesignating paragraph D.4 as D.3.

The revisions read as follows:

§ 32.51 New York.

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Amagansett National Wildlife Refuge

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D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Anglers may only surf fish in the Atlantic Ocean from the refuge shoreline in accordance with State regulations.

2. Seasonal closure applies from April 1 to August 31.

Elizabeth A. Morton National Wildlife Refuge

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following condition: We allow fishing only from the beach and in areas not designated as closed.

Iroquois National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, rail, coot, gallinule, woodcock, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. For hunting of duck, goose, and coot:

i. We allow hunting on Saturday of the New York State Youth Days.

ii. We allow hunting Tuesdays, Thursdays, and Saturdays from opening day of regular waterfowl season until the end of the first split. We require proof of successful completion of the New York State Waterfowl Identification Course, the Iroquois Nonresident Waterfowl Identification Course, or a suitable nonresident State Waterfowl Identification Course to hunt in the refuge; all hunters must show proof each time they hunt, in addition to showing their valid hunting license and signed Federal Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp).

iii. We require refuge waterfowl hunting permits.

iv. We only allow hunting from legal starting time until 12 p.m. (noon) and require hunters to check out no later than 1 p.m., and return the Migratory Bird Hunt Report (FWS Form 3–2361) to the waterfowl hunter check station.

v. We require hunters to stay in designated hunting areas, unless actively pursuing downed or crippled birds.

vi. You may only possess approved nontoxic shotshells (see § 32.2(k)) in the field.

vii. We only allow the use of nonmotorized boats.

2. For hunting of rail, gallinule, snipe, and woodcock:

i. We only allow hunting east of Sour Springs Road from October 1 until the opening of regular waterfowl season.

ii. You may only possess approved nontoxic shot in the field (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of ruffed grouse, gray squirrel, cottontail rabbit, pheasant, coyote, fox, raccoon, skunk, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Small game hunting;

i. We allow hunting from October 1 until the last day of February.

ii. We prohibit the use of raptors to take small game.

iii. Condition A.2.ii applies.

2. Furbearer hunting:

i. Condition B.1.i applies.

ii. We prohibit night hunting.

iii. Condition A.2.ii applies.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following condition: We require a refuge permit for spring turkey hunting.

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing and frogging from legal sunrise to legal sunset.

2. We prohibit the collection and/or releasing of baitfish.

Montezuma National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow waterfowl, Canada goose, and snow goose hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. For the regular waterfowl season:

i. We require daily refuge permits (Migratory Bird Hunt Report, FWS Form 3–2361) and reservations; we issue permits to hunters with a reservation for that hunt day. We require you to complete and return your permit by the end of the hunt day.

ii. We allow hunting only on Tuesdays, Thursdays, and Saturdays during the established refuge season set within the State western zone season. We allow a youth waterfowl hunt during New York State's established youth waterfowl hunt each year.

iii. All hunters with reservations and their hunting companions must check-in at the Route 89 Hunter Check Station area at least 1 hour before legal shooting time or forfeit their reservation. Forfeited reservations become available on a first-come, first-served basis to standby hunters at the Route 89 Hunter Check Station.

iv. We allow motorless boats to hunt waterfowl. We limit hunters to one boat per reservation and one motor vehicle in the hunt area per reservation.

v. We prohibit shooting from any dike or within 50 feet (15.2 meters) of any dike or road, or from within 500 feet (152.4 meters) of the Tschache Pool observation tower.

vi. We require proof of successful completion of the New York State Waterfowl Identification Course, the Montezuma Nonresident Waterfowl Identification Course, or a suitable nonresident State Waterfowl Identification Course to hunt in the refuge; all hunters must show proof each time they hunt, in addition to showing their valid hunting license and signed Federal Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp).

2. For Canada goose and snow goose hunting:

i. We allow hunting of Canada goose during the New York State September (or ''early'') season and of snow goose during portions of the New York State snow goose season and portions of the period covered by the Light Goose Conservation Order.

ii. We allow Canada goose and snow goose hunting 7 days per week during the refuge's set hunting dates.

iii. You must possess a valid daily hunt permit card (Migratory Bird Hunt Report, FWS Form 3–2361). We require you to complete and return the daily hunt permit card by the end of the hunt day. Entry onto the refuge to obtain a permit is authorized no earlier than 1½ hours before legal sunrise.

B. Upland Game Hunting. We allow hunting of wild turkey only during the New York State fall and youth turkey seasons on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must carry a valid daily hunt permit card (Big/Upland Game Hunt Application, FWS Form 3–2356). We require you to complete and return the daily hunt permit card by the end of the hunt day.

2. We prohibit parking and walking along the Wildlife Drive for the purpose

of hunting, unless otherwise posted by refuge personnel.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We close Esker Brook and South Spring Pool Trails to hunting before November 1 each year. We close Wildlife Drive to hunting before December 1 each year. We open Seneca Trail and the Refuge Headquarters area during New York State's late archery/muzzleloader season only. We allow a youth white-tailed deer hunt during the State's established youth white-tailed deer hunt each year.

2. You must possess a valid daily hunt permit card (Big/Upland Game Hunt Application, FWS Form 3–2356). We require you to complete and return the daily hunt permit card by the end of the hunt day.

3. We allow advanced scouting of the refuge, prior to the hunting season, during a time set by the refuge manager.

4. We allow white-tailed deer hunters to be on the refuge during the period that begins 2 hours before legal sunrise and ends 2 hours after legal sunset.

5. We prohibit parking and walking along the Wildlife Drive for the purpose of hunting, unless otherwise posted by refuge personnel.

D. Sport Fishing. Anglers may access the New York State Barge Canal System Waters at established fishing access sites on the refuge. You may either bank fish or boat fish in accordance with State regulations.

Oyster Bay National Wildlife Refuge

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following condition: Anglers may fish from designated areas on the refuge shoreline at Mill Pond from legal sunrise until legal sunset.

Seatuck National Wildlife Refuge

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D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following condition: Anglers may fish in refuge-controlled waters of Great South Bay from boats only.

Shawangunk Grasslands National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State of New York regulations and subject to the following conditions:

1. Hunters must purchase a Shawangunk Grasslands NWR Deer Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. Deer may be taken using archery equipment only.

3. We prohibit organized deer drives.

4. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

* * * * *

Target Rock National Wildlife Refuge

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D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow fishing in Huntington Bay from the refuge shoreline when the refuge is open to visitors.

Wallkill River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory birds on designated areas of the refuge in accordance with State of New York regulations and subject to the following conditions:

1. Hunters must purchase a Wallkill River NWR Migratory Bird Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

B. Upland Game Hunting. We allow hunting of rabbit/hare, gray/black/fox squirrel, pheasant, bobwhite quail, ruffed grouse, crow, red/gray fox, coyote, bobcat, raccoon, skunk, mink, weasel, and opossum on designated areas of the refuge in accordance with State of New York regulations and subject to the following conditions:

1. Hunters must purchase a Wallkill River NWR Small Game Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. We prohibit night hunting.

3. We prohibit the use of dogs.

4. We prohibit the use of rifles.

5. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

C. Big Game Hunting. We allow hunting of white-tailed deer, bear, and wild turkey on designated areas of the refuge in accordance with State of New York regulations and subject to the following conditions:

1. Hunters must purchase a Wallkill River NWR Deer, Bear, or Turkey Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. We prohibit organized deer drives.

3. We prohibit the use of rifles.

4. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

D. Sport Fishing. We allow sport fishing on the refuge in accordance with State of New York regulations and subject to the following conditions:

1. Owens Station Crossing is open for catch and release only.

2. Fishing is permitted ½ hour before legal sunrise to ½ hour after legal sunset. We prohibit night fishing.

3. We prohibit the taking of amphibians and reptiles.

4. We prohibit minnow/bait trapping.

Wertheim National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer within designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow archery and shotgun hunting of white-tailed deer within portions of the refuge during specific days between October 1 and January 31.

2. We require refuge permits. We limit the number of deer hunters permitted to hunt on the refuge. We will issue permits by random selection.

3. You must take the specified number of antlerless deer as noted in the refuge hunting regulations before taking an antlered deer.

4. We prohibit driving deer by any means. We define a ''drive'' as two or more persons involved in the act of

chasing, pursuing, disturbing, or otherwise directing deer to make the animal more susceptible to harvest.

5. Hunters assigned to Unit 5 must hunt from portable tree stands and must direct aim away from a public road and/or dwelling.

6. We allow scouting of hunting areas on the refuge only during designated times and days. We prohibit the use of dogs during scouting.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

■ 25. Amend § 32.53 by:
■ a. Under the entry Arrowwood National Wildlife Refuge:
■ i. Removing paragraphs B.3, B.4, and C.6,
■ ii. Redesignating paragraphs C.4 and C.5 as paragraphs C.3 and C.4, respectively;
■ iii. Revising newly redesignated paragraph C.4, and paragraphs D.1, D.3, and D.4; and
■ iv. Removing paragraphs D.5 and D.6;
■ b. Under the entry J. Clark Salyer National Wildlife Refuge:
■ i. Removing paragraphs B.8 and B.9;
■ ii. Revising the introductory text of paragraph C;
■ iii. Removing paragraphs C.5, C.6, and C.9;
■ iv. Redesignating paragraphs C.3, C.4, C.7, and C.8 as paragraphs C.4, C.5, C.6, and C.7, respectively;
■ v. Adding new paragraph C.3;
■ vi. Revising paragraph D.6; and
■ vii. Removing paragraphs D.7 and D.8;
■ c. Revising the entry Lostwood National Wildlife Refuge;
■ d. Under the entry Tewaukon National Wildlife Refuge:
■ i. Revising paragraph B.2; and
■ ii. Adding new paragraphs C.4, D.3, D.4, and D.5; and
■ e. Under the entry Upper Souris National Wildlife Refuge:
■ i. Revising paragraphs A, B.6, and B.7;
■ ii. Removing paragraphs B.9 and B.10;
■ iii. Revising paragraph C.2;
■ iv. Removing paragraphs C.3, C.4, and C.5;
■ v. Redesignating paragraph C.6 as paragraph C.3;
■ vi. Revising paragraphs D.6 and D.7;
■ vii. Removing paragraphs D.8, D.9, and D.10;
■ viii. Redesignating paragraphs D.11 through D.14 as paragraphs D.8 through D.11, respectively; and
■ ix. Adding new paragraph D.12.

The additions and revisions read as follows:

§ 32.53 North Dakota.

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Arrowwood National Wildlife Refuge

* * * * *

C. * * *

4. We allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of the day.

D. * * *

1. We allow boats at idle speed only on Arrowwood Lake and Jim Lake from May 1 to September 30 of each fishing year.

* * * * *

3. We allow ice fishing and dark house spearfishing. We allow snowmobiles, ATVs, UTVs, motor vehicles, and fish houses on the ice as conditions allow. We restrict snowmobile, ATV, UTV, and motor vehicle use to unvegetated ice areas, designated roads, and access points.

4. You may use and leave fish houses on the ice overnight until March 15; after March 15, you must remove fish houses from the refuge before leaving for the day. We prohibit leaving fish houses overnight or unattended on refuge uplands or in parking areas.

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J. Clark Salyer National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer and moose on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

3. We open the entire refuge to moose hunting except the closed areas listed in C2.

* * * * *

D. * * *

6. We allow ice fishing and dark house spearfishing. We allow snowmobiles, ATVs, UTVs, motor vehicles, and fish houses on the ice as conditions allow. We restrict snowmobile, ATV, UTV, and motor vehicle use to unvegetated ice areas, designated roads, and access points.

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Lostwood National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of sharp-tailed grouse, Hungarian partridge, and ring-necked pheasant on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We open the refuge daily from 5 a.m. to 10 p.m.

2. We prohibit upland game hunting on the portion of the refuge south of Highway 50 during regular deer gun season.

3. We allow upland game hunting on the portion of the refuge north of Highway 50 on the day following the close of the regular deer gun season through the end of the State season.

4. You may use hunting dogs to retrieve upland game. Dogs must be under your direct control at all times.

C. Big Game Hunting. We allow deer and moose hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition B1 applies.

2. We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective archery, gun, or muzzleloader deer hunting season.

3. We prohibit the use of trail cameras.

D. Sport Fishing. [Reserved]

* * * * *

Tewaukon National Wildlife Refuge

B. * * *

2. We open the refuge daily from 5 a.m. to 10 p.m.

C. * * *

4. Condition B2 applies.

D. * * *

3. We allow snowmobiles, ATVs, UTVs, motor vehicles, and fish houses on the ice as conditions allow. We restrict snowmobile, ATV, UTV, and motor vehicle use to unvegetated ice areas, designated roads, and access points.

4. We prohibit leaving fish houses overnight or unattended on refuge uplands or in parking areas.

5. Condition B2 applies.

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Upper Souris National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. * * *

6. We allow hunters on the refuge from 5:00 a.m. until 10:00 p.m.

7. We prohibit the use of bicycles or similar vehicles on the refuge.

* * * * *

C. * * *

2. Conditions B5 through B8 apply.

* * * * *

D. * * *

6. We prohibit the use of amphibious vehicles, personal watercraft (PWCs), bicycles, or similar vehicles on the refuge.

7. We allow snowmobiles, ATVs, UTVs, motor vehicles, and fish houses on the ice as conditions allow from Lake Darling Dam north to Carter Dam (Dam 41) for ice fishing. We restrict snowmobile, ATV, UTV, and motor

vehicle use to unvegetated ice areas, designated roads, and access points. Consult with the refuge manager or refuge fishing brochure for specific areas.

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12. Condition B6 applies.

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■ 26. Revise § 32.54 to read as follows:

§ 32.54 Ohio.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

Cedar Point National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow white-tailed deer hunting on designated dates in the controlled hunt areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must possess and carry a State-issued permit. All hunters must check in and out at the refuge check station. We require hunters to check out with the State-issued Harvest Card no later than 2 hours after the conclusion of their controlled hunt.

2. We require hunters to remain within their assigned unit.

3. We require hunters to obtain permission from refuge officials before tracking a wounded deer out of the assigned hunting unit.

4. We prohibit hunting or shooting within 150 feet (45.7 meters) of any structure, building, or parking lot.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to the following conditions:

1. We allow fishing from legal sunrise to legal sunset during designated dates.

2. We allow boats and flotation devices.

Ottawa National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, rails, gallinule, coot, dove, woodcock, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. On controlled waterfowl hunt units, we allow hunting of goose, duck, and coot in accordance with State regulations and subject to the following conditions:

i. You must stop hunting at 12 p.m. (noon) each day.

ii. You must stay in your assigned hunt unit.

iii. You may possess no more than 25 shot shells.

2. On public hunting units, we allow hunting of ducks, geese, rails, gallinule, coot, dove, woodcock, and snipe in accordance with State regulations and subject to the following conditions:

i. We allow refuge access from 1½ hours prior to the State-listed morning shooting time and 1 hour after the State-listed evening shooting time.

ii. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times.

iii. We allow nonmotorized boats in areas open to waterfowl hunting during the waterfowl hunting seasons with the following exception: We allow motorized boats in the Metzger Marsh and Two Rivers units.

B. Upland Game Hunting. We allow hunting of pheasant, squirrel, rabbit, fox, raccoon, skunk, opossum, groundhog, and coyote on designated public hunting units of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A.2.i and A.2.ii apply.

2. We prohibit the use of buckshot for any hunting on the refuge.

C. Big Game Hunting. We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. On controlled deer hunt units, we allow hunting of white-tailed deer only in accordance with State regulations and subject to the following conditions:

i. We require hunters to possess and carry a State-issued permit. You must check in and out at the refuge check station using the State-issued Harvest Card no later than 2 hours after the conclusion of your hunt.

ii. You must remain within your assigned unit.

iii. You must obtain permission from refuge officials before tracking a wounded deer out of your assigned hunting unit.

iv. We prohibit hunting or shooting within 150 feet (45.7 meters) of any structure, building, or parking lot.

2. We allow hunting of white-tailed deer and turkey on designated public hunting units of the refuge in accordance with State regulations and subject to the following conditions:

i. Conditions A.2.i and B2 apply.

ii. We allow only portable deer stands for hunting. We allow only one tree stand per hunter per refuge unit. We allow placement of tree stands after September 1 and require hunters to remove tree stands by March 1 of each year. We require deer stands to be labeled with owner's name and address.

iii. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing from legal sunrise to legal sunset during designated dates.

2. We allow boats and flotation devices in designated areas.

■ 27. Amend § 32.56 by:

■ a. Under the entry Cold Springs National Wildlife Refuge:

■ i. Revising paragraphs A.2, A.3, and A.4;

■ ii. Removing paragraphs A.5, A.6, and A.7; and

■ iii. Revising paragraphs B.2 and C;

■ b. Under the entry Lower Klamath National Wildlife Refuge:

■ i. Revising the introductory text of paragraph A, and paragraphs A.1 and A.3;

■ ii. Removing paragraphs A.4 and A.7;

■ iii. Redesignating paragraphs A.5 and A.6 as paragraphs A.4 and A.5, respectively; and

■ iv. Revising paragraph B; and

■ c. Under the entry William L. Finley National Wildlife Refuge:

■ i. Removing paragraphs C.3, C.6, C.7, C.8, C.9, and C.10;

■ ii. Redesignating paragraphs C.4 and C.5 as paragraphs C.3 and C.4, respectively;

■ iii. Revising paragraphs D.1 and D.2; and

■ iv. Adding new paragraphs D.3 and D.4.

The additions and revisions read as follows:

§ 32.56 Oregon.

* * * * *

Cold Springs National Wildlife Refuge

A. * * *

2. We prohibit discharge of any firearm within ¼ mile (396 meters (m)) of any maintained building or Federal facility, such as, but not limited to, a structure designed for storage, human occupancy, or shelter for animals. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

3. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, and all federally recognized holidays within the State season, with the exception of dove. We only allow hunting for all dove species within the State mourning dove season.

4. On the Memorial Marsh Unit, we allow waterfowl hunting only from numbered field blind sites, and hunters

must park their vehicles only at the numbered post corresponding to the numbered field blind site they are using (see § 27.31 of this chapter). Selection of parking sites/numbered posts is on a first-come, first-served basis at parking lot F. We prohibit free-roam hunting or jump shooting, and you must remain within 100 feet (30 m) of the numbered field blind post unless retrieving birds or setting decoys. We allow a maximum of four persons per blind site.

B. * * *

2. We allow hunting from 12 p.m. (noon) to legal sunset.

C. Big Game Hunting. We allow hunting of elk on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We allow hunting under emergency hunt permit or kill permit only (issued by the State).

* * * * *

Lower Klamath National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and common snipe on designated areas of the refuge in accordance with State laws and regulations, and subject to the following conditions:

1. In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass for all hunters age 16 or older. An adult with a valid Recreation Pass must accompany hunters age 17 or younger who are hunting in the controlled area.

* * * * *

3. Entry hours begin at 4:30 a.m. unless otherwise posted.

* * * * *

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge in accordance with State regulations, and subject to the following condition: In the controlled pheasant hunting area, we require a valid Refuge Recreation Pass for all hunters age 16 or older. An adult with a valid Recreation Pass must accompany hunters age 17 or younger who are hunting in the controlled area.

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William L. Finley National Wildlife Refuge

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D. * * *

1. We allow fishing on Muddy Creek.

2. We allow bank fishing on the Snag Boat Bend Unit only on the Willamette River and Lake Creek.

3. We allow fishing from legal sunrise to legal sunset.

4. We allow anglers to use pole and line, or rod and reel. Anglers must attend their line.

■ 28. Amend § 32.57 by:

■ a. Revising the entry Cherry Valley National Wildlife Refuge;

■ b. Revising the entry Erie National Wildlife Refuge; and

■ c. Revising paragraph C in the entry John Heinz National Wildlife Refuge at Tinicum.

The revisions read as follows:

§ 32.57 Pennsylvania.

* * * * *

Cherry Valley National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory birds, including waterfowl (*i.e.,* ducks, mergansers, coots, and geese), doves, woodcock, snipe, rails, moorhens, and gallinules, on designated areas of the refuge in accordance with State of Pennsylvania regulations and subject to the following conditions:

1. Hunters must purchase a Cherry Valley NWR Migratory Bird Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. Hunters may enter the refuge 2 hours before legal shooting time and must leave no later than 2 hours after legal shooting time.

B. Upland Game Hunting. We allow hunting of squirrels, grouse, rabbit, pheasant, quail, woodchuck, crow, fox, raccoon, opossum, skunk, weasel, coyote, and bobcat on designated areas of the refuge in accordance with State of Pennsylvania regulations and subject to the following conditions:

1. Hunters must purchase a Cherry Valley NWR Small Game Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. We prohibit night hunting.

3. We prohibit the use of dogs.

4. We prohibit the use of rifles.

5. Hunters may enter the refuge 2 hours before legal shooting time and must leave no later than 2 hours after legal shooting time.

C. Big Game Hunting. We allow hunting of white-tailed deer, bear, and wild turkey on designated areas of the refuge in accordance with State of Pennsylvania regulations and subject to the following conditions:

1. Hunters must purchase a Cherry Valley NWR Deer, Bear, or Wild Turkey Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. We prohibit organized deer drives.

3. Hunters may enter the refuge 2 hours before legal shooting time and must leave no later than 2 hours after legal shooting time.

D. Sport Fishing. [Reserved]

Erie National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of mourning dove, rail, common snipe, Canada goose, duck, coot, and crow on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting activities on the refuge from September 1 through the end of February. We allow scouting for those same dates, and for the 7 days prior to the start of each season.

2. We only allow nonmotorized boats for waterfowl hunting in permitted areas.

3. We prohibit field possession of migratory game birds in areas of the refuge closed to migratory game bird hunting, unless authorized by the refuge to retrieve downed or crippled animals.

B. Upland Game Hunting. We allow hunting of ruffed grouse, squirrel, rabbit, woodchuck, pheasant, quail, raccoon, fox, coyote, skunk, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow woodchuck hunting on the refuge from September 1 through the end of February.

2. We prohibit the use of raptors to take small game.

C. Big Game Hunting. We allow hunting of deer, bear, and turkey on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow bank fishing only on the Seneca Unit of the refuge. We prohibit wading.

2. We prohibit the use of watercraft for fishing, with the exception of Area

5 where we allow nonmotorized watercraft use. Watercraft must remain in an area from the dike to 3,000 feet (900 meters) upstream.

3. We prohibit the taking of turtle or frog.

4. We prohibit the collecting or releasing of baitfish.

5. We prohibit the taking or possession of shellfish on the refuge.

John Heinz National Wildlife Refuge at Tinicum

* * * * *

C. Big Game Hunting. We allow archery-only hunting of white-tailed deer on designated areas of the refuge, during specified dates, in accordance with State regulations and subject to the following conditions:

1. Hunters must possess a valid refuge hunting special use permit and comply with all terms and conditions.

2. Junior hunters age 15 and younger must be accompanied by an adult member of the family (age 18 or older), or by an adult serving in the place of a parent.

* * * * *

■ 29. Amend § 32.59 by:

■ a. Revising the entry Block Island National Wildlife Refuge;

■ b. Revising the entry Ninigret National Wildlife Refuge;

■ c. Revising paragraph D in the entry Sachuest Point National Wildlife Refuge; and

■ d. Revising paragraphs A and D in the entry Trustom Pond National Wildlife Refuge.

The revisions read as follows:

§ 32.59 Rhode Island.

* * * * *

Block Island National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require hunters to submit a Big/Upland Game Hunt Application (FWS Form 3–2356) to be selected to hunt on the refuge.

2. Hunters must mark portable tree stands/blinds with refuge permit number.

3. We prohibit hunting within 100 feet (30 meters) of a refuge trail.

D. Sport Fishing. Anglers may saltwater fish from the refuge shoreline in accordance with State regulations.

* * * * *

Ninigret National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require hunters to submit a Big/Upland Game Hunt Application (FWS Form 3–2356) to be selected to hunt on the refuge.

2. Hunters must mark portable tree stands/blinds with refuge permit number.

3. We prohibit hunting within 100 feet (30 meters) of a refuge trail.

D. Sport Fishing. Anglers may saltwater fish from the refuge shoreline in accordance with State regulations. Anglers may saltwater fish and shellfish in Ninigret Pond from the refuge shoreline only from legal sunrise to legal sunset in accordance with State and refuge regulations.

Sachuest Point National Wildlife Refuge

* * * * *

D. Sport Fishing. We allow saltwater fishing on the refuge in accordance with State regulations and subject to the following conditions:

1. Anglers may saltwater fish in the Sakonnet River and Sachuest Bay from the refuge shoreline.

2. Anglers may saltwater fish at Sachuest Beach shoreline from September 16 to March 31.

3. Anglers may night-fish after legal sunset with a refuge permit.

Trustom Pond National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of Canada geese and mourning doves on designated areas of the refuge in accordance with State regulations.

* * * * *

D. Sport Fishing. Anglers may saltwater fish from the refuge shoreline from September 16 to March 31 in accordance with State and refuge regulations.

■ 30. Amend § 32.60, under the entry Pinckney Island National Wildlife Refuge, by:

■ a. Revising paragraphs C.3 and C.4;

■ b. Removing paragraphs C.5, C.8, and C.10;

■ c. Redesignating paragraphs C.6, C.7, C.9, C.11, C.13, and C.14 as paragraphs C.5, C.6, C.7, C.8, C.9, and C.10, respectively;

■ d. Adding new paragraph C.11;

■ e. Revising paragraph C.12;

■ f. Removing paragraphs C.15, C.16, and C.18;

■ g. Redesignating paragraph C. 17 as paragraph C.13; and

■ h. Removing paragraph D.3.

The revisions and addition read as follows:

§ 32.60 South Carolina.

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Pinckney Island National Wildlife Refuge

* * * * *

C. * * *

3. Hunters must check-in at the designated check station and park in the designated area prior to hunting. We require personal identification at check-in.

4. We prohibit entry by boat, and we prohibit hunters to leave by boat to reach other parts of the island.

* * * * *

11. We will close the refuge to the nonhunting public on hunt days.

12. Youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise no more than one youth hunter.

* * * * *

■ 31. Amend § 32.62 by:

■ a. Revising the entry Chickasaw National Wildlife Refuge;

■ b. Revising the entry Hatchie National Wildlife Refuge;

■ c. Revising the entry Lake Isom National Wildlife Refuge;

■ d. Revising the entry Lower Hatchie National Wildlife Refuge; and

■ e. Revising the entry Reelfoot National Wildlife Refuge.

The revisions read as follows:

§ 32.62 Tennessee.

* * * * *

Chickasaw National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, merganser, mourning dove, woodcock, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We seasonally close the refuge sanctuary area to the public from November 15 through March 15.

2. You must possess and carry a signed refuge permit (signed refuge brochure) and comply with all permit provisions and other applicable State and Federal laws.

3. We allow hunting for duck, goose, coot, and merganser from ½ hour before legal sunrise to 12 p.m. (noon) CST. We allow hunters to access the refuge no more than 2 hours before legal sunrise.

4. We close mourning dove, woodcock, and snipe seasons during all

firearms, youth, and muzzleloader deer seasons.

5. You may use only portable blinds, and you must remove all boats, blinds, and decoys from the refuge by 1 p.m. CST daily.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We allow hunters to access the refuge no more than 2 hours before legal sunrise to no later than 2 hours after legal sunset, except that raccoon and opossum hunters may access the refuge from legal sunset to legal sunrise.

3. We do not open for spring squirrel season on the refuge.

4. We close squirrel, rabbit, and quail seasons during all firearms, youth, and muzzleloader deer seasons.

5. We close raccoon and opossum seasons on Friday and Saturday nights during all firearms, youth, and muzzleloader deer hunts and seasons, including the Friday night prior to any hunt or season that opens on a Saturday morning.

6. We allow horses only on roads open to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.

7. You may take coyote and beaver incidental to legal hunting activities with legal methods of take for those hunts.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A2, B2, B6, and B7 apply.

2. You may only participate in the refuge quota hunts with a special quota permit issued through random drawing. Information for permit applications is available at the refuge headquarters.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A1 applies.

2. We allow fishing only with pole and line, or rod and reel.

3. We allow the use of bow and arrow, or a gig to take nongame fish on refuge waters.

4. We prohibit taking frog or turtle on the refuge.

* * * * *

Hatchie National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, merganser, mourning dove, woodcock, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We seasonally close the sanctuary areas of the refuge to the public from November 15 through March 15.

2. You must possess and carry a signed refuge permit (signed refuge brochure) and comply with all permit provisions and other applicable State and Federal laws.

3. We allow waterfowl hunting only on Tuesdays, Thursdays, and Saturdays. We allow hunting for duck, goose, coot, and merganser from ½ hour before legal sunrise until 12 p.m. (noon) CST. We allow hunters to access the refuge no earlier than 2 hours before legal sunrise.

4. We close mourning dove, woodcock, and snipe seasons during all quota gun and youth deer gun hunts.

5. You may use only portable blinds, and you must remove all boats, blinds, and decoys from the refuge by 1 p.m. CST daily.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We allow hunters to access the refuge no earlier than 2 hours before legal sunrise to no later than 2 hours after legal sunset, except that raccoon and opossum hunters may access the refuge from legal sunset to legal sunrise.

3. We do not open to spring squirrel season on the refuge.

4. We close all small game hunts during the refuge deer quota and youth gun hunts.

5. We allow horses only on roads open to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.

6. You may take coyote and beaver incidental to legal hunting activities with legal methods of take for those hunts.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A2, B2, B5, and B6 apply.

2. You may only participate in the refuge deer quota hunts with a special quota permit (name and address only) issued through random drawing. Information for permit applications is available at the refuge headquarters.

3. We allow archery deer and turkey hunting on designated areas of the refuge as defined annually in the refuge Public Use Regulations available at the refuge office and in accordance with State regulations.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A1 applies.

2. We allow fishing only with pole and line, or rod and reel.

3. We allow use of a bow and arrow, or gig to take nongame fish on refuge waters.

4. We prohibit taking frog or turtle on the refuge.

5. We open Oneal Lake for fishing during a restricted season and for authorized special events. Information on events and season dates is available at the refuge headquarters.

6. We only allow fishing boats of 18 feet (5.5 meters) or less in length on refuge lakes.

7. We allow the use of nonmotorized boats and boats with electric motors only; we prohibit the use of gas and diesel motors on refuge lakes except in the waterfowl hunting area.

Lake Isom National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel and raccoon on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We seasonally close the refuge to the public from November 15 through March 15.

2. You must possess and carry a signed refuge permit (signed refuge brochure) and comply with all permit provisions and other applicable State and Federal laws.

3. We allow hunters to access the refuge no earlier than 2 hours before legal sunrise to no later than 2 hours after legal sunset, except that raccoon hunters may access the refuge from legal sunset to legal sunrise.

4. We allow horses only on roads opened to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.

5. You may take coyote and beaver incidental to legal hunting activities with legal methods of take for those hunts.

6. We do not open for spring squirrel season on the refuge.

C. Big Game Hunting. We allow only archery hunting for white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following condition: Conditions B1 through B5 apply.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We open all waters of Lake Isom to fishing only from March 16 through November 14 and from legal sunrise to legal sunset.
2. We allow boats with only electric or outboard motors of 10 horsepower or less.
3. We prohibit taking frog or turtle from refuge waters.
4. We allow fishing only with pole and line, or rod and reel.
5. We allow use of a bow and arrow, or a gig to take nongame fish on refuge waters.

Lower Hatchie National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, merganser, mourning dove, woodcock, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We seasonally close the sanctuary area of the refuge and the southern unit of Sunk Lake Public Use Natural Area to the public from November 15 through March 15.
2. You must possess and carry a signed refuge permit (signed refuge brochure) and comply with all permit provisions and other applicable State and Federal laws.
3. We allow hunting for duck, goose, coot, and merganser from ½ hour before legal sunrise to 12 p.m. (noon) CST. We allow hunters to access the refuge no earlier than 2 hours before legal sunrise.
4. We close mourning dove, woodcock, and snipe seasons during all firearms, youth, and muzzleloader deer seasons.
5. You may use only portable blinds, and you must remove all boats, blinds, and decoys from the refuge by 1 p.m. CST daily.
6. We close Sunk Lake Public Use Natural Area to all migratory game bird hunting, and we close the southern unit of Sunk Lake Public Use Natural Area to all hunting.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A2, and A6 apply.
2. We allow hunters to access the refuge no more than 2 hours before legal sunrise to no more than 2 hours after legal sunset, except that raccoon and opossum hunters may access the refuge from legal sunset to legal sunrise.
3. We do not open for spring squirrel season on the refuge.
4. We close squirrel, rabbit, and quail seasons during all firearms, youth, and muzzleloader deer seasons.
5. We close raccoon and opossum seasons on Friday and Saturday nights during all firearms, youth, and muzzleloader deer hunts and seasons, including the Friday night prior to any hunt or season that opens on a Saturday morning.
6. We allow horses only on roads open to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.
7. You may take coyote and beaver incidental to legal hunting activities with legal methods of take for those hunts.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A2, A6, B2, B6, and B7 apply.
2. You may participate in the refuge quota hunts only with a special quota permit (name and address only) issued through random drawing. Information for permit applications is available at the refuge headquarters.
3. We allow archery deer hunting only on the northern unit of Sunk Lake Public Use Natural Area.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge and the Sunk Lake Public Use Natural Area in accordance with State regulations and subject to the following conditions:

1. We allow fishing only from legal sunrise to legal sunset.
2. We allow fishing only with pole and line, or rod and reel.
3. We allow use of a bow and arrow, or a gig to take nongame fish on refuge waters.
4. We prohibit taking frog or turtle on the refuge.
5. We seasonally close the sanctuary area of the refuge and the southern unit of Sunk Lake Public Use Natural Area to the public from November 15 through March 15.
6. We allow the use of only nonmotorized boats and boats with electric motors on Sunk Lake Public Use Natural Area.

Reelfoot National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel and raccoon on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We seasonally close the refuge to the public from November 15 through March 15.
2. You must possess and carry a signed refuge permit (signed refuge brochure) and comply with all permit provisions and other applicable State and Federal law.
3. We allow hunters to access the refuge no earlier than 2 hours before legal sunrise to no later than 2 hours after legal sunset, except that raccoon hunters may access the refuge from legal sunset to legal sunrise.
4. We allow horses only on roads open to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.
5. You may take coyote and beaver incidental to legal hunting activities with legal methods of take for those hunts.
6. We do not open for spring squirrel season on the refuge.

C. Big Game Hunting. We allow hunting for white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions B1 through B5 apply.
2. You may participate in the refuge firearms deer and turkey quota hunts only with a special quota permit (name and address only) issued through random drawing. Information for permit applications is available at the refuge headquarters.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow access to the Long Point Unit (north of Upper Blue Basin) for fishing from March 16 through November 14, and the Grassy Island Unit (south of Upper Blue Basin) for fishing from February 1 through November 14.
2. We allow fishing on the refuge from legal sunrise to legal sunset.
3. We prohibit taking of frog or turtle on the refuge.
4. We prohibit airboats, hovercraft, or personal watercraft (*e.g.,* Jet Skis) on any waters within the refuge boundary.

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■ 32. Amend § 32.63 by revising the entry Anahuac National Wildlife Refuge to read as follows:

§ 32.63 Texas.

* * * * *

Anahuac National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, white-winged dove, mourning dove, Eurasian collared-dove, and rock pigeon

on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must carry a current signed refuge hunting permit (signed brochure—Hunting Regulations) while waterfowl hunting on all refuge hunt units.

2. Hunters age 17 and younger must be under the direct supervision of an adult age 18 or older.

3. We close refuge hunt units on Thanksgiving, Christmas, and New Year's Day.

4. We prohibit the use of airboats, marsh buggies, ATVs (see § 27.31(f) of this chapter), and personal watercraft.

5. On inland waters of refuge hunt areas open to motorized boats, we restrict the operation of motorized boats to lakes, ponds, ditches, and other waterways. We prohibit the operation of motorized boats on or through emergent wetland vegetation.

6. On inland waters of the refuge hunt areas open to motorized boats, we restrict the use of boats to those powered by a single engine of 25 horsepower or less and utilizing a propeller 9 inches (22.5 centimeters) in diameter or less.

7. For waterfowl hunting, we allow hunting in portions of the East Unit on specified days during the regular waterfowl seasons. We prohibit motorized boats launching from the East Unit.

8. We allow hunting in portions of the Middleton Tract and the Pace Tract during early teal season and regular waterfowl season during designated dates and on designated areas of the refuge.

9. Light goose conservation order will be concurrent with State regulations in designated areas and on designated dates.

10. We allow dove hunting in designated areas and concurrent with State regulations.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing and crabbing on shoreline areas on East Galveston Bay, along East Bay Bayou on the East Bay Bayou Tract, along West Line Road to the southern end of Shoveler Pond, along the canal from the Oyster Bayou Boat Ramp to the southwest corner of Shoveler Pond, and along the banks of Shoveler Pond.

2. We allow fishing and crabbing only with pole and line, rod and reel, or handheld line. We prohibit the use of any method not expressly allowed, including trotlines, setlines, jug lines, limb lines, bows and arrows, gigs, spears, or crab traps.

3. We allow cast netting for bait for personal use along waterways in areas open to the public and along public roads.

4. We prohibit boats and other floatation devices on inland waters. You may launch motorized boats in East Bay at the East Bay Boat Ramp on Westline Road and at the Oyster Bayou Boat Ramp (boat canal). We prohibit the launching of airboats or personal watercraft on the refuge. You may launch nonmotorized boats only along East Bay Bayou and along the shoreline of East Galveston Bay.

5. We prohibit fishing from or mooring to water control structures.

* * * * *

■ 33. Amend § 32.64 by:

■ a. Under the entry Bear River Migratory Bird Refuge:

■ i. Revising paragraph A.1;

■ ii. Removing paragraphs A.2, A.3, A.4, A.7, A.8, A.10, A.11, A.15, A.16, A.17, A.18, A.19, A.20, B.2, and D.4; and

■ iii. Redesignating paragraphs A.5, A.6, A.9, and A.12 through A.14 as paragraphs A.2, A.3, A.4, and A.5 through A.7, respectively; and

■ b. Under the entry Ouray National Wildlife Refuge:

■ i. Removing paragraphs A.3, A.4, A.5, A.6, A.8, and A.10;

■ ii. Redesignating paragraphs A.7 and A.9 as paragraphs A.3 and A.4, respectively;

■ iii. Revising the introductory text of paragraph B;

■ iv. Removing paragraph B.1;

■ v. Redesignating paragraphs B.2 through B.4 as paragraphs B.1 through B.3, respectively;

■ vi. Revising the introductory text of paragraph C;

■ vii. Removing paragraphs C.1 and C.8;

■ viii. Redesignating paragraphs C.2 through C.7, and C.9 as paragraphs C.1 through C.6, and C.7, respectively; and

■ ix. Revising paragraph D.3.

The revisions read as follows:

§ 32.64 Utah.

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Bear River Migratory Bird Refuge

A. * * *

1. We prohibit hunting or shooting within 100 yards (90 m) of refuge roads, the D line levee, parking areas, and other observation platforms.

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Ouray National Wildlife Refuge

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B. Upland Game Hunting. We allow hunting of pheasant and turkey in designated areas in accordance with State regulations and subject to the following conditions:

* * * * *

C. Big Game Hunting. We allow hunting of deer and elk in designated areas in accordance with State regulations and subject to the following conditions:

D. * * *

3. You must release unharmed any of the four federally endangered fish if caught (razorback sucker, Colorado pike minnow, humpback chub, or bonytail chub).

■ 34. Revise § 32.65 to read as follows:

§ 32.65 Vermont.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

Missisquoi National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, brant, merganser, coot, woodcock, and snipe in accordance with State regulations and subject to the following conditions:

1. Waterfowl: For the hunting of goose, brant, duck, merganser, and coot, we divide the refuge into six discrete waterfowl hunting units: the Delta Lakeshore Area, the Maquam Shore Area, the Saxes Pothole/Creek and Shad Island Area, the Junior Waterfowl Hunting Area (including Long Marsh Bay, Patrick Marsh, and Charcoal Creek), the Long Marsh Channel and Metcalfe Island Area, and the Maquam Swamp Area. See the Missisquoi National Wildlife Refuge Migratory Game Bird Hunting Map and Regulations for further information. Conditions for each area are as follows:

i. Delta Lakeshore Area, which includes lakeshore areas from Shad Island to the south side of Martindale Point but does not include Saxes Pothole/Creek and Shad Island Pothole, is open to migratory bird hunting with the following special requirements:

a. We do not require a refuge permit to hunt or scout in this area.

b. We prohibit blind staking, permanent blinds, and unattended decoys.

ii. Maquam Shore Area encompasses a 30-acre area along the lakeshore of Maquam Bay and is bounded by private land on the west and a Vermont wildlife management area on the east. We do not require a refuge permit to hunt or scout in this area.

iii. Saxes Pothole/Creek and Shad Island Pothole, which encompass Saxes Creek, Saxes Pothole, and Shad Island

Pothole, are open to migratory bird hunting with the following special requirements:

a. This is a controlled hunting area. We require a refuge permit to hunt in this area.

b. Each hunting party must possess and carry a permit for the specific zone on the specific day they are hunting in this area. Permits are not transferable.

c. You must use a retrieving dog.

iv. Junior Waterfowl Hunting Area, which encompasses Long Marsh Bay, Patrick Marsh, and that portion of Charcoal Creek south of Vermont Route 78, is open to migratory bird hunting with the following special requirements:

a. This is a controlled hunting area. We require a refuge permit to hunt in this area.

b. Each junior hunter must possess and carry a permit for the assigned blind site and day. On Mentor Day, mentors must also possess and carry this permit for the assigned blind site. Each adult hunting party must possess and carry a permit for the blind site and day they are hunting. Permits are not transferable.

c. Shooting hours end at 11 a.m.

v. Long Marsh Channel and Metcalfe Island, which encompass the Metcalfe Island Pothole and Long Marsh Channel, are open to migratory bird hunting with the following special requirements:

a. This is a controlled hunting area. We require a refuge permit to hunt in this area.

b. We will limit hunting to Tuesdays, Thursdays, and Saturdays throughout the waterfowl hunting season for duck.

c. Each hunting party must possess and carry a permit for the blind on the specific day they are hunting in this area. Permits are not transferable.

d. Shooting hours end at 11 a.m.

e. You must use a retrieving dog.

f. We will close this area to waterfowl hunting during split seasons when geese are the only waterfowl that hunters may legally take.

vi. Maquam Swamp Area encompasses about 200 acres (80 hectares) west of the Central Vermont Railroad and south of Coleman's inholding, and is open to migratory bird hunting with the following special requirements:

a. We prohibit blind staking, permanent blinds, or unattended decoys.

b. You must use a retrieving dog.

2. Other migratory birds (including woodcock, snipe and crow): You may hunt woodcock and snipe in the Delta Lakeshore Waterfowl Hunting Area, excluding the Saxe's Creek/Pothole and Shad Island Pothole controlled areas and Maquam Swamp area. We do not require a refuge permit to hunt or scout in these areas.

3. On the Eagle Point Unit, we allow hunting of migratory birds in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of cottontail rabbits, snowshoe hare, ruffed grouse, and gray squirrels on open areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must obtain a permit at refuge headquarters prior to hunting, and you must hold a valid State hunting license. We will collect a fee for each permit we issue. The permit applies for the calendar year of issue.

2. We only allow shotguns or muzzleloaders on open areas east of the Missisquoi River and on Shad Island.

3. You must use approved nontoxic shot for the shotgun hunting of all upland game species (see § 32.2(k)).

4. We prohibit hunting from the end of snowshoe hare and rabbit season through September 1.

5. On the Eagle Point Unit, we allow hunting in accordance with State regulations; conditions B1 through B4 do not apply on the Eagle Point Unit.

C. Big Game Hunting. We allow hunting of big game in accordance with State regulations and subject to the following conditions:

1. We allow hunting of white-tailed deer.

2. You must obtain a permit at refuge headquarters prior to hunting, and you must hold a valid State hunting license.

3. We only allow shotguns, muzzleloaders, or archery equipment on open areas east and north of Vermont Route 78. We prohibit rifles in these areas at any time.

4. You may use portable tree stands in accordance with State regulations guiding their use on State Wildlife Management Areas with the following exception: We allow only one tree stand or ground blind for each big game/upland game permit we issue.

5. On the Eagle Point Unit, we allow hunting in accordance with State regulations and subject to the following conditions:

i. You may use portable tree stands in accordance with State regulations guiding their use on State Wildlife Management Areas. We prohibit permanent stands and blinds.

ii. We allow training of hunting dogs during the regular hunting seasons as regulated by the State. Dog training outside the regular hunting seasons (June 1 to July 31) will be permitted by Special Use Permit (Permit Application Form: National Wildlife Refuge System General Special Use, FWS Form 3–1383–G) only.

iii. You must request a permit in writing from the refuge manager, Missisquoi National Wildlife Refuge.

D. Sport Fishing. We allow fishing on areas described below in accordance with State regulations and subject to the following conditions:

1. We allow sport fishing by boat (including bow fishing) and ice fishing in the west branch, east branch, and main channel of the Missisquoi River; Dead Creek; and shallow water areas of the Missisquoi River delta from Goose Bay to Charcoal Creek (north of Vermont Route 78) with the following exceptions:

i. We close the following areas from ice out to July 15—Goose Bay, Saxes Creek and Pothole, Metcalfe Island Pothole, Long Marsh Channel, and Clark Marsh.

ii. We close the following areas from Labor Day to December 31—Long Marsh Bay and Long Marsh Channel.

2. We allow bank fishing along Charcoal Creek where it passes under Route 78, and along the shoreline of the Missisquoi River from refuge headquarters to Mac's Bend boat launch. Bank fishing is accessible only by foot along the Missisquoi River from Louie's Landing to Mac's Bend.

3. We prohibit taking fish with firearms within refuge boundaries.

4. We allow boat launching from Louie's Landing year-round. We allow boat launching from Mac's Bend boat launch area from September through November inclusive.

Silvio O. Conte National Fish and Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of ducks, geese, crows, and American woodcock at the Nulhegan Basin Division and Putney Mountain Unit in accordance with State of Vermont regulations and subject to the following condition: We allow disabled hunters to hunt from a vehicle on refuge roads if the hunter possesses a State-issued disabled hunting license in accordance with State regulations and a Special Use Permit (FWS Form 3–1383–G) issued by the Refuge Manager.

B. Upland Game Hunting. We allow hunting of coyote, fox, raccoon, bobcat, woodchuck, red squirrel, eastern gray squirrel, porcupine, skunk, snowshoe hare, eastern cottontail, and ruffed grouse at the Nulhegan Basin Division and Putney Mountain Unit in accordance with State of Vermont regulations, seasons, and bag limits, and subject to the following conditions:

1. We allow disabled hunters to hunt from a vehicle on refuge roads if the hunter possesses a State-issued disabled

hunting license in accordance with State regulations and a Special Use Permit (FWS Form 3–1383–G) issued by the Refuge Manager.

2. To monitor and mitigate potential disturbances to wildlife and neighboring landowners, we require hunters hunting at night to possess a Special Use Permit (FWS Form 3–1383–G) issued by the Refuge Manager.

C. Big Game Hunting. We allow hunting of white-tailed deer, moose, black bear, and wild turkey at the Nulhegan Basin Division and Putney Mountain Unit in accordance with State of Vermont regulations, seasons, and bag limits subject to the following conditions:

1. We allow disabled hunters to hunt from a vehicle on refuge roads if the hunter possesses a State-issued disabled hunting license in accordance with State regulations and a Special Use Permit (FWS Form 3–1383–G) issued by the Refuge Manager.

2. You may use portable tree stands and blinds in accordance with State regulations guiding their use on State Wildlife Management Areas, and you must remove them by the end of the final deer season.

3. Moose may be retrieved at the Nulhegan Basin Division by a commercial moose hauler, if the hauler possesses a Special Use Permit (FWS Form 3–1383–C) issued by the Refuge Manager.

D. Sport Fishing. [Reserved]

■ 35. Amend § 32.66 by:
■ a. Revising paragraphs C and D in the entry Back Bay National Wildlife Refuge;
■ b. Under the entry Chincoteague National Wildlife Refuge:
■ i. Removing paragraphs A.3, A.4, and A.6;
■ ii. Redesignating paragraph A.5 as paragraph A.3; and
■ iii. Revising paragraphs C and D.1;
■ c. Revising paragraph C in the entry Eastern Shore of Virginia National Wildlife Refuge;
■ d. Under the entry Great Dismal Swamp National Wildlife Refuge:
■ i. Revising paragraphs C and D.1;
■ ii. Removing paragraph D.3; and
■ iii. Redesignating paragraph D.4 as paragraph D.3;
■ e. Revising paragraph C in the entry James River National Wildlife Refuge;
■ f. Under the entry Mason Neck National Wildlife Refuge:
■ i. Revising paragraph C.2; and
■ ii. Removing paragraphs C.3, C.4, C.5, and C.6;
■ g. Revising paragraph C in the entry Occoquan Bay National Wildlife Refuge;
■ h. Under the entry Plum Tree Island National Wildlife Refuge:
■ i. Revising paragraph A.1; and
■ ii. Removing paragraphs A.4, A.5, and A.6;
■ i. Revising paragraph C in the entry Presquile National Wildlife Refuge;
■ j. Under the entry Rappahannock River Valley National Wildlife Refuge:
■ i. Revising paragraph C;
■ ii. Removing paragraphs D.6 and D.9; and
■ iii. Redesignating paragraphs D.7 and D.8 as paragraphs D.6 and D.7, respectively; and
■ k. Under the entry Wallops Island National Wildlife Refuge:
■ i. Removing paragraphs C.4 and C.6; and
■ ii. Redesignating paragraphs C.5 and C.7 as paragraphs C.4 and C.5, respectively.

The revisions read as follows:

§ 32.66 Virginia.

* * * * *

Back Bay National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit use of dogs.

2. We allow scouting on designated days prior to the start of each refuge hunt period. Hunters may enter the hunt zones on foot, on bicycle, or through transportation provided by the refuge only.

3. Hunters may go to Hunt Zone 1 (Long Island) only by hand-launched watercraft (canoe, punt, rowboat, and similar watercraft) from the canoe launch at refuge headquarters. We prohibit use of trailers.

4. We prohibit hunting or discharging of firearms within designated Safety Zones. We prohibit retrieval of wounded game from a ''No Hunting Area'' or ''Safety Zone'' without the consent of the refuge employee on duty at the check station.

5. We prohibit use of tree stands, except on Long Island (Hunt Zone 1).

D. Sport Fishing. We allow fishing, noncommercial crabbing, and clamming on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We close all areas within the hunting zones, as well as the oceanfront, to fishing, crabbing, and clamming during the annual refuge white-tailed deer and feral hog hunt.

2. You may surf fish, crab, and clam south of the refuge's beach access ramp. We allow night surf fishing by Special Use Permit (FWS Form 3–1383–G) in this area in accordance with dates and times designated on the permit.

3. For sport fishing in D Pool:

i. We only allow fishing from the docks or banks in D Pool. We prohibit boats, canoes, or kayaks on D Pool and all other refuge pools and impoundments.

ii. We prohibit live minnows or other live bait fish.

iii. We prohibit hooks other than barbless or flattened.

iv. You must catch and release all freshwater game fish. The daily creel limit for D Pool for other species is a maximum combination of any 10 nongame fish.

v. Parking for nonambulatory visitors only is available adjacent to the dock at D Pool.

Chincoteague National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and sika with archery tackle and firearms in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow holders of a refuge hunt permit (Quota Deer Hunt Application, FWS Form 3–2354) to access areas of the refuge typically closed to the nonhunting public. All occupants of a vehicle or hunt party must possess a refuge hunt permit and be actively engaged in hunting. We allow an exception to exist for those persons aiding a disabled person who possesses a valid State-issued Commonwealth of Virginia Disabled Resident Lifetime License or Commonwealth of Virginia Resident Disabled Veteran's Lifetime License.

2. You may not hunt within 100 feet (30.5 meters) of any building.

3. We prohibit deer drives. We define a ''drive'' as four or more persons involved in the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animal more susceptible to harvest.

4. You may not hunt, discharge a firearm, or nock an arrow or crossbow bolt within 50 feet (15.2 meters) of the centerline of any road, whether improved or unimproved, or paved trail.

D. * * *

1. You may not wade or launch a vessel in Swan's Cove Impoundment.

* * * * *

Eastern Shore of Virginia National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow archery and shotgun hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow holders of a refuge hunt permit (Quota Deer Hunt Application, FWS Form 3–2354) to access areas of the refuge typically closed to the nonhunting public. All occupants of a vehicle or hunt party must possess a refuge hunt permit and be actively engaged in hunting. We allow an exception to exist for those persons aiding a disabled person who possesses a valid State-issued Commonwealth of Virginia Disabled Resident Lifetime License or Commonwealth of Virginia Resident Disabled Veteran's Lifetime License.

2. You must sign in before entering the hunt zones and sign out upon leaving the zone.

3. We prohibit deer drives. We define a ''drive'' as four or more persons involved in the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animal more susceptible to harvest.

4. We prohibit nocked arrows or loaded firearms outside of the designated hunting areas.

5. We only allow shotguns loaded with buckshot during the firearm season.

* * * * *

Great Dismal Swamp National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and bear on designated areas of the refuge in accordance with State regulations and subject to the following condition: You must possess and carry a refuge permit.

D. * * *

1. We allow fishing in Lake Drummond from a boat and from the piers at Washington Ditch and Interior Ditch.

* * * * *

James River National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require hunters to possess and carry a refuge hunting permit.

2. We require persons who wish to hunt during the refuge's archery season to obtain a refuge hunting permit through a lottery administered by the Virginia Department of Game and Inland Fisheries. We notify successful applicants by mail or email, and if we receive the hunting fee by the date identified in the mailing, we mail refuge hunting permits to successful applicants.

3. We prohibit dogs.

4. We require that hunters during firearms and muzzleloader seasons remain within 100 feet (30 meters) of their assigned stand while hunting.

5. We require that hunters using a muzzleloader must hunt from a stand elevated 10 feet (3 meters) or more above the ground.

* * * * *

Mason Neck National Wildlife Refuge

* * * * *

C. * * *

2. Hunters must certify/qualify weapons and ammunition and view the orientation session online prior to issuance of a permit. Consult the refuge office or website for certification and orientation information and procedures.

* * * * *

Occoquan Bay National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State and County regulations, and subject to the following conditions:

1. You must possess and carry a refuge permit.

2. We select hunters by lottery. Consult the refuge office or website for application information and procedures.

3. Hunters must certify/qualify weapons and ammunition and view an orientation session online prior to issuance of a permit. Consult the refuge office or website for certification and orientation information and procedures.

* * * * *

Plum Tree Island National Wildlife Refuge

A. * * *

1. We require hunters to possess and carry a refuge hunting permit (see condition A2) along with their State hunting license and stamps, while hunting migratory game birds on the refuge. We open the Cow Island unit of the refuge only to migratory game bird hunting. We close all other areas of the refuge to public entry.

* * * * *

Presquile National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require big game hunters to obtain a permit through a lottery administered by the Virginia Department of Game and Inland Fisheries. We require a fee to obtain a refuge hunting permit. We will notify successful applicants by mail or email, and if we receive the hunting fee by the date identified in the mailing, we will mail refuge hunting permits to successful applicants.

2. We prohibit the use of ''deer drives,'' defined as individual or group efforts intended to ''push'' or ''jump'' deer for the purposes of hunting.

3. We allow shotgun hunting on designated days as indicated on refuge hunting permits, in the State hunting guide, and on the refuge website, *https://www.fws.gov/refuge/presquile/.*

4. We prohibit dogs.

5. We require hunters to dock their boats at designated locations on the refuge.

* * * * *

Rappahannock River Valley National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require big game hunters to obtain a permit. Please contact the refuge on how to obtain a permit.

2. We prohibit dogs.

* * * * *

■ 36. Amend § 32.68 by:

■ a. Revising paragraphs A, B.1, B.4, B.5, and C in the entry Canaan Valley National Wildlife Refuge; and

■ b. Revising the entry Ohio River Islands National Wildlife Refuge.

The revisions read as follows:

§ 32.68 West Virginia.

* * * * *

Canaan Valley National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, rail, coot, gallinule, mourning dove, snipe, and woodcock on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require each hunter to possess and carry a signed refuge hunting permit.

2. We prohibit camping. We prohibit overnight parking except by Special Use Permit (FWS Form 3–1383–G) on Forest Road 80.

3. We allow the use of dogs for hunting migratory game birds. We prohibit more than 2 dogs per hunter. We require all dogs to wear a collar displaying the owner's name, address, and telephone number.

4. We prohibit dog training except during legal hunting seasons.

B. * * *

1. Conditions A1, A3, and A4 apply.

* * * * *

4. You may use dogs for hunting upland game species. We prohibit more than six dogs per hunting party. All dogs must wear a collar displaying the owner's name, address, and telephone number.

5. We prohibit the hunting of upland game species between March 1 and August 31.

C. Big Game Hunting. We allow the hunting of white-tailed deer, black bear, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A3, A4, and B3 apply.

2. We prohibit permanent tree stands, but we allow use of temporary tree stands. You must clearly print your name and address in an easily read area on the stand while the stand is affixed to the tree. You must remove tree stands (see § 27.93 of this chapter) at the end of the deer season.

3. We prohibit hunting for turkey with a rifle. You must use a shotgun or muzzleloader with a shot size of #4 or smaller.

4. We allow dogs for hunting black bear during the gun season. We prohibit more than six dogs per hunting party. All dogs must wear a collar displaying the owner's name, address, and telephone number.

* * * * *

Ohio River Islands National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds (waterfowl, coots, rails, gallinules, snipe, woodcock, and dove) on designated areas of the refuge (Pennsylvania: Phillis Island, Georgetown Island; West Virginia: Captina Island, Captina Mainland, Fish Creek Island, Williamson Island, Witten Towhead, Wells Island, Grandview Island, Grape/Bat Island, Broadback Island, Buckley Island, Muskingum Island, Buffington Island, Letart Island; and Kentucky: Manchester 1 Island, Manchester 2 Island) in accordance with State regulations and subject to the following conditions:

1. We require each hunter to possess and carry a signed refuge hunting permit; the free refuge hunting permit is available to download from the refuge website and at the refuge headquarters.

2. The refuge opens 1 hour before legal sunrise and closes 1 hour after legal sunset, including parking areas.

3. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

B. Upland Game Hunting. We allow hunting of rabbit and squirrel on designated areas of the refuge (Pennsylvania: Phillis Island, Georgetown Island; West Virginia: Captina Island, Captina Mainland, Fish Creek Island, Williamson Island, Witten Towhead, Wells Island, Grandview Island, Grape/Bat Island, Broadback Island, Buckley Island, Muskingum Island, Buffington Island, Letart Island; and Kentucky: Manchester 1 Island, Manchester 2 Island) in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We prohibit the use of pursuit dogs for hunting rabbit or squirrel.

3. We prohibit the use of rifles, muzzleloaders, or pistols for hunting rabbit or squirrel.

C. Big Game Hunting. We allow hunting of white-tailed deer only by archery on designated areas of the refuge (Pennsylvania: Phillis Island, Georgetown Island; West Virginia: Paden Island, Captina Island, Captina Mainland, Fish Creek Island, Williamson Island, Witten Towhead, Wells Island, Mill Creek Island, Grandview Island, Grape/Bat Island, zoned area of Middle Island, Broadback Island, Buckley Island, Buckley Mainland, Muskingum Island, Neal Island, Buffington Island, Letart Island; and Kentucky: Manchester 1 Island, Manchester 2 Island) in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We prohibit organized deer drives by two or more individuals. We define a deer drive as the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animals more susceptible to harvest.

3. We only allow the use of temporary tree stands and blinds, which must be removed at the end of each hunt day. All tree stands and blinds must have the name and address of the owner clearly printed in an easily readable area.

D. Sport Fishing. We allow sport fishing throughout the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A2 applies.

2. We prohibit trotlines (setlines) and turtle lines.

■ 37. Amend § 32.69 by:

■ a. Adding an entry, in alphabetical order, for Hackmatack National Wildlife Refuge;

■ b. Revising paragraph D in the entry St. Croix Wetland Management District; and

■ c. Revising the entry Trempealeau National Wildlife Refuge.

The addition and revisions read as follows:

§ 32.69 Wisconsin.

* * * * *

Hackmatack National Wildlife Refuge

Refer to § 32.32 Illinois for regulations.

* * * * *

St. Croix Wetland Management District

* * * * *

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas throughout the District in accordance with State regulations and subject to the following condition: We prohibit the use of motorized boats.

Trempealeau National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting of ducks, mergansers, geese, coots, mourning dove, sora, Virginia rail, woodcock, snipe, and crow on refuge lands north of the main channel of the Trempealeau River and north of State Highway 35/54, subject to the following conditions:

i. We allow only the use of portable or temporary blinds.

ii. We allow the use of hunting dogs for bird hunting, provided the dog is under the immediate control of the hunter at all times.

2. We allow hunting of ducks, mergansers, geese, and coots on refuge lands south of the main channel of the Trempealeau River and south of State Highway 35/54, subject to the following condition: We require a refuge permit.

B. Upland Game Hunting. We allow hunting of wild turkey, ruffed grouse, ring-necked pheasant, bobwhite quail, Hungarian partridge, sharp-tailed grouse, coyote, gray and red fox, bobcat, raccoon, snowshoe hare, cottontail rabbit, and gray and red squirrel only on refuge land north of the main channel of the Trempealeau River and north of State Highway 35/54 in accordance with State regulations and subject to the following condition: Conditions A.1.i and A.1.ii apply on the refuge (see § 32.2(k)).

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. We prohibit the use of rifles for deer hunting on all refuge land south of the main channel of the Trempealeau River and south of State Highway 35/54.

2. On refuge land north of the main channel of the Trempealeau River and north of State Highway 35/54, we allow white-tailed deer hunting during the state archery, muzzleloader, and firearms seasons. We allow hunting during the Youth Gun Deer Hunt and the Gun Hunt for Hunters with Disabilities in accordance with State regulations.

3. On refuge land south of the main channel of the Trempealeau River and south of State Highway 35/54, we allow white-tailed deer hunting only by refuge permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge from legal sunrise to legal sunset in accordance with State laws for inland waters and subject to the following conditions:

1. We allow only boats propelled by hand or electric motors on refuge pools. We do not prohibit the possession of other watercraft motors, only their use.

2. We prohibit harvest of turtle.

3. We prohibit night-lighting, archery, spearing, or netting of fish.

* * * * *

■ 38. Amend § 32.70, under the entry Cokeville Meadows National Wildlife Refuge, by:

■ a. Revising paragraph A.1;

■ b. Removing paragraphs A.2, A.3, A.4, A.5, A.6, A.7, and A.9;

■ c. Redesignating paragraphs A.8, A.10, and A.11 as paragraphs A.2, A.3, and A.4, respectively;

■ d. Revising paragraph B.1;

■ e. Removing paragraphs B.2 and B.5;

■ f. Redesignating paragraphs B.3 and B.4 as paragraphs B.2 and B.3, respectively;

■ g. Revising newly redesignated paragraph B.3, and paragraph C.1; and

■ h. Removing paragraphs C.2 and C.3.

The revisions read as follows:

§ 32.70 Wyoming.

* * * * *

Cokeville Meadows National Wildlife Refuge

A. * * *

1. We prohibit hunting in areas of the refuge indicated on the Cokeville Meadows National Wildlife Refuge Hunting Brochure and marked by signs as closed to all hunting or closed to migratory bird hunting.

* * * * *

B. * * *

1. Conditions A1, A3, and A4 apply.

* * * * *

3. Red fox, raccoon, and striped skunk may be taken on the refuge by licensed migratory bird, big game, or upland/small game hunters from September 1 until the end of the last open big game, upland bird, or small game season. Red fox, raccoon, or striped skunk that are harvested must be taken into possession and removed from the refuge.

C. * * *

1. Conditions A1, A3, and A4 apply.

* * * * *

Dated: August 22, 2018.

Andrea Travnicek,

Principal Deputy Assistant Secretary—Water and Science, Exercising the Authority of the Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2018–19173 Filed 9–7–18; 8:45 am]

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