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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0160; Product Identifier 2017–NM–139–AD; Amendment 39–19476; AD 2018–22–03]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2016–24–03, which applied to certain Bombardier, Inc., Model DHC–8–400 series airplanes. AD 2016–24–03 required repetitive detailed inspections of barrel nuts and cradles, a check of the bolt torque of the preload indicating (PLI) washers, and corrective actions if necessary. This AD retains the requirements of AD 2016–24–03 and requires modifying the airplane by installing a sealing disk to a certain location and replacing certain barrel nuts. This AD was prompted by reports of cracked and corroded barrel nuts found at the mid-spar location of the horizontal-stabilizer-to-vertical-stabilizer attachment joint, and the issuance of new service information that includes a terminal modification. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 28, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 28, 2018.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of January 12, 2017 (81 FR 88623, December 8, 2016).

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* internet *http://www.bombardier.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–2018–0160.

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–2018–0160; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2016–24–03, Amendment 39–18720 (81 FR 88623, December 8, 2016) (''AD 2016–24–03''). AD 2016–24–03 applied to certain Bombardier, Inc., Model DHC–8–400 series airplanes. The NPRM published in the **Federal Register** on March 9, 2018 (83 FR 10408). The NPRM was prompted by reports of cracked and corroded barrel nuts found at the mid-spar location of the horizontal-stabilizer-to-vertical-stabilizer attachment joint, and the issuance of new service information that includes a terminal modification. The NPRM proposed to continue to require repetitive detailed inspections of each barrel nut and cradle, a check of the bolt torque of the PLI washers, and corrective action if necessary. The NPRM also proposed to require modifying the airplane by installing a sealing disk to a certain location and replacing certain barrel nuts. We are issuing this AD to address cracked and corroded barrel nuts, which could compromise the structural integrity of the vertical-stabilizer attachment joints and lead to loss of control of the airplane.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2015–13R1, dated June 26, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model DHC–8–400 series airplanes. The MCAI states:

> There has been one in-service report of a cracked and corroded barrel nut, part number (P/N) DSC228–12, found at the mid-spar location of the horizontal stabilizer to vertical stabilizer attachment joint. There have also been two other reports of corroded barrel nuts found at mid-spar locations.
>
> Preliminary investigation determined that the cracking is initiated by corrosion. Further investigation confirmed that the corrosion was caused by inadequate cadmium plating on the barrel nuts. Failure of the barrel nuts could compromise the structural integrity of the joint and could lead to loss of control of the aeroplane.
>
> The original version of this [Canadian] AD was issued to mandate the initial and repetitive inspections of the barrel nuts [and cradles for cracks and corrosion] at each of the horizontal stabilizer to vertical stabilizer attachment joints.
>
> Revision 1 of this [Canadian] AD is issued to terminate the repetitive inspection requirement by requiring the incorporation of a modification to install a sealing disc at the middle spar location of the horizontal stabilizer to vertical stabilizer attachment joint, and the replacement of the DSC228 series barrel nuts with B0203073 series barrel nuts that are more resistant to corrosion. The applicability has been changed to account for the introduction of the modifications in production.

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–2018–0160.

Comments

We gave the public the opportunity to participate in developing this final rule. The following presents the comment received on the NPRM and the FAA's response.

Request To Refer to New Repair Drawing (RD)

Horizon Air requested that we revise paragraph (h)(1)(i) of the proposed AD to refer to Bombardier RD 8/4–55–1143, Issue 2, dated May 25, 2015 (we referred to Bombardier RD 8/4–55–1143, Issue 1, dated May 21, 2015, as the appropriate source of service information for the repair specified in paragraph (h)(1)(i) of the proposed AD). Horizon Air noted that Bombardier RD 8/4–55–1143, Issue 2, dated May 25, 2015, adds nominal bore diameters to sheets 1–4.

We agree with the commenter's request. Bombardier RD 8/4–55–1143, Issue 2, dated May 25, 2015, clarifies the bore hole diameters for repair but does not otherwise change the substantive requirements of this AD. No additional work is necessary for airplanes on which Bombardier RD 8/4–55–1143, Issue 1, dated May 21, 2015, has already been done. We have revised paragraph (h)(1)(i) of this AD to include Bombardier RD 8/4–55–1143, Issue 2, dated May 25, 2015, as the appropriate service information for repairing corrosion and damage of the bore of the fitting.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this final rule with the change 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

Bombardier has issued the following service information.

- Bombardier Alert Service Bulletin A84–55–04, Revision C, dated May 3, 2016. This service information describes procedures for a detailed inspection and repair for cracks and corrosion of the barrel nuts and cradles; a bolt preload check of the PLI washers and applicable corrective actions; a detailed inspection and repair for corrosion and damage of the bore of the fitting; and replacement of the barrel nuts.
- Bombardier Service Bulletin 84–55–06, dated January 31, 2017. This service information describes procedures for installing an aluminum sealing disk at the mid-spar location of the vertical stabilizer.
- Bombardier Service Bulletin 84–55–08, Revision A, dated August 2, 2017. This service information describes procedures for an inspection for part number and damage of the barrel nuts at the horizontal-stabilizer-to-vertical-stabilizer attachment joints, and replacement of discrepant parts.
- Bombardier Repair Drawing (RD) 8/4–55–1143, Issue 2, dated May 25, 2015. This service information describes procedures for repairing corrosion and damage of the fitting bore.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections (retained actions from AD 2016–24–03).	8 work-hours × $85 per hour = $680	$0	$680	$36,720
Sealing disk installation (new action)	4 work-hours × $85 per hour = $340	781	1,121	60,534
Replacement of DSC228 series barrel nuts (new action).	2 work-hours × $85 per hour = $170	2,236	2,406	129,924

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement (retained action from AD 2016–24–03)	2 work-hours × $85 per hour = $170	$8,881	$9,051

We have received no definitive data that would enable us to provide cost estimates for the other 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

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) 2016–24–03, Amendment 39–18720 (81 FR 88623, December 8, 2016), and adding the following new AD:

2018–22–03 Bombardier, Inc.: Amendment 39–19476; Docket No. FAA–2018–0160; Product Identifier 2017–NM–139–AD.

(a) Effective Date

This AD is effective November 28, 2018.

(b) Affected ADs

This AD replaces AD 2016–24–03, Amendment 39–18720 (81 FR 88623, December 8, 2016) (''AD 2016–24–03'').

(c) Applicability

This AD applies to Bombardier, Inc., Model DHC–8–400, –401 and –402 airplanes, certificated in any category, serial numbers 4001 and subsequent.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracked and corroded barrel nuts found at the mid-spar location of the horizontal-stabilizer-to-vertical-stabilizer attachment joint, and the issuance of new service information that includes a terminal modification. We are issuing this AD to address cracked and corroded barrel nuts, which could compromise the structural integrity of the vertical-stabilizer attachment joints and lead to loss of control of the airplane.

(f) Compliance

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

(g) Retained Detailed Inspection of Barrel Nuts for Cracks and Corrosion, With No Changes

This paragraph restates the requirements of paragraphs (g)(1) and (g)(2) of AD 2016–24–03, with no changes.

(1) For airplanes that have accumulated 5,400 flight hours or more, or have been in service 32 months or more since the date of issuance of the original certificate of airworthiness or the date of issuance of the original export certificate of airworthiness, as of January 12, 2017 (the effective date of AD 2016–24–03): Within 600 flight hours or 4 months, whichever occurs first after January 12, 2017, do a detailed visual inspection for signs of cracks and corrosion of the barrel nut and cradle, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Alert Service Bulletin A84–55–04, Revision C, dated May 3, 2016.

(2) For airplanes that have less than 5,400 flight hours, and have been in-service for less than 32 months since the date of issuance of the original certificate of airworthiness or the date of issuance of the original export certificate of airworthiness, as of January 12, 2017: Before the accumulation of 6,000 total flight hours or 36 months since the date of issuance of the original certificate of airworthiness or the date of issuance of the original export certificate of airworthiness, whichever occurs first, do a detailed visual inspection of the barrel nut for signs of cracks and corrosion of the barrel nut and cradle, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Alert Service Bulletin A84–55–04, Revision C, dated May 3, 2016.

(h) Retained Corrective Actions, Detailed Inspection, and Repetitive Inspections, With New Service Information, Reference to Terminating Action, and Reference to Corrective Actions

This paragraph restates the requirements of paragraph (h) of AD 2016–24–03, with new service information and terminating action. Depending on the findings of any inspection required by paragraphs (g) and (j) of this AD, do the applicable actions in paragraphs (h)(1), (h)(2), (h)(3), and (h)(4) of this AD. Accomplishment of the actions required by paragraphs (l) and (m) of this AD, as applicable, terminates the requirements of this paragraph.

(1) If any barrel nut or cradle is found cracked or broken, before further flight, replace the barrel nut and associated hardware, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–55–08, Revision A, dated August 2, 2017.

(i) Concurrently with the replacement of any barrel nut, do a detailed inspection for corrosion and damage of the bore of the fitting, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–55–08, Revision A, dated August 2, 2017, and, before further flight, repair all corrosion and damage, in accordance with Bombardier Repair Drawing (RD) 8/4–55–1143, Issue 1, dated May 21, 2015; or Bombardier RD 8/4–55–1143, Issue 2, dated May 25, 2015. If the bore of the fitting cannot be repaired in accordance with Bombardier RD 8/4–55–1143, Issue 1, dated May 21, 2015; or Bombardier RD 8/4–55–1143, Issue 2, dated May 25, 2015; accomplish corrective actions in accordance with the procedures specified in paragraph (q)(2) of this AD. As of the effective date of this AD, use Bombardier RD 8/4–55–1143, Issue 2, dated May 25, 2015, for the repair required by this paragraph.

(ii) Within 600 flight hours or 4 months, whichever occurs first, after the replacement of a cracked barrel nut, replace the remaining barrel nuts and their associated hardware at the horizontal-stabilizer-to-vertical-stabilizer attachment joints, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–55–08, Revision A, dated August 2, 2017.

(2) If any corrosion is found on any barrel nut on the front or rear-spar joints, before further flight, replace the barrel nut in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–55–08, Revision A, dated August 2, 2017, or accomplish corrective actions in accordance with the procedures specified in paragraph (q)(2) of this AD.

(3) If any corrosion above level 1, as defined in Bombardier Alert Service Bulletin A84–55–04, Revision C, dated May 3, 2016, is found on a barrel nut at the mid-spar joint, before further flight, replace the barrel nut and accomplish corrective actions in accordance with the procedures specified in paragraph (q)(2) of this AD.

(4) If all corrosion found is at level 1 or below, as defined in Bombardier Alert Service Bulletin A84–55–04, Revision C,

dated May 3, 2016, on a barrel nut at the mid-spar joint, repeat the inspection specified in paragraph (g) of this AD at intervals not to exceed 600 flight hours or 4 months, whichever occurs first, until completion of the actions required by paragraph (k) of this AD.

(i) Retained Preload Indicating (PLI) Washer Check, With New Terminating Action

This paragraph restates the requirements of paragraph (i) of AD 2016–24–03, with new terminating action. For airplanes with PLI washers installed at the front and rear-spar joints, before further flight after accomplishing any inspection required by paragraph (g) of this AD and all applicable corrective actions required by paragraph (h) of this AD, check the bolt preload, and do all applicable corrective actions, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Alert Service Bulletin A84–55–04, Revision C, dated May 3, 2016. Do all applicable corrective actions before further flight. Accomplishment of the actions required by paragraphs (l) and (m) of this AD, as applicable, terminates the requirements of this paragraph.

(j) Retained Repetitive Inspection Interval, With New Terminating Action

This paragraph restates the requirements of paragraph (j) of AD 2016–24–03, with new terminating action. Repeat the inspection and preload check required by paragraphs (g) and (i) of this AD at intervals not to exceed 3,600 flight hours or 18 months, whichever occurs first, except as provided by paragraph (k) of this AD. Accomplishment of the actions required by paragraphs (l) and (m) of this AD, as applicable, terminates the requirements of this paragraph.

(k) Retained Optional Barrel Nut Replacement, With New Service Information

This paragraph restates the provisions of paragraph (k) of AD 2016–24–03, with new service information. Inspection and replacement of all barrel nuts at the horizontal-stabilizer-to-vertical-stabilizer attachment joints, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–55–08, Revision A, dated August 2, 2017, extends the next inspection required by paragraph (j) of this AD to within 6,000 flight hours or 36 months, whichever occurs first, after accomplishing the replacement.

(l) New Requirement of This AD: Sealing Disk Installation

Within 8,000 flight hours or 48 months, whichever occurs first, after the effective date of this AD, install a sealing disk at the mid-spar location of the vertical stabilizer in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–55–06, dated January 31, 2017. Accomplishment of the actions required by paragraphs (l) and (m) of this AD, as applicable, terminates the requirements of paragraphs (h), (i), and (j) of this AD.

(m) New Requirement of This AD: Replacement of DSC228 Series Barrel Nuts

For Bombardier, Inc., Model DHC–8–400, –401 and –402 airplanes, serial numbers 4001 through 4524 inclusive: Within 8,000 flight hours or 48 months, whichever occurs first, after the effective date of this AD, replace all DSC228 series barrel nuts at the horizontal-stabilizer-to-vertical-stabilizer attachment joints with B0203073 series barrel nuts in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–55–08, Revision A, dated August 2, 2017. Accomplishment of the actions required by paragraphs (l) and (m) of this AD, as applicable, terminates the requirements of paragraphs (h), (i), and (j) of this AD.

(n) Parts Installation Prohibition

After modification of an airplane as required by paragraphs (l) and (m) of this AD, no person may install a DSC228 series barrel nut at the horizontal-stabilizer-to-vertical-stabilizer attachment joint on the modified airplane.

(o) Terminating Actions for Paragraphs (h), (i), and (j) of This AD

Accomplishment of the actions required by paragraphs (l) and (m) of this AD, as applicable, terminates the requirements of paragraphs (h), (i), and (j) of this AD.

(p) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraphs (g)(1), (g)(2), (h)(1), (h)(1)(i), (h)(1)(ii), (h)(2), (h)(3), (h)(4), (i), and (k) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraphs (p)(1)(i) through (p)(1)(iii) of this AD.

(i) Bombardier Alert Service Bulletin A84–55–04, dated May 21, 2015, which is not incorporated by reference in this AD.

(ii) Bombardier Alert Service Bulletin A84–55–04, Revision A, dated June 2, 2015, which is not incorporated by reference in this AD.

(iii) Bombardier Alert Service Bulletin A84–55–04, Revision B, dated July 30, 2015, which is not incorporated by reference in this AD.

(2) This paragraph provides credit for actions required by paragraphs (h)(1), (h)(1)(i), (h)(1)(ii), (h)(2), and (k) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraphs (p)(2)(i) and (p)(2)(ii) of this AD.

(i) Bombardier Service Bulletin 84–55–08, dated January 27, 2017, which is not incorporated by reference in this AD.

(ii) Bombardier Alert Service Bulletin A84–55–04, Revision C, dated May 3, 2016, which was incorporated by reference in AD 2016–24–03.

(q) Other FAA AD Provisions

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York 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 ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531.

(i) 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.

(ii) AMOCs approved previously for AD 2016–24–03 are approved as AMOCs for the corresponding provisions of this AD.

(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, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(r) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2015–13R1, dated June 26, 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–2018–0160.

(2) For more information about this AD, contact Aziz Ahmed, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov*.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (s)(5) and (s)(6) of this AD.

(s) 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 November 28, 2018.

(i) Bombardier Repair Drawing (RD) 8/4–55–1143, Issue 2, dated May 25, 2015.

(ii) Bombardier Service Bulletin 84–55–06, dated January 31, 2017.

(iii) Bombardier Service Bulletin 84–55–08, Revision A, dated August 2, 2017.

(4) The following service information was approved for IBR on January 12, 2017 (81 FR 88623, December 8, 2016).

(i) Bombardier Alert Service Bulletin A84–55–04, Revision C, dated May 3, 2016.

(ii) Reserved.

(5) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* internet *http://www.bombardier.com.*

(6) 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.

(7) 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 October 12, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–23031 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0189; Product Identifier 2017–CE–022–AD; Amendment 39–19460; AD 2018–21–02]

RIN 2120–AA64

Airworthiness Directives; Viking Air Limited Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Viking Air Limited Model DHC–3 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as pitting corrosion on the shank of the wing strut attach bolts. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective November 28, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of November 28, 2018.

ADDRESSES: You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0189; or in person at 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 service information identified in this AD, contact Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; telephone: (North America) (800) 663–8444; fax: (250) 656–0673; email: *technical.support@vikingair.com;* internet: *http://www.vikingair.com/support/service-bulletins.* You may view this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for Docket No. FAA–2018–0189.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Engineer, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone: (516) 287–7329; fax: (516) 794–5531; email: *aziz.ahmed@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 Viking Air Limited Model DHC–3 airplanes. The NPRM was published in the **Federal Register** on March 13, 2018 (83 FR 10809). The NPRM proposed to correct an unsafe condition for the specified products and was based on MCAI originated by an aviation authority of another country. The MCAI states:

> Pitting corrosion has been found on the shank of the following part number wing strut attach bolts: C3W114–3, C3W129–3 and C3W128–3. These bolts are manufactured using a standard AN12 bolt. Metallurgical evaluation concluded that pitting corrosion was present on the affected AN12 bolts prior to forming of the bolt head and threads. The pitting and un-plated voids could cause a surface condition that may have a detrimental effect on fatigue and corrosion resistance, leading to bolt failure and consequent failure of the wing.
>
> Viking has not been able to confirm the affected batch numbers or specific manufacture date range. New wing strut bolts manufactured after 21 March 2016 are inspected for pitting during manufacturing and issued new P/Ns C3W114–5, C3W129–5 and C3W128–5 under MOD 3/1010.

The MCAI can be found in the AD docket on the internet at: *https://www.regulations.gov/document?D=FAA-2018-0189-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal and the FAA's response to each comment.

Request To Issue SAIB Instead of an AD

Christopher Campbell requested that we withdraw the AD and issue a special airworthiness information bulletin (SAIB) instead. The commenter stated this AD is unnecessary and redundant since the manufacturer has already addressed this issue with a mandatory service bulletin and all affected bolts should now be removed. The commenter stated the affected bolts are 3/4-inch diameter bolts and only the surface cadmium plating is compromised, not the strength of the bolt. The commenter also disagreed with the manufacturer that the compromised cadmium plating would cause accelerated corrosion because the bolts are treated with anti-corrosion grease on installation. The commenter further stated an AD is unnecessary because the defect would be obvious to any installing mechanic. Lastly, the commenter stated that the proposed AD does little to further enhance safety but adds unwelcome recordkeeping and cost for owners.

We do not agree. We concur with Transport Canada's finding of an unsafe condition, as explained in Transport Canada AD No. CF–2017–11, dated March 23, 2017. An SAIB would not be an appropriate solution. An SAIB contains information and recommended actions that are voluntary and not regulatory. Moreover, an SAIB is issued only for airworthiness concerns that do not rise to the level of an unsafe condition. Similarly, while an operator may incorporate the procedures described in a manufacturer's service bulletin into its maintenance program, not all operators are required to do so. For the corrective actions in a service bulletin to become mandatory and to correct the unsafe condition, the FAA must issue an AD. Based on the manufacturer's metallurgical evaluation, the pitting corrosion was present on the affected AN 12 bolts prior to forming of the bolt head and thread. Corrosion pitting was found on airplanes when doing the inspections per Transport Canada's AD CF–2017–11. Specifically, the pitting was discovered on the bolt shanks of both wing strut fitting to wing spar lug bolts. Relying on an assumption that the corrosion will be obvious at the time of bolts installation, as suggested by the commenter, is not a reliable method to correct an unsafe condition. We have not changed this AD based on this comment.

Changes Made to This AD

- We updated the service information in paragraphs (f)(1), (2), and (3) of this AD to Viking Air Limited DHC–3 Otter Service Bulletin Number V3/0006, Revision C, dated May 16, 2018, which adds alternate part numbers for Post Mod 3/1010 wing strut bolts.
- We changed paragraph (f)(2) of this AD to add alternate wing strut bolt part numbers C3W114–9, C3W128–9, and C3W129–9 as replacement bolts.
- We updated paragraph (g) Credit for Actions Accomplished in Accordance with Previous Service Information of this AD to add Viking DHC–3 Otter SB Number: V3/0006, Revision B, dated March 9, 2017.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM for correcting 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

We reviewed Viking Air Limited DHC–3 Otter Service Bulletin Number V3/0006, Revision C, dated May 16, 2018. The service information describes procedures for inspection and any necessary corrective action for pitting of the wing strut shank bolts. 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 will affect 37 products of U.S. registry. We also estimate that it would take about 4 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $12,580, or $340 per product.

In addition, table 1 is an estimate of possible necessary follow-on actions as a result of the required inspections. We have no way of determining the number of products that may need these actions. Replacing each affected bolt is on condition and is estimated to take about 1 work-hour at $85 for a cost of $85 per bolt. We estimate that any necessary follow-on replacement parts would cost as follows:

TABLE 1—PARTS REPLACEMENT AND TOTAL BOLT COST

Part No.	Quantity per wing	Quantity per airplane	Price per bolt ($ USD)	Total cost per bolt (labor and parts)
C3W114–5	2	4	$284	$369
C3W128–5	1	2	275	360
C3W129–5	1	2	164	249

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 small airplanes, gliders, balloons, airships, domestic business jet transport airplanes, and associated appliances to the Director of the Policy and Innovation 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 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.

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–2018–0189; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory 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.

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):

2018–21–02 Viking Air Limited: Amendment 39–19460; Docket No. FAA–2018–0189; Product Identifier 2017–CE–022–AD.

(a) Effective Date

This AD becomes effective November 28, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Viking Air Limited (Viking) Model DHC–3 airplanes with wing strut bolts part numbers (P/N) C3W114–3, C3W129–3, and C3W128–3 (Pre MOD 3/1010), all serial numbers, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as pitting corrosion on the shank of the wing strut attach bolts. We are issuing this AD to detect and correct pitting and un-plated voids, which could cause a surface condition that may have a detrimental effect on fatigue and corrosion resistance, leading to bolt failure and subsequent failure of the wing.

(f) Actions and Compliance

Unless already done, do the following actions:

(1) Within 12 months after November 28, 2018 (the effective date of this AD), inspect the wing strut attach bolts installed on the airplane for pitting on the shank by following paragraph A of the Accomplishment Instructions in Viking DHC–3 Otter Service Bulletin Number: V3/0006, Revision C, dated May 16, 2018 (Viking SB V3/0006, Revision C).

(2) If pitting is found during the inspection required in paragraph (f)(1) of this AD, before further flight, replace the defective bolt with either a post MOD 3/1010 wing strut bolt (P/Ns C3W114–5, C3W128–5, and C3W129–5; or C3W114–9, C3W128–9, and C3W129–9) or a new or serviceable pre MOD 3/1010 wing strut bolt that has been inspected by following paragraph A of the Accomplishment Instructions in Viking SB V3/0006, Revision C.

(3) After November 28, 2018 (the effective date of this AD), you may continue to use pre MOD 3/1010 bolts provided these bolts are inspected for pitting immediately before installation by following paragraph A of the Accomplishment Instructions in Viking SB V3/0006, Revision C, and you document the inspection in the airplane maintenance records.

(g) Credit for Actions Accomplished in Accordance With Previous Service Information

This AD allows credit for the actions required in paragraph (f)(1) or (2) of this AD if done before November 28, 2018 (the effective date of this AD) by following Viking Service Bulletin DHC–3 Otter V3/0006 Revision NC, A, or B.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Aziz Ahmed, Aerospace Engineer, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone: (516) 287–7329; fax: (516) 794–5531; email: *aziz.ahmed@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must instead be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada; or Viking Air Limited's Transport Canada Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Related Information

Refer to MCAI Transport Canada AD Number CF–2017–11, dated March 9, 2017, for related information. The MCAI can be found in the AD docket on the internet at: *https://www.regulations.gov/document?D=FAA-2018-0189-0002.*

(j) 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) Viking DHC–3 Otter Service Bulletin (SB) Number: V3/0006, Revision C, dated May 16, 2018.

(ii) [Reserved]

(3) For Viking Air Limited service information identified in this AD, contact Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; telephone: (North America) (800) 663–8444; fax: (250) 656–0673; email: *technical.support@vikingair.com;* internet: *http://www.vikingair.com/support/service-bulletins.*

(4) You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. In addition, you can access this service information on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0189.

(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 Kansas City, Missouri, on October 11, 2018.

Melvin J. Johnson,

Aircraft Certification Service, Deputy Director, Policy and Innovation Division, AIR–601.

[FR Doc. 2018–23106 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0078; Product Identifier 2017–NM–107–AD; Amendment 39–19477; AD 2018–22–04]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2017–01–02, which applied to certain The Boeing Company Model 787–8 and 787–9 airplanes. AD 2017–01–02 required an inspection for discrepant inboard and outboard trailing edge flap rotary actuators, and replacing the rotary actuator or doing related investigative and corrective actions if necessary. This AD continues to retain those actions. This AD also adds airplanes to the applicability and reduces the number of affected actuators. This AD was prompted by a report indicating that some inboard and outboard trailing edge flap rotary actuators may have been assembled with an incorrect no-back brake rotor-stator stack sequence during manufacturing. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 28, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 28, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in

this AD as of February 21, 2017 (82 FR 4775, January 17, 2017).

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–2018–0078.

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–2018–0078; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Douglas Tsuji, Senior Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3548; email: *douglas.tsuji@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2017–01–02, Amendment 39–18769 (82 FR 4775, January 17, 2017) (''AD 2017–01–02''). AD 2017–01–02 applied to certain The Boeing Company Model 787–8 and 787–9 airplanes. The NPRM published in the **Federal Register** on February 14, 2018 (83 FR 6477). The NPRM was prompted by a report indicating that some inboargd and outboard trailing edge flap rotary actuators may have been assembled with an incorrect no-back brake rotor-stator stack sequence during manufacturing. The NPRM proposed to continue to require an inspection of the inboard and outboard trailing edge flap rotary actuator for any discrepant rotary actuator, and corrective actions if necessary. The NPRM also proposed to add airplanes to the applicability and reduce the number of affected actuators. We are issuing this AD to address incorrectly assembled rotary actuators, which could cause accelerated unit wear that will eventually reduce braking performance. This degradation could lead to loss of no-back brake function and reduced controllability of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment. Boeing stated that it supported the NPRM.

Request To Revise the Applicability

One commenter, Takayoshi Aimoto, requested that we revise the applicability of the NPRM. Mr. Aimoto stated that the applicability should be limited to certain Boeing Model 787–8 and 787–9 airplanes because Boeing has not installed the suspected rotary actuators on newly delivered Model 787–8 and 787–9 airplanes.

We disagree with the commenter's request. While the number of discrepant rotary actuators are limited, these parts are considered rotable, and they could be removed and installed on other Model 787–8 or 787–9 series airplanes outside the group suspected of being delivered with the discrepant part and serial numbers. Therefore, the unsafe condition identified in the AD could exist in the future on all Model 787–8 and 787–9 airplanes. We have not changed the AD in this regard.

Request for Clarification of Part Marking Requirements

United Airlines (UAL) requested clarification of paragraph (i) of the proposed AD and whether the FAA will allow installation of applicable parts that are marked with the appropriate component service bulletin number, instead of the service bulletin number identified in paragraph (i) of the proposed AD, as specified in Task 2 of Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 003, dated July 28, 2017. UAL commented that Task 2 is invoked only as part of one option (option 2) if a discrepant part is found; there is also the option to replace the part.

UAL stated that replaced parts removed from the airplane and any affected spare parts may be dispositioned to a shop for repair using a component service bulletin, and in that case, the marking would indicate the component service bulletin number. UAL commented that Table 1 of paragraph 3.B., ''Parts and Materials Supplied by the Operator,'' of Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 003, dated July 28, 2017, states that parts supplied by the operator may be marked by the Boeing service information, or they may be marked with the component service information. UAL stated, for example, P689A0001–01 may be marked with ''SB P689A0001–27–01 INCORPORATED'' or ''B787–81205–SB270032–00 INCORPORATED''.

UAL also commented that paragraph 2.E. of the Work Instructions of the ''Part 1: Inboard and Outboard Flap Rotary Actuator'' of Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 003, dated July 28, 2017, allows for listed parts marked with ''SB P689A0001–27–01 INCORPORATED,'' ''SB P690A0001–27–01 INCORPORATED,'' ''SB P700A0001–27–01 INCORPORATED,'' ''SB CB10130–27–01 INCORPORATED,'' or ''B787–81205–SB270032–00 INCORPORATED.''

We agree to provide clarification for the commenter. Having the additional component service information incorporated means that a discrepant part has been inspected and/or modified to ensure that it is in the acceptable configuration. Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 003, dated July 28, 2017, defines discrepant and acceptable parts. For clarification, we have revised paragraph (i) of this AD to include additional rotary actuator part markings that are acceptable for this AD.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the change 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 AD.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 003, dated July 28, 2017. The service information describes procedures for an inspection of the

inboard and outboard trailing edge flap rotary actuator for any discrepant rotary actuator, and related investigative and corrective actions if necessary. The related investigative actions include a functional test of the trailing edge flap no-back brake. The corrective actions include replacement of the discrepant rotary actuator with a nondiscrepant rotary actuator. 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 89 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	5 work-hours × $85 per hour = $425	$0	$425	$37,825

We estimate the following costs to do any necessary on-condition actions that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft or the number of rotary actuators (up to 8 per shipset) that might need these on-condition actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Check to determine flight cycles on the rotary actuator	1 work-hour × $85 per hour = $85.	$0	$85 per rotary actuator.
Functional Test per rotary actuator	2 work-hours × $85 per hour = $170.	0	$170 per rotary actuator.
Replacement per rotary actuator	2 work-hours × $85 per hour = $170.	0	$170 per rotary actuator.
System Test after rotary actuator replacement(s) per airplane	24 work-hours × $85 per hour = $2,040.	0	$2,040 per airplane.

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 have 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 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) 2017–01–02, Amendment 39–18769 (82 FR 4775, January 17, 2017), and adding the following new AD:

2018–22–04 The Boeing Company: Amendment 39–19477; Docket No. FAA–2018–0078; Product Identifier 2017–NM–107–AD.

(a) Effective Date

This AD is effective November 28, 2018.

(b) Affected ADs

This AD replaces AD 2017–01–02, Amendment 39–18769 (82 FR 4775, January 17, 2017) (''AD 2017–01–02'').

(c) Applicability

This AD applies to all The Boeing Company Model 787 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight control systems.

(e) Unsafe Condition

This AD was prompted by a report indicating that some inboard and outboard trailing edge flap rotary actuators may have been assembled with an incorrect no-back brake rotor-stator stack sequence during manufacturing. We are issuing this AD to detect and replace incorrectly assembled rotary actuators, which could cause accelerated unit wear that will eventually reduce braking performance. This degradation could lead to loss of no-back brake function and reduced controllability of the airplane.

(f) Compliance

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

(g) Retained Inspection and Other Actions

For The Boeing Company Model 787–8 and 787–9 airplanes identified in Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 001, dated November 3, 2015: Within 60 months after February 21, 2017 (the effective date of AD 2017–01–02), do an inspection of the inboard and outboard trailing edge flap rotary actuator for any discrepant rotary actuator, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 001, dated November 3, 2015; or Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 003, dated July 28, 2017. If any discrepant rotary actuator is found, within 60 months after February 21, 2017, do the actions specified in paragraph (g)(1) or (g)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 001, dated November 3, 2015; or Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 003, dated July 28, 2017. After the effective date of this AD only Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 003, dated July 28, 2017, may be used.

(1) Replace the discrepant rotary actuator.

(2) Check the maintenance records to determine the flight cycles of each discrepant rotary actuator and, within 60 months after February 21, 2017 (the effective date of AD 2017–01–02), do all applicable related investigative and corrective actions.

(h) New Requirements: Inspection, Related Investigative and Corrective Actions

For airplanes not identified in Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 001, dated November 3, 2015, which have an Original Certificate of Airworthiness or Export Certificate of Airworthiness with a date on or before the effective date of this AD: Within 60 months after the effective date of this AD, do an inspection of the inboard and outboard trailing edge flap rotary actuator for any discrepant rotary actuator, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 003, dated July 28, 2017. If any discrepant rotary actuator is found, within 60 months after the effective date of this AD, do the actions specified in paragraph (h)(1) or (h)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 003, dated July 28, 2017.

(1) Replace the discrepant rotary actuator.

(2) Check the maintenance records to determine the flight cycles of each discrepant rotary actuator and, within 60 months after the effective date of this AD, do all applicable related investigative and corrective actions.

(i) Parts Installation Limitation

As of the effective date of this AD, no person may install, on any airplane, a rotary actuator with a part number and serial number identified in Appendix A of Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 003, dated July 28, 2017, unless the actuator has been permanently marked in accordance with Task 2 of Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 003, dated July 28, 2017, with ''B787–81205–SB270032–00 INCORPORATED.'' Rotary actuators marked with ''SB P689A0001–27–01 INCORPORATED,'' ''SB P690A0001–27–01 INCORPORATED,'' ''SB P700A0001–27–01 INCORPORATED,'' or ''SB CB10130–27–01 INCORPORATED'' are also acceptable.

(j) Credit for Previous Actions

(1) This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 002, dated November 3, 2016.

(2) This paragraph provides credit for the actions specified in paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 001, dated November 3, 2015, or Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 002, dated November 3, 2016.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved previously for AD 2017–01–02 are approved as AMOCs for the corresponding provisions of this AD.

(5) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(5)(i) and (k)(5)(ii) of this AD apply.

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

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

(l) Related Information

(1) For more information about this AD, contact Douglas Tsuji, Senior Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3548; email: *douglas.tsuji@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(5) and (m)(6) 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 the AD specifies otherwise.

(3) The following service information was approved for IBR on November 28, 2018.

(i) Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 003, dated July 28, 2017.

(ii) Reserved.

(4) The following service information was approved for IBR on February 21, 2017 (82 FR 4775, January 17, 2017).

(i) Boeing Alert Service Bulletin B787–81205–SB270032–00, Issue 001, dated November 3, 2015.

(ii) Reserved.

(5) 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.*

(6) You may view this service information at 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.

(7) 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 October 12, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–23036 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0891; Product Identifier 2018–CE–038–AD; Amendment 39–19462; AD 2018–21–04]

RIN 2120–AA64

Airworthiness Directives; Glasgflugel Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Glasflugel Models Club Libelle 205, H 301 ''Libelle,'' H 301B ''Libelle,'' Kestrel, Mosquito, Standard ''Libelle,'' and Standard Libelle-201B gliders. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as jamming between the double two-ring end of the towing cable and the deflector angles of the center of gravity (C.G.) release mechanism. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective November 13, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of November 13, 2018.

We must receive comments on this AD by December 10, 2018.

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

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

For service information identified in this AD, contact Glasfaser Flugzeug-Service GmbH, Hansjorg Streifeneder, Hofener Weg 61, 72582 Grabenstetten, Germany; phone: +49 (0)7382/1032; fax: +49 (0)7382/1629; email: *info@streifly.de;* internet: *http://www.streifly.de/kontakt-e.htm.* You may view this referenced service information at the FAA, Policy and Innovation, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for locating Docket No. FAA–2018–0891.

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–2018–0891; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory 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 FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Policy and Innovation Division, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2018–0143–E, dated July 6, 2018 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Jamming between the double two ring end of the towing cable and the deflector angles of the C.G. release mechanism was reported. Subsequent investigation identified incorrect geometry of the deflector angles of the affected part as likely cause of the jamming.
>
> This condition, if not detected and corrected, could lead to failure to disconnect the towing cable, possibly resulting in reduced or loss of control of the sailplane.
>
> To address this potential unsafe condition, Glasfaser Flugzeug-Service GmbH issued the TN [Technical Note] to provide inspection instructions and corrective action.
>
> For the reasons described above, this [EASA] AD requires repetitive inspections of the affected part, and, depending on findings, accomplishment of applicable corrective action(s). This [EASA] AD also requires amendment of the sailplane Aircraft Flight Manual (AFM).

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0891.

Record of Ex Parte Communication

In preparation of AD actions, such as notices of proposed rulemaking and immediately adopted final rules, the FAA obtains technical data and information on the operational and economic impact from design approval holders and aircraft operators. We discussed certain aspects of this AD by email with Glasfaser Flugzeug-Service GmbH. You may find a copy of each email contact in the rulemaking docket. For information on locating the docket, see ''Examining the AD Docket.''

Related Service Information Under 1 CFR Part 51

We reviewed Glasfaser-Flugzeug-Service GmbH Technical Note No. 5–2018, dated June 25, 2018. The service information describes procedures for measuring the distance between the deflector-angles at the C.G. release and modifying the deflector-angles if necessary. 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 the 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 this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because injury could occur to people on the ground if the towing cable breaks during a wench launch. As such, operators must take corrective action before the next launch of the glider. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer 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–2018–0891; Product Identifier 2018–CE–038–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 will affect 177 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the inspection requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the AD on U.S. operators to be $15,045, or $85 per product.

We estimate that any modification of the deflector-angles that may be necessary as a result of the inspection would take about 4 work-hours and require parts costing $100, for a cost of $440 per product. We have no way of determining the number of products that may need these actions.

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 small airplanes, gliders, balloons, airships, domestic business jet transport airplanes, and associated appliances to the Director of the Policy and Innovation 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 adding the following new airworthiness directive (AD):

2018–21–04 Glasflugel: Amendment 39–19462; Docket No. FAA–2018–0891; Product Identifier 2018–CE–038–AD.

(a) Effective Date

This AD becomes effective November 13, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Glasflugel Models Club Libelle 205, H 301 ''Libelle,'' H 301B ''Libelle,'' Kestrel, Mosquito, Standard ''Libelle,'' and Standard Libelle-201B gliders, certificated in any category, with a center of gravity (C.G.) tow release installed.

(d) Subject

Air Transport Association of America (ATA) Code 25: Equipment/Furnishing.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as jamming between the double two-ring end of the towing cable and the deflector angles of the C.G. release mechanism. We are issuing this AD to prevent failure of the towing cable to disconnect, which could result in reduced or loss of control of the glider or the cable breaking and causing injury to people on the ground.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) and (3) of this AD.

(1) Before the next winch launch after November 13, 2018 (the effective date of this AD), inspect the distance between the deflector-angles by following paragraph 1 in the Actions section of Glasfaser-Flugzeug-Service GmbH Technical Note No. 5–2018, dated June 25, 2018.

(2) If the distance is less than 36 mm during the inspection required in paragraph (f)(1) of this AD, before the next winch launch after November 13, 2018 (the effective date of this AD), do the corrective action in paragraph 2 in the Actions section of Glasfaser-Flugzeug-Service GmbH Technical Note No. 5–2018, dated June 25, 2018.

(3) Before the next winch launch after November 13, 2018 (the effective date of this AD), revise the flying operations section of the sailplane flight manual by inserting the text in paragraph (f)(3)(i) of this AD into the winch tow section.

(i) Winch launching is permissible only with a connecting ring pair that conforms to aeronautical standard LN 65091.

(ii) This action may be done by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD by following 14 CFR 43.9 (a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Policy and Innovation Division, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any glider to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must instead be accomplished using a method approved by the Manager, Small Airplane Standards Branch, FAA; or the European Aviation Safety Agency (EASA).

(h) Related Information

Refer to MCAI EASA AD No. 2018–0143–E, dated July 6, 2018, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0891.

(i) 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) Glasfaser-Flugzeug-Service GmbH Technical Note No. 5–2018, dated June 25, 2018.

(ii) [Reserved]

(3) For service information identified in this AD, contact Glasfaser Flugzeug-Service GmbH, Hansjorg Streifeneder, Hofener Weg 61, 72582 Grabenstetten, Germany; phone: +49 (0)7382/1032; fax: +49 (0)7382/1629; email: *info@streifly.de;* internet: *http://www.streifly.de/kontakt-e.htm.*

(4) You may view this service information at the FAA, Policy and Innovation, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for locating Docket No. FAA–2018–0891.

(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 Kansas City, Missouri, on October 12, 2018.

Melvin J. Johnson,

Aircraft Certification Service, Deputy Director, Policy and Innovation Division, AIR–601.

[FR Doc. 2018–23107 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 4

Licenses, Permits, Exemptions, and Determination of Project Costs

CFR Correction

In Title 18 of the Code of Federal Regulations, Parts 1 to 399, revised as of April 1, 2018, on page 102, in § 4.39, the first sentence of paragraph (a) is removed.

[FR Doc. 2018–23332 Filed 10–23–18; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF THE INTERIOR

Office of Surface Mining and Reclamation

30 CFR Part 779

Surface Mining Permit Applications

CFR Correction

In Title 30 of the Code of Federal Regulations, Part 700 to End, revised as of July 1, 2018, on page 229, the designation ''§ 779.25 [Reserved]'' is removed.

[FR Doc. 2018–23315 Filed 10–23–18; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF THE TREASURY

31 CFR Part 33

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 155

[CMS–9936–NC]

State Relief and Empowerment Waivers

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services; Department of the Treasury.

ACTION: Guidance.

SUMMARY: This guidance relates to section 1332 of the Patient Protection and Affordable Care Act (PPACA) and its implementing regulations. Section 1332 provides the Secretary of Health and Human Services and the Secretary of the Treasury (collectively, the Secretaries) with the discretion to approve a state's proposal to waive specific provisions of the PPACA (a State Innovation Waiver, now also referred to as a State Relief and Empowerment Waiver), provided the section 1332 state plan meets certain requirements. The Department of Health and Human Services and the Department of the Treasury (collectively, the Departments) finalized implementing regulations on February 27, 2012. This updated guidance provides supplementary information about the requirements that must be met for the approval of a State Innovation Waiver, the Secretaries' application review procedures, the calculation of pass-through funding, certain analytical requirements, and operational considerations. This guidance supersedes the guidance related to section 1332 of the PPACA that was previously published on December 16, 2015. Changes include increasing flexibility with respect to the manner in which a section 1332 state plan may meet section 1332 standards in order to be eligible to be approved by the Secretaries, clarifying the adjustments the Secretaries may make to maintain federal deficit neutrality, and allowing for states to use existing legislative authority to authorize section 1332 waivers in certain scenarios. The Departments are committed to empowering states to innovate in ways that will strengthen their health insurance markets, expand choices of coverage, target public resources to those most in need, and meet the unique circumstances of each state. This guidance aims to lower barriers to

innovation for states seeking to reform their health insurance markets.

DATES: *Applicability date:* This guidance is applicable beginning October 22, 2018. *Comment date:* To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on December 24, 2018.

ADDRESSES: In commenting, refer to file code CMS–9936–NC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. Electronically. You may submit electronic comments on this document to *http://www.regulations.gov*. Follow the ''Submit a comment'' instructions.

2. By regular mail. You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9936–NC, P.O. Box 8010, Baltimore, MD 21244–1810.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. By express or overnight mail. You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9936–NC, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

Lina Rashid, (202) 260–6098.

Michele Koltov, (301) 492–4225.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received on the following website as soon as possible after they have been received: *http://www.regulations.gov*. Follow the search instructions on that website to view public comments.

I. Overview

One of the Administration's priorities is to empower states by providing tools to address the serious problems that have surfaced in state individual health insurance markets with the implementation of the Patient Protection and Affordable Care Act (PPACA). After the Exchanges took full effect in 2014, individual market insurance companies began experiencing substantial losses. Industry analysts estimate aggregate losses reached $7.2 billion (10.1 percent of premiums) in 2015.[1] In response to these losses, many issuers (some of whom entered the market as a result of the PPACA) left the market, including issuers participating on the Exchanges. The percentage of counties with one Exchange issuer grew from 7 percent in 2016 to 33 percent in 2017 and to 52 percent in 2018, representing 2 percent, 21 percent, and 26 percent of enrollees respectively.[2] The issuers remaining in the individual market increased premiums substantially between 2013 and 2017; average premiums for individual market health plans sold through Healthcare.gov rose by 105 percent.[3] While subsidized enrollment in Exchanges remains stable, overall enrollment on and off the Exchanges dropped between 2016 and 2017 by over 10 percent, reflecting a sizable drop in unsubsidized enrollment.[4] Kaiser Family Foundation further found that individual market enrollment dropped 12 percent between the first quarter of 2017 and the first quarter of 2018.[5] This drop represents deterioration in the individual market for people who pay the full premium. These national average premium and enrollment trends mask deeper, more serious problems occurring in certain state markets. Some states experienced premium increases in excess of 200 percent between 2013 and 2017.[6] States with larger premium increases also tended to experience larger enrollment declines, with a few states losing more than a third of the individual market in 2017.[7] According to Kaiser, there were 14.4 million people enrolled in the individual market as of the first quarter of 2018, compared to 10.6 million people in 2013.[8] This gain in enrollment has come at a significant cost to the federal government as CBO estimates the premium tax credits will total about $50 billion in 2018.[9]

This guidance intends to expand state flexibility, empowering states to address problems with their individual insurance markets and increase coverage options for their residents, while at the same time encouraging states to adopt innovative strategies to reduce future overall health care spending. Section 1332 of the PPACA permits a state to apply for a State Innovation Waiver (referred to as a section 1332 waiver or a State Relief and Empowerment Waiver) to pursue innovative strategies for providing their residents with access to higher value, more affordable health coverage. The overarching goal of section 1332 waivers is to give all Americans the opportunity to gain high value and affordable health coverage regardless of income, geography, age, gender, or health status while empowering states to develop health coverage strategies that best meet the needs of their residents. Section 1332 waivers provide states an opportunity to promote a stable health insurance market that offers more choice and affordability to state residents, in part through expanded competition. These waivers could potentially be used to allow states to build on additional opportunities for more flexible and affordable coverage that the Administration opened through expanded options for Association Health Plans (AHP)[10] and short-term, limited-duration insurance (STLDI).[11]

The Departments are seeking to reduce burdens that may impede a state's efforts to implement innovative changes and improvements to its health

[1] Losses in 2016 appear to be between 7% and 9% of premiums. *https://healthcare.mckinsey.com/2016-individual-market-losses-are-high-single-digits%E2%80%94-slight-improvement-2015*. The insurance market is showing signs of stabilizing. *http://files.kff.org/attachment/Issue-Brief-Individual-Insurance-Market-Performance-in-Early-2018*.

[2] *https://www.kff.org/health-reform/issue-brief/insurer-participation-on-aca-marketplaces/* and Kaiser Family Foundation analysis as of August 26, 2016.

[3] The data is for states using the federally-facilitated exchange. Pg 2. *https://aspe.hhs.gov/system/files/pdf/256751/IndividualMarketPremiumChanges.pdf*. The premium increases since 2013 are partly attributable to changes in the types of policies that may be offered. For example, the Congressional Budget Office estimates that PPACA market reforms including requiring a minimum actuarial value of 60 percent, coverage of pre-existing conditions and covering more benefits likely resulted in about a 27 to 30 percent increase in premiums. See Congressional Budget Office, *Private Health Insurance Premiums and Federal Policy,* February 2016, p.21.

[4] Pg 1. *https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/2018-07-02-Trends-Report-2.pdf*.

[5] *http://files.kff.org/attachment/Data-Note-Changes-in-Enrollment-in-the-Individual-Health-Insurance-Market*.

[6] Alabama, Alaska, and Oklahoma experienced premium increases in excess of 200 percent between 2013 and 2017. *https://aspe.hhs.gov/system/files/pdf/256751/IndividualMarketPremiumChanges.pdf*.

[7] Figure 4 *https://downloads.cms.gov/cciio/Summary-Report-Risk-Adjustment-2017.pdf*.

[8] *http://files.kff.org/attachment/Data-Note-Changes-in-Enrollment-in-the-Individual-Health-Insurance-Market*.

[9] *https://www.cbo.gov/system/files?file=2018-06/53826-healthinsurancecoverage.pdf*.

[10] *https://www.federalregister.gov/documents/2018/06/21/2018-12992/definition-of-employer-under-section-35-of-erisa-association-health-plans*.

[11] *https://www.federalregister.gov/documents/2018/08/03/2018-16568/short-term-limited-duration-insurance*.

insurance market while remaining consistent with the statute. We believe that the reduction in these burdens will lead to more affordable health coverage for individuals and families. Under section 1332 of the PPACA, the Secretaries may exercise their discretion to approve a request for a section 1332 waiver [12] only if the Secretaries determine that the proposal for the section 1332 waiver meets the following four requirements (referred to as the statutory guardrails): (1) The proposal will provide coverage that is at least as comprehensive as coverage defined in PPACA's section 1302(b) and offered through Exchanges established by title I of PPACA, as certified by the Office of the Actuary of the Centers for Medicare & Medicaid Services based on sufficient data from the State and from comparable States about their experience with programs created by the PPACA and the provisions of the PPACA that would be waived; (2) the proposal will provide coverage and cost-sharing protections against excessive out-of-pocket spending that are at least as affordable for the state's residents as would be provided under title I of PPACA; (3) the proposal will provide coverage to at least a comparable number of the state's residents as would be provided under title I of PPACA; and (4) the proposal will not increase the federal deficit. The Secretaries retain their discretionary authority under section 1332 to deny waivers when appropriate given consideration of the application as a whole, even if an application meets the four statutory guardrail requirements. The Secretaries will consider favorably section 1332 waiver applications that advance some or all of these five principles as elements of a section 1332 waiver application. The principles are:

• *Provide increased access to affordable private market coverage.* Making private health insurance coverage more accessible and affordable should be a priority for a section 1332 waiver. A section 1332 state plan should foster health coverage through competitive private coverage, including AHPs and STLDI plans, over public programs. Additionally, the Departments will look favorably upon section 1332 applications under which states increase issuer participation in state insurance markets and promote competition.

• *Encourage sustainable spending growth.* Section 1332 waivers should promote more cost-effective health coverage and be fair to the federal taxpayer by restraining growth in federal spending commitments. For example, states should consider eliminating or reducing state-level regulation that limits market choice and competition in order to reduce prices for consumers and reduce costs to the federal government, as part of their section 1332 waiver applications.

• *Foster state innovation.* States are better positioned than the federal government to assess and respond to the needs of their citizens with innovative solutions. We encourage states to craft solutions that meet the needs of their consumers and markets and innovate to the maximum extent possible under the law.

• *Support and empower those in need. Americans should have access to affordable, high value health insurance.* Some Americans, particularly those with low incomes or high expected health care costs, may require financial assistance. Policies in section 1332 waiver applications should support state residents in need in the purchase of private coverage with financial assistance that meets their specific health care situations.

• *Promote consumer-driven healthcare.* Section 1332 waivers should empower Americans to make informed choices about their health coverage and health care with incentives that encourage consumers to seek value. Instead of only offering a one-size-fits-all plan proposal, a section 1332 state plan should focus on providing people with the resources and information they need to afford and purchase the private insurance coverage that best meets their needs.

States should explain in their waiver applications how their proposals would advance some or all of these principles. Consistent with the principles laid out above, the Secretaries intend to provide states with maximum flexibility within the law to innovate, empower consumers, and expand higher value and more affordable coverage options.

As under similar waiver authorities, the Secretaries reserve the right to suspend or terminate a waiver, in whole or in part, any time before the date of expiration, if the Secretaries determine that the state materially failed to comply with the terms and conditions of the waiver. Additionally, states with approved section 1332 waivers must comply with all applicable federal laws and regulations (unless specifically waived) and must come into compliance with any changes in federal law or regulations affecting section 1332 waivers.

Final regulations at 31 CFR part 33 and 45 CFR part 155, subpart N, require a state to provide actuarial analyses and actuarial certifications, economic analyses, data and assumptions, targets, an implementation timeline, and other necessary information to support the state's estimates that the proposed waiver will comply with section 1332 requirements.[13]

II. Changes to 2015 Guidance

In 2015, the Departments published guidance explaining how they would consider applications for waivers under section 1332 (2015 guidance).[14] In light of the Departments' experience since 2015 in considering State waiver applications and communicating with states considering such applications, the Departments have reviewed the statutory guardrails to determine whether the interpretations set forth in the previous guidance could be revised to provide more flexibility to the states. As a result of this review, the Departments have determined that the analysis of comprehensiveness and affordability of coverage under a waiver should focus on the nature of coverage that is made available to state residents (access to coverage), rather than on the coverage that residents actually purchase. Adopting this more flexible interpretation of the section 1332 guardrails that focuses on coverage made available under the waiver will lower barriers to innovation and allow states to implement waiver plans that will strengthen their health insurance markets by providing a variety of coverage options.

Section 1332(b)(1)(C) requires that a state's plan under a waiver will provide coverage ''to at least a comparable number of its residents'' as would occur without the waiver. By contrast, section 1332(b)(1)(A) and (B) merely state that the state's plan will provide coverage that is as comprehensive and affordable as would occur without a waiver, but do not specify to whom such coverage must be provided. The 2015 guidance focused on the number of individuals actually estimated to receive comprehensive and affordable coverage, in effect reading the ''to at least a comparable number of its residents'' language from the coverage

[12] The Departments' State Innovation Waiver authority is limited to requirements described in section 1332(a)(2) of the PPACA. Further, section 1332(c) of the PPACA states that while the Secretaries have broad discretion to determine the scope of a waiver, no federal laws or requirements may be waived that are not within the Secretaries' authority. See 77 FR 11700, 11711 (February 27, 2012). Therefore, for example, section 1332 does not grant the Departments the authority to waive any provision of ERISA.

[13] Application, Review, and Reporting Process for Waivers for State Innovation Final Rule, February 27, 2012. Available at: *http://www.gpo.gov/fdsys/pkg/FR-2012-02-27/pdf/2012-4395.pdf.*

[14] *https://www.gpo.gov/fdsys/pkg/FR-2015-12-16/pdf/2015-31563.pdf.*

guardrail into the comprehensiveness and affordability guardrails as well. However, the Departments do not believe that the language or structure of the statute compels that reading.

Further, a major disadvantage of the 2015 interpretation was that it deterred states from providing innovative coverage that, while potentially less comprehensive than coverage established under the PPACA, could have been better suited to consumer needs and potentially more affordable and attractive to a broad range of its residents. For example, even if coverage similar to that made available under the PPACA remained available in a state, an offer of more attractive, but less comprehensive plans would have reduced the number of residents who elected PPACA-like coverage, and would likely have caused the state waiver plan to fail the comprehensiveness guardrail. To avoid this effect of the 2015 guidance, this guidance focuses on the *availability* of comprehensive and affordable coverage. This shift in focus ensures that state residents who wish to retain coverage similar to that provided under the PPACA can continue to do so, while permitting a state plan to also provide access to other options that may be better suited to consumer needs and more attractive to many individuals.

In order to ensure that the Departments' revised interpretation of the comprehensiveness and affordability guardrails provides full meaning to the statute and aligns with the Administration's principles, it is important that the two guardrails be evaluated in conjunction. In other words, it is not enough to make available some coverage that is comprehensive but not affordable, while making available other coverage that is affordable but not comprehensive. Thus, the guidance, as described in detail below, provides that a state plan will comply with the comprehensiveness and affordability guardrails, consistent with the statute, if it makes coverage that is both comprehensive and affordable available to a comparable number of otherwise qualified residents as would have had such coverage available absent the waiver.

The 2015 guidance concerning the comprehensiveness and affordability guardrails has also been revised to focus on the aggregate effects of a waiver. The 2015 guidance largely prohibited approval of a state plan that made coverage less comprehensive or affordable for any particular group of residents. While analysis will continue to consider effects on all categories of residents, the revised guardrails will give states more flexibility to decide that improvements in comprehensiveness and affordability for state residents as a whole offset any small detrimental effects for particular residents. As discussed in this guidance and principles above, the state should also address in the application for the section 1332 waiver how the section 1332 state plan addresses the Administration's priority to support and empower those with low incomes as well at those with high expected health care costs.

The coverage guardrail requires that coverage be provided to at least a comparable number of residents as would occur absent the waiver. However, the text of the coverage guardrail provision of the statute is silent as to the type of coverage that is required. Accordingly, to enable state flexibility and to promote choice of a wide range of coverage to ensure that consumers can enroll in coverage that is right for them, this guidance permits states to provide access to less comprehensive or less affordable coverage as an additional option for their residents to choose. This guidance on the coverage guardrail continues to consider the number of state residents who are actually receiving coverage. As long as a comparable number of residents are projected to be covered as would have been covered absent the waiver, the coverage guardrail will be met.

In addition, in another effort to provide flexibility for states and provide full meaning to the statute in this guidance, the Departments clarify that in certain circumstances, existing state legislation that provides statutory authority to enforce PPACA provisions and the state plan, combined with a duly-enacted state regulation or executive order, may satisfy the requirement that the state enact a law under section 1332(b)(2).

Finally, our analysis of the deficit neutrality guardrail has been revised to provide more specific guidance in light of the Departments' experience in evaluating waiver applications.

III. Statutory Guardrail Requirements

The following guidance explains in more detail how the Departments will evaluate each of the statutory guardrails.

A. Comprehensiveness and Affordability

The Departments may consider these guardrails met if access to coverage that is as affordable and comprehensive as coverage forecasted to have been available in the absence of the waiver is projected to be available to a comparable number of people under the waiver. The Departments will not require projections demonstrating that this coverage will actually be purchased by a comparable number of state residents; in other words, these guardrails will be met if the state plan has made other coverage options available that state residents may prefer, so long as access to affordable, comprehensive coverage is also available. Thus, the Departments will consider the affordability requirement to be met in a state plan that will provide consumers access to coverage options that are at least as affordable and comprehensive as the coverage options provided without the waiver, to at least a comparable number of people as would have had access to such coverage absent the waiver. In evaluating whether the state plan meets the comprehensiveness and affordability guardrails, the Departments will take into account access to affordable, comprehensive coverage to all state residents, regardless of the type of coverage they would have had access to in absence of the waiver.

Comprehensiveness

Comprehensiveness refers to the scope of benefits provided by the coverage as measured by the extent to which coverage meets essential health benefits (EHB) requirements as defined in section 1302(b) of the PPACA and offered through Exchanges established by title I of PPACA, as certified by the Office of the Actuary of the Centers for Medicare & Medicaid Services. The impact on all state residents eligible for coverage under title I of PPACA is considered, regardless of the type of coverage that they would have had access to absent the waiver.

In April 2018, CMS provided states with substantially more options in the selection of an EHB-benchmark plan.[15] The Departments will evaluate comprehensiveness by comparing access to coverage under the waiver to the state's EHB benchmark (for the applicable plan year) selected by the state (or if the state does not select a benchmark, the default base-benchmark

[15] As finalized in the HHS Notice of Benefit and Payment Parameters for 2019, starting in plan year 2020 CMS is providing states with additional flexibility in how they select their EHB-benchmark plan. The final rule provides states with substantially more options in what they can select as an EHB-benchmark plan. Instead of being limited to 10 options, states will now be able to choose from the 50 EHB-benchmark plans used for the 2017 plan year in other states or select specific EHB categories, such as drug coverage or hospitalization, from among the categories used for the 2017 plan year in other states. States will also now be able to build their own set of benefits that could potentially become their EHB-benchmark plan, subject to certain scope of benefits requirements.

plan), any other state's benchmark plan chosen by the state for purposes of the waiver application, or any benchmark plan chosen by the state that the state could otherwise build that could potentially become their EHB-benchmark plan.

Affordability

Affordability refers to state residents' ability to pay for health care expenses relative to their incomes and may generally be measured by comparing each individual's expected out-of-pocket spending for health coverage and services to their income. Out-of-pocket spending for health care includes premiums (or equivalent costs for enrolling in coverage) and spending such as deductibles, co-pays, and co-insurance associated with the coverage, or direct payments for healthcare. In evaluating affordability, the Departments will take into account access to affordable, comprehensive coverage available to all state residents, regardless of the type of coverage they would have had access to in the absence of the waiver. In addition to considering the number of state residents for whom comprehensive coverage has become more or less affordable, the Departments will take into account the magnitude of such changes. For example, a waiver that makes coverage slightly more affordable for some people but much less affordable for a comparable number of people would be less likely to be granted than a waiver that makes coverage substantially more affordable for some people without making others substantially worse off. In addition, a waiver that makes coverage much more affordable for some people and only slightly more costly for a larger number of people would likely meet this guardrail. The Departments will consider the changes in affordability for all groups, including low-income residents and those with high expected health care costs.

As provided in 31 CFR part 33 and 45 CFR part 155, subpart N, the waiver application must include analysis and supporting data that establishes that the waiver satisfies the comprehensiveness and affordability guardrails. This includes an explanation of how the coverage available under the waiver differ from the coverage chosen absent the waiver (if the coverage differs at all) and how the state determined the coverage to be as comprehensive. It also includes information on estimated individual out-of-pocket costs (premium and out-of-pocket expenses for deductibles, co-payments, co-insurance, co-payments and plan differences) by income, health expenses, health insurance status, and age groups, absent the waiver and for available coverage under the waiver. The application should identify any types of individuals (including, but not limited to, those individuals who are low income or have high expected health care costs) for whom affordability of coverage would be reduced by the waiver and also identify any types of individuals for whom affordability of coverage would be improved by the waiver. The state should also address in its section 1332 waiver application how it would address the Administration's priority to support and empower consumers, including those with high expected health care costs and those with low incomes.

B. Number of State Residents Covered (Coverage)

To meet the coverage requirement, the section 1332 state plan must provide meaningful health care coverage to a comparable number of its residents as title I of PPACA would provide. The Departments will assess the coverage guardrail by requiring the state to forecast, for each year the section 1332 state plan will be in effect, the number of individuals that will have health care coverage under the section 1332 state plan, and compare that to the number of individuals that would have had health care coverage absent the waiver. A section 1332 state plan will be considered to comply with this coverage guardrail if, for each year the waiver is in effect, the state can demonstrate that a comparable number of state residents eligible for coverage under title I of PPACA will have health care coverage under the section 1332 state plan as would have had coverage absent the waiver. For purposes of meeting this guardrail, in line with the Administration's priority favoring private coverage, including AHPs and STLDI plans, the Departments will consider all forms of private coverage in addition to public coverage, including employer-based coverage, individual market coverage, and other forms of private health coverage. Coverage refers to minimum essential coverage as defined in 26 U.S.C. 5000A(f) and 26 CFR 1.5000A–2, and health insurance coverage as defined in 45 CFR 144.103.[16]

Under this guardrail, the impact on all state residents eligible for coverage under title I of PPACA will be considered, regardless of the type of coverage they would have had absent the waiver. For example, while a section 1332 waiver alone may not change the terms of a state's Medicaid coverage or change existing Medicaid demonstration authority, changes in Medicaid enrollment—whether increases or decreases—that result from a section 1332 waiver, holding the state's Medicaid policies constant, will be considered in evaluating the number of residents with coverage under a waiver. The Departments will consider the effects the section 1332 state plan will have on coverage in the aggregate across all state residents. However, as noted in this guidance, an application for a section 1332 waiver should address the Administration's priority to support and empower consumers, including those with high expected health care costs and those with low incomes. The assessment under the coverage requirement will take into account whether the section 1332 state plan sufficiently prevents gaps in or discontinuations of coverage. The section 1332 guardrails generally should be forecast to be met in each year that a waiver would be in effect. However, the Departments will consider the longer-term impacts of a state's proposal, and may approve a waiver even where a state expects a temporary reduction in coverage but can demonstrate that the reduction is reasonable under the circumstances, and that the innovations will produce longer-term increases in the number of state residents who have coverage such that, in the aggregate, the coverage guardrail will be met or exceeded over the course of the waiver term. For example, the Departments may approve a 1332 waiver plan that is not forecast to meet the coverage guardrail on Day 1 of the waiver, if the state's plan is forecast to meet or exceed pre-waiver coverage levels within a reasonable amount of time, and any coverage reductions are offset by coverage gains. The reasonableness of a proposed transition period will be considered, taking into account the following: The reasons it is infeasible under the state's plan to fully maintain pre-waiver coverage levels at the outset; the degree of the departure from the pre-waiver levels during the transition period; the state's ability to demonstrate the long-term gains in coverage as compared to pre-waiver levels; other features of the plan that mitigate the impact of the

[16] *Health insurance coverage* means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or HMO contract offered by a health insurance issuer. Health insurance coverage includes group health insurance coverage, individual health insurance coverage, and short-term, limited-duration insurance.

departure, if any; and any other relevant factors.

As provided in 31 CFR part 33 and 45 CFR part 155, subpart N, the waiver application must include analysis and supporting data that establishes that the waiver satisfies the scope of coverage requirement, including information on the number of individuals covered by income, health expenses, health insurance status, and age group, under title I of PPACA and under the waiver, including year-by-year estimates. The application should identify any types of individuals who are more or less likely to be covered under the waiver than under current law.

C. Deficit Neutrality

Under the deficit neutrality requirement, the projected federal spending net of federal revenues under the section 1332 waiver must be equal to or lower than projected federal spending net of federal revenues in the absence of the section 1332 waiver.

The estimated effect on federal revenue includes all changes in income, payroll, or excise tax revenue, as well as any other forms of revenue (including but not limited to user fees), that would result from the proposed waiver. Estimated effects would include, for example, changes in amounts the federal government pays in premium tax credits (PTC) and small business tax credits; changes in the amount of employer shared responsibility payments and excise taxes on high-cost employer-sponsored plans collected by the federal government; and changes in income and payroll taxes resulting from changes in tax exclusions for employer-sponsored insurance and in deductions for medical expenses.

The effect on federal spending includes all changes in Exchange financial assistance and any other spending that result from the section 1332 waiver. Projected federal spending under the waiver proposal also includes all administrative costs of the federal government, including any changes in Internal Revenue Service administrative costs, federal Exchange administrative costs, or other administrative costs associated with the waiver or alleviated by the waiver.

Waivers must not increase the federal deficit over the period of the waiver (which may not exceed 5 years unless renewed) or in total over the 10-year budget plan submitted by the state as part of the application. We have revised the 2015 guidance to clarify that the ten-year budget plan should describe the changes in projected federal spending and changes in federal revenues attributed to the waiver for each of the ten years.

The 10-year budget plan should assume the waiver would continue permanently, unless such an assumption would be inconsistent with the nature and intent of the state plan. However, the budget plan should not include federal spending or savings attributable to any period outside of the 10-year budget window. A variety of factors, including the likelihood and accuracy of projected spending and revenue effects and the timing of those effects, will be considered when evaluating the effect of the waiver on the federal deficit.

IV. Federal Pass-Through Funding

Section 1332 directs the Secretaries to pay pass-through funding for the purpose of implementing the state plan under the waiver. The amount of federal pass-through funding equals the Secretaries' annual estimate of the federal financial assistance, including PTC, small business tax credits, or cost-sharing reductions, provided pursuant to the PPACA that would have been paid on behalf of participants in the Exchange in the state in the calendar year in the absence of the waiver, but will not be paid as a result of the waiver. This includes any amount of federal financial assistance pursuant to the PPACA not paid due to an individual not qualifying for financial assistance or qualifying for a reduced level of financial assistance resulting from a waived provision as a direct result of the waiver plan. The pass-through amount does not include any savings other than the reduction in PPACA financial assistance. The pass-through amount will be reduced by any other increase in spending or decrease in revenue if necessary to ensure deficit neutrality. The estimates take into account experience in the relevant state and similar states. This amount is calculated annually by the Departments. The annual amount may be updated at any time to reflect changes in state or federal law (including regulation and sub-regulatory guidance).

The waiver application, consistent with the Departments' regulations, must provide analysis and supporting data to inform the estimate of the pass-through funding amount. For states that do not utilize a Federally-facilitated Exchange, this includes information about enrollment, premiums, and Exchange financial assistance in the state's Exchange by age, income, and type of policy, and other information as may be required by the Secretaries. For further information on the demographic and economic assumptions to be used in determining the pass-through amount, see Section V of this guidance.

As part of the state's waiver application, the state should include a description of the provisions for which the state seeks a waiver and how the waiver is necessary to facilitate the state's waiver plan. Further, as part of the state's waiver plan if the state is seeking pass-through funding, the state waiver application should include an explanation of how, due to the structure of the section 1332 state plan and the statutory provisions waived, the state anticipates that individuals would no longer qualify for financial assistance (PTC, small business tax credits, or cost-sharing reductions) or would qualify for reduced financial assistance for which they would not be eligible absent the section 1332 waiver. The state should also explain how the state intends to use that funding for the purposes of implementing its section 1332 state plan. Pass-through funding may only be used to implement the approved section 1332 state plan. States have a wide range of flexibility in designing their section 1332 waiver application and section 1332 state plan.

V. Economic Assumptions and Methodological Guidelines

The determination of whether a waiver meets the requirements under section 1332 and the calculation of the pass-through funding amount are made using generally accepted actuarial and economic analytic methods, such as micro-simulation. The analysis relies on assumptions and methodologies that are similar to those used to produce the baseline and policy projections included in the most recent President's Budget (or Mid-Session Review),[17] but adapted as appropriate to reflect state-specific conditions. As provided in 31 CFR 33.108(f)(4)(i) and 45 CFR 155.1308(f)(4)(i), the state must include actuarial analyses and actuarial certifications to support the state's estimates that the proposed waiver will comply with the comprehensive coverage requirement, the affordability requirement, and the scope of coverage requirement. In this guidance, we clarify that this actuarial analysis and certification should be conducted by a member of the American Academy of Actuaries.

The Departments' analysis is based on state-specific estimates of the current level and distribution of population by the relevant economic and demographic characteristics, including income and source of health coverage. It generally uses federal estimates of population

[17] *https://www.whitehouse.gov/omb/budget/.*

growth, economic growth as published in the Analytical Perspectives volume released as part of the President's Budget (*https://www.whitehouse.gov/omb/budget/Analytical_Perspectives*) and health care cost growth (*https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/index.html?redirect=/NationalHealthExpendData/*) to project the initial state variables through the 10-year Budget plan window. However, in limited circumstances where it is expected that a state will experience substantially different trends than the nation as a whole in the absence of a waiver, the Secretaries may determine that state-specific assumptions will be used.

Estimates of the effect of the waiver assume, in accordance with standard estimating conventions, that macroeconomic variables like population, output, and labor supply are not affected by the waiver. However, estimates take into account, as appropriate, other changes in the behavior of individuals, employers, and other relevant entities induced by the waiver where applicable, including employer decisions regarding what coverage (and other compensation) they offer and individual decisions regarding whether to take up coverage. The same state-specific and federal data, assumptions, and model are used to calculate comprehensiveness, affordability, and coverage, and relevant state components of federal taxes and spending under the waiver and under current law.

The analysis and information submitted by the state as part of the application should conform to these standards as outlined in this guidance. The application should describe all modeling assumptions used, sources of state-specific data, and the rationale for any deviation from federal forecasts. A state may be required under 31 CFR 33.108(f)(4)(vii) and 45 CFR 155.1308(f)(4)(vii) to provide to the Secretaries copies of any data used for their waiver analyses that are not publicly available so that the Secretaries can independently verify the analysis produced by the state.

For each of the guardrails, the state should clearly explain its estimates with and without the waiver. The actuarial and economic analyses must compare comprehensiveness, affordability, coverage, and net federal spending and revenues under the waiver to those measures absent the waiver (the baseline) for each year of the waiver. If the state is submitting a waiver application for less than a 5-year period, the actuarial analysis can be submitted for the period of the waiver. The Departments, in accordance with their regulations, may request additional information or data in order to conduct their assessments.

The state should also provide a description of the models used to produce these estimates, including data sources and quality of the data, key assumptions, and parameters for the section 1332 state plan. The Departments are not prescribing any particular method of actuarial analysis to estimate the potential impact of a section 1332 waiver. However, the state should explain its modeling in sufficient detail to allow the Secretaries to evaluate the accuracy of the state's modeling and the comprehensiveness and affordability of the coverage available under the state's waiver proposal. As permitted under 45 CFR 155.1308(g) and 31 CFR 33.108(g), the state may be required to provide data or other information that it used to make its estimates to inform the Secretaries' assessment, including an explanation of the assumptions used in the actuarial analysis.

VI. Operational Considerations

A. Federally-Facilitated Exchanges

CMS operates the Exchange information technology platform (the federal platform) utilized by the Federally-facilitated Exchanges (FFEs) and some state Exchanges. Previously, CMS stated that the federal platform could not accommodate different eligibility and enrollment rules for different states. Since then, the federal platform has undergone technical enhancements necessary for the FFE's operations that will enable it to support increased variation and flexibility for states that may want to leverage components of the federal platform to implement new models through section 1332 waivers. These improvements will include functionality that will enable states to work with private industry partners to create their own websites that could replace the consumer-facing aspects of *HealthCare.gov* for their state, while allowing the state to utilize aspects of the back-end technology that supports the FFE. Using this enhanced direct enrollment functionality [18] as well as other CMS technology, states and private partners could customize the display of plan data and the information provided to consumers, or access specific eligibility verifications for use in state-specific eligibility determinations. Further, for states that opt to waive the requirement to establish an Exchange under section 1311(b)(1) of the PPACA and transition their Exchange-eligible populations to a state-based 1332 program, in compliance with applicable privacy law and standards and with the consent of the relevant enrollees, the new FFE data-sharing functionality could make information on current enrollees accessible to states outside of the Exchange context. The new FFE data-sharing functionality potentially could provide data on the status of data matching issues and special enrollment period verification issues, account creation, and document uploading which would ease transition periods to a potential new non-Exchange program and mitigate risk pool deterioration. HHS is continuing to evaluate what types of flexibilities related to plan management, financial assistance, and consumer assistance are feasible, and seeks to engage with states to determine interest in potential models. States should engage with HHS early in the section 1332 waiver application process to determine whether the federal platform could accommodate state needs. During this time, HHS will work to estimate potential funding costs to implement the requested flexibilities. States will be responsible for funding all customized technical builds, in addition to funding of year-round customized operational support.

CMS may provide services in support of the state's section 1332 waiver plan including but not limited to eligibility determinations or data verification services to support eligibility determinations for participation in State waiver programs under the Intergovernmental Cooperation Act (ICA). Under the ICA, a federal agency generally may provide certain technical and specialized services to state governments, so long as the state covers the full costs of those services. Accordingly, where a state intends to rely on CMS for services, the state must cover CMS's costs. For this reason, the Departments will not consider costs for CMS services covered under the ICA as an increase in federal spending resulting from the state's waiver plan for purposes of the deficit neutrality analysis.

As noted in Section III.C of this guidance, costs associated with changes to federal administrative processes are taken into account in determining whether a waiver application satisfies the deficit neutrality requirement. Regulations at 31 CFR part 33 and 45

[18] Enhanced direct enrollment is a program in which CMS will provide direct enrollment entities with the ability to provide an account creation, application, enrollment and coverage maintenance experience for consumers and agents/brokers working with consumers.

CFR part 155, subpart N, require that such costs be included in the 10-year budget plan submitted by the state.

B. Internal Revenue Service

Certain changes that affect Internal Revenue Service (IRS) administrative processes may make a section 1332 waiver proposal infeasible for the Departments to accommodate. At this time, the IRS generally is not able to administer different sets of tax rules for different states. As a result, while a state may propose to entirely waive the application of one or more of the tax provisions listed in section 1332 to taxpayers in the state, it is generally not feasible to design a waiver that would require the IRS to administer an alteration to these provisions for taxpayers in the state.

In some cases, the IRS may be able to accommodate small adjustments to the existing system for administering federal tax provisions. For example, a state that has not expanded its Medicaid program may wish to expand eligibility for APTC and PTC to individuals under 100 percent of the Federal Poverty Level (FPL). It may be feasible for IRS to implement this change because it currently administers a special rule that allows certain individuals to claim PTC if they are under 100 percent FPL and get APTC. However, it is generally not feasible to have the IRS administer a different set of PTC eligibility rules for individuals over 100 percent FPL in a particular state. Thus, states contemplating a waiver proposal that includes a modified version of a federal tax provision might consider waiving the provision entirely and creating a subsidy program administered by the state as part of its section 1332 waiver plan.

In addition, a waiver proposal that partly or completely waives one or more tax provisions in a state may create administrative costs for the IRS. As noted in Section III.C of this guidance, costs associated with changes to federal administrative processes are taken into account in determining whether a waiver application satisfies the deficit neutrality requirement. Regulations at 31 CFR part 33 and 45 CFR part 155, subpart N, require that such costs be included in the 10-year budget plan submitted by the state. States contemplating to waive any part of a federal tax provision should engage with the Departments early in the section 1332 application process to assess whether the waiver proposal is feasible for the IRS to implement, and to assess the administrative costs to the IRS of implementing the waiver proposal.

VII. Application Timing

Consistent with the regulations at 31 CFR 33.108(b) and 45 CFR 155.1308(b), states are required to submit initial section 1332 waiver applications sufficiently in advance of the requested waiver effective date to allow for an appropriate implementation timeline. We strongly encourage states interested in applying for any section 1332 waivers, including coordinated section 1115 and section 1332 waivers, to engage with the Departments promptly for assistance in formulating an approach that meets the requirements of section 1332.

In order to help ensure timely approval, states should plan to submit their initial waiver applications with enough time to allow for public comment, review by the Departments, and implementation of the section 1332 state plan as outlined in the waiver application. In general, submission during the first quarter of the year prior to the year health plans affected by the waiver would take effect would permit sufficient time for review and implementation of both the waiver application and affected plans. It is important to note that the Departments cannot guarantee a state's request for expedited review or approval under a regular waiver submission and will continue to review applications consistent with the timeline requirements outlined in the regulations and statute.[19] We encourage states to work with the Departments on timeframes that take into account the state's legislative sessions and timing of rate filings if the section 1332 waiver is projected to have any impact on premiums. If a state's waiver application includes potential operational changes or accommodations to the federal information technology platform or its operations, additional time may be needed. States should engage with the Departments early in the process to determine whether federal infrastructure can accommodate technical changes that support their requested flexibilities.

VIII. Enacted State Legislation

States are required under the statute to enact or amend state laws to apply for and implement state actions under a section 1332 waiver. Under 31 CFR 33.108(f)(3)(i) and 45 CFR 155.1308(f)(3)(i), as part of the state's waiver application, the state must include a comprehensive description of the state legislation and program to implement a plan meeting the requirements for a waiver under section 1332. In addition, under 31 CFR 33.108(f)(3)(ii) and 45 CFR 155.1308(f)(3)(ii), the state must include a copy of the enacted state legislation that provides the state with authority to implement the proposed waiver, as required under section 1332(a)(1)(C) of the PPACA.

Generally, a state must enact legislation establishing authority to pursue a section 1332 waiver and for the program to implement a section 1332 state plan, but the Departments also recognize that administrative regulations and executive orders generally carry the force of the law. In implementing this guidance, the Departments clarify that in certain circumstances, states may use existing legislation if it provides statutory authority to enforce PPACA provisions and/or the state plan, combined with a duly-enacted state regulation or executive order, may satisfy the requirement that the state enact a law under section 1332(b)(2).

As one example, a state might have a statute that grants to a state official or agency authority to implement and enforce PPACA and to promulgate regulations to implement PPACA programs in the state. The state also has in place an executive order directing the appropriate state official or agency to pursue a State Innovation Waiver, as well as regulations that further authorize specific actions to be taken under a waiver. The Departments may consider these legislative, administrative, and executive actions together and determine that section 1332(b)(2) is satisfied.

It is not possible to describe every combination of legislative, administrative and/or executive action that may satisfy the section 1332(b)(2) requirement. But so long as the state has enacted through its legislative branch a statute that authorizes the pursuit of a State Innovation Waiver, even broadly, the Departments will consider additional state administrative and executive branch actions in determining whether the section 1332(b)(2) requirement is satisfied. If a state is using an Executive Order or regulation to meet the requirement to enact a law for purposes of a 1332 waiver the state must include a letter from the state executive or Governor outlining that the state authority is sufficient to implement the state plan. The Departments generally will look favorably upon a state's interpretation of its own state law.

As a result, the Departments may determine that section 1332(b)(2) is satisfied, to enact a law where existing

[19] 45 CFR 155.1308(c)(1), Sections 1332(d), 1332(e) of Public Law 111–148.

legislation, coupled with an administrative regulation or executive order provides the authority to pursue a section 1332 waiver. This reflects the Departments' intention to allow states increased flexibility to pursue a section 1332 waiver despite timing or other constraints, such as state legislative calendars that result in short or infrequent legislative sessions, provided that the state law at issue provides a sufficient foundation for an administrative regulation or executive order.

IX. Public Input on Waiver Proposals

Section 1332, and regulations at 31 CFR 33.112 and 45 CFR 155.1312 require states to provide a public notice and comment period for a waiver application sufficient to ensure a meaningful level of public input prior to submitting an application. As part of the public notice and comment period, a state with one or more Federally-recognized tribes must conduct a separate process for meaningful consultation with such tribes. Because State Innovation Waiver applications may vary significantly in their complexity and breadth, the regulations provide states with flexibility in determining the length of the comment period required to allow for meaningful and robust public engagement. The comment period should in no case be less than 30 days.

Consistent with HHS regulations, waiver applications must be posted online in a manner that meets national standards to assure access to individuals with disabilities. Such standards are issued by the Architectural and Transportation Barriers Compliance Board, and are referred to as ''section 508'' standards. Alternatively, the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA standards would also be considered as acceptable national standard for website accessibility. For more information, see the WCAG website at *http://www.w3.org/TR/WCAG20/.*

Section 1332 and its implementing regulations also require the Federal Government to provide a public notice and comment period, once the Secretaries receive an application. A submitted application will not be deemed received until the Secretaries have made the preliminary determination that the application is complete. The period must be sufficient to ensure a meaningful level of public input and must not impose requirements that are in addition to, or duplicative of, requirements imposed under the Administrative Procedure Act, or requirements that are unreasonable or unnecessarily burdensome with respect to state compliance. As with the comment period described above, the length of the comment period should reflect the complexity of the proposal and in no case can be less than 30 days.

X. Impact of Other Program Changes on Assessment of a Waiver Proposal

The assessment of whether a State Innovation Waiver proposal satisfies the statutory criteria set forth in Section 1332 takes into consideration the impact of changes to PPACA provisions made pursuant to the State Innovation Waiver. The assessment also considers related changes to the state's health care system that, under state law, are contingent only on the approval of the State Innovation Waiver. For example, the assessment would take into account the impact of a new state-run health benefits program that, under legislation enacted by the state, would be implemented only if the State Innovation Waiver were approved.

The assessment does not consider the impact of policy changes that are contingent on further state action, such as state legislation that is proposed but not yet enacted. It also does not include the impact of changes contingent on other Federal determinations, including approval of Federal waivers pursuant to statutory provisions other than Section 1332. Therefore, the assessment would not take into account changes to Medicaid or CHIP that require separate Federal approval, such as changes in coverage or Federal Medicaid or CHIP spending that would result from a proposed Section 1115 demonstration, regardless of whether the Section 1115 demonstration proposal is submitted as part of a coordinated waiver application with a State Innovation Waiver. Savings accrued under either proposed or current Section 1115 Medicaid or CHIP demonstrations are not factored into the assessment of whether a proposed State Innovation Waiver meets the deficit neutrality requirement. The assessment also does not take into account any changes to the Medicaid or CHIP state plan that are subject to Federal approval.

The assessment does take into account changes in Medicaid and/or CHIP coverage or in Federal spending on Medicaid and/or CHIP that would result directly from the proposed waiver of provisions pursuant to Section 1332, holding state Medicaid and CHIP policies constant.

As the Departments receive and review waiver proposals, we will continue to examine the types of changes that will be considered in assessing State Innovation Waivers. Nothing in this guidance alters a state's authority to make changes to its Medicaid and CHIP policies consistent with applicable law. This guidance does not alter the Secretary of Health and Human Services' authority or CMS' policy regarding review and approval of Section 1115 demonstrations, and states should continue to work with CMS' Center for Medicaid and CHIP Services on issues relating to Section 1115 demonstrations. A state may submit a coordinated waiver application as provided in 31 CFR 33.102 and 45 CFR 155.1302; in such a case, each waiver will be evaluated independently according to applicable Federal laws.

XI. Applicability

This guidance supersedes the 2015 guidance, published on December 16, 2015 (80 FR 78131), which provided additional information about the requirements that must be met, the Secretaries' application review procedures, the amount of pass-through funding, certain analytical requirements, operational considerations and public comment. This guidance will be in effect on the date of publication and will be applicable for section 1332 waivers submitted after the publication date of this guidance (including section 1332 waivers submitted, but not yet approved). Applications for waivers approved under section 1332 before the publication date of this guidance will not require reconsideration of whether such applications meet these updated requirements of section 1332.

On January 20, 2017, the President issued an Executive Order (E.O.),[20] which stated that ''to the maximum extent permitted by law, the Secretary of HHS and heads of all other executive departments and agencies with authorities and responsibilities under the PPACA (Pub. L. 111–148) shall exercise all authority and discretion available to them to waive, defer, grant exemptions from, or delay the implementation of any provision or requirement of the PPACA that would impose a fiscal burden on any state or a cost, fee, tax, penalty, or regulatory burden on individuals, families, health care providers, health issuers, patients, recipients of health care services, purchasers of health insurance, or makers of medical devices, products, or medications.'' Furthermore, the E.O.

[20] *https://www.federalregister.gov/documents/2017/01/24/2017-01799/minimizing-the-economic-burden-of-the-patient-protection-and-affordable-care-act-pending-repeal.*

stated that ''To the maximum extent permitted by law, the Secretary and the heads of all other executive departments and agencies with authorities and responsibilities under the Act, shall exercise all authority and discretion available to them to provide greater flexibility to states and cooperate with them in implementing healthcare programs.'' In the spirit of this E.O., the Departments are seeking to reduce burdens that may impede a state's efforts to implement innovative changes and improvements to their health care market while remaining consistent with the statute. We believe that the reduction in these burdens will lead to more affordable health coverage for individuals and families.

Final regulations at 31 CFR part 33 and 45 CFR part 155 Subpart N remain in effect and require a state to provide actuarial analyses and actuarial certifications, economic analyses, data and assumptions, targets, an implementation timeline, and other necessary information to support the state's estimates that the proposed waiver will comply with these requirements.[21] The May 11, 2017, Checklist for Section 1332 State Innovation Waiver Applications, including specific items applicable to High-Risk Pool/State-Operated Reinsurance Program Applications, remains available to assist states in assembling an application for a section 1332 waiver. The Departments will apply the regulations and statutory requirements when reviewing state applications for section 1332 waivers and will work to provide states with the flexibility they need to be innovative and respond to the needs in their state.

XII. Collection of Information Requirements

This document does not impose new information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

[21] ''Application, Review, and Reporting Process for Waivers for State Innovation Final Rule.'' February 27, 2012. Available at: *http://www.gpo.gov/fdsys/pkg/FR-2012-02-27/pdf/2012-4395.pdf.*

Dated: October 9, 2018.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: October 12, 2018.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

Dated: October 10, 2018.

David J. Kautter,

Assistant Secretary for Tax Policy, Department of Treasury.

[FR Doc. 2018–23182 Filed 10–22–18; 11:15 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0965]

Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the I Street Drawbridge across the Sacramento River, mile 59.4, at Sacramento, CA. The deviation is necessary to allow the bridge owner to conduct preventative maintenance. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 6 a.m. to 3 p.m. on November 6, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0965, is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Carl T. Hausner, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *Carl.T.Hausner@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Union Pacific Railroad Company has requested a temporary change to the operation of the I Street Drawbridge, mile 59.4, over the Sacramento River, at Sacramento, CA. The drawbridge navigation span provides a vertical clearance of 30 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 6 a.m. to 3 p.m. on November 6, 2018, to allow the bridge owner to perform necessary preventative maintenance on the center lens of the drawspan. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in the operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: October 18, 2018.

Carl T. Hausner,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2018–23136 Filed 10–23–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2018–0172; FRL 9985–76–OAR]

RIN 2060–AT91

Approval of Louisiana's Request To Relax the Federal Reid Vapor Pressure (RVP) Gasoline Standard for the Baton Rouge Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a request from Louisiana for EPA to relax the federal Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for the Louisiana parishes of East Baton Rouge, West Baton Rouge, Livingston, Ascension, and Iberville (the Baton Rouge Area). Specifically, EPA is approving amendments to the regulations to allow the gasoline RVP

standard for the Baton Rouge Area to change from 7.8 pounds per square inch (psi) to 9.0 psi. EPA has determined that this change to the federal RVP regulation is consistent with the applicable provisions of the Clean Air Act (CAA).

DATES: This final rule is effective on November 23, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2018–0172. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: David Dickinson, Office of Transportation and Air Quality, Environmental Protection Agency, 1200 Pennsylvania Avenue Washington, DC 20460; telephone number: (202) 343–9256; email address: *dickinson.david@epa.gov,* or Rudolph Kapichak, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4574; email address: *kapichak.rudolph@epa.gov.*

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

I. General Information
II. Action Being Taken
III. History of the Gasoline Volatility Requirement
IV. EPA's Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas
V. Louisiana's Request To Relax the Federal Gasoline RVP Requirement for the Baton Rouge Area
VI. Response to Comments
VII. Final Action
VIII. Statutory and Executive Order Reviews

I. General Information

A. Does this action apply to me?

Entities potentially affected by this rule are fuel producers and distributors involved in supplying gasoline to the Baton Rouge Area.

Examples of potentially regulated entities	NAICS [1] codes
Petroleum Refineries	324110
Gasoline Marketers and Distributors	424710 424720
Gasoline Retail Stations	447110
Gasoline Transporters	484220 484230

The above table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities of which EPA is aware that potentially could be affected by this rule. Other types of entities not listed on the table could also be affected. To determine whether your organization could be affected by this rule, you should carefully examine the regulations in 40 CFR 80.27. If you have questions regarding the applicability of this action to a particular entity, call the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. What is EPA's authority for taking this action?

The statutory authority for this action is granted to EPA by sections 211(h) and 301(a) of the Clean Air Act (CAA), as amended; 42 U.S.C. 7545(h) and 7601(a).

II. Action Being Taken

This final rule approves a request from the state of Louisiana to change the federal Reid Vapor Pressure (RVP) summertime fuel standard for the parishes of East Baton Rouge, West Baton Rouge, Livingston, Ascension, and Iberville (the Baton Rouge Area) from 7.8 psi to 9.0 psi by amending EPA's regulations at 40 CFR 80.27(a)(2). This action finalizes EPA's June 14, 2018 proposal (83 FR 27740) which was subject to public notice and comment.

The preamble for this rulemaking is organized as follows: Section III provides the history of the federal gasoline volatility regulation; Section IV describes the policy regarding relaxation of volatility standards in ozone nonattainment areas that are redesignated as attainment areas; Section V provides information specific to Louisiana's request for the five parishes addressed by this action; Section VI provides a response to the comments EPA received; and Section VII presents the final action in response to Louisiana's request.

[1] North American Industry Classification System.

III. History of the Gasoline Volatility Requirement

On August 19, 1987 (52 FR 31274), EPA determined that gasoline nationwide was becoming increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as volatile organic compounds (VOC), are precursors to the formation of tropospheric ozone and contribute to the nation's ground-level ozone problem. Exposure to ground-level ozone can reduce lung function (thereby aggravating asthma and other respiratory conditions) and increase susceptibility to respiratory infection, and may contribute to premature death in people with heart and lung disease.

The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under CAA section 211(c), EPA promulgated regulations on March 22, 1989 (54 FR 11868) that set maximum limits for the RVP of gasoline sold during the regulatory control periods that were established on a state-by-state basis in that final rule. The regulatory control periods addressed the portion of the year when peak ozone concentrations were expected. These regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of gasoline during the high ozone season. On June 11, 1990 (55 FR 23658), EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum RVP standards of 9.0 psi or 7.8 psi (depending on the state, the month, and the area's initial ozone attainment designation with respect to the 1-hour ozone National Ambient Air Quality Standard (NAAQS)).

The 1990 CAA Amendments established a new CAA section 211(h) to address fuel volatility. CAA section 211(h) requires EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. CAA section 211(h) also prohibits EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), EPA modified the Phase II volatility regulations to be consistent with CAA

section 211(h). The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, effective January 13, 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658), which included the 7.8 psi ozone season limitation for certain areas. As stated in the preamble to the Phase II volatility controls and reiterated in the proposed change to the volatility standards published in 1991, EPA will rely on states to initiate changes to their respective volatility programs. EPA's policy for approving such changes is described below in Section IV of this preamble.

The state of Louisiana initiated the change being finalized in this action by requesting that EPA relax the 7.8 psi RVP standard to 9.0 psi for the parishes of East Baton Rouge, West Baton Rouge, Livingston, Ascension, and Iberville. See Section V of this preamble for information specific to Louisiana's request.

IV. EPA's Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas

As stated in the preamble for EPA's amended Phase II volatility standards (56 FR 64706, December 12, 1991), any change in the gasoline volatility standard for a nonattainment area that was subsequently redesignated as an attainment area must be accomplished through a separate rulemaking that revises the applicable standard for that area. Thus, for former 1-hour ozone nonattainment areas where EPA mandated a Phase II volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the federal 7.8 psi gasoline RVP requirement remains in effect, even after such an area is redesignated to attainment, until a separate rulemaking is completed that relaxes the federal gasoline RVP standard in that area from 7.8 psi to 9.0 psi.

As explained in the December 12, 1991 rulemaking, EPA believes that relaxation of an applicable gasoline RVP standard is best accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated as an attainment area, CAA section 107(d)(3) requires the state to make a showing, pursuant to CAA section 175A, that the area is capable of maintaining attainment for the ozone NAAQS for ten years. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent volatility standard or that the more stringent volatility standard may be necessary for the area to maintain its attainment with the ozone NAAQS. Therefore, in the context of a request for redesignation, EPA will not relax the gasoline volatility standard unless the state requests a relaxation and the maintenance plan demonstrates that the area will maintain attainment for ten years without the need for the more stringent volatility standard. Similarly, a maintenance plan may be revised to relax the gasoline volatility standard if the state requests a relaxation and the maintenance plan demonstrates that the area will maintain attainment for its duration.

V. Louisiana's Request To Relax the Federal Gasoline RVP Requirement for the Baton Rouge Area

On April 10, 2017, the Louisiana Department of Environmental Quality (LDEQ) submitted a request to relax the federal gasoline RVP requirement in 16 parishes throughout the State, including the five parishes making up the Baton Rouge Area.[2] Louisiana did not request relaxation of the federal RVP standard from 7.8 psi to 9.0 psi when LDEQ originally submitted the CAA section 175A maintenance plan for the Baton Rouge Area for the 2008 ozone NAAQS that was approved on December 27, 2016 (81 FR 95051). Therefore, LDEQ was required to revise the approved maintenance plan and to submit a CAA section 110(l) non-interference demonstration for the Baton Rouge Area to support the request to relax the federal RVP standard. Because of this, action on the Baton Rouge Area was deferred until LDEQ submitted (and EPA approved) a maintenance plan revision and CAA section 110(l) non-interference demonstration showing that the relaxation would not interfere with maintenance of the 2008 and 2015 ozone NAAQS or with any other applicable CAA requirement.

On January 30, 2018, Louisiana submitted a CAA section 175A maintenance plan revision and section 110(l) non-interference demonstration to EPA. EPA finalized its approval of the maintenance plan revision and demonstration on May 25, 2018 (83 FR 24226). The final approval was effective on June 25, 2018. As part of the rulemaking on Louisiana's submission, EPA included a detailed evaluation of the CAA section 175A maintenance plan revision and the CAA section 110(l) demonstration.

VI. Response to Comments

EPA received three comments on its June 14, 2018 proposal to relax the federal RVP standard from 7.8 psi to 9.0 psi for the Baton Rouge Area. Two of these comments were related to the proposal, and EPA has responded to them below. EPA also received an anonymous comment that was not related to any of the issues addressed in the proposal.

Comment: An organization representing the Louisiana oil and gas industry provided comments in support of the proposed relaxation of federal RVP standard in the Baron Rouge Area from 7.8 to 9.0 psi.

Response: EPA acknowledges that the commenter supported the proposal.

Comment: A commenter questioned the Agency's use of the statement that EPA ''preliminarily determined'' that relaxing RVP in Baton Rouge is appropriate.

Response: EPA qualified the word ''determined'' with the word ''preliminarily'' in order to indicate that we were proposing to relax the federal RVP standard in the Baton Rouge Area based on the findings associated with May 25, 2018 final rule, which approved Louisiana's maintenance plan revision and CAA section 110(l) non-interference demonstration. However, the June 14, 2018 notice of proposed rulemaking solicited public comments on whether relaxing the federal RVP standard should be approved. As such, EPA indicated in its proposal that a final determination that relaxing RVP in Baton Rouge is appropriate would not be made until EPA had accepted and responded to any relevant comments in the context of a final decision on the record. EPA is now making that final determination in this final rule and is relaxing the federal RVP standard from 7.8 psi to 9.0 psi.

VII. Final Action

EPA is taking final action to approve Louisiana's request for the Agency to relax the federal RVP standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for the parishes of East Baton Rouge, West Baton Rouge, Livingston, Ascension, and Iberville. Specifically, this action revises the applicable federal RVP standard from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2) for the Baton Rouge Area. This approval is based on Louisiana's April 10, 2017 request and EPA's final determination in its May 25, 2018 final rule, that the State, as required by CAA

[2] EPA approved the State's request to relax the federal RVP standard for 11 of the parishes on December 26, 2017 (82 FR 60886).

section 110(l), made an adequate demonstration to show that removal of this federal requirement would not interfere with maintenance of the 2008 ozone NAAQS in the Baton Rouge Area and is consistent with other CAA requirements including attainment of the 2015 ozone NAAQS.

VIII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and therefore was not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

This action is considered an Executive Order 13771 deregulatory action. This rule provides meaningful burden reduction because it relaxes the federal RVP standard for gasoline, and as a result, fuel suppliers will no longer be required to provide the lower, 7.8 psi RVP gasoline in the five parishes during the summer months. Relaxing the federal volatility requirements is also beneficial because this action can improve the fungibility of gasoline sold in Louisiana by allowing the gasoline sold in the Baton Rouge Area to be identical to the fuel sold in the remainder of the state.

C. Paperwork Reduction Act

This action does not impose any new information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* and therefore is not subject to these requirements.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refiners, importers, or blenders of gasoline that choose to produce or import low RVP gasoline for sale in Louisiana, and gasoline distributers and retail stations in Louisiana. This action relaxes the federal RVP standard for gasoline sold in Louisiana's Baton Rouge Area during the summertime ozone season to allow the RVP for gasoline sold in these parishes to rise from 7.8 psi to 9.0 psi. This rule does not impose any requirements or create impacts on small entities beyond those, if any, already required by or resulting from the CAA section 211(h) RVP program. Therefore, this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This rule does not contain an unfunded mandate of $100 million or more as described in the UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandates that are specifically and explicitly set forth in CAA section 211(h) without the exercise of any policy discretion by EPA.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This rule affects only those refiners, importers, or blenders of gasoline that choose to produce or import low RVP gasoline for sale in the Baton Rouge Area and gasoline distributers and retail stations in the Area. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. EPA has no reason to believe that this action may disproportionately affect children since Louisiana has provided evidence that a relaxation of the federal gasoline RVP standard will not interfere with its attainment of the ozone NAAQS for the Baton Rouge Area, or any other applicable CAA requirement. By separate action, EPA has finalized its approval of Louisiana's revised maintenance plan for the 2008 ozone NAAQS, including the state's non-interference demonstration that relaxation of the gasoline RVP standard in the Baton Rouge Area to 9.0 RVP will not interfere with any other NAAQS or CAA requirement.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations because it does not affect the applicable ozone NAAQS which establish the level of protection provided to human health or the environment. Louisiana has demonstrated in its non-interference demonstration that this action will not interfere with maintenance of the ozone NAAQS in the Baton Rouge Area for the 2008 ozone NAAQS, or with any other applicable requirement of the CAA. Therefore, disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result. The results of this evaluation are contained in EPA's rulemaking for Louisiana's non-interference demonstration (83 FR 24226, May 25, 2018). A copy of Louisiana's April 10, 2017 letter requesting that EPA relax the gasoline RVP standard and the State's January 29, 2018 technical analysis demonstrating that the less stringent gasoline RVP will not interfere with continued maintenance of the 2008 ozone NAAQS in the Baton Rouge Area, or with any other applicable CAA

requirement, have been placed in the public docket for this action.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: October 15, 2018.

Andrew R. Wheeler,

Acting Administrator.

For the reasons set forth in the preamble, EPA amends 40 CFR part 80 as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

■ 2. Section 80.27, paragraph (a)(2)(ii) is amended in the table by revising the entry for ''Louisiana'' and adding footnote 12 to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

(a) * * *

(2) * * *

(ii) * * *

APPLICABLE STANDARDS [1] 1992 AND SUBSEQUENT YEARS

State	May	June	July	August	September
* * *	*	*		*	*
Louisiana[4 11 12]	9.0	9.0	9.0	9.0	9.0
* * *	*	*		*	*

[1] Standards are expressed in pounds per square inch (psi).

* * * * * * *

[4] The standard for Grant Parish from June 1 until September 15 in 1992 through 2007 was 7.8 psi.

* * * * * * *

[11] The standard for the Louisiana parishes of Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, and St. Mary from June 1 until September 15 in 1992 through 2017 was 7.8 psi.

[12] The standard for the Louisiana parishes of East Baton Rouge, West Baton Rouge, Livingston, Ascension, and Iberville from June 1 until September 15 in 1992 through 2018 was 7.8 psi.

* * * * *

[FR Doc. 2018–23247 Filed 10–23–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 13–39, FCC 18–45]

Rural Call Completion

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the point of contact requirements for covered providers adopted in the Commission's Rural Call Completion, Second Report and Order (*Order*). This document is consistent with the *Order,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules.

DATES: The amendments to 47 CFR 64.2113 published at 83 FR 21723, May 10, 2018, are effective October 24, 2018.

FOR FURTHER INFORMATION CONTACT: Zachary Ross, Competition Policy Division, Wireline Competition Bureau, at (202) 418–1033, or email: *zachary.ross@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements contact Nicole Ongele at (202) 418–2991, or email at *Nicole.Ongele@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on October 9, 2018, OMB approved, for a period of three years, the information collection relating to the rural call completion point of contact requirements for covered providers contained in the Commission's *Order,* FCC 18–45, published at 83 FR 21723, May 10, 2018. The OMB Control Number is 3060–1186. The Commission publishes this document as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–1186, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on October 9, 2018, for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR part 64.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1186.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1186.

OMB Approval Date: October 9, 2018.

OMB Expiration Date: October 31, 2021.

Title: Rural Call Completion, WC Docket No. 13–39.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 56 respondents; 112 responses.

Estimated Time per Response: 1–48 hours.

Frequency of Response: Third-party disclosure and recordkeeping requirements.

Obligation to Respond: Mandatory. Statutory authority for this collection is contained in sections 201, 202, 217, 218, 220(a), 251(a), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 201, 202, 217, 218, 220(a), 251(a), 403.

Total Annual Burden: 2,744 hours.

Total Annual Cost: $350,000.00.

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Commission has found that rural call completion is a continuing problem imposing needless economic and personal costs on local communities, and that continued Commission focus on the issue is warranted. The information collected through these data collections will be used by the Commission to determine whether long distance providers are complying with their sections 201 and 202 obligations to provide telephone service to both rural and nonrural customers on a just, reasonable, and nondiscriminatory basis. The Commission revised this collection to eliminate the existing reporting requirement and to require covered providers to provide rural call completion contact information, which will be used to facilitate industry collaboration to address call completion issues.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–23242 Filed 10–23–18; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register

Vol. 83, No. 206

Wednesday, October 24, 2018

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2018–0926; Notice No. 18–02]

RIN 2120–AL09

Removal of the Date Restriction for Flight Training in Experimental Light Sport Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration is proposing to revise its rules concerning the operation of experimental light sport aircraft. The current regulations prohibited the use of these aircraft for flight training for compensation or hire after January 31, 2010. Allowing the use of experimental light sport aircraft for compensation or hire for the purpose of flight training would increase safety by allowing greater access to aircraft that can be used for light sport aircraft and ultralight training. The proposed rule would add language that permits training in experimental light sport aircraft for compensation or hire for the purpose of flight training through existing deviation authority.

DATES: Send comments on or before November 23, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0926 using any of the following methods:

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

Privacy: 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.*

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

FOR FURTHER INFORMATION CONTACT: Bart Angle, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–0868; email *bartholemew.angle@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

This rulemaking would amend Title 14 Code of Federal Regulations (CFR) § 91.319(e)(2) to add language that permits training in experimental light sport aircraft (ELSA) for compensation or hire through existing deviation authority provided in paragraph (h) of that section. The FAA proposes this change to allow for increased availability of flight training aircraft with similar performance and handling characteristics to light sport aircraft and ultralights. This would be accomplished through the issuance of a letter of deviation authority (LODA). LODAs provide regulatory relief to enable certain operations to be conducted in the interest of safety under specific conditions and limitations.

II. Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. Specifically, Subtitle I, Section 106 authorizes the FAA Administrator to promulgate regulations.

Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. Subtitle VII, Part A, Subpart iii, Section 40101 and 44701 further describe the FAA Administrator's authority. Section 40101 requires that the FAA regulate air commerce and other operations, including civil operations, in a way that best promotes safety and efficiency. Section 44701 affirmatively requires the FAA promote safe flight of civil aircraft in air commerce by regulating aircraft and airmen. This regulation is within the scope of that authority because it would expand the training opportunities for experimental light sport aircraft operators and ultralight aircraft operators and therefore enhance the safety of these operations.

III. Background

Effective September 1, 2004, the FAA defined [1] characteristics for a category of simple, small, lightweight, low-performance aircraft; identifying them as light-sport aircraft.[2] Along with defining this group of aircraft, the FAA created a new special airworthiness certificate in the light-sport category (special light sport aircraft—SLSA) in § 21.190 and added light sport aircraft to the existing special airworthiness certificate in the experimental category (experimental light sport aircraft—ELSA) in § 21.191(i).[3] SLSA include aircraft manufactured according to an industry consensus standard rather than a type certificate.[4] ELSA regulations include provisions for (1) a temporary allowance for migration of so-called ''fat ultralights'' that did not conform to 14 CFR part 103,[5] (2) kit-built versions of

[1] 14 CFR 1.1.

[2] 69 FR 44772, July 27, 2004 (Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft).

[3] 14 CFR 21.190 contains requirements for the issuance of a special airworthiness certificate for light-sport category aircraft.

[4] 14 CFR 21.190(b).

[5] 14 CFR part 103 defines and establishes rules governing the operation of ultralight vehicles in the United States. There are two categories of ultralight vehicles: powered and unpowered. To be considered an ultralight vehicle, a hang glider must weigh less than 155 pounds; while a powered vehicle must weigh less than 254 pounds; is limited to 5 U.S. gallons of fuel; must have a maximum speed of not more than 55 knots; and must have a power-off stall speed of not more than 24 knots. Both powered and unpowered ultralight vehicles are limited to a single occupant. Those vehicles

SLSA aircraft, and (3) aircraft previously issued a special airworthiness certificate in the light sport category under § 21.190.

Prior to the 2004 light sport rule, the FAA had granted exemptions to permit ''fat ultralights''—which did not meet the part 103 requirements—to be used for compensation or hire for the purpose of flight training. Although allowing for greater access to flight training was seen by the FAA as having a positive effect on safety, some of the exemptions were used for operations other than for the intended purpose of flight training.

With the 2004 light sport rule, the FAA eliminated the need for the ultralight flight training exemptions by allowing instructors to conduct flight training in these aircraft until January 31, 2010. As stated in the final rule, a significant purpose of the rule was to certificate those two-seat ''fat-ultralights'' previously operated under part 103 training exemptions and those two-seat and single-seat unregistered ''fat-ultralight'' aircraft operating outside of the regulations.

The FAA anticipated that the newly manufactured SLSA would replace the former ''fat ultralights'' (newly certificated as ELSA) such that flight training in ELSA would no longer be necessary. The FAA, knowing that the manufacture of the new SLSA aircraft would take time, used § 91.319(e) to allow for an extension of the time period to permit the use of properly registered ''transitioning'' aircraft with ELSA airworthiness certificates to be used for flight training by the same owner until January 31, 2010. After that date, those ELSA aircraft would no longer be permitted to be used for flight training for compensation or hire and no further ultralight flight training exemptions would be granted.

The FAA estimated that 60 months would be an adequate amount of time for the new SLSA to enter service to replace the ELSA and meet flight training demands. The FAA also expected that the 60 months would provide the owners of the transitioning ELSA with additional time in which to purchase SLSA to provide flight instruction under the new rule, thereby delaying replacement costs. In addition, the FAA believed the action would further expand the growth of the industry as a whole. However, the anticipated arrival of the new SLSA has not materialized in the way that the FAA had projected in the final rule, especially for two-seat aircraft used for light sport and ultralight training. There are some two-seat light sport low mass/high drag trainers with SLSA airworthiness certificates available on the market for use in flight training, but not in numbers that provide for widespread availability for use in training.

Experimental light sport aircraft are good training aircraft for light sport aircraft and ultralight vehicles because they are typically low-mass/high-drag aircraft and have a second seat, which can be occupied by an FAA certificated flight instructor. The use of ELSA as a training option for light sport aircraft and ultralights provides an avenue for structured flight instruction from an FAA certificated flight instructor. While the FAA does not see a risk-based need to expand the training requirements for light sport aircraft or ultralights, it does not want to impede individuals who wish to take advantage of flight training that is relevant to the type of aircraft they operate. Additionally, the FAA would like to facilitate the availability of training aircraft for new light sport pilots or existing pilots who are transitioning to a low-mass/high-drag aircraft from conventional aircraft.

IV. Discussion of the Proposal

Recognizing the currently limited supply of adequate aircraft for the flight training of light sport and ultralight operators, the FAA proposes to amend § 91.319(e)(2) to add language that permits training in experimental light sport aircraft for compensation or hire through existing deviation authority (LODA) provided in paragraph (h) of that section.

To ensure these aircraft are used solely for the purpose of flight training and to better control and monitor the use of ELSA for flight training, the FAA proposes to require a LODA for operators who intend to conduct flight training compensation or hire using ELSA The 2004 Light Sport Final Rule created the LODA process to allow training for compensation or hire using certain categories of experimental aircraft. However, this rule set a January 31, 2010 time limit (§ 91.319(e)(2)*)* on the use of a LODA for experimental light sport aircraft (ELSA). Prior to the 2004 Light Sport Final Rule, the airworthiness category of experimental light sport aircraft did not exist (see Table 1 of the NPRM to the 2004 Light Sport Rule (67 FR 5369). These aircraft were unregistered two-seat ultralight vehicles that operated through exemptions to conduct training for compensation or hire. This is described, in detail, in Section III of this NPRM. This is also described in the 2004 Light Sport Final Rule (69 FR 44853).

The training LODAs themselves were never a safety problem. Rather, the problem was the misuse of exemptions prior to the 2004 Light Sport rule that created the LODA process. The exemptions applied to a broad class and made it impossible for the FAA to ensure their proper use by individual members of the class. The 2004 Light Sport Final Rule (69 FR 44777) highlights this problem in the second paragraph of page 44777. The LODA process solves this problem by being issued to a single person through the FAA's Web Based Operations Safety System (WebOPSS). This is the same system used to issue specification for air carrier operations specifications and also allows compliance monitoring and tracking. These same functionalities will help the FAA ensure proper use of LODAs by trainers using ELSAs, making the current time limitation unnecessary.

If adopted, the proposed rule would allow for an owner, operator, or training provider to apply for and receive a training LODA, which would allow for the use of experimental light sport aircraft for flight training for compensation or hire. The proposed rule would also allow a flight instructor to receive compensation for providing flight instruction in an experimental light sport aircraft in accordance with the conditions and limitations of a LODA.

The FAA would issue a LODA on the basis of the eligibility of the aircraft and its maintenance requirements, the applicant,[6] the instructor, and the type of training desired. LODA holders would be required to own or lease the aircraft and would be ultimately responsible for ensuring that the aircraft, training, maintenance and instructor(s) meet the requirements specified by the LODA. The aircraft would be required to have completed its initial flight testing, have been granted an experimental airworthiness certificate and be maintained in accordance with either an FAA approved inspection program, in accordance with the provisions of § 91.409(b) or § 91.409(e), (f)(4), and (g). The aircraft must have been inspected by an FAA-certificated mechanic with airframe and powerplant ratings, a certified repairman with the appropriate qualifications for the subject aircraft, or a certified repair station in accordance with the requirements of § 91.319(g). Specific training purposes and programs

which exceed the above criteria will be considered aircraft for purposes of airworthiness certification and registration, and their operators will be subject to the same certification requirements as are aircraft operators. *See* 47 FR 38770, Sept. 2, 1982 (Ultralight Vehicles; Operating Requirements).

[6] *Applicant.* An owner, operator, or training provider who is applying to be a LODA holder.

must be submitted and accepted by the FAA for the issuance of a LODA.

V. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this rule.

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it to be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this rule. The reasoning for this determination follows:

This proposed rule removes a date restriction imposed by the 2004 Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft Final Rule which prohibited the use of experimental light sport aircraft (ELSA) for compensation or hire flight training after January 31, 2010. Removing the date restriction allows owners, operators or training providers of ELSA that were eligible to conduct flight training prior to the cutoff date to do so again.

Currently, there are some two-seat aircraft that perform and handle similar to an ultralight, certificated as special light sport aircraft (SLSA) available to conduct training, but they are not available in numbers that provide for widespread accessibility. With this rule in effect, ELSA pilots and potential pilots can choose to take flight training in an ELSA, which had been prohibited after 2010. Allowing the use of ELSA would offset the lack of availability of SLSA versions of these aircraft.

An internet search of two separate flight schools offering instruction in SLSA shows that one company provides training for $195 per hour,[7] while the other offered training at a rate of $175 per hour.[8] These rates are inclusive of the flight instructor and rental of the aircraft.[9] FAA Aerospace Forecasts for FY 2018–2038 estimated there were 27,865 ELSA compared to 2,585 SLSA at the end of 2017.[10] Although it is unknown how many ELSA will become available for training, it is anticipated that the training cost will be in the same range as training in SLSA. The increase in the supply of aircraft available for training may reduce the cost of training in both aircraft types depending on the training demand by new and existing light sport pilots.

Federal Aviation Regulations do not require an airmen certificate or a medical certificate for the operation of ultralight vehicles. Additionally, there is no practical test or knowledge exam, and flight training or ground instruction are not mandatory. Thus, individuals that choose to take flight training in ELSA or SLSA are voluntarily doing so because they have determined the benefits from the training would exceed its costs.

The FAA has, therefore, determined that this rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866 and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures. The FAA requests comments on this determination. Cost impacts will be small, and the rule poses no novel legal or policy issues.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

While the proposed rule would likely impact a substantial number of small entities, it will have a minimal economic impact. The proposed rule enables the use of ELSA for compensation or hire for the purpose of conducting flight training. Trainees can then voluntarily hire a flight training instructor who uses an ELSA. As the rule would increase the number of acceptable training aircraft, the rule would not impose costs.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. Therefore, as provided in section 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the

[7] *http://sportpilottraining.sportaviationcenter.com/pilot-training-cost/lsa-trike/ http://trikeschool.com/faqs.ydev.* Accessed June 22, 2017.

[8] *http://beachflight.com/pricing.html.*

[9] *http://sportpilottraining.sportaviationcenter.com/pilot-training-cost/lsa-trike/, http://trikeschool.com/faqs.ydev.* Accessed June 22, 2017.

[10] *https://www.faa.gov/data_research/aviation/aerospace_forecasts/media/Appendix_C_Forecast_Tables.pdf* (Table 28). Accessed May 25, 2018.

establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this rule and determined that the rule responds to a domestic safety objective and is not considered an unnecessary obstacle to trade.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155 million in lieu of $100 million. This rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. According to the 1995 amendments to the Paperwork Reduction Act (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number.

The FAA has determined that there would be no new information collection associated with the proposed requirement for an applicant to submit a request for deviation authority to obtain relief from the provisions of section 91.319(a) for the purposes of conducting flight training. Approval to collect such information previously was approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) and was assigned OMB Control Number 2120–0690.

F. International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these proposed regulations.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6 and involves no extraordinary circumstances.

VI. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, International Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

D. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

This proposed rule is expected to be an E.O. 13771 deregulatory action with de minimis cost savings.

VII. Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites 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.

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

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);
2. Visiting the FAA's Regulations and Policies web page at *http://www.faa.gov/regulations_policies* or
3. Accessing the Government Publishing Office's web page at *http://www.gpo.gov/fdsys/.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the internet through the Federal eRulemaking Portal referenced in item (1) above.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Noise control, Reporting and recordkeeping requirements.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of title 14, Code of Federal Regulations as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–56507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 stat. 1180).

■ 2. Amend § 91.319 by revising paragraph (e)(2) and the introductory text of paragraph (h) to read as follows:

§ 91.319 Aircraft having experimental certificates: Operating limitations.

* * * * *

(e) * * *

(2) Conduct flight training in an aircraft in accordance with paragraph (h) of this section.

* * * * *

(h) The FAA may issue deviation authority providing relief from the provisions of paragraphs (a) and (e)(2) of this section for the purpose of conducting flight training. The FAA will issue this deviation authority as a letter of deviation authority.

* * * * *

Issued under authority provided by 49 U.S.C. 106(f), 106(g), 40101(d),44701(a), and 44703 in Washington, DC, on October 18, 2018.

Michael J. Zenkovich,

Deputy Executive Director, Flight Standards Service.

[FR Doc. 2018–23270 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0008; FRL–9983–46]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before November 23, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael L. Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT** for the division listed at the end of the pesticide petition summary of interest.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

New Tolerances

1. *PP 7E8586.* EPA–HQ–OPP–2009–0493. Bayer CropScience LP, 2 T.W. Alexander Dr., Research Triangle Park, NC 27709–2014, requests to establish an import tolerance without U.S. registration in 40 CFR part 180.652 for residues of the insecticide ethiprole, and its metabolites and degradates, in or on coffee, green bean at 0.10 parts per million (ppm). The high performance liquid chromatography/mass spectrometry (HPLC/MS–MS) enforcement method, Method 01128, is acceptable for determination of residues of ethiprole and its sulfone metabolite RPA 097973 for data collection in plant commodities. The gas chromatography-electron capture detector (GC–ECD) method (Report No. B003572) is suitable for determining residues of parent ethiprole and RPA in milk, eggs and tissues. The Food and Drug Administration (FDA) multiresidue method testing study for ethiprole is adequate and indicates that Pesticide Analytical Manual (PAM) multiresidue methods are not suitable for enforcing tolerances for residues of ethiprole. *Contact:* RD.

2. *PP 8E8693.* EPA–HQ–OPP–2018–0636. OAT Agrio Co., Ltd. c/o Landis International, Inc., 3185 Madison Highway, P.O. Box 5126, Valdosta, GA 31603–5126, requests to establish an import tolerance without U.S. registration in 40 CFR part 180.677 for residues of the insecticide cyflumetofen in or on coffee bean at 0.08 ppm. The method performance was verified before and during sample analysis by determining the recoveries from control samples fortified with cyflumetofen/B–1 at 0.01/0.01 ppm (Limit of Quantitation (LOQ) and 0.1/0.1ppm (10x LOQ) for green coffee bean, roasted coffee bean and instant coffee. The LOD (Limit of Detection) for cyflumetofen and B–1 was calculated as 0.0029 ppm and 0.0017 ppm for green coffee bean, 0.0025 ppm and 0.0017 ppm for roasted coffee bean, and 0.0019 ppm and 0.0011 ppm for instant coffee. *Contact:* RD.

Authority: 21 U.S.C. 346a.

Dated: October 2, 2018.

Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2018–23251 Filed 10–23–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 271 and 272

[EPA–R06–RCRA–2016–0549; FRL–9984–37—Region 6]

Texas: Proposed Authorization of State-Initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: During a review of Texas' regulations, the Environmental Protection Agency (EPA) identified State-initiated changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The EPA has determined that these changes are minor and satisfy all requirements needed to qualify for Final authorization and is proposing to authorize the State-initiated changes. This rule also proposes to codify in the regulations the prior approval of Texas' hazardous waste management program and incorporate by reference authorized provisions of the State's statutes and regulations.

DATES: Comments on this proposed rule must be received by November 23, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–RCRA–2016–0549, by one of the following methods:

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

Instructions: Do not submit information that you consider to be Confidential Business Information (CBI) or otherwise protected through *http://www.regulations.gov,* or email. Direct your comments to Docket ID No. EPA–R06–RCRA–2016–0549. The Federal *http://www.regulations.*gov website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

You can view and copy the documents that form the basis for this authorization and codification and associated publicly available materials from 8:30 a.m. to 4 p.m. Monday through Friday at the following location: EPA, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733, Phone number: (214) 665–8533. Interested persons wanting to examine these documents should make an appointment with the office at least two weeks in advance.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

I. Introduction

The Solid Waste Disposal Act, as amended, commonly referred to as the Resource Conservation and Recovery Act (RCRA), allows the EPA to authorize States to operate their hazardous waste management programs in lieu of the Federal program. The EPA uses the regulations entitled ''Approved State Hazardous Waste Management Programs'' to provide notice of the authorization status of State programs and to incorporate by reference those provisions of the State statutes and regulations that will be subject to the EPA's inspection and enforcement.

The EPA is proposing to authorize the State-initiated changes and incorporate by reference the State's hazardous waste program.

II. Authorization of State-Initiated Changes

A. Why are revisions to State programs necessary?

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

B. What decisions have we made in this rule?

We have reviewed Texas' State-initiated changes and have made a tentative decision that Texas' revisions to its authorized program meet all the statutory and regulatory requirements established by RCRA. We found that the State-initiated changes make Texas' rules clearer or conform more closely to the Federal equivalents and are so minor in nature that a formal application is unnecessary. Therefore, we propose to grant Texas final authorization to operate its hazardous waste program with the changes described in the table at Section F below. Texas continues to have responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian Country) and for carrying out all authorized aspects of the RCRA program, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, the EPA will implement those requirements and prohibitions in Texas, including issuing permits, until the State is granted authorization to do so.

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

If Texas is authorized for these changes, a facility in Texas subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent Federal requirements to comply with RCRA. Texas continues to have enforcement responsibilities under its State hazardous waste program for violations of such program, but the EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Conduct inspections, and require monitoring, tests, analyses, or reports;
- Enforce RCRA requirements and suspend or revoke permits; and
- Take enforcement actions, regardless of whether the State has taken its own actions.

The action to approve these State-initiated changes would not impose additional requirements on the regulated community because the statutes and regulations for which the EPA proposes to authorize Texas are already effective and are not changed by the act of authorization.

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

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

In addition to the proposed authorization of the State-initiated changes described above in this document, EPA proposes to codify Texas' base hazardous waste management program and its revisions to that program. The EPA has already provided notices and opportunity for comments on the Agency's decisions to authorize certain provisions of the Texas RCRA program, and the EPA is not now reopening those decisions, nor requesting comments, on the Texas authorization as published in the **Federal Register** documents specified in Section II.E. of this preamble.

E. For what has Texas previously been authorized?

The State of Texas initially received final authorization on December 12, 1984, effective December 26, 1984 (49 FR 48300), to implement its Base Hazardous Waste Management Program. This authorization was clarified in a notice published March 26, 1985 (50 FR 11858). We granted authorization for changes to their program on January 31, 1986 (51 FR 3952), effective October 4, 1985; December 18, 1986 (51 FR 45320), effective February 17, 1987; March 1, 1990 (55 FR 7318), effective March 15, 1990; May 24, 1990 (55 FR 21383), effective July 23, 1990; August 22, 1991 (56 FR 41626), effective October 21, 1991; October 5, 1992 (57 FR 45719), effective December 4, 1992; April 11, 1994 (59 FR 16987), effective June 27, 1994; April 12, 1994 (59 FR 17273), effective June 27, 1994; September 12, 1997 (62 FR 47947), effective November 26, 1997; September 19, 1997 (62 FR 49163), effective December 3, 1997; August 18, 1999 (64 FR 44836), effective October 18, 1999; September 14, 1999 (64 FR 49673), effective November 15, 1999; July 13, 2000 (65 FR 43246), effective September 11, 2000; June 14, 2005 (70 FR 34371), effective June 14, 2005; October 29, 2008 (73 FR 64252), effective December 29, 2008; May 13, 2009 (74 FR 22469), effective July 13, 2009; March 7, 2011 (76 FR 12283), effective May 6, 2011; March 6, 2012 (77 FR 13200), effective May 7, 2012;

November 30, 2012 (77 FR 71344), effective January 29, 2013; September 3, 2014 (79 FR 52220), effective November 3, 2014; October 21, 2015 (80 FR 63691), effective December 21, 2015; and December 28, 2015 (80 FR 80672), effective February 26, 2016.

F. What changes are we proposing to authorize with this action?

The State has made amendments to Title 30, Texas Administrative Code, sections 335.155(1) and 335.261(b)(15), analogous to 40 CFR 264.77(a) and 273.8(a)(2), respectively. These amendments clarify the State's regulations and make the State's regulations more internally consistent. The State's laws and regulations, as amended by these provisions, provide authority which remains equivalent to, and no less stringent than the Federal laws and regulations. These State-initiated changes satisfy the requirements of 40 CFR 271.21(a). We are now proposing to grant Texas final authorization to carry out the listed provisions of the State's program in lieu of the Federal program. These provisions are analogous to the indicated RCRA regulations found at 40 CFR as of January 3, 2014. The Texas provisions are from the Texas Administrative Code (TAC), Title 30, amended to be effective December 31, 2014.

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

This proposed authorization does not affect the status of State permits and those permits issued by the EPA because no new substantive requirements are a part of these revisions.

H. How does this action affect Indian Country (18 U.S.C. 1151) in Texas?

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

III. Incorporation-by-Reference

A. What is codification?

Codification is the process of placing a State's statutes and regulations that comprise the State's authorized hazardous waste management program into the Code of Federal Regulations (CFR). Section 3006(b) of RCRA, as amended, allows the Environmental Protection Agency (EPA) to authorize State hazardous waste management programs to operate in lieu of the Federal hazardous waste management regulatory program. The EPA codifies its authorization of State programs in 40 CFR part 272 and incorporates by reference State statutes and regulations that the EPA will enforce under sections 3007 and 3008 of RCRA and any other applicable statutory provisions.

The incorporation by reference of State authorized programs in the CFR should substantially enhance the public's ability to discern the status of the authorized State program and State requirements that can be Federally enforced. This effort provides clear notice to the public of the scope of the authorized program in each State.

B. What is the history of the codification of Texas' hazardous waste management program?

The EPA incorporated by reference Texas' then authorized hazardous waste program effective December 3, 1997 (62 FR 49163), November 15, 1999 (64 FR 49673), December 29, 2008 (73 FR 64252), May 6, 2011 (76 FR 12283), January 9, 2013 (77 FR 71344), and February 26, 2016 (80 FR 80672). In this document, EPA is proposing to revise Subpart SS of 40 CFR part 272 to include the recent authorization revision actions effective December 21, 2015 (80 FR 63691).

C. What codification decisions have we proposed in this rule?

In this rule, the EPA is proposing to finalize regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to finalize the incorporation by reference of the Texas rules described in the amendments to 40 CFR part 272 set forth below. The EPA has made, and will continue to make, these documents available electronically through *http://www.regulations.gov* and in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

This action also proposes to codify Texas' base hazardous waste management program and its revisions to that program. This document proposes to incorporate by reference Texas' hazardous waste statutes and regulations and clarify which of these provisions are included in the authorized and Federally enforceable program. By codifying Texas' authorized program and by amending the Code of Federal Regulations, the public will be more easily able to discern the status of Federally approved requirements of the Texas hazardous waste management program.

The EPA is proposing to incorporate by reference the Texas authorized hazardous waste program by amending Subpart SS of 40 CFR part 272. Section 272.2201 incorporates by reference Texas' authorized hazardous waste statutes and regulations. Section 272.2201 also references the statutory provisions (including procedural and enforcement provisions) which provide the legal basis for the State's implementation of the hazardous waste management program; the Memorandum of Agreement, including any annual re-certification; the Attorney General's Statements; and the Program Description; which are approved as part of the hazardous waste management program under Subtitle C of RCRA.

D. What is the effect of Texas' proposed codification on enforcement?

The EPA retains its authority under statutory provisions, including but not limited to, RCRA sections 3007, 3008, 3013, and 7003, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions and to issue orders in authorized States. With respect to these actions, the EPA will rely on Federal sanctions, Federal inspection authorities, and Federal procedures rather than any authorized State analogues to these provisions. Therefore, the EPA is not proposing to incorporate by reference such particular, approved Texas procedural and enforcement authorities. Section 272.2201(c)(2) of 40 CFR lists the statutory and regulatory provisions which provide the legal basis for the State's implementation of the hazardous waste management program, as well as, those procedural and enforcement authorities that are part of the States approved program, but these are not incorporated by reference.

E. What State provisions are not proposed as part of the codification?

The public needs to be aware that some provisions of Texas' hazardous waste management program are not part of the Federally authorized State program. These non-authorized provisions include:

(1) Provisions that are not part of the RCRA Subtitle C program because they are ''broader in scope'' than RCRA Subtitle C (see 40 CFR 271.1(i));

(2) Federal rules for which Texas is not authorized, but which have been incorporated into the State regulations because of the way the State adopted Federal regulations by reference;

(3) Unauthorized amendments to authorized State provisions;

(4) New unauthorized State requirements; and

(5) Federal rules for which Texas is authorized, but which were vacated by the U.S. Court of Appeals for the District

of Columbia Circuit (DC Cir. No. 98–1379 and 98–1379; June 27, 2014).

State provisions that are ''broader in scope'' than the Federal program are not part of the RCRA authorized program and the EPA will not enforce them. Therefore, they are not incorporated by reference in 40 CFR part 272. For reference and clarity, EPA proposes to list in 40 CFR 272.2201(c)(3) the Texas regulatory provisions which are ''broader in scope'' than the Federal program and which are not part of the authorized program proposed to be incorporated by reference. ''Broader in scope'' provisions cannot be enforced by the EPA; the State, however, may enforce such provisions under State law.

Additionally, Texas' hazardous waste regulations include amendments which have not been authorized by the EPA. Since the EPA cannot enforce a State's requirements which have not been reviewed and authorized in accordance with RCRA section 3006 and 40 CFR part 271, it is important to be precise in delineating the scope of a State's authorized hazardous waste program. Regulatory provisions that have not been authorized by the EPA include amendments to previously authorized State regulations, as well as, certain Federal rules and new State requirements.

Texas has adopted but is not authorized for the following Federal rules published in the **Federal Register** on April 12, 1996 (61 FR 16290); December 5, 1997 (62 FR 64504); June 8, 2000 (65 FR 36365); and January 8, 2010 (75 FR 1236. Therefore, these Federal amendments included in Texas' adoption by reference at 30 Texas Administrative Code (TAC) sections 335.112(a)(1) and (a)(4), 335.152(a)(1) and (a)(4), and 335.431(c)(1) and (c)(3), are not part of the State's authorized program and are not part of the proposed incorporation by reference addressed by this **Federal Register** document.

Texas has adopted and was authorized for the following Federal rules which have since been vacated by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 98–1379 and 08–1144, respectively, June 27, 2014): (1) The Comparable Fuels Exclusion at 40 CFR 261.4(a)(16) and 261.38 published in the **Federal Register** on June 19, 1998 (63 FR 33782), as amended on June 15, 2010 (75 FR 33712); and (2) the Gasification Exclusion Rule published on January 2, 2008 (73 FR 57).

In those instances where Texas has made unauthorized amendments to previously authorized sections of State code, the EPA is identifying in 40 CFR 272.2201(c)(4)(i) any regulations which, while adopted by the State and proposed to be incorporated by reference, include language not authorized by the EPA. Those unauthorized portions of the State regulations are not Federally enforceable. Thus, notwithstanding the language in Texas hazardous waste regulations incorporated by reference at 40 CFR 272.2201(c)(1), the EPA will only enforce those portions of the State regulations that are authorized by the EPA. For the convenience of the regulated community, the actual State regulatory text authorized by the EPA for the citations listed at 272.2201(c)(4) (*i.e.,* without the unauthorized amendments) is compiled as a separate document, *Addendum to the EPA Approved Texas Regulatory Requirements Applicable to the Hazardous Waste Management Program, December 2015.* This document is available from EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733, Phone number: (214) 665–8533.

State regulations that are not proposed to be incorporated by reference in this rule at 40 CFR 272.2201(c)(1), or that are not listed in 40 CFR 272.2201(c)(2) (''legal basis for the State's implementation of the hazardous waste management program''), 40 CFR 272.2201(c)(3) (''broader in scope'') or 40 CFR 272.2201(c)(4) (''unauthorized State amendments''), are considered new unauthorized State requirements. These requirements are not Federally enforceable.

With respect to any requirement pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) for which the State has not yet been authorized, the EPA will continue to enforce the Federal HSWA standards until the State is authorized for these provisions.

F. What will be the effect of Federal HSWA requirements on the proposed codification?

The EPA is not amending 40 CFR part 272 to include HSWA requirements and prohibitions that are implemented by EPA. Section 3006(g) of RCRA provides that any HSWA requirement or prohibition (including implementing regulations) takes effect in authorized and not authorized States at the same time. A HSWA requirement or prohibition supersedes any less stringent or inconsistent State provision which may have been previously authorized by the EPA (50 FR 28702, July 15, 1985). The EPA has the authority to implement HSWA requirements in all States, including authorized States, until the States become authorized for such requirement or prohibition. Authorized States are required to revise their programs to adopt the HSWA requirements and prohibitions, and then to seek authorization for those revisions pursuant to 40 CFR part 271.

Instead of amending the 40 CFR part 272 every time a new HSWA provision takes effect under the authority of RCRA section 3006(g), the EPA will wait until the State receives authorization for its analog to the new HSWA provision before amending the State's 40 CFR part 272 incorporation by reference. Until then, persons wanting to know whether a HSWA requirement or prohibition is in effect should refer to 40 CFR 271.1(j), as amended, which lists each such provision.

Some existing State requirements may be similar to the HSWA requirement implemented by the EPA. However, until the EPA authorizes those State requirements, the EPA can only enforce the HSWA requirements and not the State analogs. The EPA will not codify those State requirements until the State receives authorization for those requirements.

IV. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action proposes to authorize State requirements for the purpose of RCRA section 3006 and incorporate by reference Texas' authorized hazardous waste management regulations, and imposes no additional requirements beyond those imposed by State law. Therefore, this action is not subject to review by OMB. This action is not an Executive Order 13771 (82 FR 9339, February 3, 2017) regulatory action because actions such as today's proposed authorization and codification of Texas' revised hazardous waste program under RCRA are exempted under Executive Order 12866. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action proposes to authorize and incorporate by reference pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely

affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely incorporates by reference existing State hazardous waste management program requirements without altering the relationship or the distribution of power and responsibilities established by RCRA.

This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This action is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply Distribution or Use'' (66 FR 28344, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. The requirements proposed to be codified are the result of Texas' voluntary participation in the EPA's State program authorization process under RCRA Subtitle C. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988), by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). ''Burden'' is defined at 5 CFR 1320.3(b).

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

List of Subjects

40 CFR Part 271

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

40 CFR Part 272

Environmental protection, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Intergovernmental relations, Water pollution control, Water supply.

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

Dated: October 10, 2018.

Anne Idsal,

Regional Administrator, Region 6.

For the reasons set forth in the preamble, under the authority at 42 U.S.C. 6912(a), 6926, and 6974(b), the EPA is proposing to grant final authorization under 40 CFR part 271 to the State of Texas for revisions, as identified in Section II.F above, to its hazardous waste program under the Resource Conservation and Recovery Act and is proposing to amend 40 CFR part 272, as follows:

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

■ 1. The authority citation for Part 272 continues to read as follows:

Authority: Secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

■ 2. Revise § 272.2201 to read as follows:

§ 272.2201 Texas State-administered program: Final authorization.

(a) *History of the State of Texas authorization.* Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Texas final authorization for the following elements as submitted to EPA in Texas' Base program application for final authorization which was approved by EPA effective on December 26, 1984. Subsequent program revision applications were approved effective on October 4, 1985, February 17, 1987, March 15, 1990, July 23, 1990, October 21, 1991, December 4, 1992, June 27, 1994, November 26, 1997, December 3, 1997, October 18, 1999, November 15, 1999, September 11, 2000, June 14, 2005, December 29, 2008, July 13, 2009, May 6, 2011, May 7, 2012, January 9, 2013, November 3, 2014, December 21, 2015, February 26, 2016, and [effective date of final rule].

(b) *Enforcement authority.* The State of Texas has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as, in accordance with other statutory and regulatory provisions.

(c) *State statutes and regulations.*

(1) *Incorporation by reference.* The Texas statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the Texas statutes and regulations that are incorporated by reference in this paragraph from Thomson Reuters, 610 Opperman Drive, Eagan, MN 55123; Phone: 1–888–728–7677; website: *http://legalsolutions.thomsonreuters.com.* You may inspect a

copy at EPA Region 6, 1445, Suite 1200, Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665.8533, or 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.*

(i) The Binder entitled ''EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program'', dated December 2015.

(ii) [Reserved]

(2) *Legal basis.* The following provisions provide the legal basis for the State's implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) Texas Health and Safety Code (THSC) Annotated, (Vernon, 2010, as amended by the 2015 Cumulative Annual Pocket Part, effective September 1, 2015); Chapter 361, The Texas Solid Waste Disposal Act (TSWDA), sections 361.002, 361.016, 361.017, 361.018, 361.0215(b)(2) and (b)(3), 361.023, 361.024, 361.029, 361.032, 361.033, 361.035, 361.036, 361.037(a), 361.061, 361.063, 361.0635, 361.064, 361.0641, 361.066(b) and (c), 361.0666, 361.067, 361.068, 361.069, 361.078, 361.079, 361.0791, 361.080, 361.081, 361.082 (except 361.082(a) and (f)), 361.083, 361.0833, 361.084, 361.085, 361.0861(c), 361.0871(b), 361.088, 361.0885, 361.089 (2015 Cumulative Annual Pocket Part), 361.090, 361.095(b)-(f), 361.096, 361.097, 361.098, 361.099(a), 361.100, 361.101, 361.102 through 361.109, 361.113, 361.114, 361.116, 361.271 (2015 Cumulative Annual Pocket Part), 361.272 through 361.275, 361.278, 361.301, 361.321(a) and (b), 361.321(c) (except the phrase ''Except as provided by Section 361.322(a)''), 361.321(d), 361.321(e) (except the phrase ''Except as provided by Section 361.322(e)''), 361.451, 361.501 through 361.506, and 361.509(a) introductory paragraph, (a)(11), (b), (c) introductory paragraph, and (c)(2); Chapter 371, Texas Used Oil Collection, Management, and Recycling Act, sections 371.0025(b) and (c), 371.024(a), (c) and (d), 371.026(a) and (b), and 371.028.

(ii) Texas Water Code (TWC), as amended effective September 1, 2015: Chapter 5, sections 5.102 through 5.105, 5.112, 5.177, 5.351, 5.501 through 5.505, 5.509 through 5.512, 5.515, and 5.551 through 5.557; Chapter 7, sections 7.031, 7.032, 7.051(a), 7.052(a), 7.052(c) and (d), 7.053 through 7.062, 7.064 through 7.069, 7.075, 7.101, 7.102, 7.104, 7.105, 7.107, 7.110, 7.162, 7.163, 7.176, 7.187(a), 7.189, 7.190, 7.252(1), 7.351, 7.353; Chapter 26, sections 26.001(13), 26.011, 26.020 through 26.022, 26.039, and 26.341 through 26.367; and Chapter 27, sections 27.003, 27.017(a), 27.018(a)–(d), and 27.019.

(iii) Texas Government Code, as amended effective September 1, 2015, section 311.027.

(iv) Texas Rules of Civil Procedure, as amended effective September 1, 2015, Rule 60.

(v) Texas Administrative Code (TAC), Title 30, Environmental Quality, 2015, as amended effective through December 31, 2014:

Chapter 10; Chapter 39, sections 39.5(g) and (h), 39.11, 39.13 (except (10)), 39.103 (except (f) and (h)), 39.105, 39.107, 39.109, 39.403(b)(1), 39.405(f)(1), 39.411 (except (b)(4)(B), (b)(10), (b)(11), and (b)(13)), 39.413 (except (10)), 39.420 (except (c) and (d)), 39.503 (except the reference to 39.405(h) in (d) introductory paragraph, and (g)), and 39.801 through 39.810;

Chapter 50, sections 50.13, 50.19, 50.39, 50.113 (except (d)), 50.117(f), 50.119, 50.133, and 50.139;

Chapter 55, sections 55.25(a) and (b), 55.27 (except (b)), 55.152(a)(3), 55.152(b), 55.154, 55.156 (except (d)–(g)), 55.201 (except as applicable to contested case hearings), and 55.211 (except as applicable to contested case hearings);

Chapter 70, section 70.10;

Chapter 281, sections 281.1 (except the clause ''except as provided by . . . Prioritization Process)''), 281.2 introductory paragraph and (4), 281.3(a) and (b), 281.5 (except the clause ''Except as provided by . . . Discharge Permits)'' and the phrases ''subsurface area drip dispersal systems'' and ''radioactive material'' in the introductory paragraph), 281.17(d) (except the references to radioactive material licenses), 281.17(e) and (f), 281.18(a) (except for the sentence ''For applications for radioactive . . . within thirty days.''), 281.19(a) (except the last sentence), 281.19(b) (except the phrase ''Except as provided in subsection (c) of this section,''), 281.20, 281.21(a) (except ''and 32'' and the phrase ''and the Texas Radiation Control Act.''), 281.21(b), 281.21(c) (except the phrase ''radioactive materials,'' in 281.21(c)(2)), 281.21(d), 281.22(a) (except the phrase ''For applications for radioactive . . . to deny the license.''), 281.22(b) (except the phrase ''or an injection well,'' in the first sentence and the phrase ''For underground injection wells . . . the same facility or activity.''), 281.23(a), and 281.24;

Chapter 305, sections, 305.29, 305.30, 305.64(d) and (f), 305.66(c), 305.66(e) (except for the last sentence), 305.66(f)–(l), 305.123 (except the phrases ''and 32'' and ''and 401''), 305.125(1) and (3), 305.125(20), 305.127(1)(B)(i), 305.127(4)(A) and (C), 305.127 (6), 305.401 (except the text ''§ 55.21 of this title (relating to Requests for Contested Case Hearings, Public Comment)'' at (b), and 305.401(c)); and

Chapter 335, sections 335.2(b), 335.43(b), 335.206, 335.391 through 335.393.

(3) *Related legal provisions.* The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) Texas Health and Safety Code (THSC) Annotated, (Vernon, 2010): Chapter 361, The Texas Solid Waste Disposal Act (TSWDA), sections 361.131 through 361.140; Chapter 371, Texas Used Oil Collection, Management, and Recycling Act, sections 371.021, 371.022, 371.024(e), 371.0245, 371.0246, 371.025, and 371.026(c).

(ii) Texas Administrative Code (TAC), Title 30, Environmental Quality, 2015, as amended, effective through December 31, 2014: Chapter 305, sections 305.53, 305.64(b)(4), and 305.69(b)(1)(A) (as it relates to the Application Fee); Chapter 335, sections 335.321 through 335.332, Appendices I and II, and 335.401 through 335.412.

(4) *Unauthorized State amendments and provisions.* (i) The following authorized provisions of the Texas regulations include amendments published in the Texas Register that are not approved by EPA. Such unauthorized amendments are not part of the State's authorized program and are, therefore, not Federally enforceable. Thus, notwithstanding the language in the Texas hazardous waste regulations incorporated by reference at paragraph (c)(1)(i) of this section, EPA will enforce the State provisions that are actually authorized by EPA. The effective dates of the State's authorized provisions are listed in the Table below. The actual State regulatory text authorized by EPA (*i.e.,* without the unauthorized amendments) is available as a separate document, *Addendum to the EPA-Approved Texas Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, December, 2015.* Copies of the document can be obtained from EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202–2733.

State provision (December 31, 2014)	Effective date of authorized provision	Unauthorized state amendments	
		Texas Register reference	Effective date
335.6(a)	7/29/92	18 TexReg 2799	5/12/93
		22 TexReg 12060	12/15/97
		23 TexReg 10878	10/19/98
335.6(c) introductory paragraph	7/29/92	17 TexReg 8010	11/27/92
		20 TexReg 2709	4/24/95
		20 TexReg 3722	5/30/95
		21 TexReg 1425	3/1/96
		21 TexReg 2400	3/6/96
		22 TexReg 12060	12/15/97
		23 TexReg 10878	10/19/98
		26 TexReg 9135	11/15/01
335.6(g)	7/29/92	18 TexReg 3814	6/28/93
		22 TexReg 12060	12/15/97
		23 TexReg 10878	10/19/98
335.24(b) introductory paragraph	3/1/96	21 TexReg 10983	11/20/96
		23 TexReg 10878	10/19/98
		38 TexReg 970	2/21/13
335.24(c) introductory paragraph	3/1/96	21 TexReg 10983	11/20/96
		23 TexReg 10878	10/19/98
		38 TexReg 970	2/21/13
335.45(b)	9/1/86	17 TexReg 5017	7/29/92
335.204(a)(1)	5/28/86	16 TexReg 6065	11/7/91
335.204(b)(1)	5/28/86	16 TexReg 6065	11/7/91
335.204(b)(6)	5/28/86	16 TexReg 6065	11/7/91
335.204(c)(1)	5/28/86	16 TexReg 6065	11/7/91
335.204(d)(1)	5/28/86	16 TexReg 6065	11/7/91
335.204(e)(6)	5/28/86	16 TexReg 6065	11/7/91

(ii) Texas has partially or fully adopted, but is not authorized to implement, the Federal rules that are listed in the following table. The EPA will continue to implement the Federal HSWA requirements for which Texas is not authorized until the State receives specific authorization for those requirements. The EPA will not enforce the non-HSWA Federal rules, although they may be enforceable under State law. For those Federal rules that contain both HSWA and non-HSWA requirements, the EPA will enforce only the HSWA portions of the rules.

Federal requirement	**Federal Register** reference	Publication date
Clarification of Standards for Hazardous Waste LDR Treatment Variances (HSWA) (Checklist 162).	62 FR 64504	December 5, 1997.
Organobromine Production Wastes; Petroleum Refining Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions (HSWA) (Checklist 187).	64 FR 36365	June 8, 2000.
Zinc Fertilizers Made from Recycled Hazardous Secondary Materials (HSWA and Non-HSWA) (Checklist 200).	67 FR 48393	July 24, 2002.

(iii) The Federal rules listed in the table below are not delegable to States. Texas has adopted these provisions and left the authority to the EPA for implementation and enforcement.

Federal requirement	**Federal Register** reference	Publication date
Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision (HSWA) (Checklist 152).	61 FR 16290	April 12, 1996.
OECD Requirements; Export Shipments of Spent Lead-Acid Batteries (Non-HSWA) (Checklist 222).	75 FR 1236	January 8, 2010.

(iv) Texas has chosen not to adopt, and is not authorized to implement, the following optional Federal rules:

Federal requirement	**Federal Register** reference	Publication date
NESHAPS Second Technical Correction, Vacatur (Non-HSWA) (Checklist Rule 188.1)	66 FR 24270	May 14, 2001.
Storage, Treatment, Transportation and Disposal of Mixed Waste (Non-HSWA) (Checklist 191).	66 FR 27218	May 16, 2001.

Federal requirement	**Federal Register** reference	Publication date
Inorganic Chemical Manufacturing Waste Identification and Listing (HSWA/Non-HSWA) (Checklist Rule 195.1).	67 FR 17119	April 9, 2002.
Land Disposal Restrictions: National Treatment Variance to Designate New Treatment Subcategories for Radioactively Contaminated Cadmium, Mercury-Containing Batteries and Silver-Containing Batteries (HSWA) (Checklist 201).	67 FR 62618	October 7, 2002.
NESHAP: Surface Coating of Automobiles and Light-Duty Trucks (Non-HSWA) (Checklist 205).	69 FR 22601	April 26, 2004.
Revisions to the Definition of Solid Waste (Non-HSWA) (Checklist 219)	73 FR 64668	October 30, 2008.
Expansion of RCRA Comparable Fuel Exclusion (Non-HSWA) (Checklist 221)	73 FR 77954	December 19, 2008.
Withdrawal of the Emission Comparable Fuel Exclusion (Non-HSWA) (Checklist 224)	73 FR 33712	June 15, 2010.
Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents (Non-HSWA) (Checklist Rule 225).	75 FR 78918	December 17, 2010.

(5) *Vacated Federal rules.* Texas adopted and was authorized for the following Federal rules which have since been vacated by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 98–1379 and 08–1144, respectively; June 27, 2014):

Federal requirement	**Federal Register** reference	Publication date
Hazardous Waste Combustors; Revised Standards (HSWA) (Checklist 168—40 CFR 261.4(a)(16) and 261.38 only).	63 FR 33782	June 19, 1998.
Exclusion of Oil-Bearing Secondary Materials Processed in a Gasification System to Produce Synthesis Gas (Checklist 216—Definition of ''Gasification'' at 40 CFR 260.10 and amendment to 40 CFR 261.4(a)(12)(i)).	73 FR 57	January 2, 2008.
Withdrawal of the Emission Comparable Fuel Exclusion under RCRA (Checklist 224—amendments to 40 CFR 261.4(a)(16) and 261.38).	7 FR 33712	June 15, 2010.

(6) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the State of Texas was signed by the Executive Director of the Texas Commission on Environmental Quality (TCEQ) on December 20, 2011, and by the EPA Regional Administrator on February 17, 2012. The 2012 Memorandum of Agreement was re-certified by the Executive Director of the TCEQ on March 26, 2015, and the EPA Regional Administrator on September 30, 2015, and is referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Statement of legal authority.* ''Attorney General's Statement for Final Authorization'', signed by the Attorney General of Texas on May 22, 1984, and revisions, supplements, and addenda to that Statement dated November 21, 1986, July 21, 1988, December 4, 1989, April 11, 1990, July 31, 1991, February 25, 1992, November 30, 1992, March 8, 1993, January 7, 1994, August 9, 1996, October 16, 1996, as amended February 7, 1997, March 11, 1997, January 5, 1999, November 2, 1999, March 1, 2002, July 16, 2008, December 6, 2011, February 22, 2013, and June 10, 2016, are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(8) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

■ 3. Appendix A to part 272 is amended by revising the listing for ''Texas'' to read as follows:

Appendix A to Part 272—State Requirements

* * * * *

Texas

The statutory provisions include:

Texas Health and Safety Code (THSC) Annotated, (Vernon, 2010): Chapter 361, The Texas Solid Waste Disposal Act, sections 361.003 (except (3), (19), (27), (35), and (39)), 361.019(a), 361.0235, 361.066(a), 361.082(a) and (f), 361.086, 361.087, 361.0871(a), 361.094, 361.095(a), 361.099(b), and 361.110; Chapter 371, The Texas Used Oil Collection, Management, and Recycling Act, sections 371.003, 371.024(b), 371.026(d), and 371.041.

Copies of the Texas statutes that are incorporated by reference are available from Thomson Reuters, 610 Opperman Drive, Eagan, MN 55123; Phone: 1–888–728–7677; website: *http://legalsolutions.thomsonreuters.com.*

The regulatory provisions include:

Texas Administrative Code (TAC), Title 30, Environmental Quality, 2015, as amended, effective through December 31, 2014, and where indicated, amendments effective January 8, 2015, as published in the Texas Register on January 2, 2015 (40 TexReg 77); based on the proposed rule published August 22, 2014 (39 TexReg 6376). Please note that for some provisions, the authorized versions are found in the TAC, Title 30, Environmental Quality, as amended effective January 1, 1994, January 1, 1997, December 31, 1999, December 31, 2001, or December 31, 2012. Texas made subsequent changes to these provisions, but these changes have not been authorized by EPA. Where the provisions are taken from regulations other than those effective December 31, 2014, notations are made below.

Chapter 3, Section 3.2(25) ''Person''; Chapter 20, Section 20.15; Chapter 35, Section 35.402(e); Chapter 37, Sections 37.1 through 37.81, 37.100 through 37.161, 37.200 through 37.281, 37.301 through 37.381, 37.400 through 37.411, 37.501 through 37.551, 37.601 through 37.671, and 37.6001 through 37.6041; Chapter 281, Section 281.3(c);

Chapter 305, Subchapter A—General Provisions, Sections 305.1(a) (except the reference to Chapter 401, relative to Radioactive Materials); 305.2 introductory paragraph (except the references to THSC sections 401.003 and 401.004, relative to Radioactive Materials and the reference to TWC 32.002); 305.2(1), (6), (11), (12), (14), (15), (19), (20), (24), (26), (27), (28), (31), and (40)–(42); 305.3;

Chapter 305, Subchapter C—Application for Permit or Post-Closure Order, Sections 305.41 (except the reference to Chapter 401, relative to Radioactive Materials and the reference to TWC Chapter 32); 305.42(a), (b), (d), and (f); 305.43(b); 305.44 (except (d)); 305.45 (except (a)(7)(I) and (J)); 305.47; 305.50(a) introductory paragraph–(a)(3) (except the last two sentences in

305.50(a)(2)); 305.50(a)(4) (December 31, 2012); 305.50(a)(5)–(a)(8); 305.50(a)(13)–(a)(16); 305.50(b); 305.51;

Chapter 305, Subchapter D—Amendments, Renewals, Transfers, Corrections, Revocation, and Suspension of Permits, Sections 305.61; 305.62(a) (except the phrase in the first sentence ''§ 305.70 of this title . . . Solid Waste Class I Modifications'' and the fifth sentence ''If the permittee requests a modification of a municipal solid waste permit . . . § 305.70 of this title.''); 305.62(b); 305.62(c) introductory paragraph (except the phrase ''other than . . . subsection (i) of this section''); 305.62(c)(1); 305.62(c)(2) introductory paragraph; 305.62(c)(2)(A) (except the phrase ''except for Texas Pollutant Discharge Elimination System (TPDES) permits,''); 305.62(c)(2)(B) (except the phrase ''except for TPDES permits,''); 305.62(d) (except (d)(6)); 305.62(e)–(h); 305.63(a) (except the last sentence of (a)(3), and (a)(7)); 305.64(a); 305.64(b) (except (b)(4) and (b)(5)); 305.64(c) and (e); 305.64(g); 305.65; 305.66(a) (except (a)(7)–(a)(9)); 305.66(d); 305.67(a) and (b); 305.69(a); 305.69(b) (except the phrases ''Additional Contents of Application for an Injection Well Permit'' and ''Waste Containing Radioactive Materials; and Application Fee'' at (b)(1)(A)); 305.69(c); 305.69(d) (except (d)(7)); 305.69(e)–(h); 305.69(i)(3) and (i)(4); 305.69(j); 305.69(k) (except (k) A.8–A.10);

Chapter 305, Subchapter F—Permit Characteristics and Conditions, Sections 305.121 (except the phrases ''radioactive material disposal'' and ''subsurface area drip dispersal systems''); 305.122 (except (e)); 305.124; 305.125 introductory paragraph; 305.125(2) and (4); 305.125(5) (except the second sentence); 305.125(6)–(8); 305.125(9) (except (9)(C)); 305.125(10) (except the phrases ''and 32'' and ''and 401.603''); 305.125(11) (except the phrase ''as otherwise required by Chapter 336 of this title'' relative to Radioactive Substances in (11)(B)); 305.125(12)–(19), and (21); 305.127 introductory paragraph; 305.127(1)(B)(iii); 305.127(1)(E) and (F); 305.127(2); 305.127(3)(A) (except the last two sentences); 305.127(3)(B) and (C); 305.127(4)(B); 305.127(5)(C); 305.128;

Chapter 305, Subchapter G—Additional Conditions for Hazardous and Industrial Solid Waste Storage, Processing, or Disposal Permits, Sections 305.141 through 305.145; 305.150;

Chapter 305, Subchapter I—Hazardous Waste Incinerator Permits, Sections 305.171 through 305.176;

Chapter 305, Subchapter J—Permits for Land Treatment Demonstrations Using Field Tests or Laboratory Analyses, Sections 305.181 through 305.184;

Chapter 305, Subchapter K—Research, Development, and Demonstration Permits, Sections 305.191 through 305.194;

Chapter 305, Subchapter L—Groundwater Compliance Plan, Section 305.401(c);

Chapter 305, Subchapter Q—Permits for Boilers and Industrial Furnaces Burning Hazardous Waste, Sections 305.571 through 305.573;

Chapter 305, Subchapter R—Resource Conservation and Recovery Act Standard Permits for Storage And Treatment Units, Sections 305.650 through 305.661;

Chapter 324, Subchapter A—Used Oil Recycling, Sections 324.1; 324.2 (except 324.2(2)); 324.3 (except 324.3(5)); 324.4; 324.6; 324.7; 324.11 through 324.16; 324.21; 324.22(d)(3);

Chapter 335, Subchapter A—Industrial Solid Waste and Municipal Hazardous Waste in General, Sections 335.1 introductory paragraph–(4), (6)–(12), (16)–(19), (23), (24), (26)–(30), (33), (35)–(38), (40)–(47), (48) (except for the phrase ''or is used for neutralizing the pH of non-hazardous industrial solid waste''), (49)–(51), (53)–(58), (60)–(64), (66), (67), (70)–(79), (81)–(115) (except the phrase ''solid waste or'' at (89), (91), (92), (94), (95), and (100)), (117)–(119) (except the phrase ''solid waste or'' at (117)), (123)–(128) (except the phrase ''solid waste or'' at (124)), (130), (132)–(136), (138)–(140)(A)(iii), (140)(A)(iv) introductory paragraph (except the last sentence), (140)(B)–(G) (except the phrase ''Except for materials described in subparagraph (H) of this paragraph.'' at (D) and (G) introductory paragraphs),), (140)(I) and (J), (141), (142), (144)–(154) (except the phrase ''solid waste or'' at (147), (150) and (152)), (155)–(159) (except the phrase ''or industrial solid'' at (155), (158), and (159)), (161)–(170) (except the phrase ''solid waste or'' at (164)), (171) (except the phrase ''or industrial solid'' at (171)(B)), (172)–(174), and (175) (except the phrase ''solid waste or'') (40 TexReg 77, effective January 8, 2015); 335.2 (except (b), (d), (h), (k) and (n)); 335.4; 335.5 (except (d)); 335.6(a); 335.6(b) (January 1, 1997); 335.6(c); 335.6(d) (except the last sentence) (January 1, 1994); 335.6(e) (January 1, 1994); 335.6(f) and (g); 335.6(h) (except the third sentence); 335.6(i) and (j); 335.7; 335.8(a)(1) and (2); 335.9(a) (except (a)(2) and (3)); 335.9(a)(2) and (3) (January 1, 1997); 335.9(b) (January 1, 1994); 335.10(a) and (b); 335.11(a); 335.12(a); 335.13(a) (January 1, 1997); 335.13(c) and (d) (January 1, 1994); 335.13(e) and (f) (January 1, 1997); 335.13(g) (January 1, 1994); 335.13(k); 335.14; 335.15 introductory paragraph (January 1, 1994); 335.15(1); 335.15(3) (except two references to ''Class 1 Waste'' at introductory paragraph); 335.17(a); 335.18(a); 335.19 (except 335.19(d)); 335.20 through 335.23(1); 335.23(2) (January 1, 1994); 335.24(a)–(f); 335.24(m) and (n); 335.29 through 335.31;

Chapter 335, Subchapter B—Hazardous Waste Management General Provisions, Sections 335.41(a)–(c); 335.41(d) introductory paragraph and (d)(2)–(4); 335.41(d)(1) (December 31, 2001); 335.41(e)–(j); 335.43(a); 335.44; 335.45; 335.47 (except (b) and second sentence in (c)(3)); 335.47(b) (December 31, 1999);

Chapter 335, Subchapter C–Standards Applicable to Generators of Hazardous Waste, Sections 335.61 (except (f)); 335.62; 335.63; 335.65 through 335.68; 335.69 (except ''and (n)'' in (a) introductory paragraph, (i), and (n)); 335.70; 335.71; 335.73 through 335.75; 335.76 (except (h)); 335.77; 335.78(a); 335.78(b) (January 1, 1997); 335.78(c); 335.78(d) (except (d)(2)); 335.78(e) introductory paragraph (January 1, 1997); 335.78(e)(1) and (2); 335.78(f) (except 335.78(f)(2)); 335.78(f)(2) (January 1, 1997); 335.78(g) (except (g)(2)); 335.78(g)(2) (January 1, 1997); 335.78(h)–(j); 335.79;

Chapter 335, Subchapter D—Standards Applicable to Transporters of Hazardous Waste, Sections 335.91 (except (e)); 335.92; 335.93 (except (e)); 335.93(e) (December 31, 1999); 335.94;

Chapter 335, Subchapter E—Interim Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities, Sections 335.111; 335.112 (except (a)(17)); 335.113; 335.115 through 335.128;

Chapter 335, Subchapter F—Permitting Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities, Sections 335.151 through 335.153; 335.155 (except 335.155(1)); 335.155(1) (40 TexReg 77, effective January 8, 2015 (August 22, 2014 proposed rule (39 TexReg 6376))); 335.156 through 335.179;

Chapter 335, Subchapter G—Location Standards for Hazardous Waste Storage, Processing, or Disposal, Sections 335.201(a) (except (a)(3)); 335.201(c); 335.202 introductory paragraph; 335.202(2), (4), (9)–(11), (13), and (15)–(18); 335.203; 335.204(a) introductory paragraph–(a)(5); 335.204(b)(1)–(6); 335.204(c)(1)–(5); 335.204(d)(1)–(5); 335.204(e) introductory paragraph; 335.204(e)(1) introductory paragraph (except the phrase ''Except as . . . (B) of this paragraph,'' and the word ''event'' at the end of the paragraph); 335.204(e)(2)–(7); 335.204(f); 335.205(a) introductory paragraph–(a)(2) and (e);

Chapter 335, Subchapter H—Standards for the Management of Specific Wastes and Specific Types of Facilities, Sections 335.211(a) (40 TexReg 77, effective January 8, 2015); 335.211(b) and (c); 335.212 through 335.214; 335.221 through 335.225; 335.241(except (b)(4)); 335.251; 335.261 (except (b) introductory paragraph, (b)(6), (b)(15) and (e)); 335.261(b) introductory paragraph, (b)(6), and (b)(15) (40 TexReg 77, effective January 8, 2015 (August 22, 2014 proposed rule (39 TexReg 6376))); 335.271; 335.272;

Chapter 335, Subchapter O—Land Disposal Restrictions, Section 335.431 (except (c)(1); 335.431(c)(1) (39 TexReg 6376, effective August 22, 2014 (August 22, 2014 proposed rule (39 TexReg 6376)));

Chapter 335, Subchapter R—Waste Classification, Sections 335.504 (except 335.504(1)); 335.504(1) (40 TexReg 77, effective January 8, 2015 (August 22, 2014 proposed rule (39 TexReg 6376)));

Chapter 335, Subchapter U—Standards For Owners and Operators Of Hazardous Waste Facilities Operating Under A Standard Permit, Sections 601 and 602.

Copies of the Texas regulations that are incorporated by reference are available from Thomson Reuters, 610 Opperman Drive, Eagan, MN 55123; Phone: 1–888–728–7677; website: *http://legalsolutions.thomsonreuters.com.*

* * * * *

[FR Doc. 2018–22998 Filed 10–23–18; 8:45 am]

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Notices

Federal Register

Vol. 83, No. 206

Wednesday, October 24, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 18, 2018

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by November 23, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Community Forest and Open Space Conservation Program.

OMB Control Number: 0596–0227.

Summary of Collection: The Forest Service (FS) is authorized to implement the Community Forest and Open Space Program (CFP) under Section 8003 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–234; 122 Stat. 2043), which amends the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103d). The purpose of the CFP is to achieve community benefits through grants to local governments, Indian Tribes, and nonprofit organizations to establish community forests by acquiring and protecting private forestlands.

Need and Use of the Information: The applicant will need to provide information as outlined in the rule and the request for proposal. Applicants representing local governments or non-profits will submit CFP applications to their State Foresters. Indian Tribes submit applications directly to the Forest Service. The State Forester or the equivalent Indian Tribe official, per § 230.03 of the rule, will forward all applications to the FS. FS will use the information in the application to: (1) Determine that the applicant is eligible to receive funds under the program; (2) determine if the proposal meets the qualifications in the law and regulations; (3) evaluate and rank the proposals based on standard, consistent information; and (4) determine if the projects costs are allowable and sufficient cost share is provided. The FS would not be able to implement the program effectively or at all if the collection was conducted less frequently or not at all.

Description of Respondents: Non-profit Organizations; State, Local and Tribal Governments.

Number of Respondents: 50.

Frequency of Responses: Annually; Quarterly; Reporting and Record Keeping.

Total Burden Hours: 3,810.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–23140 Filed 10–23–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–809]

Stainless Steel Butt-Weld Pipe Fittings From Malaysia: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Superinox made sales of subject merchandise at less than normal value during the period of review (POR) February 1, 2017, through January 31, 2018. Additionally, we are rescinding the review with respect to Pantech Stainless & Alloy Industries Sdn. Bhd. (Pantech). Interested parties are invited to comment on these preliminary results.

DATES: Applicable October 24, 2018.

FOR FURTHER INFORMATION CONTACT: Madeline R. Heeren or Tyler Weinhold, 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) 482–9179 or (202) 482–1121, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 23, 2001, Commerce published in the **Federal Register** an antidumping (AD) order on pipe fittings from Malaysia.[1] On February 1, 2018, Commerce notified interested parties of the opportunity to request an administrative review of orders, findings, or suspended investigations with anniversaries in February,

[1] *See Antidumping Duty Orders: Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines,* 66 FR 11257 (February 23, 2001) (*Order*).

including the AD *Order* on pipe fittings from Malaysia.[2] Commerce received timely requests from Core Pipe Products, Inc., Shaw Alloy Piping Products, LLC, and Taylor Forge Stainless Inc. (the petitioners) to conduct an administrative review of certain exporters covering the POR. On April 16, 2018, Commerce published in the **Federal Register** a notice initiating an administrative review of the *Order* covering Pantech and Superinox for the POR.[3]

Subsequently, we issued the AD questionnaire to Pantech and Superinox, the two mandatory respondents.[4] On May 29, 2018, the petitioners timely withdrew their request for administrative review of Pantech, pursuant to 19 CFR 351.213(d)(1).[5] Superinox did not respond to the questionnaire and has filed no submissions on the record for this administrative review. For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.[6] A list of topics included in the Preliminary Decision Memorandum is included in the Appendix to this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and to all parties in the Central Records Unit, located in Room B8094 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Partial Rescission of Administrative Review

The petitioners timely withdrew their request for review of one company listed in the *Initiation Notice,* and because the petitioners were the only party to request a review of that company, we are rescinding the administrative review with respect to Pantech, pursuant to 19 CFR 351.213(d)(1). Accordingly, the remaining company subject to the instant review is Superinox.

Scope of the Order

For purposes of the *Order,* the product covered is butt-weld fittings. Butt-weld fittings are under 14 inches in outside diameter (based on nominal pipe size), whether finished or unfinished. The product encompasses all grades of stainless steel and ''commodity'' and ''specialty'' fittings. Specifically excluded from the definition are threaded, grooved, and bolted fittings, and fittings made from any material other than stainless steel. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Facts Available

Pursuant to section 776(a) of the Act, Commerce is preliminarily relying upon facts otherwise available to assign an estimated weighted-average dumping margin to Superinox in this review because Superinox withheld necessary information that was requested by Commerce, thereby significantly impeding the conduct of the review. Further, Commerce preliminarily determines that Superinox failed to cooperate by not acting to the best of its ability to comply with requests for information and, thus, Commerce is applying adverse facts available (AFA) to Superinox, in accordance with section 776(b) of the Act. For a full description of the methodology underlying our conclusions regarding the application of AFA, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following weighted-average dumping margin for the period February 1, 2017, through January 31, 2018:

Exporter/producer	Weighted-average dumping margins (percent)
Superinox Max Fittings Industries Sdn. Bhd	60.10

Disclosure and Public Comment

Normally, Commerce discloses to interested parties the calculations performed in connection with a preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of preliminary determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied AFA to the only individually examined company in this administrative review—Superinox—in accordance with section 776 of the Act, there are no calculations to disclose.

Interested parties are invited to comment on the preliminary results of this review. Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.[7] Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each brief: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.[8] Executive summaries should be limited to five pages total, including footnotes.[9] Case and rebuttal briefs should be filed using ACCESS.[10]

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of the publication of this notice in the **Federal Register**. If a hearing is requested, Commerce will notify interested parties of the hearing schedule. Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically *via* ACCESS within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. We

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 83 FR 22 (February 1, 2018).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 16298 (April 16, 2018) (*Initiation Notice*).

[4] *See* Commerce's Letters to Pantech and Superinox dated May 8, 2018; *see also,* Memorandum, ''Delivery of Antidumping Duty Questionnaire to Superinox Max Fittings Industry Sdn. Bhd.,'' dated August 16, 2018.

[5] *See* Letter from the petitioner, ''Stainless Steel Butt-Weld Pipe Fittings form Malaysia—Petitioners' Withdrawal of Review Request of Pantech,'' dated May 29, 2018. The three companies that the petitioner did not include in its withdrawal were Overseas International Steel Industry LLC, Overseas Distribution Services Inc., and Oman Fasteners.

[6] *See* Memorandum, ''Decision Memorandum for Preliminary Results of the 2017–2018 Antidumping Duty Administrative Review of Stainless Steel Butt-Weld Pipe Fittings from Malaysia,'' dated concurrently with, and hereby adopted by this notice (Preliminary Decision Memorandum).

[7] *See* 19 CFR 351.309(d)(1).

[8] *See* 19 CFR 351.309(c)(2) and (d)(2).

[9] *Id.*

[10] *See* 19 CFR 351.303.

intend to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, unless otherwise extended.[11]

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries. Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this review.

For entries of subject merchandise during the POR produced by each respondent for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[12] Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the company for which this review is rescinded, antidumping duties will be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawn 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. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Cash Deposit Requirement

The following cash deposit requirements will be effective upon publication of the notice of the final results of administrative review for all shipments of pipe fittings from Malaysia entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies under review will be the rate established in the final results of this review (except, if the rate is zero or *de minimis,* no cash deposit will be required); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 7.51 percent *ad valorem,* the all-others rate established in the less-than-fair value investigation.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

These preliminary results and partial rescission of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1).

Dated: October 18, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Partial Rescission of Administrative Review
V. Use of Facts Otherwise Available and Adverse Interferences
VI. Recommendation

[FR Doc. 2018–23222 Filed 10–23–18; 8:45 am]

BILLING CODE 3510–DS–P

[11] *See* section 751(a)(3)(A) of the Act.

[12] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–088]

Steel Racks and Parts Thereof From the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

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

DATES: Applicable October 24, 2018.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill at (202) 482–3518 or Patrick O'Connor at (202) 482–0989, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 10, 2018, the Department of Commerce (Commerce) initiated a less-than-fair-value (LTFV) investigation of imports of steel racks and parts thereof (steel racks) from the People's Republic of China.[1] Currently, the preliminary determination is due no later than November 27, 2018.

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, and determines that the investigation is extraordinarily complicated and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless

[1] *See Steel Racks from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 83 FR 33195 (July 17, 2018) *(Initiation Notice).*

it finds compelling reasons to deny the request.

On September 26, 2018, the petitioner[2] in the steel racks LTFV investigation submitted a timely request that Commerce postpone the preliminary determination in the investigation to the maximum extent permitted under the statute.[3] The petitioner requested the postponement to provide Commerce, and the petitioner, time to review questionnaire responses and identify deficiencies within those responses, and to provide time for Commerce to issue, and receive responses to, supplemental questionnaires prior to the preliminary determination.[4]

For the reasons stated above by the petitioner, and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination in the steel racks LTFV investigation by 50 days (*i.e.,* until 190 days after the date on which this investigation was initiated). As a result, Commerce will issue its preliminary determination in the steel racks LTFV investigation no later than January 16, 2019. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination in this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: October 18, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–23223 Filed 10–23–18; 8:45 am]

BILLING CODE 3510–DS–P

[2] The petitioner is the Coalition for Fair Rack Imports.

[3] *See* Letter from the petitioner, ''Steel Racks from the People's Republic of China: Request to Extend the Preliminary Determination,'' dated September 26, 2018.

[4] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–814]

Chlorinated Isocyanurates From Spain: Final Results of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) determines that Ercros S.A. (Ercros) did not make sales of subject merchandise at less than fair value during the period of review (POR), June 1, 2016, through May 31, 2017.

DATES: Applicable October 24, 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 July 9, 2018, Commerce published the *Preliminary Results.*[1] Since the *Preliminary Results,* the following events have taken place: Commerce received a timely case brief from the petitioners[2] on August 8, 2018. Ercros filed a timely rebuttal brief on August 13, 2018.

Scope of the Order

The products covered by the order are chlorinated isos, which are derivatives of cyanuric acid, described as chlorinated s-triazine triones.[3] Chlorinated isos are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.40.50, 3808.50.40 and 3808.94.5000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised by parties in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum, which is hereby adopted with this notice. A list of the issues addressed in the Issues and Decision Memorandum is appended to this notice. The Issues and Decision Memorandum is a public document and is available electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and it is available to all parties in the Central Records Unit of the main Commerce Building, Room B8024. In addition, a complete version of the Issues and Decision Memorandum is also accessible on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding the *Preliminary Results,* we have made no changes to our calculations. Therefore, the final results do not differ from the *Preliminary Results.*

Final Results of Review

As a result of this review, we determine that, for the period June 1, 2016, through May 31, 2017, the following dumping margin exists:

Manufacturer/exporter	Weight-average dumping margin (percent)
Ercros	0.00

Assessment Rates

Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of these final results of review. Since Ercros' weighted-average dumping margin is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce clarified its ''automatic assessment'' regulation on May 6, 2003.[4] This clarification will apply to entries of subject merchandise during the POR produced by Ercros for which these companies did not know that the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the all-others rate during the POR if there is no rate for the

[1] *See Chlorinated Isocyanurates from Spain: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 31725 (July 9, 2018).

[2] The petitioners in this case are Bio-Lab, Inc., Clearon Corp., and Occidental Chemical Corporation.

[3] For a complete description of the Scope of the Order, *see* Memorandum, ''Issues and Decision Memorandum for Final Results of the 2016–2017 Antidumping Duty Administrative Review of Chlorinated Isocyanurates from Spain,'' dated concurrently with this notice (Issues and Decision Memorandum).

[4] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

intermediate company(ies) involved in the transaction.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) The cash deposit rate for Ercros will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is de minimis within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for other manufacturers and exporters covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 24.83 percent, the all-others rate established in the LTFV investigation.[5] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result Commerce's presumption that reimbursement of antidumping duties occurred which will result in the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the 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 the terms of an APO is a sanctionable violation.

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: October 17, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Scope of the Order
III. Discussion of the Issues
  Comment: Allegation of a Particular Market Situation (PMS)
IV. Recommendation

[FR Doc. 2018–23221 Filed 10–23–18; 8:45 am]

BILLING CODE 3510–DS–P

[5] *See Chlorinated Isocyanurates from Spain: Notice of Final Determination of Sales at Less Than Fair Value,* 70 FR 24506 (May 10, 2005).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Protected Areas Federal Advisory Committee: Call for Nominations and Public Meeting

AGENCY: National Marine Protected Areas Center (MPAC), Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice and call for nominations of new Marine Protected Areas Federal Advisory Committee (MPA FAC) members, and notice of public meeting via teleconference.

SUMMARY: The Department of Commerce (Department) is seeking nominations for membership on the Marine Protected Areas Federal Advisory Committee (Committee). The Committee advises the Secretaries of Commerce and Interior on implementing Section 4 of Executive Order 13158, focusing mainly on strategies and priorities for the design, monitoring and adaptive management of effective MPAs in U.S. waters. Nominations are sought for 11 highly qualified non-Federal scientists (natural and social), resource managers, and people representing other interests or organizations involved with, or affected by, marine protected areas, including in the Great Lakes. Additionally, notice is hereby given of a Committee meeting to be held via teleconference on Thursday, November 8, 2018, from 3:00–4:00 p.m. Eastern Time (12:00–1:00 p.m. Pacific Time). The teleconference is open to members of the public.

DATES:

Nominations: Nominations must be received before or on December 1, 2018.

Meeting: The Committee will convene a meeting via webinar on Thursday, November 8, 2018, from 3:00–4:00 p.m. Eastern Time (12:00–1:00 p.m. Pacific Time). The teleconference is open to the public, and documents will be available for public viewing at the web page noted below. Members of the public who wish to participate in the meeting must register in advance by Friday, November 2, 2018 (see below). These times and the agenda topics described below are subject to change. Refer to the following web page for dial in information and for the most up-to-date meeting agenda: *http://marineprotectedareas.noaa.gov/fac/meetings/.*

ADDRESSES:

Nominations: Nominations should be sent to Nicole Capps at West Coast Region, Office of National Marine Sanctuaries, 99 Pacific Street, Suite 100–F, Monterey, CA 93940, or *Nicole.Capps@noaa.gov.* Electronic submissions are acceptable.

Meeting: The meeting will be held via teleconference call. Register by contacting Nicole Capps at *Nicole.Capps@noaa.gov* or by telephone at (831) 647–6451. Teleconference capacity may be limited.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Wahle, Designated Federal Officer, MPA FAC, National Marine Protected Areas Center, 99 Pacific Street, Suite 100–F, Monterey, CA 93940, (Phone: 831–238–2244; Email: *Charles.Wahle@noaa.gov;* or visit the National MPA Center website at *http://www.marineprotectedareas.noaa.gov*).

SUPPLEMENTARY INFORMATION: Executive Order 13158 directs the Department of Commerce and the Department of the Interior to seek the expert advice and recommendations of non-federal scientists (natural and social), resource managers, and other interested people and organizations through a Marine Protected Areas Federal Advisory Committee (Committee). The Committee was established in June 2003 and includes 20 members. The Committee

meets at least twice annually; meetings may be in person or via teleconference/webinar. Committee members serve a four-year term, and serve at the discretion of the Under Secretary of Commerce for Oceans and Atmosphere in consultation with the designee of the Secretary of the Interior. Members of the Committee are not compensated for their time, but their travel expenses associated with attending Committee meetings are reimbursed, as authorized by 5 U.S.C. 5703.

Nominations: The Committee operates according to a Charter and a Member Balance Plan. The Member Balance Plan identifies the following approximate number of representatives on the Committee:

—Commercial fishing (2)
—Recreational fishing (2)
—Ocean industry (*e.g.,* energy, undersea cables, etc) (2)
—Conservation (3)
—State resource managers (1)
—Tribal and indigenous representatives (2)
—Natural science (2)
—Social science (2)
—Cultural resource management (2)
—Non-consumptive uses (*e.g.,* diving, tourism) (2)
—Other (Foundations, education, etc) (0)

While these numbers are not binding, they provide guidance to ensure the maintenance of diverse expertise and perspectives on the Committee. Individuals seeking membership on the Committee should possess demonstrable expertise in a related field or represent a specific stakeholder interest in MPAs. Nominees will also be evaluated based on the following factors: Marine policy and management experience; leadership and organizational skills, including working effectively in diverse groups; region of country represented; and member demographics. The Committee's membership reflects the Department's commitment to attaining balance and diversity. Members will be expected to participate regularly in meetings, report preparation and review, and constructive discussion of important and timely ocean management issues in the United States.

Anyone is eligible to nominate; self-nominations will also be accepted. Each nomination submission should include: (1) The nominee's full name, title, institutional affiliation, and contact information; (2) the nominee's area(s) of expertise; (3) a short description of his/her qualifications relative to the kinds of advice being solicited; and (4) a resume or CV not to exceed four pages in length. Individuals submitting nominations may choose to include letters of support (no more than three) describing the nominee's qualifications and interest in serving on the Committee. The intent is to select new members from the nominees; however, NOAA retains the discretion to appoint, subject to the appropriate procedures, individuals to the Committee who were not nominated through the process outlined in this **Federal Register** notice if it deems it is necessary to achieve the desired balance. After the membership selection process is complete, applicants who are selected to serve on the Committee must complete a security clearance through NOAA. Once selected, Committee members' names will be posted at: *http://marineprotectedareas.noaa.gov/fac/.* The full text of the Committee charter and its current membership can be viewed at the Agency's web page at *http://marineprotectedareas.noaa.gov.*

Meeting: The focus of the Committee's meeting on Thursday, November 8, 2018 will be to finalize and vote on three products for submission to the U.S. Departments of Commerce and the Interior. These products address: Sustaining MPA Benefits in a Changing Ocean; Factors Influencing Resilience in MPAs (a Supplementary Report); and, revisions and updates to the MPA Center's existing Cultural Heritage Resources Tool Kit. Public comment will be accepted during the meeting teleconference from 3:10–3:20 p.m. Eastern Time (12:10–12:20 p.m. Pacific Time). The Committee's products and meeting agenda, subject to change, will be posted at *http://marineprotectedareas.noaa.gov/fac/meetings/.*

Dated: October 18, 2018.

Rebecca R. Holyoke,

Acting Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2018–23255 Filed 10–23–18; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2018–HQ–0022]

Proposed Collection; Comment Request

AGENCY: Department of the Army, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the U.S. Army Public Health Center announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 24, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the U.S. Army Public Health Center (APHC), 8252 Blackhawk Road, ATTN: Joyce Woods, (MCHB–PH–PMD), Aberdeen Proving Ground, MD 21010–5403, or call the Department of the Army Reports Clearance Officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for Temporary Food Establishment, DD Form 2970; OMB Control Number 0702–0132.

Needs and Uses: The information collection requirement is necessary for the installation Preventive Medicine or Public Health Activity to evaluate a food vendor's ability to prepare and dispense safe food on the installation. The form, submitted one time, by a food vendor

requesting to operate a food establishment on a military installation, characterizes the types of foods, daily volume of food, supporting food equipment, and sanitary controls. Approval to operate the food establishment is determined by the installation's medical authority; the Preventive Medicine or Public Health Activity conducts an operational assessment based on the food safety criteria prescribed in the Tri-Service Food Code (TB MED 530/NAVMED P–5010–1/AFMAN 48–147_IP). Food vendors who are deemed inadequately prepared to provide safe food service are disapproved for operating on the installation.

Affected Public: Business or other for profit; Not-for-profit institutions.

Annual Burden Hours: 22.75.

Number of Respondents: 91.

Responses per Respondent: 1.

Annual Responses: 91.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

Respondents are food vendors requesting to operate a business on a military installation or solicited by an installation command or military unit through the Army and Air Force Exchange Service (AAFES), Navy Exchange (NEX), Marine Corps Exchange (MCX), Family Morale, Welfare and Recreation (FMWR), or other sponsoring entity to operate a food establishment on the military installation or Department of Defense site. If the form is not completed during the application process, the Preventive Medicine assessment can only be conducted once the operation is set up on the installation. A pre-operational inspection is conducted before the facility is authorized to initiate service to the installation. Critical food safety violation found during the pre-operational inspection results in disapproval for the facility to operate. All critical violations must be corrected in order to gain operational approval; the installation command incurs the risk of a foodborne illness outbreak if a non-compliant food establishment is authorized to operate. The vendor's application to operate is retained on file with Preventive Medicine and does not need to be resubmitted by vendors whose services are intermittent throughout the year unless the scope of the operation has changed.

Dated: October 19, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–23252 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2018–HQ–0021]

Proposed Collection; Comment Request

AGENCY: Department of the Army, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Army & Air Force Exchange Service (Exchange) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 24, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Army & Air Force Exchange Service, Office of the General Counsel, Compliance Division, ATTN: Teresa Schreurs, 3911 South Walton Walker Blvd., Dallas, TX 75236–1598 or call the Exchange Compliance Division at 800–967–6067.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Exchange Retail Sales Transaction Customer Satisfaction Survey; OMB Control Number 0702–0130.

Needs and Uses: The information collection requirement is necessary to provide the Exchange with holistic views of customers' shopping experiences. The survey aids the Exchange's marketing directorate to address the effectiveness of providing goods and services in applicable service availability meeting the patron's wants and desires.

Affected Public: Individuals or Households and Federal Government.

Annual Burden Hours: 2,000.

Number of Respondents: 40,000.

Responses per Respondent: 1.

Annual Responses: 40,000.

Average Burden per Response: 3 minutes.

Frequency: On occasion.

Respondents are authorized customers of the Army and Air Force Exchange Service, who voluntarily provide opinions or comments regarding their recent shopping experience at an Exchange facility. The survey provides valuable data used to enhance the customer's experience. If the Exchange does not receive data through the survey, the Exchange's efforts to improve the customer shopping experience would not be as effective, efficient, or useful. Customer information is vital to the efficient and effective maintenance and improvement of the Exchange operations. The survey does not collect PII data.

Dated: October 19, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–23248 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2018–HQ–0020]

Proposed Collection; Comment Request

AGENCY: Department of the Army, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Army & Air Force Exchange Service (Exchange) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 24, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Army & Air Force Exchange Service, Office of the General Counsel, Compliance Division, ATTN: Teresa Schreurs, 3911 South Walton Walker Blvd., Dallas, TX 75236–1598 or call the Exchange Compliance Division at 800–967–6067.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Army & Air Force Exchange Service Identification & Privilege Card Application; Exchange Form 1100–016; OMB Control Number 0702–0129.

Needs and Uses: The information collection requirement is necessary to obtain authorization or continued authorization for patronage to Exchange retirees and Exchange associate dependents for shopping privileges.

Affected Public: Individuals or Households.

Annual Burden Hours: 625.

Number of Respondents: 2,500.

Responses per Respondent: 1.

Annual Responses: 2,500.

Average Burden per Response: 15 Minutes.

Frequency: On occasion.

Respondents are Exchange employee dependents and Exchange retirees who wish to become or remain eligible Exchange patrons. Exchange Form 1100–016 provides Exchange Human Resource information to verify and authorize patronage to these individuals. If verification is approved, the individual will obtain a personalized, laminated dependent card for shopping privileges.

Dated: October 18, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–23155 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0054]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Research and Engineering, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 23, 2018.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Defense User Registration System (DURS); OMB Control Number 0704–0546.

Type of Request: Extension.

Number of Respondents: 6,625.

Responses per Respondent: 1.

Annual Responses: 6,625.

Average Burden per Response: 0.2 hours.

Annual Burden Hours: 1,325 hours.

Needs and Uses: Defense Technical Information Center (DTIC) requires all eligible users to be registered for access to DTIC's repository of access-controlled scientific and technical information documents. This system is called the Defense User Registration System, or DURS. The registration of a user enforces validation of an individual's identity, as well as that individual's persona (*i.e.,* whether the individual is DoD, Federal government, or a contractor supporting the DoD or another federal agency) and that individual's authority to access limited and classified documents with distribution controls. A role-based environment based on a user's identification ensures security for DTIC's electronic information collection while the online systems increase availability of information to each user based on his or her mission needs.

Affected Public: Federal Government; Individuals or Households; Business or Other For-Profit; Not-For-Profit Institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://*

www.regulations.gov as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Requests for copies of the information collection proposal should be sent to Mr. Licari at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: October 19, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–23256 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0078]

Proposed Collection; Comment Request

AGENCY: Defense Media Activity, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Media Activity announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 24, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Media Activity, American Forces Network Broadcast Center, 23755 Z Street, Riverside, CA 92518, or call 951–413–2569.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: American Forces Network Connect (AFNC); OMB Control Number 0704–0547.

Needs and Uses: The information collection requirement is necessary to obtain and audit the eligibility of DoD Employees, DoD contractors, Department of State (DoS) employees, military personnel (including retirees and active reservists) and their Family members overseas to receive restricted American Forces Radio and Television Service (AFRTS) programming services (*i.e.,* radio, television, and web streaming services). Demographic data will also be collected to ensure the Defense Media Activity (DMA) provides its services in the most efficient and cost effective manner.

Affected Public: Individuals or Households.

Annual Burden Hours: 1,667.

Number of Respondents: 10,000.

Responses per Respondent: 1.

Annual Responses: 10,000.

Average Burden per Response: 10 minutes.

Frequency: On occasion.

The American Forces Network is a broadcast service of the DMA that provides an internal information program to provide U.S. radio and television news, information, and entertainment programming to Military Service members, DoD civilian and contract employees, and their families overseas, on board U.S. Navy and Coast Guard ships at sea, and other authorized users.

Dated: October 18, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–23163 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0053]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 23, 2018.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Procurement Technical Assistance Center Cooperative Agreement Performance Report; DLA Form 1806; OMB Control Number 0704–0320.

Type of Request: Extension.

Number of Respondents: 95.

Responses per Respondent: 4.

Annual Responses: 380.

Average Burden per Response: 5 hours.

Annual Burden Hours: 1,900.

Needs and Uses: This information collection by the Defense Logistics Agency (DLA) gathers data to be used in measuring, on a quarterly basis, cooperative agreement recipients' performance against goals and objectives established by awards. The Department of Defense (DoD) Procurement Technical Assistance (PTA) Cooperative Agreement Program was established by Congress in 1985 to assist state and local governments, tribal organizations, tribal economic enterprises, and other non-profit entities in establishing or maintaining PTA activities to help business firms market their goods and services to the DoD, other federal agencies, and state and local governments. Administrative

requirements for the program are established by the DoD Grant and Agreement Regulations (DoDGARS).

Affected Public: State, local, or tribal government; not-for-profit institutions.

Frequency: Quarterly.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Requests for copies of the information collection proposal should be sent to Mr. Licari at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: October 18, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–23153 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0079]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 24, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Office of the Under Secretary of Defense (Personnel and Readiness) (Military Community and Family Policy) Office of Special Needs, ATTN: Rebecca Lombardi or call (571) 372–0862.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Family Member Travel Screening; DD Form 3040, Screening Verification; DD Form 3040–1, Medical and Educational Information; DD Form 3040–2, Dental Health Information; DD Form 3040–3, Patient Care Review; DD Form 3040–4, Administrative Review Checklist; OMB Control Number 0704–0560.

Needs and Uses: The DD Forms 3040, 3040–1, 3040–2, 3040–3, and 3040–4 are used during the Family Member Travel Screening (FMTS) process when active duty Service members with Permanent Change of Station (PCS) order request Command sponsorship for accompanied travel to remote or OCONUS installations. These forms document any special medical, dental, and/or educational needs of dependents accompanying the Service member to assist in determining the availability of care at a gaining installation.

Affected Public: Individuals or Households.

Annual Burden Hours: 62,936.

Number of Respondents: 377,615.

Responses per Respondent: 1.

Annual Responses: 377,615.

Average Burden per Response: 10 minutes.

Frequency: As required.

This standardized collection of information is required by the National Defense Authorization Act of 2010 (NDAA 2010) and the Department of Defense Instruction (DoDI) 1315.19, ''The Exceptional Family Member Program (EFMP).'' The NDAA 2010 established the Office of Special Needs (OSN) and tasked OSN with developing, implementing, and overseeing comprehensive policies surrounding assignment and support for these military families. Additionally, per DoDI 1315.19, military departments are required to coordinate assignments for Service members enrolled in the EFMP to verify if necessary medical and/or educational services are available at the next assignment for family members with special needs.

Dated: October 18, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–23171 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0072]

Proposed Collection; Comment Request

AGENCY: Under Secretary of Defense for Policy, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Security Cooperation Agency (DSCA) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and

clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 24, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24 Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to The Defense Security Cooperation Agency (DSCA) ATTN: David Frasher, 220 12th Street South, Suite 203, Arlington, VA 22202–5408 or call (703) 601–4459.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: The Defense Institute of Security Assistance Management (DISAM) Information Technology Mission System (DISM); DISAM Form GSI–001; OMB Control Number 0704–0548.

Needs and Uses: DISM is a web based portal designed to hold several web applications for the purposes of efficient administration of U.S. and international students, and the effective management of DISAM personnel and guest lecturers. The portal provides DISAM personnel the ability to submit travel request and travel arrangements. Finally, the web based portal uses a relational database to record, manage and report information about students, personnel and travel. Reports of annual training of Foreign nationals to Congress as required by 22 U.S. Code 2394 (Foreign Assistance Act (FAA)) and 22 U.S. Code 2770A (Arms Export Control Act (AECA)).

DISM Student Registration Portal:

Affected Public: Individuals and Households.

Annual Burden Hours: 6,177 hours.

Number of Respondents: 12,353.

Responses per Respondent: 2.

Annual Responses: 24,706.

Average Burden per Response: 15 mins.

Frequency: On Occasion.

DISM Guest Speaker Form:

Affected Public: Individuals and Households.

Annual Burden Hours: 52 hours.

Number of Respondents: 206.

Responses per Respondent: 1.

Annual Responses: 206.

Average Burden per Response: 15 mins.

Frequency: On Occasion.

Average Totals:

Annual Burden Hours: 4,709.625 Hours.

Number of Respondents: 12,559.

Average Number of Responses: 1.5.

Total Annual Responses: 18,838.5

Average Burden per Response: 15 mins.

Respondents are contractor personnel, non-DOD U.S. Federal Government, Foreign Service nationals, industry students, guest speakers and lecturers involved in the Security Cooperation initiatives as prescribed by the President of the United States, Congress and Departments of State and Defense. Security Cooperation and Assistance programs as authorized by the FAA and the AECA are required to be administered by qualified personnel receiving formal education through the DISAM or other authorized Security Cooperation agencies. If the information collected on the student registration form is not collected, personnel looking to verify the qualifications of individuals in the Security Cooperation workforce database on the SAN, DISAM Student Database or the DISAM Personnel Database would be unable to match personnel to training and ensure compliance with the Deputy Secretary of Defense directive and federal law requiring the reporting of training of foreign nationals (ref. AECA). The DISAM Personnel Database, in conjunction with the Travel Forms, maintains records of the personnel TDY travel and reimbursement as required by federal law and DoD regulations.

Dated: October 18, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–23168 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–HA–0080]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Health Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 24, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Health Agency, 16401 East Centretech Parkway, Aurora, Colorado 80011–9066, Sharon Seelmeyer, 303–676–3690.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Diagnosis Related Groups (DRG) Reimbursement Two Parts; OMB Control Number 0720–0017.

Needs and Uses: This information collection is in conjunction with a notice of proposed collection. The Department of Defense Authorization Act, 1984, P.L. 98–94 amended Title 10, section 1079(j)(2)(A) of the U.S.C. and provided the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) with the statutory authority to reimburse institutional providers based on diagnosis-related groups (DRGs). The TRICARE/CHAMPUS DRG-based payment system is modeled on the Medicare Prospective Payment System (PPS) and was implemented on October 1, 1987. The TRICARE/CHAMPUS DRG-based payments apply only to hospital's operating costs and do not include any amounts for hospitals' capital or direct medical education costs. Any hospital subject to the DRG-based payment system, except for children's hospitals (whose capital and direct medical education costs are incorporated in the children's hospital differential), who want to be reimbursed for allowed capital and direct medical education costs must submit a request for payment to the TRICARE/CHAMPUS contractor. The request allows TRICARE to collect the information necessary to properly reimburse hospitals for its share of these costs.

Affected Public: Individuals or households.

Annual Burden Hours: 5,600.

Number of Respondents: 5,600.

Responses per Respondent: 1.

Annual Responses: 5,600.

Average Burden per Response: 1 hr.

Frequency: On occasion.

Respondents to the DRG reimbursement request are medical providers at in-patient hospitals and acute care hospitals. Hospitals subject to the TRICARE DRG-based payment system who wish to be reimbursed for Allowed Capital and Direct Medical Education costs (as outlined in the TRICARE Reimbursement Manual) must submit a request for reimbursement to the appropriate TRICARE/CHAMPUS authorized contractors of Managed Care Support Contracts. The TRICARE contractors are Humana and HealthNet; hospitals submit their requests to either of these contractors, dependent upon their region.

Dated: October 19, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–23192 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0077]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 24, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24 Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Office of the Under Secretary of Defense (Personnel and Readiness) (Military Community and Family Policy) Office of Community Support for Military Families with Special Needs, ATTN: Rebecca Lombardi, or call (571) 372–0862.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Exceptional Family Member Program Enrollment Forms, DD Form 2792, Family Member Medical Summary, and DD Form 2792–1, Special Education/Early Intervention Summary. OMB Control Number 0704–0411.

Needs and Uses: This information collection is necessary to identify any special medical (DD Form 2792) and/or educational (DD Form 2792–1) needs of military dependents. The purpose of this information collection is to (1) enroll sponsors into the Exceptional Family Member Program (EFMP), (2) match the special needs of family members against the availability of medical and educational services through the Family Member Travel Screening (FMTS) process, and (3) advise civilian employees about the availability of medical and educational services to meet the special needs of their family members.

Affected Public: Individuals or households.

Annual Burden Hours: 22,597.667.

Number of Respondents: 98,608.

Responses per Respondent: 1.

Annual Responses: 98,608.

Average Burden per Response: 13.75 minutes.

Frequency: As required.

Local and state school and early intervention personnel complete DD Form 2792–1 for children requiring special educational services. The DD Form 2792 and DD Form 2792–1 are also used by TRICARE Managed Care Support Contractors to support a family member's application for further entitlements, and other Service-specific programs that require registration in the EFMP.

Dated: October 18, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–23138 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 18–06]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil;* DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 18–06 with attached Policy Justification and Sensitivity of Technology.

Dated: October 19, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

APR 1 8 2018

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-06, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Mexico for defense articles and services estimated to cost $1.2 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 18–06

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Mexico

(ii) *Total Estimated Value:*

Major Defense Equipment * ...	$ .8 billion
Other	$ .4 billion
Total	$1.2 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Eight (8) MH–60R Multi-Mission Helicopters, equipped with:

Twenty (20) T–700 GE 401 C Engines (16 installed and 4 spares)

Sixteen (16) APS–153(V) Multi-Mode Radars (8 installed, 8 spares)

Ten (10) Airborne Low Frequency System (ALFS) (8 installed and 2 spares)

Twelve (12) AN/AAS–44C Multi-Spectral Targeting Systems Forward Looking Infrared Systems (8 installed, 4 spares)

Twenty (20) Embedded Global Positioning System/Inertial Navigation Systems (EGI) with Selective Availability/Anti-Spoofing Module (16 installed and 4 spares)

Thirty (30) AN/AVS–9 Night Vision Devices

One thousand (1,000) AN/SSQ–36/53/62 Sonobuoys

Ten (10) AGM–114 Hellfire Missiles

Five (5) AGM–114 M36–E9 Captive Air Training Missiles

Four (4) AGM–114Q Hellfire Training Missiles

Thirty eight (38) Advanced Precision Kill Weapons System (APKWS) II Rockets

Thirty (30) Mk -54 Lightweight Hybrid Torpedoes (LHTs)

Twelve (12) M–240D Machine Guns

Twelve (12) GAU–21 Machine Guns

Non-MDE:

Also included are twelve (12) AN/ARC–220 High Frequency radios; fourteen (14) AN/APX–123 Identification Friend or Foe Transponders (8 installed and 6 spares); spare engine containers; facilities study, design, and construction; spare and repair parts; support and test equipment; communication equipment; ferry support; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department:* Navy (MX–P–SAA)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* April 18, 2018

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Mexico—MH–60R Multi-Mission Helicopters

The Government of Mexico has requested to buy eight (8) MH–60R Multi-Mission Helicopters, equipped with: twenty (20) T–700 GE 401 C engines (16 installed and 4 spares); sixteen (16) APS–153(V) Multi-Mode radars (8 installed, 8 spares); ten (10) Airborne Low Frequency Systems (ALFS) (8 installed and 2 spares); fourteen (14) AN/APX–123 Identification Friend or Foe transponders (8 installed and 6 spares); twelve (12) AN/AAS–44C Multi-Spectral Targeting Systems Forward Looking Infrared Systems (8 installed, 4 spares); twenty (20) Embedded Global Positioning System/Inertial Navigation Systems (EGI) with Selective Availability/Anti-Spoofing Module (16 installed and 4 spares); thirty (30) AN/AVS–9 Night Vision Devices; one thousand (1,000) AN/SSQ–36/53/62 Sonobuoys; ten (10) AGM–114 Hellfire missiles; five (5) AGM–114 M36–E9 Captive Air Training missiles; four (4) AGM–114Q Hellfire training missiles; thirty eight (38) Advanced Precision Kill Weapons System (APKWS) II rockets; thirty (30) Mk -54 Lightweight Hybrid Torpedoes (LHTs); twelve (12) M–240D machine guns; twelve (12) GAU–21 Machine Guns. Also included are twelve (12) AN/ARC–220 High Frequency radios; spare engine containers; facilities study, design, and construction; spare and repair parts; support and test equipment; communication equipment; ferry support; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support. The total estimated value is $1.20 billion.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a strategic regional partner. Mexico has been a strong partner in combating organized crime and drug trafficking organizations. The sale of these aircraft to Mexico will significantly increase and strengthen its maritime capabilities. Mexico intends to use these defense articles and services to modernize its armed forces and expand its existing naval and maritime support of national security requirements and in its efforts to combat criminal organizations.

The proposed sale will improve Mexico's ability to meet current and future threats from enemy weapon systems. The MH–60R Multi-Mission Helicopter will enable Mexico to perform anti-surface and anti-submarine warfare missions and secondary missions including vertical replenishment, search and rescue, and communications relay. Mexico will use the enhanced capability as a deterrent to regional threats and to strengthen its homeland defense. Mexico will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin Rotary and Mission Systems in Owego, New York. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will require the assignment of additional U.S. Government and/or contractor representatives to Mexico.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 18–06

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The MH–60R Multi-Mission Helicopter focuses primarily on anti-submarine and anti-surface warfare missions. The MH–60R carries several sensors and data links to enhance its ability to work in a network centric battle group as an extension of its home ship/main operating base. The mission equipment subsystem consists of the following sensors and subsystems: an acoustics systems consisting of a dipping sonar and sonobuoys, Multi-Mode Radar (MMR) with integral Identification Friend or Foe (IFF) interrogator, Electronic Support Measures (ESM), Integrated Self-Defense (ISD), and Multi-Spectral Targeting System (MTS). Also, Night Vision Devices (AN/AVS–9) for CONOPS and

interoperability with USN. It can carry AGM–114A/B/K Hellfire missiles, as well as Mk 46/54 torpedoes to engage surface and sub-surface targets. The Mexican MH–60R platform will include provisions for the Mk 54 light weight torpedo. The MH–60R weapons system is classified up to SECRET. Unless otherwise noted below, MH–60R hardware and support equipment, test equipment, and maintenance spares are UNCLASSIFIED except when electrical power is applied to hardware containing volatile data storage. Technical data and documentation for MH–60R weapons systems (including sub-systems and weapons listed below) are classified up to SECRET. The sensitive technologies include:

a. The AGM–114 HELLFIRE missile is an air-to-surface missile with a multi-mission, multi-target, precision strike capability. The HELLFIRE can be launched from multiple air platforms and is the primary precision weapon for the United States Army. The highest level for release of the AGM–114 HELLFIRE is SECRET, based upon the software. The highest level of classified information that could be disclosed by a proposed sale or by testing of the end item is SECRET; the highest level that must be disclosed for production, maintenance, or training is CONFIDENTIAL. Reverse engineering could reveal CONFIDENTIAL information. Vulnerability data, countermeasures, vulnerability/susceptibility analyses, and threat definitions are classified SECRET or CONFIDENTIAL.

b. Advanced Precision Kill Weapons System (APKWS) II laser guided rocket to counter the fast attack craft and fast inshore attack craft threat. APKWS hardware is UNCLASSIFIED.

c. The light-weight hybrid air launched torpedo (Mk 54 LHT) is for surface and subsurface targets. The acquisition of Mk-54 LHT will include ancillary equipment and publications.

d. Communications security devices contain sensitive encryption algorithms and keying material. The purchasing country has previously been released and utilizes COMSEC devices in accordance with set procedures and without issue. COMSEC devices will be classified up to SECRET when keys are loaded.

e. Identification Friend or Foe (IFF) (KIV–78) contains embedded security devices containing sensitive encryption algorithms and keying material. The purchasing country will utilize COMSEC devices in accordance with set procedures. The AN/APX–123 is classified up to SECRET.

f. GPS/PPS/SAASM—Global Positioning System (GPS) provides a space-based Global Navigation Satellite System (GNSS) that has reliable location and time information in all weather and at all times and anywhere on or near the earth when and where there is an unobstructed line of sight to four or more GPS satellites. Selective Availability/Anti-Spoofing Module (SAASM) (AN/PSN–11) is used by military GPS receivers to allow decryption of precision GPS coordinates. The GPS hardware is UNCLASSIFIED. When electrical power is applied, the system is classified up to SECRET.

g. Acoustics algorithms are used to process dipping sonar and sonobuoy data for target tracking and for the Acoustics Mission Planner (AMP), which is a tactical aid employed to optimize the deployment of sonobuoys and the dipping sonar. Acoustics hardware is UNCLASSIFIED. The acoustics system is classified up to SECRET when environmental and threat databases are loaded and/or the system is processing acoustic data.

h. The AN/APS–153 multi-mode radar with an integrated IFF and Inverse Synthetic Aperture (ISAR) provides target surveillance/detection capability. The AN/APS–153 hardware is unclassified. When electrical power is applied and mission data loaded, the AN/APS–153 is classified up to SECRET.

i. The AN/ALQ–210 (ESM) system identifies the location of an emitter. The ability of the system to identify specific emitters depends on the data provided by the Mexican Navy. The AN/ALQ–210 hardware is UNCLASSIFIED. When electrical power is applied and mission data loaded, the AN/ALQ–210 system is classified up to SECRET.

j. The AN/AAS–44C Forward Looking Infrared Radar (FLIR) uses the Multi-spectral Targeting System (MTS) that allows it to operate in day/night and adverse weather conditions. Imagery is provided by an Infrared sensor, a color/monochrome DTV, and a Low-Light TV. The AN/AAS–44C hardware is UNCLASSIFIED. When electrical power is applied, the AN/AAS–44C is classified up to SECRET.

k. Satellite Communications Demand Assigned Multiple Access (SATCOM DAMA), which provide increased, interoperable communications capabilities with US forces. SATCOM DAMA hardware is UNCLASSIFIED. When electrical power is applied and mission data loaded these systems are classified up to SECRET.

2. All the mission data, including sensitive parameters, is loaded from an off board station before each flight and does not stay with the aircraft after electrical power has been removed. Sensitive technologies are protected as defined in the program protection and anti-tamper plans. The mission data and off board station are classified up to SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the recipient country can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to Mexico.

[FR Doc. 2018–23259 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–HA–0082]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Health Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 24, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Health Agency (DHA), Solution Delivery Division, Chief Information Officer, Deputy Assistant Director for Information Operations (DAD/J–6), ATTN: Richard Masannat, 7700 Arlington Boulevard, Falls Church, VA 22042, or call the Web and Mobile Technology Program Office, Solution Delivery Division, at 703–681–7189.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Assistance Reporting Tool; OMB Control Number 0720–0060.

Needs and Uses: The ART is a secure web-based system that captures feedback on and authorization related to TRICARE benefits. Users are comprised of Military Health System (MHS) customer service personnel, to include Beneficiary Counseling and Assistance Coordinators, Debt Collection Assistance Officers, personnel, family support, recruiting command, case managers, and others who serve in a customer service support role. The ART is also the primary means by which DHA-Great Lakes staff capture medical authorization determinations and claims assistance information for remotely located service members, line of duty care, and for care under the Transitional Care for Service-related Conditions benefit. ART data reflects the customer service mission within the MHS: It helps customer service staff users prioritize and manage their case workload; it allows users to track beneficiary inquiry workload and resolution, of which a major component is educating beneficiaries on their TRICARE benefits. Personal health information (PHI) and personally identifiable information (PII) entered into the system is received from individuals via a verbal or written exchange and is only collected to facilitate beneficiary case resolution. Authorized users may use the PII/PHI to obtain and verify TRICARE eligibility, treatment, payment, and other healthcare operations information for a specific individual. All data collected is voluntarily given by the individual. At any time during the case resolution process, individuals may object to the collection of PHI and PII via verbal or written notice. Individuals are informed that without PII/PHI the authorized user of the system may not be able to assist in case resolution, and that answers to questions/concerns would be generalities regarding the topic at hand.

Affected Public: Individuals or households, business or other for-profit, not-for-profit institutions, federal government.

Annual Burden Hours: 43,596.25.

Number of Respondents: 174,385.

Responses per Respondent: 1.

Annual Responses: 174,385.

Average Burden per Response: 15 minutes.

Frequency: On Occasion.

The Defense Health Agency (DHA) Communications Division designed the ART as a secure, (Department of Defense Information Assurance Certification and Accreditation Process-certified with a Privacy Impact Assessment on file with the DHA Privacy and Civil Liberties Office) web-based system to track, refer, reflect, and report workload associated with resolution of beneficiary and/or provider inquiries. The ART is also the primary means by which DHA-Great Lakes staff capture medical authorization determinations and claims assistance information for remotely located service members, line of duty care, and for care under the Transitional Care for Service-related Conditions benefit.

Users are comprised of MHS customer service personnel, to include Beneficiary Counseling and Assistance Coordinators, Debt Collection Assistance Officers, DHA-Great Lakes staff, personnel, family support, recruiting command, case managers, and others who serve in a customer service support role. Only individuals with a valid need-to-know demonstrated by assigned official Government duties are granted access to the ART. These individuals must satisfy all personnel security criteria with special protection measures or restricted distribution as established by the data owner.

ART data reflects the customer service mission within the MHS: It helps customer service staff users prioritize and manage their case workload; it allows users to track beneficiary inquiry workload and resolution, of which a major component is educating beneficiaries on their TRICARE benefits.

PHI and PII entered into the system is received from individuals via a verbal or written exchange and is only collected to facilitate beneficiary case resolution. Authorized users may use the PII/PHI to obtain and verify TRICARE eligibility, treatment, payment, and other healthcare operations information for a specific individual. All data collected is voluntarily given by the individual. At any time during the case resolution process, individuals may object to the collection of PHI and PII via verbal or written notice. Individuals are informed that without PII/PHI the authorized user of the system may not be able to assist in case resolution, and that answers to questions/concerns would be generalities regarding the topic at hand.

Dated: October 19, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–23239 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–HA–0081]

Proposed Collection; Comment Request

AGENCY: The Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Health Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 24, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24 Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Attn: Mrs. Janet M. Johnson, 5109 Leesburg Pike (Sky 6, 817), Falls Church, VA 22041, (O)703.882.3951.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Defense Medical Human Resources System internet; OMB Control Number 0720–0041.

Needs and Uses: The DoD is required to provide and account for personnel, medical training and readiness and to establish a Joint strategy to justify Medical Resources for Readiness and Peacetime Care. In response, the Assistant Secretary of Defense, HA/TMA and the Service Surgeon Generals of the Army, Navy and Air Force approved development of a single Joint electronic database to provide visibility of and to support the preparedness of all Military Healthcare System (MHS) medical personnel (to meet national security emergencies). The Defense Medical Human Resources System—internet—DMHRSi) is a DoD application that provides the MHS with a joint comprehensive enterprise human resource system with capabilities to manage human capital across the entire spectrum of medical facilities and personnel types.

Affected Public: Individuals or households.

Annual Burden Hours: 11,156.25.

Number of Respondents: 89,250.

Responses per Respondent: 1.

Annual Responses: 89,250.

Average Burden per Response: 7.5 minutes.

Frequency: On occasion.

The Defense Medical Human Resources System—internet—DMHRSi is a DoD application that provides the MHS with a joint comprehensive enterprise human resource system with capabilities to manage human capital across the entire spectrum of medical facilities and person types—military, civilian, contractor, Reserve component and volunteer. DMHRSi not only provides visibility of all personnel working within MHS activities, it assists in the standardization/centralization of Joint medical HR information; accurate Joint data collection and reporting and standardized management and analysis. DMHRSi is deployed to all DHP funded activities and includes 170K MHS users, The system utilizes best practices in a commercial off the shelf application across five functional areas—Manpower management, Personnel management, Labor Cost Assignment, Education and Training management, and Medical Readiness.

Dated: October 19, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–23210 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2018–HQ–0017]

Proposed Collection; Comment Request

AGENCY: The Secretary of the Navy, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Manpower & Reserve Affairs (M&RA), Business and Support Services Division (MR) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 24, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Branch Head, Food, Lodging, and Commercial Recreation, Business and Support Services Division (MR), Headquarters, U.S. Marine Corps, 3044 Catlin Avenue, Quantico, VA 22134–5099, or call 703–784–3811.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Point-of sale NAF Hotel Information System and Inns of the Corps Customer Feedback, OMB Control Number 0703–XXXX.

Needs and Uses: The information collection requirement is necessary to keep a record of Marine Corps Community Services' (MCCS's) lodging reservations to ensure orderly room assignment and avoid improper

booking; to record registration and payment of accounts; to verify proper usage by eligible patrons; for cash control; to gather occupancy data; to determine occupancy breakdown; to account for rentals and furnishings; and to collect data for customer satisfaction and marketing. Patrons are required to present appropriate identification to determine their eligibility to access MCCS Lodging's facilities and services.

Affected Public: Individual or Households.

Point-of-Sale System

Annual Burden Hours: 2,500.
Number of Respondents: 15,000.
Responses per Respondent: 1.
Annual Responses: 15,000.
Average Burden per Response: 10 minutes.
Frequency: On occasion.

Customer Feedback Survey

Annual Burden Hours: 82.5.
Number of Respondents: 1,650.
Responses per Respondent: 1.
Annual Responses: 1,650.
Average Burden per Response: 3 minutes.
Frequency: On occasion.
Total Annual Burden Hours: 2,582.5.
Total Number of Respondents: 15,000.
Total Annual Responses: 16,650.

The information collected will be used to manage and administer MCCS lodging reservations, accommodations, sales transactions, and services provided as well as improving marketing and customer satisfaction based on customer feedback. The collection instruments include the point-of-sale system terminal located at each lodging facility and customer feedback that is requested via email. The information provided for MCCS lodging reservations, accommodations, sales transactions, and services is stored on the centralized database of the point-of-sale system. Information access is controlled and managed via system administration and security for those who have a need-to-know. Customer feedback is collected and stored by the third-party currently contracted with MCCS. The intended result is the ability to provide lodging services efficiently and effectively with an ability to follow up with customers to improve customer satisfaction. The successful effect is streamlining service delivery, improved customer experience, and higher utilization and retention rates.

Dated: October 18, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–23145 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2018–HQ–0018]

Proposed Collection; Comment Request

AGENCY: Secretary of the Navy, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the United States Marine Corps announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 24, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Business and Support Services Division, Headquarters, United States Marine Corps, 3044 Catlin Avenue, ATTN: MRG Human Resource Management System Program Manager, Quantico, VA 22134–5003, or call 703–432–0440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Nonappropriated Fund Human Resource Management System (NAF HRMS), OMB number 0703–XXXX.

Needs and Uses: The information collection requirement is necessary to manage and administer the Marine Corps Community Services (MCCS) employment application and hiring process.

Affected Public: Individuals or Households.

Annual Burden Hours: 38,933.

Number of Respondents: 77,866.

Responses per Respondent: 1.

Annual Responses: 77,866.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

Respondents are applicants who are responding to an MCCS job posting on the MCCS Civilian Careers website, accessible at *www.usmc-mccs.org/careers.* The application delivers a systematic process which guides the applicants in completing the employment application and submitting it through the MCCS Civilian Careers website. Applicants are then able to login to their accounts and view their profile, track the status of their current application, and apply for future job postings. Maintaining the information collection in the NAF HRMS enables MCCS to successfully manage and administer an effective and efficient recruiting and hiring process. In addition, the NAF HRMS capabilities streamline the employment application process, reduce processing and recruiter response times, and decrease the need for applicant calls and inquiries; therefore, improving the applicant's experience.

If applicants were not permitted to provide their personal information on occasion at their discretion for employment applications the negative impacts could include a decreased amount of qualified applicants for MCCS employment opportunities, an inability to notify applicants on receipt of applications in a timely manner, and applicants not having a means to track the status of their applications. These negative impacts could result in poor experiences for jobseekers, unfavorable perspectives of MCCS as an employer, and ineffective practices in recruiting, hiring, and retention of valued employees.

Dated: October 18, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–23149 Filed 10–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0108]

Agency Information Collection Activities; Comment Request; Carl D. Perkins Career and Technical Education Act State Plan

AGENCY: Office of Career, Technical, and Adult Education (OCTAE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before December 24, 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–0108. 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 9088, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Braden Goetz, 202–245–7405.

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: Carl D. Perkins Career and Technical Education Act State Plan.

OMB Control Number: 1830–0029.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 54.

Total Estimated Number of Annual Burden Hours: 2,322.

Abstract: This information collection is used by the U.S. Department of Education to gather State plans from eligible agencies under the Carl D. Perkins Career and Technical Education Act, as amended by the Strengthening Career and Technical Education Act for the 21st Century Act (Pub. L. 115–224) (Perkins V or the Act). State plans consist of narrative information, budgets, and performance levels pursuant to the Act and applicable Federal regulations pursuant to the Uniform Guidance (2 CFR 200) and Education Department General Administrative Regulations (2 CFR 76). Eligible agencies are the State boards, or sole State agencies, responsible for career and technical education in the 50 States, the District of Columbia, Puerto Rico, and the outlying areas of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Marianas Islands, and the Republic of Palau.

Perkins V authorizes appropriations from Fiscal Year (FY) 2019 through FY 2024. Section 122(a) of Perkins V requires each eligible agency desiring assistance for any fiscal year under the Act to prepare and submit to the Secretary a State plan for a 4-year period, together with such annual revisions as the Act specifies or the eligible agency deems necessary. Eligible agencies may submit a 4-year State plan or, for FY 2019 only, a one-year transition plan followed by a 4-year plan. An eligible agency also may submit its State plan as part of a Combined State Plan under the Workforce Innovation and Opportunities Act of 2014 (WIOA).

Dated: October 18, 2018.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–23141 Filed 10–23–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0110]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Defraying Costs of Enrolling Displaced Students (DCEDS) Program and Emergency Assistance to Institutions of Higher Education (EAI) Program Applications

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before November 23, 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–0110. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection

activities, please contact Beatriz Ceja, 202–453–6239.

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: Defraying Costs of Enrolling Displaced Students (DCEDS) Program and Emergency Assistance to Institutions of Higher Education (EAI) Program Applications.

OMB Control Number: 1840–0839.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 550.

Total Estimated Number of Annual Burden Hours: 16,000.

Abstract: The Bipartisan Budget Act of 2018, signed into law on February 9, 2018, included significant new funding to support disaster relief. The U.S. Department of Education (Department) will award up to $2.7 billion to assist K–12 schools and school districts and institutions of higher education (IHEs) in meeting the educational needs of students affected by Hurricanes Harvey, Irma and Maria and the 2017 California wildfires. This disaster assistance will help schools, school districts and IHEs return to their full capabilities as quickly and effectively as possible. There are two higher education funding opportunities that require clearance under the Paperwork Reduction Act. Congress appropriated $100 million for the Emergency Assistance to Institutions of Higher Education program, to provide emergency assistance to IHEs and their students in areas directly affected by the covered disasters or emergencies. Congress appropriated $75 million for the Defraying Costs of Enrolling Displaced Students in Higher Education program, to provide payments to IHEs to help defray the unexpected expenses associated with enrolling displaced students from IHEs directly affected by a covered disaster or emergency. The application packages contained in this request will be used to collect information needed to determine eligibility for funding under these two programs.

Dated: October 19, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–23224 Filed 10–23–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0109]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Household Education Survey 2019 (NHES:2019)

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before November 23, 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–0109. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, 202–245–7377 or email *NCES.Information.Collections@ed.gov.*

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Household Education Survey 2019 (NHES:2019).

OMB Control Number: 1850–0768.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 122,742.

Total Estimated Number of Annual Burden Hours: 12,948.

Abstract: The National Household Education Survey (NHES) is a data collection program of the National Center for Education Statistics (NCES) designed to provide descriptive data on the education activities of the U.S. population, with an emphasis on topics that are appropriate for household

surveys rather than institutional surveys. Such topics have covered a wide range of issues, including early childhood care and education, children's readiness for school, parents' perceptions of school safety and discipline, before- and after-school activities of school-age children, participation in adult and career education, parents' involvement in their children's education, school choice, homeschooling, and civic involvement. The request to conduct the NHES:2019 full scale data collection, from December 2018 through September 2019, in conjunction with an In-Person Study of Nonresponding Households, designed to provide insight about nonresponse that can help plan future survey administrations was approved in September 2018 (OMB# 1850–0768 v.14–15). NHES:2019 will use mail and web data collection modes and will field two surveys: The Early Childhood Program Participation survey (ECPP) and the Parent and Family Involvement in Education survey (PFI). This request provides the expected update on the final plan for the NHES:2019 In-Person Study of Nonresponding Households.

Dated: October 19, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–23189 Filed 10–23–18; 8:45 am]

BILLING CODE 4000–01–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: CP19–2–000.
Applicants: Northern Natural Gas Company.
Description: Abbreviated Application for Order Permitting and Approving Abandonment of Service of Northern Natural Gas Company.
Filed Date: 10/08/18.
Accession Number: 20181009–5286.
Comments Due: 5 p.m. ET 10/30/18.

Docket Number: PR18–74–001.
Applicants: Columbia Gas of Ohio, Inc.
Description: Tariff filing per 284.123(b),(e)/: Revised SOC PR18–74 Effective 9–1–2018.
Filed Date: 10/9/18.
Accession Number: 201810095170.
Comments/Protests Due: 5 p.m. ET 10/30/18.

Docket Number: PR18–80–001.
Applicants: Caprock Permian Natural Gas Transmission LLC.
Description: Tariff filing per 284.123(b),(e)/: Caprock re-file amendment 10–12–18 to be effective 8/15/2018.
Filed Date: 10/12/18.
Accession Number: 201810125144.
Comments/Protests Due: 5 p.m. ET 11/2/18.

Docket Number: PR19–1–000.
Applicants: Atmos Pipeline-Texas.
Description: Tariff filing per 284.123(b),(e)/: APT October TCJA Filing to be effective 8/1/2018.
Filed Date: 10/3/18.
Accession Number: 201810035129.
Comments/Protests Due: 5 p.m. ET 10/24/18.

Docket Number: PR19–2–000.
Applicants: Columbia Gas of Ohio, Inc.
Description: Tariff filing per 284.123(b),(e)/: COH Rates effective 9/28/2018.
Filed Date: 10/9/18.
Accession Number: 201810095180.
Comments/Protests Due: 5 p.m. ET 10/30/18.

Docket Number: PR19–4–000.
Applicants: Northwest Natural Gas Company.
Description: Tariff filing per 284.123(b)(2)+(g): Northwest Natural Gas Petition for Rate Approval to be effective 11/1/2018.
Filed Date: 10/12/18.
Accession Number: 201810125170.
Comments Due: 5 p.m. ET 11/2/18.
284.123(g) Protests Due: 5 p.m. ET 12/11/18.

Docket Number: PR19–5–000.
Applicants: Ameren Illinois Company.
Description: Tariff filing per 284.123(b),(e)/: Statement of Currently Effective Rates to be effective 11/1/2018.
Filed Date: 10/12/18.
Accession Number: 201810125178.
Comments/Protests Due: 5 p.m. ET 11/2/18.

Docket Number: PR19–6–000.
Applicants: The Peoples Gas Light and Coke Company.
Description: Tariff filing per 284.123(b)(2)+(g): Petition for Approval of Rates Pursuant to 284.123 and 284.224 to be effective 11/1/2018.
Filed Date: 10/15/18.
Accession Number: 201810155033.
Comments Due: 5 p.m. ET 11/5/18.
284.123(g) Protests Due: 5 p.m. ET 12/14/18.

Docket Number: PR19–7–000.
Applicants: Northern Illinois Gas Company.
Description: Tariff filing per 284.123(b)(2)+(g): Application for Rate Approval to be effective 11/1/2018√.
Filed Date: 10/15/18.
Accession Number: 201810155057.
Comments Due: 5 p.m. ET 11/5/18.
284.123(g) Protests Due: 5 p.m. ET 12/14/18.

Docket Number: PR19–8–000.
Applicants: DTE Gas Company.
Description: Tariff filing per 284.123(b),(e)/: DTE Gas Company Rate Filing to be effective 10/1/2018.
Filed Date: 10/15/18.
Accession Number: 201810155106.
Comments/Protests Due: 5 p.m. ET 11/5/18.

Docket Numbers: RP19–84–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated rate—High Rise 8953473 eff 10–16–18 to be effective 10/16/2018.
Filed Date: 10/16/18.
Accession Number: 20181016–5029.
Comments Due: 5 p.m. ET 10/29/18.

Docket Numbers: RP19–85–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate—High Rise 797640 eff 10–17–18 to be effective 10/17/2018.
Filed Date: 10/16/18.
Accession Number: 20181016–5056.
Comments Due: 5 p.m. ET 10/29/18.

Docket Numbers: RP19–86–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: OFO Penalty Revisions to be effective 12/1/2018.
Filed Date: 10/16/18.
Accession Number: 20181016–5101.
Comments Due: 5 p.m. ET 10/29/18.

Docket Numbers: RP19–87–000.
Applicants: Dominion Energy Fuel Services, Inc., Dominion Energy Fairless, LLC, Dominion Energy Manchester Street, Inc., Spade Facilities II, L.L.C.
Description: Joint Petition for Temporary Waiver, et al. of Dominion Energy Fuel Services, Inc., et al. under RP19–87.
Filed Date: 10/16/18.
Accession Number: 20181016–5105.
Comments Due: 5 p.m. ET 10/23/18.

Docket Numbers: RP19–88–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Gulf Markets—Global LNG perm release to Total Gas NCF to be effective 10/16/2018.
Filed Date: 10/16/18.

Accession Number: 20181016–5108.
Comments Due: 5 p.m. ET 10/29/18.

Docket Numbers: RP19–89–000.
Applicants: Columbia Gulf Transmission, LLC.
Description: § 4(d) Rate Filing: Global Total Release NC Agmt to be effective 10/16/2018.
Filed Date: 10/16/18.
Accession Number: 20181016–5109.
Comments Due: 5 p.m. ET 10/29/18.

Docket Numbers: RP19–90–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement—Seven Generations to be effective 11/1/2018.
Filed Date: 10/17/18.
Accession Number: 20181017–5000.
Comments Due: 5 p.m. ET 10/29/18.

Docket Numbers: RP19–91–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement—NICOR Gas Company to be effective 11/1/2018.
Filed Date: 10/17/18.
Accession Number: 20181017–5001.
Comments Due: 5 p.m. ET 10/29/18.

Docket Numbers: RP19–92–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement—Tenaska Marketing Ventures to be effective 11/1/2018.
Filed Date: 10/17/18.
Accession Number: 20181017–5002.
Comments Due: 5 p.m. ET 10/29/18.

Docket Numbers: RP19–93–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate—Keyspan release to High Rise 797645 to be effective 10/17/2018.
Filed Date: 10/17/18.
Accession Number: 20181017–5104.
Comments Due: 5 p.m. ET 10/29/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–23215 Filed 10–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TS19–1–000]

AMP Transmission, LLC; Notice of Filing

Take notice that on October 12, 2018, pursuant to sections 35.28(e)(2) and 358.1(d) and Rules 101(e) and 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure,[1] AMP Transmission, LLC filed a request for waiver of the Commission's Standard of Conduct and Open Access Same-Time Information System requirements pursuant to the Commission's Order Nos. 888,[2] 889[3] and 717.[4]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on November 2, 2018.

Dated: October 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–23196 Filed 10–23–18; 8:45 am]

BILLING CODE 6717–01–P

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[1] 18 CFR 35.28(e)(2), 358.1(d), 385.101(e), 385.207 (2018).

[2] Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Order No. 888, 61 FR 21,539 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 (1996) (''Order No. 888''), clarified, 76 FERC ¶ 61,009 (1996), modified, Order No. 888–A, 62 FR 12,274 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,048 (1997), order on reh'g, Order No. 888–B, 62 FR 64,688 (Dec. 9, 1997), 81 FERC ¶ 61,248 (1997), order on reh'g, Order No. 888–C, 82 FERC ¶ 61,046 (1998), aff'd in part and remanded in part sub nom. *Transmission Access Policy Study Grp.* v. *FERC*, 225 F.3d 667 (DC Cir. 2000), aff'd sub nom. *New York* v. *FERC*, 535 U.S. 1 (2002).

[3] Open Access Same-Time Information System (formerly Real-Time Information Networks) and Standards of Conduct, Order No. 889, 61 FR 21,737 (May 10, 1996), FERC Stats. & Regs. ¶ 31,035 (1996), clarified, 76 FERC ¶ 61,009 (1996), modified, Order No. 889–A, 62 FR 12,484 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,049 (1997), reh'g denied, Order No. 889–B, 81 FERC ¶ 61,253 (1997), aff'd in part and remanded in part sub nom. Transmission Access Policy Study Grp. v. FERC, 225 F.3d 667 (DC Cir. 2000), aff'd sub nom. New York v. FERC, 535 U.S. 1 (2002).

[4] Standards of Conduct for Transmission Providers, Order No. 717, 73 FR 63,796 (Oct. 27, 2008), FERC Stats. & Regs. ¶ 31,280 (2008), on reh'g, Order No. 717–A, 74 FR 54,463 (Oct. 22, 2009), FERC Stats. & Regs. ¶ 31,297 (2009), clarified, Order No. 717–B, 129 FERC ¶ 61,123 (2009), on reh'g, Order No. 717–C, 131 FERC ¶ 61,045 (2010), on reh'g and clarification, Order No. 717–D, 135 FERC ¶61,017 (2011).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–115–000]

FL Solar 5, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of FL Solar 5, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is November 7, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–23195 Filed 10–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Staff Attendance at the Southwest Power Pool Regional Entity Trustee, Regional State Committee, Members' Committee and Board of Directors' Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of its staff may attend the meetings of the Southwest Power Pool, Inc. Regional State Committee (RSC), Regional Entity Trustee (RET), Members' Committee and Board of Directors as noted below. Their attendance is part of the Commission's ongoing outreach efforts.

The meetings will be held at the SPP Corporate Campus, 201 Worthen Drive, Little Rock, AR 72223. The phone number is (502) 482–2524. All meetings are Central Time.

SPP RSC

October 29, 2018 (1:00 p.m.–5:00 p.m. CDT)

SPP Members/Board of Directors

October 30, 2018 (8:00 a.m.–3:00 p.m. CDT)

The discussions may address matters at issue in the following proceedings:

Docket No. ER12–1179, *Southwest Power Pool, Inc.*

Docket No. ER14–2850, *Southwest Power Pool, Inc.*

Docket No. ER14–2851, *Southwest Power Pool, Inc.*

Docket No. ER15–2028, *Southwest Power Pool, Inc.*

Docket No. ER15–2115, *Southwest Power Pool, Inc.*

Docket No. ER15–2237, *Kanstar Transmission, LLC*

Docket No. ER15–2594, *South Central MCN LLC*

Docket No. EL16–91, *Southwest Power Pool, Inc.*

Docket No. EL16–108, *Tilton Energy* v. *Midcontinent Independent System Operator, Inc.*

Docket No. EL16–110, *Southwest Power Pool, Inc.*

Docket No. ER16–204, *Southwest Power Pool, Inc.*

Docket No. ER16–1341, *Southwest Power Pool, Inc.*

Docket No. ER16–2522, *Southwest Power Pool, Inc.*

Docket No. ER16–2523, *Southwest Power Pool, Inc.*

Docket No. RM17–8, *Reform of Generator Interconnection Procedures and Agreements*

Docket No. EL17–11, *Alabama Power Co.* v. *Southwest Power Pool, Inc.*

Docket No. EL17–21, *Kansas Electric Co.* v. *Southwest Power Pool, Inc.*

Docket No. EL17–69, *Buffalo Dunes et al.* v. *Southwest Power Pool, Inc.*

Docket No. EL17–89, *American Electric Power Service Corporation* v. *Midcontinent Independent System Operator, Inc., et. al.*

Docket No. EL17–92, *East Texas Electric Cooperative*

Docket No. ER17–469, *Southwest Power Pool, Inc.*

Docket No. ER17–953, *South Central MCN LLC*

Docket No. ER17–1575, *Southwest Power Pool, Inc.*

Docket No. ER17–1610, *Southwest Power Pool, Inc.*

Docket No. AD18–8, *Reform of Affected System Coordination in the Generator Interconnection Process*

Docket No. EL18–9, *Xcel Energy Services, Inc.* v. *Southwest Power Pool, Inc.*

Docket No. EL18–12, *ATX Southwest, LLC*

Docket No. EL18–13, *Transource Kansas, LLC*

Docket No. EL18–14, *Midwest Power Transmission Arkansas, LLC*

Docket No. EL18–15, *Kanstar Transmission, LLC*

Docket No. EL18–16, *South Central MCN, LLC*

Docket No. EL18–19, *Southwest Power Pool, Inc.*

Docket No. EL18–20, *Indicated SPP Transmission Owners* v. *Southwest Power Pool, Inc.*

Docket No. EL18–26, *EDF Renewable Energy, Inc.* v. *Midcontinent Independent System Operator, Inc., Southwest Power Pool, Inc., and PJM Interconnection, L.L.C.*

Docket No. EL18–35, *Southwest Power Pool, Inc.*

Docket No. EL18–58, *Oklahoma Municipal Power Authority* v. *Oklahoma Gas and Electric Co.*

Docket No. EL18–194, *Nebraska Public Power District* v. *Tri-State Generation and Transmission Association, Inc. and Southwest Power Pool, Inc.*

Docket No. ER18–99, *Southwest Power Pool, Inc.*

Docket No. ER18–171, *Southwest Power Pool, Inc.*

Docket No. ER18–194, *Southwest Power Pool, Inc.*

Docket No. ER18–195, *Southwest Power Pool, Inc.*

Docket No. ER18–499, *Southwestern Electric Power Company*

Docket No. ER18–500, *Southwestern Electric Power Company*

Docket No. ER18–564, *South Central MCN LLC*

Docket No. ER18–572, *South Central MCN LLC.*

Docket No. ER18–831, *Southwest Power Pool, Inc.*
Docket No. ER18–939, *Southwest Power Pool, Inc.*
Docket No. ER18–1267, *South Central MCN LLC*
Docket No. ER18–1632, *Southwest Power Pool, Inc.*
Docket No. ER18–1702, *Southwest Power Pool, Inc.*
Docket No. ER18–1872, *Southwest Power Pool, Inc.*
Docket No. ER18–1969, *Southwest Power Pool, Inc.*
Docket No. ER18–1970, *Midcontinent Independent System Operator, Inc.*
Docket No. ER18–1974, *Otter Tail Power, Inc..*
Docket No. ER18–2114, *Southwest Power Pool, Inc.*
Docket No. ER18–2135, *Southwest Power Pool, Inc.*
Docket No. ER18–2145, *Southwest Power Pool, Inc.*
Docket No. ER18–2218, *Southwest Power Pool, Inc.*
Docket No. ER18–2243, *Southwest Power Pool, Inc.*
Docket No. ER18–2245, *Southwest Power Pool, Inc.*
Docket No. ER18–2266, *Southwest Power Pool, Inc.*
Docket No. ER18–2318, *Southwest Power Pool, Inc.*
Docket No. ER18–2324, *Northwestern Corporation*
Docket No. ER18–2326, *Southwest Power Pool, Inc.*
Docket No. ER18–2358, *Southwest Power Pool, Inc.*
Docket No. ER18–2385, *Southwest Power Pool, Inc.*
Docket No. ER18–2430, *Southwest Power Pool, Inc.*
Docket No. ER18–2310, *Southwest Power Pool, Inc.*
Docket No. ER18–2431, *Southwest Power Pool, Inc.*
Docket No. ER18–2343, *Southwest Power Pool, Inc.*
Docket No. ER18–2349, *Southwestern Electric Power Company*
Docket No. ER18–2374, *Southwestern Electric Power Company*
Docket No. ER18–2382, *Southwest Power Pool, Inc.*
Docket No. ER18–2383, *Southwest Power Pool, Inc.*
Docket No. ER18–2404, *Southwest Power Pool, Inc.*
Docket No. ER18–2430, *Southwest Power Pool, Inc.*
Docket No. ER18–2431, *Southwest Power Pool, Inc.*
Docket No. ER18–2437, *Southwest Power Pool, Inc.*
Docket No. ER18–2445, *Southwest Power Pool, Inc.*
Docket No. ER18–2450, *Southwest Power Pool, Inc.*
Docket No. ER18–2376, *Southwest Power Pool, Inc.*
Docket No. ER18–2474, *Southwest Power Pool, Inc.*
Docket No. ER18–2494, *Southwest Power Pool, Inc.*
Docket No. ER18–2499, *Southwest Power Pool, Inc.*
Docket No. ER18–2500, *Southwest Power Pool, Inc.*
Docket No. ER19–4, *Southwest Power Pool, Inc.*
Docket No. ER19–17, *Southwest Power Pool, Inc.*
Docket No. ER19–97, *Southwest Power Pool, Inc.*
Docket No. RR18–3, *North American Electric Reliability Corp.*
Docket No. TX18–1, *AEP Energy Partners, Inc.*

This meeting is open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov.*

Dated: October 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–23194 Filed 10–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2593–031; 2823–020]

Algonquin Power (Beaver Falls), LLC; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a subsequent license for the Upper Beaver Falls Hydroelectric Project and the Lower Beaver Falls Hydroelectric Project, located on the Beaver River in Lewis County, New York, and has prepared an Environmental Assessment (EA) for the projects.

The EA contains staff's analysis of the potential environmental impacts of the projects and concludes that licensing the projects, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for 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, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments 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. 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 numbers P–2593–031 and P–2823–020.

For further information, contact Andy Bernick at (202) 502–8660 or by email at *andrew.bernick@ferc.gov.*

Dated: October 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–23216 Filed 10–23–18; 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 exempt wholesale generator filings:

Docket Numbers: EG19–11–000.
Applicants: Indian Mesa Wind, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Indian Mesa Wind, LLC.
Filed Date: 10/18/18.
Accession Number: 20181018–5076.
Comments Due: 5 p.m. ET 11/8/18.

Docket Numbers: EG19–12–000.
Applicants: Woodward Mountain Wind, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Woodward Mountain Wind, LLC.
Filed Date: 10/18/18.
Accession Number: 20181018–5077.
Comments Due: 5 p.m. ET 11/8/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1314–002.
Applicants: Arkwright Summit Wind Farm LLC.
Description: Notice of Non-Material Change in Status of Arkwright Summit Wind Farm LLC.
Filed Date: 10/17/18.
Accession Number: 20181017–5200.
Comments Due: 5 p.m. ET 11/7/18.

Docket Numbers: ER19–127–000.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Settlement in Docket No. EL18–153 and Request for Shortened Comment Period to be effective N/A.
Filed Date: 10/17/18.
Accession Number: 20181017–5138.
Comments Due: 5 p.m. ET 10/25/18.

Docket Numbers: ER19–128–000.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Settlement in Docket No. EL18–179 and Request for Shortened Comment Period to be effective N/A.
Filed Date: 10/17/18.
Accession Number: 20181017–5139.
Comments Due: 5 p.m. ET 10/25/18.

Docket Numbers: ER19–129–000.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Settlement in Docket No. EL18–180 and Request for Shortened Comment Period to be effective N/A.
Filed Date: 10/17/18.
Accession Number: 20181017–5140.
Comments Due: 5 p.m. ET 10/25/18.

Docket Numbers: ER19–130–000.
Applicants: Midcontinent Independent System Operator, Inc., ALLETE, Inc.
Description: § 205(d) Rate Filing: 2018–10–17_SA 3182 MP–GRE T–L IA (Straight River) to be effective 10/18/2018.
Filed Date: 10/17/18.
Accession Number: 20181017–5146.
Comments Due: 5 p.m. ET 11/7/18.

Docket Numbers: ER19–131–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Attachment AE to Remove References to NERC Standards to be effective 12/18/2018.
Filed Date: 10/17/18.
Accession Number: 20181017–5148.
Comments Due: 5 p.m. ET 11/7/18.

Docket Numbers: ER19–132–000.
Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: NMPC 205 filing to revise depreciation rates in NYISO OATT to be effective 4/1/2018.
Filed Date: 10/17/18.
Accession Number: 20181017–5149.
Comments Due: 5 p.m. ET 11/7/18.

Docket Numbers: ER19–133–000.
Applicants: Midcontinent Independent System Operator, Inc., ALLETE, Inc.
Description: § 205(d) Rate Filing: 2018–10–17_SA 3184 MP–GRE T–L IA (Savanna-Cedar) to be effective 10/18/2018.
Filed Date: 10/17/18.
Accession Number: 20181017–5163.
Comments Due: 5 p.m. ET 11/7/18.

Docket Numbers: ER19–134–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: Invenergy Wind E&P Agreements to be effective 9/18/2018.
Filed Date: 10/17/18.
Accession Number: 20181017–5176.
Comments Due: 5 p.m. ET 11/7/18.

Docket Numbers: ER19–135–000.
Applicants: Peony Solar LLC.
Description: Baseline eTariff Filing: Baseline new to be effective 11/1/2018.
Filed Date: 10/17/18.
Accession Number: 20181017–5185.
Comments Due: 5 p.m. ET 11/7/18.

Docket Numbers: ER19–136–000.
Applicants: NorthWestern Corporation.
Description: Notice of Cancellation of First Revised Service Agreement No. 321–MT of Northwestern Corporation.
Filed Date: 10/17/18.
Accession Number: 20181017–5214.
Comments Due: 5 p.m. ET 11/7/18.

Docket Numbers: ER19–137–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–10–18_SA 3180 Dunns Bridge Solar-NIPSCO GIA (J643) to be effective 10/3/2018.
Filed Date: 10/18/18.
Accession Number: 20181018–5036.
Comments Due: 5 p.m. ET 11/8/18.

Docket Numbers: ER19–138–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: Revisions to Table 1A of Attachment L of the OATT to be effective 12/18/2018.
Filed Date: 10/18/18.
Accession Number: 20181018–5053.
Comments Due: 5 p.m. ET 11/8/18.

Docket Numbers: ER19–139–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: OATT 31.7 revisions: Historic Congestion Reporting Requirements to be effective 12/18/2018.
Filed Date: 10/18/18.
Accession Number: 20181018–5062.
Comments Due: 5 p.m. ET 11/8/18.

Docket Numbers: ER19–140–000.
Applicants: ISO New England Inc.
Description: § 205(d) Rate Filing: Filing to Correct Administrative Error in Section IV.A Submitted in ER18–85–000 to be effective 1/1/2018.
Filed Date: 10/18/18.
Accession Number: 20181018–5075.
Comments Due: 5 p.m. ET 11/8/18.

Docket Numbers: ER19–141–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: PSCo–BLDR–T–2018–2–Spec Study–514–0.0.0-Filing to be effective 10/19/2018.
Filed Date: 10/18/18.
Accession Number: 20181018–5082.
Comments Due: 5 p.m. ET 11/8/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified 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: October 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–23213 Filed 10–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14795–002]

Shell Energy North America (US), LP; Notice of Application Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original major license.

b. *Project No.:* 14795–002.

c. *Date Filed:* November 1, 2017.

d. *Applicant:* Shell Energy North America (US), L.P.

e. *Name of Project:* Hydro Battery Pearl Hill Pumped Storage Project.

f. *Location:* On the Columbia River and Rufus Woods Lake, near Bridgeport, Douglas County, Washington. The project would be located on state lands except for the lower reservoir and power generation and pumping equipment which would be located on Rufus Woods Lake, a reservoir operated by the U.S. Army Corps of Engineers (Corps).

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Kent Watt, Shell US Hosting Company, Shell Woodcreek Office, 150 North Dairy Ashford, Houston, TX 77079, (832) 337–1160, *kent.watt@shell.com.*

i. *FERC Contact:* Ryan Hansen at (202) 502–8074 or *ryan.hansen@ferc.gov.*

j. *Deadline for Filing Comments, Recommendations, Terms and Conditions, and Prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and fishway prescriptions 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–14795–002.

k. This application has been accepted and is now ready for environmental analysis.

l. The proposed project would utilize the Corps' existing Rufus Woods Lake Reservoir and would consist of the following new facilities: (1) A 300-foot-diameter, 20-foot-tall lined corrugated steel tank upper reservoir with storage capacity of 26.5 acre-feet; (2) a 3-foot-diameter, 3,400-foot-long above-ground carbon steel penstock transitioning to a 3-foot-diameter, 2,700-foot-long buried carbon steel penstock; (3) a 77-foot-long, 77-foot-wide structural steel power platform housing five 2,400 horsepower vertical turbine pumps, one 5-megawatt twin-jet Pelton turbine and synchronous generator, and accompanying electrical equipment; (4) five vertical turbine pump intakes, each fitted with a 27-inch-diameter by 94-inch-long T-style fish screen; (5) a 2,500-foot-long, 24.9-kilovolt buried/affixed transmission line interconnecting to an existing non-project transmission line; (6) approximately 3,847 feet of gravel project access road; and (7) appurtenant facilities. The average annual generation is estimated to be 24 gigawatt-hours.

m. A copy of the application is available for 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, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

o. *Procedural Schedule:* The application will be processed according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions	December 2018.
Commission issues draft Environmental Analysis (EA)	June 2019.
Comments on draft EA	August 2019.
Commission issues final EA	November 2019.

Dated: October 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–23214 Filed 10–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–135–000]

Peony Solar LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Peony Solar LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is November 7, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–23212 Filed 10–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14276–014]

FFP Project 92, LLC; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Non-capacity amendment of license.

b. *Project No.:* 14276–014.

c. *Date Filed:* October 2, 2018.

d. *Applicant:* Rye Development, on behalf of FFP Project 92, LLC.

e. *Name of Project:* Kentucky River Lock and Dam No. 11 Hydroelectric Project.

f. *Location:* At the Kentucky River Authority's Lock and Dam No. 11 on the Kentucky River, near the Town of Waco in Madison and Estill counties, Kentucky.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Paul Jacob, Rye Development, 745 Atlantic Avenue, 8th Floor, Boston, MA 02111, (617) 701–3288, *paul@ryedevelopment.com.*

i. *FERC Contact:* Mr. Jeremy Jessup, (202) 502–6779, *Jeremy.Jessup@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests 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–14276–014.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The applicant proposes to update the project design to correspond to changes resulting from engineering development since license issuance. The new design is more economical to construct and eliminates removing the landward lock wall, which was objected to by the Kentucky River Authority. The licensee proposes to reduce the size of the powerhouse, intake structure, and tailrace to fit completely inside the lock chamber. In addition, the licensee is proposing to change from two 2.5-megawatt (MW) horizontal pit Kaplan turbine generators to five 528-kilowatt Flygt submersible turbine-generator units. The authorized installed capacity will reduce from 5 MW to 2.64 MW, and the maximum total hydraulic capacity will decrease from 4,000 cubic feet per second (cfs) to 2,250 cfs. Lastly, the licensee proposes to add a control building located at the right abutment adjacent to the existing concrete esplanade. The proposed amendment will not change the approved run-of-river operation mode of the project or the approved project boundary.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov/docs- filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances

related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Motions To Intervene, or Protests:* Anyone may submit comments, a motion to intervene, or a protest in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, motions to intervene, or protests must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE,'' (2) set forth in the heading, the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: October 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–23202 Filed 10–23–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[CERCLA–04–2018–3759; FRL–9985–73–Region 4]

Armstrong World Industries Site, OU2, Macon, Macon-Bibb County, Georgia; Notice of Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of settlement.

SUMMARY: Under 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency (EPA) has entered into a settlement with Armstrong World Industries, Macon-Bibb County, Macon Water Authority, Honeywell International Inc., Reynolds Metals Company, LLC and The Unimax Corporation concerning the Armstrong World Industries Site, OU2, located in Macon, Macon-Bibb County, Georgia. The settlement addresses recovery of CERCLA costs for a cleanup action performed by the EPA at the Site. EPA will only be accepting comments on the cost recovery portion of the settlement.

DATES: The Agency will consider public comments on the settlement until November 23, 2018. The Agency will consider all comments received and may modify or withdraw its consent to the proposed settlement if comments received disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Program Analyst, using the contact information provided in this notice. Comments may also be submitted by referencing the Site's name through one of the following methods:

Internet: https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices.

- *U.S. Mail:* U.S. Environmental Protection Agency, Superfund Division, Attn: Paula V. Painter, 61 Forsyth Street SW, Atlanta, Georgia 30303.
- *Email: Painter.Paula@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at 404/562–8887.

Dated: October 4, 2018.

Maurice L. Horsey, IV,

Chief, Enforcement and Community Engagement Branch, Superfund Division.

[FR Doc. 2018–23250 Filed 10–23–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[CERCLA–04–2018–3760; FRL–9985–74–Region 4]

Macon Naval Ordnance Plant Superfund Site, Macon, Macon-Bibb County, Georgia; Notice of Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of settlement.

SUMMARY: Under 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement with A.C. White Transfer & Storage Co. Inc., Damaste Warehousing, LLC, Freudenberg Texbond, L.P., Macon-Bibb County Industrial Authority, James S. Resch Irrevocable Trust, Central Georgia Railroad Company, Armstrong World Industries, Macon-Bibb County, Macon Water Authority, Honeywell International Inc., Reynolds Metals Company, LLC and The Unimax Corporation concerning the Macon Naval Ordnance Plant Superfund Site, located in Macon, Macon-Bibb County, Georgia. The settlement addresses recovery of CERCLA costs for a cleanup action performed by the EPA at the Site. EPA will only be accepting comments on the cost recovery portion of the settlement.

DATES: The Agency will consider public comments on the settlement until November 23, 2018. The Agency will consider all comments received and may modify or withdraw its consent to the proposed settlement if comments received disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Program Analyst, using the contact information provided in this notice. Comments may also be submitted by referencing the Site's name through one of the following methods:

Internet: https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices.

- *U.S. Mail:* U.S. Environmental Protection Agency, Superfund Division,

Attn: Paula V. Painter, 61 Forsyth Street SW, Atlanta, Georgia 30303.

• *Email: Painter.Paula@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at 404–562–8887.

Dated: October 4, 2018.

Maurice L. Horsey, IV,

Chief, Enforcement and Community Engagement Branch, Superfund Division.

[FR Doc. 2018–23249 Filed 10–23–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0631; FRL–9977–66–OEI]

Agency Information Collection Activities; ICR Submitted to OMB for Review and Approval; Comment Request; Residential Lead-Based Paint Hazard Disclosure Requirements (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): Residential Lead-Based Paint Hazard Disclosure Requirements (EPA ICR Number 1710.08 and OMB Control No. 2070–0151). This is a request to renew the approval of an existing ICR, which is currently approved through October 31, 2018. EPA received one comment in response to the previously provided public review opportunity issued in the **Federal Register** of December 20, 2017. With this submission, EPA is providing an additional 30 days for public review and comment.

DATES: Comments must be received on or before November 23, 2018.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OPPT–2017–0631, to (1) EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: John Wilkins, National Program Chemicals Division (7404–T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–0477; email address: *wilkins.john@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

ICR status: This ICR is currently scheduled to expire on October 31, 2018. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. Under PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Section 1018 of the Residential Lead Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852d) requires that sellers and lessors of most residential housing built before 1978 disclose known information on the presence of lead-based paint and lead-based paint hazards, and provide an EPA approved pamphlet to purchasers and renters before selling or leasing the housing. Sellers of pre-1978 housing are also required to provide prospective purchasers with ten days to conduct an inspection or risk assessment for lead-based paint hazards before obligating purchasers under contracts to purchase the property. The rule does not apply to rental housing that has been found to be free of lead-based paint, zero-bedroom dwellings, housing for the elderly, housing for the handicapped, or short-term leases. The affected parties and the information collection-related requirements related to each are described below:

1. Sellers of pre-1978 housing must attach certain notification and disclosure language to their sales/leasing contracts. The attachment lists the information disclosed and a statement of compliance by the seller, purchaser and any agents involved in the transaction.

2. Lessors of pre-1978 housing must attach notification and disclosure language to their leasing contracts. The attachment, which lists the information disclosed and a statement of compliance with all elements of the rule, must be signed by the lessor, lessee and any agents acting on their behalf. Agents and lessors must retain the information for three years from the completion of the transaction.

3. Agents acting on behalf of sellers or lessors are specifically required by Section 1018 to comply with the disclosure regulations described above.

Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Form numbers: None.

Respondents/affected entities: Persons engaged in selling or leasing certain residential dwellings built before 1978, or who are real estate agents representing such parties.

Respondent's obligation to respond: Mandatory (see 40 CFR part 790).

Estimated number of respondents: 21,504,926 (total).

Frequency of response: On occasion.

Total estimated burden: 5,952,344 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $130,067,754 (per year), which includes $0 annualized capital investment or maintenance and operational costs.

Changes in the estimates: There is a decrease of 514,832 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease to the estimated number of respondents based on updates to data sources, and revisions based on market factors.

Courtney Kerwin,

Director, Collection Strategies Division.

[FR Doc. 2018–23154 Filed 10–23–18; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

TIME AND DATE: Wednesday, October 31, 2018, 9:30 a.m. Eastern Time.

PLACE: Jacqueline A. Berrien Training Center on the First Floor of the EEOC Office Building, 131 ''M'' Street NE, Washington, DC 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes, and
2. Revamping Workplace Culture to Prevent Harassment.

Note: In accordance with the Sunshine Act, the meeting will be open to public observation of the Commission's deliberations and voting. Seating is limited and it is suggested that visitors arrive 30 minutes before the meeting in order to be processed through security and escorted to the meeting room. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides information about Commission meetings on its website, *www.eeoc.gov.,* and provides a recorded announcement a week in advance on future Commission sessions.)

Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTY) at any time for information on these meetings. The EEOC provides sign language interpretation and Communication Access Realtime Translation (CART) services at Commission meetings for the hearing impaired. Requests for other reasonable accommodations may be made by using the voice and TTY numbers listed above.

CONTACT PERSON FOR MORE INFORMATION: Bernadette B. Wilson, Executive Officer on (202) 663–4077.

This Notice Issued: October 22, 2018.

Bernadette B. Wilson,

Executive Officer, Executive Secretariat.

[FR Doc. 2018–23373 Filed 10–22–18; 4:15 pm]

BILLING CODE 6570–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 21, 2018.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *AJJ Bancorp, Inc., Elkader, Iowa;* to acquire voting shares of Swisher Bankshares, Inc. and thereby indirectly acquire Swisher Trust & Savings Bank, both of Swisher, Iowa.

Board of Governors of the Federal Reserve System, October 19, 2018.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2018–23197 Filed 10–23–18; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 9, 2018.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Kent McDaniel, of Monahans, Texas, individually, and Kent McDaniel and Melanie Bruns, of Katy, Texas, collectively;* to retain voting shares of Sandhills Bancshares, Inc., and thereby indirectly retain Tejas Bank, both of Monahans, Texas.

Board of Governors of the Federal Reserve System, October 19, 2018.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2018–23198 Filed 10–23–18; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1721–PN]

Medicare Program; Request for an Exception to the Prohibition on Expansion of Facility Capacity Under the Hospital Ownership and Rural Provider Exceptions to the Physician Self-Referral Prohibition

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

ACTION: Proposed notice.

SUMMARY: The Social Security Act prohibits a physician-owned hospital from expanding its facility capacity, unless the Secretary of the Department of Health and Human Services (the Secretary) grants the hospital's request for an exception to that prohibition after considering input on the hospital's request from individuals and entities in the community where the hospital is located. The Centers for Medicare & Medicaid Services has received a request from a physician-owned hospital for an exception to the prohibition against expansion of facility capacity. This notice solicits comments on the request from individuals and entities in the community in which the physician-owned hospital is located. Community input may inform our determination regarding whether the requesting hospital qualifies for an exception to the prohibition against expansion of facility capacity.

DATES: *Comment Date:* To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on November 23, 2018.

ADDRESSES: In commenting, refer to file code CMS–1721–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address *ONLY:* Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1721–PN, P.O. Box 8010, Baltimore, MD 21244–1850.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address *only:* Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1721–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: *POH-ExceptionRequests@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments

All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that website to view public comments.

I. Background

Section 1877 of the Social Security Act (the Act), also known as the physician self-referral law—, (1) prohibits a physician from making referrals for certain ''designated health services'' (DHS) payable by Medicare to an entity with which he or she (or an immediate family member) has a financial relationship (ownership or compensation), unless the requirements of an applicable exception are satisfied; and (2) prohibits the entity from filing claims with Medicare (or billing another individual, entity, or third party payer) for those DHS furnished as a result of a prohibited referral.

Section 1877(d)(2) of the Act provides an exception for physician ownership or investment interests in rural providers (the ''rural provider exception''). In order for an entity to qualify for the rural provider exception, the DHS must be furnished in a rural area (as defined in section 1886(d)(2) of the Act) and substantially all of the DHS furnished by the entity must be furnished to individuals residing in a rural area.

Section 1877(d)(3) of the Act provides an exception, known as the hospital ownership exception, for physician ownership or investment interests held in a hospital located outside of Puerto Rico, provided that the referring physician is authorized to perform services at the hospital and the ownership or investment interest is in the hospital itself (and not merely in a subdivision of the hospital).

Section 6001(a)(3) of the Patient Protection and Affordable Care Act (Pub. L. 111–148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (hereafter referred to together as ''the Affordable Care Act'') amended the rural provider and hospital ownership exceptions to the physician self-referral prohibition to impose additional restrictions on physician ownership and investment in hospitals and rural providers. Since March 23, 2010, a physician-owned hospital that seeks to avail itself of either exception is prohibited from expanding facility capacity unless it qualifies as an ''applicable hospital'' or ''high Medicaid facility'' (as defined in sections 1877(i)(3)(E) and (F) of the Act and our regulations at 42 CFR 411.362(c)(2) and (3)) and has been granted an exception to the prohibition by the Secretary of the Department of Health and Human Services (the Secretary). Section 1877(i)(3)(A)(ii) of the Act provides that individuals and entities in the community in which the provider requesting the exception is located must have an opportunity to provide input with respect to the provider's application for the exception. For further information, we refer readers to the Centers for Medicare& Medicaid Services (CMS) website at: *http://www.cms.gov/Medicare/Fraud-and-Abuse/PhysicianSelfReferral/Physician_Owned_Hospitals.html.*

II. Exception Request Process

On November 30, 2011, we published a final rule in the **Federal Register** (76 FR 74122, 74517 through 74525) that, among other things, finalized § 411.362(c), which specified the process for submitting, commenting on, and reviewing a request for an exception to the prohibition on expansion of facility capacity. We published a subsequent final rule in the **Federal Register** on November 10, 2014 (79 FR 66770) that made certain revisions. These revisions included, among other things, permitting the use of data from an external data source or data from the Hospital Cost Report Information System (HCRIS) for specific eligibility criteria.

As stated at § 411.362(c)(5), we will solicit community input on the request for an exception by publishing a notice of the request in the **Federal Register**. Individuals and entities in the hospital's community will have 30 days to submit comments on the request. Community input must take the form of written comments and may include documentation demonstrating that the physician-owned hospital requesting the exception does or does not qualify as an ''applicable hospital'' or ''high Medicaid facility,'' as such terms are defined at § 411.362(c)(2) and (3).

In the November 30, 2011 final rule (76 FR 74522), we gave examples of community input, such as documentation demonstrating that the hospital does not satisfy one or more of the data criteria or that the hospital discriminates against beneficiaries of Federal health programs; however, we noted that these were examples only and that we will not restrict the type of community input that may be submitted. We also stated that, if we receive timely comments from the community, we will notify the hospital, and the hospital will have 30 days after such notice to submit a rebuttal statement (§ 411.362(c)(5)).

A request for an exception to the facility expansion prohibition is considered complete as follows:

- If the request, any written comments, and any rebuttal statement include only HCRIS data: (1) At the end of the 30-day comment period if CMS receives no written comments from the community; or (2) at the end of the 30-day rebuttal period if CMS receives written comments from the community, regardless of whether the physician-owned hospital submitting the request submits a rebuttal statement (§ 411.362(c)(5)(i)).
- If the request, any written comments, or any rebuttal statement

include data from an external data source, no later than: (1) 180 days after the end of the 30-day comment period if CMS receives no written comments from the community; and (2) 180 days after the end of the 30-day rebuttal period if CMS receives written comments from the community, regardless of whether the physician-owned hospital submitting the request submits a rebuttal statement (§ 411.362(c)(5)(ii)).

If we grant the request for an exception to the prohibition on expansion of facility capacity, the expansion may occur only in facilities on the hospital's main campus and may not result in the number of operating rooms, procedure rooms, and beds for which the hospital is licensed to exceed 200 percent of the hospital's baseline number of operating rooms, procedure rooms, and beds (§ 411.362(c)(6)). The CMS decision to grant or deny a hospital's request for an exception to the prohibition on expansion of facility capacity must be published in the **Federal Register** in accordance with our regulations at § 411.362(c)(7).

III. Hospital Exception Request

As permitted by section 1877(i)(3) of the Act and our regulations at § 411.362(c), the following physician-owned hospital has requested an exception to the prohibition on expansion of facility capacity:

Name of Facility: St. James Behavioral Health Hospital Inc.

Location: 3136 S. Saint Landry Ave., Gonzales, Louisiana 70737–5801.

Basis for Exception Request: High Medicaid Facility.

We seek comments on this request from individuals and entities in the community in which the hospital is located. We encourage interested parties to review the hospital's request, which is posted on the CMS website at: *http://www.cms.gov/Medicare/Fraud-and-Abuse/PhysicianSelfReferral/Physician_Owned_Hospitals.html.* We especially welcome comments regarding whether the hospital qualifies as a high Medicaid facility. Under § 411.362(c)(3), a high Medicaid facility is a hospital that satisfies all of the following criteria:

- Is not the sole hospital in the county in which the hospital is located.
- With respect to each of the 3 most recent 12-month periods for which data are available as of the date the hospital submits its request, has an annual percent of total inpatient admissions under Medicaid that is estimated to be greater than such percent with respect to such admissions for any other hospital located in the county in which the hospital is located.
- Does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries.

Individuals and entities wishing to submit comments on the hospital's request should review the **DATES** and **ADDRESSES** sections above and state whether or not they are in the community in which the hospital is located.

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Dated: October 17, 2018.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2018–23165 Filed 10–23–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Low Income Home Energy Assistance Program (LIHEAP) Carryover and Reallotment Report FRN2 Clearance.

OMB No.: 0970–0106.

Description: The LIHEAP statute and regulations require LIHEAP grantees to report certain information to HHS concerning funds forwarded and funds subject to reallotment. The 1994 reauthorization of the LIHEAP statute, the Human Service Amendments of 1994 (Pub. L. 103–252), requires that the Carryover and Reallotment Report for one fiscal year be submitted to HHS by the grantee before the allotment for the next fiscal year may be awarded.

The Administration for Children and Families is requesting no changes in the collection of data with the Carryover and Reallotment Report, a form for the collection of data, and the Simplified Instructions for Timely Obligations of LIHEAP Funds and Reporting Funds for Carryover and Reallotment. The form clarifies the information being requested and ensures the submission of all the required information. The form facilitates our response to numerous queries each year concerning the amounts of obligated funds. Use of the form is voluntary. Grantees have the option to use another format.

Respondents: State Governments, Tribal Governments, Insular Areas, the District of Columbia, and the Commonwealth of Puerto Rico.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Carryover and Reallotment Report	177	1	3	531

Estimated Total Annual Burden Hours: 531.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201.

Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert A. Sargis,

Reports Clearance Officer.

[FR Doc. 2018–23220 Filed 10–23–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Annual Report on Households Assisted by the Low Income Home Energy Assistance Program (LIHEAP).

OMB No.: 0970–0060.

Description: This report is an annual activity required by statute (42 U.S.C. 8629) and Federal regulations (45 CFR 96.92) for the Low Income Home Energy Assistance Program (LIHEAP). Submission of the completed report is one requirement for LIHEAP grantees applying for Federal LIHEAP block grant funds.

Grantees required to complete the Long Format of the Household Report are required to report statistics for the previous Federal fiscal year on:

- Assisted and applicant households, by type of LIHEAP assistance;
- Assisted and applicant households, by type of LIHEAP assistance and poverty level;
- Assisted households receiving nominal payments of $50 or less;
- Assisted households receiving only utility payment assistance;
- Assisted households, regardless of the type(s) of LIHEAP assistance, excluding households that only receive nominal payments of $50 or less;
- Assisted households, by type of LIHEAP assistance, having at least one vulnerable member who is at least 60 years or older, disabled, or five years old or younger;
- Assisted households, regardless of the type(s) of LIHEAP assistance, having at least one member 60 years or older, disabled, or five years old or younger.

Grantees required to complete the Short Format of the Household Report are required to submit data only on the number of households receiving heating, cooling, energy crisis, or weatherization benefits.

The information is being collected for the Department's annual LIHEAP report to Congress. The data also provides information about the need for LIHEAP funds. Finally, the data are used in the calculation of LIHEAP performance measures under the Government Performance and Results Act of 1993. The additional data elements will improve the accuracy of measuring LIHEAP targeting performance and LIHEAP cost efficiency.

ACF published a **Federal Register** notice on August 17, 2018 soliciting 60 days of public comment on the renewal of the LIHEAP Household Report without any changes. No comments were received during this timeframe.

Respondents: State Governments, Tribal Governments, Insular Areas, and the District of Columbia.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Assisted household Report—Long Form	56	1	39	2,184
Assisted Household Report—Short Form	160	1	1	160

Estimated Total Annual Burden Hours: 2,344.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–23200 Filed 10–23–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects: Office of Child Care CCDF Onsite Monitoring.

Title: Child Care and Development Fund (CCDF) State Monitoring Compliance Demonstration Packet.

OMB No.: New.

Description: The proposed data collection form is designed as part of the evidence collection process of the Onsite Monitoring system and provides states with an opportunity to propose

how they, as block-grant recipients, will choose to demonstrate compliance.

Respondents: 51 States and Territories triennially.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Compliance Demonstration Chart	17	1	16	272
Document Submission Chart	17	1	80	1,360

Estimated Total Annual Burden Hours: 1,632 hours.

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. 2018–23225 Filed 10–23–18; 8:45 am]

BILLING CODE 4184–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3805]

Joint Meeting of the Anesthetic and Analgesic Drug Products Advisory Committee and the Drug Safety and Risk Management Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Anesthetic and Analgesic Drug Products Advisory Committee and the Drug Safety and Risk Management Advisory Committee. The general function of the committees is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on December 17, 2018, from 8 a.m. to 5 p.m. and December 18, 2018, from 8 a.m. to 4 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2018–N–3805. The docket will close on December 14, 2018. Submit either electronic or written comments on this public meeting by December 14, 2018. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 14, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of December 14, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before December 3, 2018, will be provided to the committees. Comments received after that date will be taken into consideration by FDA.

You may submit comments 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–3805 for ''Joint Meeting of the Anesthetic and Analgesic Drug Products Advisory Committee and the Drug Safety and Risk Management Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see the **ADDRESSES** section), 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.'' FDA 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 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 the 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: Jennifer A. Shepherd, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *AADPAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committees will provide input and advice on strategies to increase the availability of naloxone products intended for use in the community. The committees will be asked to consider various options for increasing access to naloxone, weighing logistical, economic, and harm reduction aspects and whether naloxone should be co-prescribed with all or some opioid prescriptions to reduce the risk of overdose death. Because of the potential, significant costs and burdens that may be associated with naloxone co-prescribing (*e.g.,* economic costs to consumers and health systems, adjusting to manufacturing volume growth, drug shortages), the committees will also be asked to consider the potential burdens that may be associated with naloxone co-prescribing for all or some prescription opioid patients.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committees. All electronic and written submissions submitted to the Docket (see the **ADDRESSES** section) on or before December 3, 2018, will be provided to the committees. Oral presentations from the public will be scheduled between approximately 8:30 a.m. to 11 a.m. on December 18, 2018. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 23, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 26, 2018.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Jennifer A. Shepherd (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 19, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–23205 Filed 10–23–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–E–5106]

Determination of Regulatory Review Period for Purposes of Patent Extension; LARTRUVO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for LARTRUVO and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human biological product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by December 24, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by April 22, 2019. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 24, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 24, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–E–5106 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; LARTRUVO.'' 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 § 10.20 (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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count

toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product LARTRUVO (olaratumab). LARTRUVO is a platelet-derived growth factor receptor alpha blocking antibody indicated, in combination with doxorubicin, for the treatment of adult patients with soft tissue sarcoma with a histologic subtype for which an anthracycline-containing regimen is appropriate and which is not amenable to curative treatment with radiotherapy or surgery. This indication is approved under accelerated approval. Continued approval for this indication may be contingent upon verification and description of clinical benefit in the confirmatory trial. Subsequent to this approval, the USPTO received a patent term restoration application for LARTRUVO (U.S. Patent No. 8,128,929) from Imclone LLC, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated November 6, 2017, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of LARTRUVO represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for LARTRUVO is 3,766 days. Of this time, 3,527 days occurred during the testing phase of the regulatory review period, while 239 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* June 30, 2006. The applicant claims July 1, 2006, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was June 30, 2006, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* February 24, 2016. The applicant claims December 10, 2015, as the date the biologics license application (BLA) for LARTRUVO (BLA 761038) was initially submitted. However, FDA records indicate that BLA 761038 was submitted on February 24, 2016.

3. *The date the application was approved:* October 19, 2016. FDA has verified the applicant's claim that BLA 761038 was approved on October 19, 2016.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,003 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including, but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: October 19, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–23219 Filed 10–23–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

Meeting of the Advisory Committee on Interdisciplinary, Community-Based Linkages

AGENCY: Health Resources and Service Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Advisory Committee on Interdisciplinary, Community-Based Linkages (ACICBL) has scheduled a public meeting. Information about the ACICBL is located on the ACICBL website at *https://www.hrsa.gov/advisory-committees/interdisciplinary-community-linkages/index.html.* This notice is being published less than 15 days prior to the meeting date due to unexpected administrative delays.

DATES: October 30, 2018 from 11:00 a.m.–5:00 p.m. ET.

ADDRESSES: This meeting will be held through teleconference and webinar. The conference call-in number is 1–888–455–0640; passcode: HRSA COUNCIL. The webinar link is *https://hrsa.connectsolutions.com/acicbl.*

FOR FURTHER INFORMATION CONTACT: Joan Weiss, Ph.D., RN, CRNP, FAAN, Senior Advisor and Designated Federal Official (DFO), Division of Medicine and Dentistry, HRSA, 5600 Fishers Lane, Room 15N39, Rockville, Maryland 20857; 301–443–0430; or *jweiss@hrsa.gov.*

SUPPLEMENTARY INFORMATION: ACICBL provides advice and recommendations to the Secretary of HHS (Secretary) and submits an annual report to the Secretary and Congress on a broad range of issues relating to grant programs authorized by Sections 750–760, Title VII, Part D of the Public Health Service Act (PHS Act).

During the October 30 meeting, ACICBL members will discuss possible topics to work on for fiscal year 2019. Under Section 757 of the PHS Act, ACICBL submits annual reports to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives. Not later than 14 days prior to the convening of the meeting, ACICBL shall prepare and make available an agenda of the matters to be considered by ACICBL at the meeting. The agenda will be posted on the ACICBL website at *https://www.hrsa.gov/advisory-committees/*

interdisciplinary-community-linkages/index.html. Agenda items are subject to change as priorities dictate. Refer to the ACICBL website for any updated information concerning the meeting. Members of the public will have the opportunity to provide comments. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to make oral comments or provide written comments to ACICBL should be sent to Joan Weiss, DFO, using the contact information above at least 3 business days prior to the meeting.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–23185 Filed 10–23–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0963]

Area Maritime Security Advisory Committee (AMSC), Eastern Great Lakes Northwestern Pennsylvania Regional Sub-Committee Vacancy

AGENCY: Coast Guard, DHS.

ACTION: Notice of Solicitation for Membership.

SUMMARY: This notice requests individuals interested in serving on the AMSC, Eastern Great Lakes regional sub-committee Northwestern Pennsylvania Region submit their applications for membership to the Captain of the Port, Buffalo. The Committee assists the Captain of the Port as the Federal Maritime Security Coordinator (FMSC), Buffalo, in developing, reviewing, and updating the Area Maritime Security Plan (AMSP) for their area of responsibility.

DATES: Requests for membership should reach the U.S. Coast Guard Captain of the Port, Buffalo, by November 23, 2018.

ADDRESSES: Applications for membership should be submitted to the Captain of the Port at the following address: Captain of the Port, Buffalo, Attention: LCDR Marvin Kimmel, 1 Fuhrmann Boulevard, Buffalo, NY 14203–3189.

FOR FURTHER INFORMATION CONTACT: For questions about submitting an application, or about the AMSC in general, contact Mr. Joseph Fetscher, Northwestern Pennsylvania Region Sub-Committee Executive Coordinator, at 216–937–0126.

SUPPLEMENTARY INFORMATION:

Authority

Section 102 of the Maritime Transportation Security Act (MTSA) of 2002 (Pub. L. 107–295) added section 70112 to Title 46 of the U.S. Code, and authorized the Secretary of the Department in which the Coast Guard is operating to establish Area Maritime Security Advisory Committees for any port area of the United States. (See 33 U.S.C. 1226; 46 U.S.C.; 33 CFR 1.05–1, 6.01; Department of Homeland Security Delegation No. 0170.1.) The MTSA includes a provision exempting these AMSCs from the Federal Advisory Committee Act (FACA), Public Law 92–436, 86 Stat. 470 (5 U.S.C. App.2). The AMSCs shall assist the Federal Maritime Security Coordinator in the development, review, update, and exercising of the Area Maritime Security Plan for their area of responsibility. Such matters may include, but are not limited to: Identifying critical port infrastructure and operations; Identifying risks (threats, vulnerabilities, and consequences); Determining mitigation strategies and implementation methods; Developing strategies to facilitate the recovery of the Maritime Transportation System after a Transportation Security Incident; Developing and describing the process to continually evaluate overall port security by considering consequences and vulnerabilities, how they may change over time, and what additional mitigation strategies can be applied; and Providing advice to, and assisting the Federal Maritime Security Coordinator in developing and maintaining the Area Maritime Security Plan.

AMSC Membership

Members of the AMSC should have at least five years of experience related to maritime or port security operations. The Northwestern Pennsylvania Region Sub-Committee of the Eastern Great Lakes AMSC has 23 members. We are seeking to fill one (1) vacancy with this solicitation, an Executive Board member to serve as Vice-Chairperson of the Sub-Committee and concurrently as a member of the Eastern Great Lakes AMSC when so convened by the FMSC.

Applicants may be required to pass an appropriate security background check prior to appointment to the committee. Applicants must register with and remain active as a Coast Guard Homeport user if appointed. Member's term of office will be for five years; however, a member is eligible to serve additional terms of office. Members will not receive any salary or other compensation for their service on an AMSC. In accordance with 33 CFR 103, members may be selected from Federal, Territorial, or Tribal governments; State government and political subdivisions of the State; local public safety, crisis management, and emergency response agencies; law enforcement and security organizations; maritime industry, including labor; other port stakeholders having a special competence in maritime security; and port stakeholders affected by security practices and policies.

The Department of Homeland Security does not discriminate in selection of committee members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability, and genetic information, age, membership in an employee organization, or any other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment actions.

Request for Applications

Those seeking membership are not required to submit formal applications to the local Captain of the Port, however, because we do have an obligation to ensure that a specific number of members have the prerequisite maritime security experience, we encourage the submission of resumes highlighting experience in the maritime and security industries.

Dated: October 18, 2018.

J.S. DuFresne,

Captain, U.S. Coast Guard, Captain of the Port/Federal Maritime Security Coordinator, Buffalo.

[FR Doc. 2018–23243 Filed 10–23–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0790]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0006

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: 1625–0006, Shipping Articles; 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 December 24, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0790] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://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–2018–0790], and must be received by December 24, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://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 *https://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: Shipping Articles.

OMB Control Number: 1625–0006.

Summary: Title 46 United States Code § 10302 and 10502 and Title 46 Code of Federal Regulations (CFR) 14.201 requires applicable owners, charterers, managing operators, masters, or individuals in charge to make a shipping agreement in writing with each seaman before the seaman commences employment. Additionally 46 CFR 14.313 requires shipping companies to submit to the Coast Guard Shipping Articles three years after the article was generated; or submitted by shipping companies that go out of business or merges with another company; or upon request by the Coast Guard. Upon receipt and acceptance, Shipping Articles are transferred and archived at the Federal Records Center in Suitland, Maryland.

Need: This collection provides verification, identification, location and employment information of U.S. merchant mariners to the following: (1) Federal, state and local law enforcement agencies for use in criminal or civil law enforcement purposes, (2) shipping companies, (3) labor unions, (4) seaman's authorized representatives, (5) seaman's next of kin, (6) whenever the disclosure of such information would be in the best interest of the seaman or his/her family.

Forms: CG–705A; Shipping Articles.

Respondents: Shipping companies.

Frequency: On occasion.

Hour Burden Estimate: The estimated annual burden remains 18,000 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: October 18, 2018.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2018–23167 Filed 10–23–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0283]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0113

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0113, Crewmember Identification Documents. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before November 23, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0283] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* Alternatively, you may submit

comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *https://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. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2018–0283], and must be received by November 23, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://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 *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0113.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (83 FR 40305, August 14, 2018) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Crewmember Identification Documents.

OMB Control Number: 1625–0113.

Summary: This information collection covers the requirement that crewmembers on vessels calling at U.S. ports must carry and present on demand an identification that allows the identity of crewmembers to be authoritatively validated.

Need: Title 46 U.S.C. 70111 mandated that the Coast Guard establish regulation about crewmember identification. The regulations are in 33 CFR part 160 Subpart D.

Forms: None.

Respondents: Crewmembers, and operators of certain vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 34,293 hours to 32,955 hours a year due to a decrease in the estimated time to acquire an acceptable identification document.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: October 18, 2018.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2018–23166 Filed 10–23–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of January 18, 2019 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David I. Maurstad,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Dixie County, Florida and Incorporated Areas Docket No.: FEMA–B–1757	
Town of Cross City	Town Hall, 99 Northeast 210th Avenue, Cross City, FL 32628.
Town of Horseshoe Beach	Town Hall, 18 5th Avenue East, Horseshoe Beach, FL 32648.
Unincorporated Areas of Dixie County	Dixie County Building and Zoning Department, 387 Southeast 22nd Avenue, Cross City, FL 32628.
Levy County, Florida and Incorporated Areas Docket No.: FEMA–B–1757	
City of Cedar Key	City Hall, 490 2nd Street, Cedar Key, FL 32625.
Town of Inglis	Town Hall, 135 Highway 40 West, Inglis, FL 34449.
Town of Yankeetown	Town Hall, 6241 Harmony Lane, Yankeetown, FL 34498.
Unincorporated Areas of Levy County	Levy County Development Department, 622 East Hathaway Avenue, Bronson, FL 32621.
Clackamas County, Oregon and Incorporated Areas Docket No.: FEMA–B–1703	
City of Sandy	City Hall, 39250 Pioneer Boulevard, Sandy, OR 97055.
Unincorporated Areas of Clackamas County	Clackamas County Public Services, 2051 Kaen Road, Oregon City, OR 97045.
Greenville County, South Carolina and Incorporated Areas Docket No.: FEMA–B–1749	
Unincorporated Areas of Greenville County	Greenville County Floodplain Management Office, 301 University Ridge, Suite 4100, Greenville, SC 29601.
Whatcom County, Washington and Incorporated Areas Docket Nos.: FEMA–B–1558 and FEMA–B–1747	
City of Bellingham	City Hall, 210 Lottie Street, Bellingham, WA 98225.
City of Blaine	City Hall, 435 Martin Street, Suite 3000, Blaine, WA 98230.
City of Ferndale	Planning and Public Works Department, 2095 Main Street, Ferndale, WA 98248.
City of Lynden	City Hall, 300 4th Street, Lynden, WA 98264.
City of Nooksack	City Hall, 103 West Madison Street, Nooksack, WA 98276.
Lummi Indian Reservation	Lummi Nation Natural Resources Department, 2665 Kwina Road, Bellingham, WA 98226.
Unincorporated Areas of Whatcom County	Public Works/River and Flood Division, 322 North Commercial Street, Suite 120, Bellingham, WA 98225.

[FR Doc. 2018–23162 Filed 10–23–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4399–DR; Docket ID FEMA–2018–0001

Florida; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4399–DR), dated October 11, 2018, and related determinations.

DATES: This amendment was issued October 12, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Florida is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 11, 2018.

Calhoun, Gadsden, Jackson, and Liberty Counties for Individual Assistance (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–23157 Filed 10–23–18; 8:45 am]

BILLING CODE 9111–11–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2018–0008]

Assistance to Firefighters Grant Program

AGENCY: Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS).

ACTION: Notice of availability of grant application and application deadline.

SUMMARY: Pursuant to the Federal Fire Prevention and Control Act of 1974, as amended, the Administrator of FEMA is publishing this notice describing the Fiscal Year (FY) 2018 Assistance to Firefighters Grant (AFG) Program application process, deadlines, and award selection criteria. This notice explains the differences, if any, between these guidelines and those recommended by representatives of the national fire service leadership during the annual meeting of the Criteria Development Panel, which was held January 17, 2018. The application period for the FY 2018 AFG Program began September 24, 2018 and closes October 26, 2018, and was announced on the AFG website at: *https://www.fema.gov/welcome-assistance-firefighters-grant-program,* as well as at *www.grants.gov.*

DATES: Grant applications for the Assistance to Firefighters Grant Program are accepted electronically at *https://portal.fema.gov,* from September 24, 2018 through October 26, 2018 at 5:00 p.m. Eastern Standard Time.

ADDRESSES: Assistance to Firefighters Grant Branch, DHS/FEMA, 400 C Street SW, 3N, Washington, DC 20472–3635.

FOR FURTHER INFORMATION CONTACT: Catherine Patterson, Branch Chief, Assistance to Firefighters Grant Branch, 1–866–274–0960.

SUPPLEMENTARY INFORMATION: The AFG Program awards grants directly to fire departments, non-affiliated emergency medical services (EMS) organizations, and State Fire Training Academies (SFTAs) for the purpose of enhancing the health and safety of first responders and improving their abilities to protect the public from fire and fire-related hazards.

Applications for the FY 2018 AFG Program will be submitted and processed online at *https://portal.fema.gov.* Before the application period started, the FY 2018 AFG Notice of Funding Opportunity (NOFO) was published on the AFG website. The AFG website provides additional information and materials useful to applicants including Frequently Asked Questions, a Get Ready Guide, and a Quick Reference Guide. Based on past AFG application periods, FEMA anticipates the receipt of 10,000 to 15,000 applications for the FY 2018 AFG Program, and the ability to award approximately 2,500 grants.

Congressional Appropriations

For the FY 2018 AFG Program, Congress appropriated $350,000,000 (Department of Homeland Security Appropriations Act, 2018 Pub. L. 115–141). From this amount, $315,000,000 will be made available for AFG awards. In addition, Section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2229), requires that a minimum of 10 percent of available funds be expended for Fire Prevention and Safety Grants (FP&S). FP&S awards will be made directly to local fire departments and to local, regional, State, or national entities recognized for their expertise in the fields of fire prevention and firefighter safety research and development. Funds appropriated for FY 2018 will be available for obligation and award until September 30, 2019.

The Federal Fire Prevention and Control Act of 1974 further directs FEMA to administer these appropriations according to the following requirements:

- *Career fire department:* Not less than 25 percent of available grant funds.
- *Volunteer fire department:* Not less than 25 percent of available grant funds.
- *Combination fire department and departments using paid-on-call firefighting personnel:* Not less than 25 percent of available grant funds.
- *Open Competition (career, volunteer, and/or combination fire departments and departments using paid-on-call firefighting personnel):* Not less than 10 percent of available grant funds awarded.
- *Emergency Medical Services Providers including fire departments and nonaffiliated EMS organizations:* Not less than 3.5 percent of available grants funds awarded, with nonaffiliated EMS providers receiving no more than 2 percent of the total available grant funds.
- *State Fire Training Academies:* Not more than 3 percent of available grant funds shall be collectively awarded to State Fire Training Academy applicants, with a maximum of $500,000 per applicant.
- *Vehicles:* Not more than 25 percent of available grant funds may be used for

the purchase of vehicles; 10 percent of those vehicle funds will be dedicated to the funding of ambulances. Vehicle funds will be distributed as equally as possible among urban, suburban, and rural community applicants.

• *Micro Grants:* This is a voluntary funding limitation choice made by the applicant for requests submitted within the Operations and Safety activity; it is not an additional funding opportunity. Micro Grants are awards that have a federal participation (share) that does not exceed $50,000. Only fire departments and nonaffiliated EMS organizations are eligible to choose Micro Grants, and the only eligible Micro Grants requests are for Training, Equipment, Personal Protective Equipment (PPE), and Wellness and Fitness activities. Applicants that select Micro Grants as a funding opportunity may receive additional consideration for award. If an applicant selects Micro Grants in their application, they will be limited in the total amount of funding their organization can be awarded; if they are requesting funding in excess of $50,000 federal participation, they should not select Micro Grants.

Background of the AFG Program

Since 2001, AFG has helped firefighters and other first responders to obtain critically needed equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards. FEMA awards grants on a competitive basis to the applicants that best address the AFG Program's priorities and provide the most compelling justification. Applications that best address AFG priorities, as identified in the Application Evaluation Criteria, will be reviewed by a panel composed of fire service personnel.

AFG has three program activities:

- Operations and Safety
- Vehicle Acquisition
- Regional Projects

The priorities for each activity are fully outlined in the NOFO.

Application Evaluation Criteria

Prior to making a grant award, FEMA is required by 31 U.S.C. 3321 note, 41 U.S.C. 2313, and 2 CFR 200.205 to review information available through any Office of Management and Budget (OMB) designated repositories of government-wide eligibility qualification or financial integrity information. Therefore, application evaluation criteria may include the following risk based considerations of the applicant: (1) Financial stability; (2) quality of management systems and ability to meet management standards; (3) history of performance in managing federal awards; (4) reports and findings from audits; and (5) ability to effectively implement statutory, regulatory, or other requirements.

FEMA will rank all complete and submitted applications based on how well they match program priorities for the type of jurisdiction(s) served. Answers to activity specific questions provide information used to determine each application's ranking relative to the stated program priorities.

Funding priorities and criteria for evaluating AFG applications are established by FEMA based on the recommendations from the Criteria Development Panel (CDP). CDP is comprised of fire service professionals that make recommendations to FEMA regarding the creation of new, or the modification of, previously established funding priorities, as well as developing criteria for awarding grants. The content of the NOFO reflects implementation of CDP's recommendations with respect to the priorities and evaluation criteria for awards.

The nine major fire service organizations represented on the CDP are:

- International Association of Fire Chiefs
- International Association of Fire Fighters
- National Volunteer Fire Council
- National Fire Protection Association
- National Association of State Fire Marshals
- International Association of Arson Investigators
- International Society of Fire Service Instructors
- North American Fire Training Directors
- Congressional Fire Service Institute

Review and Selection Process

AFG applications are reviewed through a multi-phase process. All applications are electronically pre-scored and ranked based on how well they align with the funding priorities outlined in this notice. Applications with the highest pre-score rankings are then scored competitively by (no less than three) members of the Peer Panel Review process. Applications will also be evaluated through a series of internal FEMA review processes for completeness, adherence to programmatic guidelines, technical feasibility, and anticipated effectiveness of the proposed project(s). Below is the process by which applications will be reviewed:

1. Pre-Scoring Process

The application undergoes an electronic pre-scoring process based on established program priorities listed within the NOFO and answers to activity specific questions within the online application. Application narratives are not reviewed during pre-scoring. Request details and budget information should comply with program guidance and statutory funding limitations. The pre-score is 50 percent of the total application score.

2. Peer Review Panel Process

Applications with the highest pre-score will undergo peer review. The peer review is comprised of fire service representatives recommended by CDP national organizations. The panelists assess the merits of each application based on the narrative section of the application, including the evaluation elements listed in the Narrative Evaluation Criteria below. Panelists will independently score each project within the application, discuss the merits and/or shortcomings of the application with his or her peers, and document the findings. A consensus is not required. The panel score is 50 percent of the total application score.

3. Technical Evaluation Process

The highest ranked applications are considered within the fundable range. Applications that are in the fundable range undergo both a technical review by a subject matter expert, as well as a FEMA AFG Branch review prior to being recommended for an award. The FEMA AFG Branch will assess the request with respect to costs, quantities, feasibility, eligibility, and recipient responsibility prior to recommending an application for award. Once the technical evaluation process is complete, the cumulative score for each application will be determined and FEMA will generate a final ranking of applications. FEMA will award grants based on this final ranking and the statutorily required funding limitations listed in this notice and the NOFO.

Narrative Evaluation Criteria

1. Financial Need (25 Percent)

Applicants should describe their financial need and how consistent it is with the intent of the AFG Program. This statement should include details describing the applicant's financial distress, summarized budget constraints, unsuccessful attempts to secure other funding, and proof that their financial distress is out of their control.

2. Project Description and Budget (25 Percent)

This statement should clearly explain the applicant's project objectives and the relationship between those objectives and the applicant's budget and risk analysis. The applicant should describe the activities, including program priorities or facility modifications, ensuring consistency with project objectives, the applicant's mission, and any national, State, and/or local requirements. Applicants should link the proposed expenses to operations and safety, as well as the completion of the project goals.

3. Operations and Safety/Cost Benefit (25 Percent)

Applicants should describe how they plan to address the operations and personal safety needs of their organization, including cost effectiveness and sharing assets. This statement should also include details about gaining the maximum benefits from grant funding by citing reasonable or required costs, such as specific overhead and administrative costs. The applicant's request should also be consistent with their mission and identify how funding will benefit their organization and personnel.

4. Statement of Effect/Impact on Daily Operations (25 Percent)

This statement should explain how these funds will enhance the organization's overall effectiveness. It should address how an award will improve daily operations and reduce the organization's risks. Applicants should include how frequently the requested items will be used, and in what capacity. Applicants should also indicate how the requested items will help the community and increase the organization's ability to save additional lives or property.

Eligible Applicants

Fire Departments: Fire departments operating in any of the 50 States, as well as fire departments in the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, or any federally recognized Indian tribe or tribal organization.

A fire department is an agency or organization having a formally recognized arrangement with a State, territory, local, or tribal authority (city, county, parish, fire district, township, town, or other governing body) to provide fire suppression to a population within a geographically fixed primary first due response area.

Nonaffiliated EMS organizations: Nonaffiliated EMS organizations operating in any of the 50 States, as well as the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, or any federally recognized Indian tribe or tribal organization.

A nonaffiliated EMS organization is an agency or organization that is a public or private nonprofit emergency medical services entity providing medical transport that is not affiliated with a hospital and does not serve a geographic area in which emergency medical services are adequately provided by a fire department.

FEMA considers the following as hospitals under the AFG Program:

- Clinics
- Medical centers
- Medical colleges or universities
- Infirmaries
- Surgery centers
- Any other institutions, associations, or foundations providing medical, surgical, or psychiatric care and/or treatment for the sick or injured.

State Fire Training Academies: A State Fire Training Academy (SFTA) operates in any of the 50 States, as well as the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico. Applicants must be designated either by legislation or by a Governor's declaration as the sole fire service training agency within a state, territory, or the District of Columbia. The designated SFTA shall be the only agency/bureau/division, or entity within that state, territory, or the District of Columbia.

Ineligibility

- To avoid a duplication of benefits, FEMA reserves the right to review all program activities or grant applications where two or more organizations share a single facility. To be eligible as a separate organization, two or more fire departments or nonaffiliated EMS organizations will have different funding streams, personnel rosters, or Employee Identification Numbers (EINs). If two or more organizations share facilities and each submits an application in the same program area (*i.e.,* Equipment, Modify Facilities, Personal Protective Equipment, Training, and Wellness and Fitness Programs) FEMA will carefully review each program for eligibility.
- Fire-based EMS organizations are not eligible to apply as nonaffiliated EMS organizations. Fire-based EMS training and equipment must be requested by a fire department under the AFG component program Operations and Safety.
- Eligible applicants may submit only one application for each activity (*e.g.,* Operations and Safety or Regional), but may submit for multiple projects within each activity. Under the Vehicle Activity, applicants may submit one application for vehicles for their department and one separate application to host a Regional vehicle. Duplicate applications (more than one application in the same activity) may be disqualified.
- An Operations and Safety applicant may submit one application for an eligible project (*i.e.,* turn out gear); it may not submit a Regional application for the same project.

Statutory Limits to Funding

Congress has enacted statutory limits to the amount of funding that a grant recipient may receive from the AFG Program in any single fiscal year (15 U.S.C. 2229(c)(2)) based on the population served. Awards will be limited based on the size of the population protected by the applicant, as indicated below. Notwithstanding the annual limits stated below, the FEMA Administrator may not award a grant in an amount that exceeds one percent of the available grants funds in such fiscal year, except where it is determined that such recipient has an extraordinary need for a grant in an amount that exceeds the one percent aggregate limit.

- In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of available grant funds awarded to such recipient shall not exceed $1 million in any fiscal year.
- In the case of a recipient that serves a jurisdiction with more than 100,000 people, but not more than 500,000 people, the amount of available grant funds awarded to such recipient shall not exceed $2 million in any fiscal year.
- In the case of a recipient that serves a jurisdiction with more than 500,000, but not more than 1 million people, the amount of available grant funds awarded to such recipient shall not exceed $3 million in any fiscal year.
- In the case of a recipient that serves a jurisdiction with more than 1 million people but not more than 2,500,000 people, the amount of available grant funds awarded to such recipient is subject to the one percent aggregate cap of $3,500,000 for FY 2018, but FEMA may waive this aggregate cap in individual cases where FEMA determines that a recipient has an extraordinary need for a grant that

exceeds the aggregate cap; if FEMA waives the aggregate cap, the amount of grant funds awarded to such recipient shall not exceed $6 million for any fiscal year.

• In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of available grant funds awarded to such recipient is subject to the one percent aggregate cap of $3,500,000 for FY 2018, but FEMA may waive this aggregate cap in individual cases where FEMA determines that a recipient has an extraordinary need for a grant that exceeds the aggregate cap; if FEMA waives the aggregate cap, the amount of grant funds awarded to such recipient shall not exceed $9 million for any fiscal year.

• FEMA may not waive the population-based limits on the amount of grant funds awarded as set by 15 U.S.C. 2229(c)(2)(A).

The cumulative total of the federal share of awards in Operations and Safety, Regional, and Vehicle Acquisition activities will be considered when assessing award amounts and any limitations thereto. Applicants may request funding up to the statutory limit on each of their applications.

For example, an applicant that serves a jurisdiction with more than 100,000 people, but not more than 500,000 people, may request up to $2 million on their Operations and Safety Application, and up to $2 million on their Vehicle Acquisition request. However, should both grants be awarded, the applicant would have to choose which award to accept if the cumulative value of both applications exceeds the statutory limits.

Cost Sharing and Maintenance of Effort

Grant recipients must share in the costs of the projects funded under this grant program as required by 15 U.S.C. 2229(k)(1) and in accordance with applicable federal regulations at 2 CFR part 200, but they are not required to have the cost-share at the time of application nor at the time of award. However, before a grant is awarded, FEMA will contact potential awardees to determine whether the grant recipient has the funding in hand or if the grant recipient has a viable plan to obtain the funding necessary to fulfill the cost-sharing requirement.

In general, an eligible applicant seeking a grant shall agree to make available non-federal funds equal to not less than 15 percent of the grant awarded. However, the cost share will vary as follows based on the size of the population served by the organization, with exceptions to this general requirement for entities serving smaller communities:

• Applicants that serve populations of 20,000 or less shall agree to make available non-federal funds in an amount equal to not less than 5 percent of the grant awarded.

• Applicants serving areas with populations above 20,000, but not more than 1 million, shall agree to make available non-federal funds in an amount equal to not less than 10 percent of the grant awarded.

• Applicants serving areas with populations above 1 million shall agree to make available non-federal funds in an amount equal to not less than 15 percent of the grant awarded.

The cost share for SFTAs will apply the requirements above based on the total population of the State.

The cost share for a regional application will apply the requirements above based on the aggregate population of the primary first due response areas of the Host and participating partner organizations that execute a Memorandum of Understanding as described in Appendix B, Section J, Regional projects, of the FY18 AFG Notice of Funding Opportunity.

On a case-by-case basis, FEMA may allow a grant recipient that may already own assets (equipment or vehicles), acquired with non-federal cash, to use the trade-in allowance/credit value of those assets as ''cash'' for the purpose of meeting the cost-share obligation of their AFG award. In-kind, cost-share matches are not allowed.

Grant recipients under this grant program must also agree to a maintenance of effort requirement as required by 15 U.S.C. 2229(k)(3) (referred to as a ''maintenance of expenditure'' requirement in that statute). A grant recipient shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the activities allowable under the NOFO at not less than 80 percent of the average amount of such expenditures in the two fiscal years preceding the fiscal year in which the grant amounts are received.

In cases of demonstrated economic hardship, and at the request of the grant recipient, the Administrator of FEMA may waive or reduce a grant recipient's cost share requirement or maintenance of expenditure requirement. AFG applicants for FY 2018 must indicate at the time of application whether they are requesting a waiver and whether the waiver is for the cost share requirement, for the maintenance of effort requirement, or both. As required by statute, the Administrator of FEMA is required to establish guidelines for determining what constitutes economic hardship. FEMA has published these guidelines at FEMA's website: *https://www.fema.gov/media-library-data/1518026897046-483d76a37022b8a581ffb7d42fa9b17e/Eco_Hardship_Waiver_FPS_SAFER_AFG_IB_FINAL.pdf.*

Prior to the start of the FY 2018 AFG application period, FEMA conducted applicant workshops and/or internet webinars to inform potential applicants about the AFG Program. In addition, FEMA provided applicants with information at the AFG website: *https://www.fema.gov/welcome-assistance-firefighters-grant-program* to help them prepare quality grant applications. The AFG Help Desk is staffed throughout the application period to assist applicants with the automated application process as well as assistance with any questions.

Applicants can reach the AFG Help Desk through a toll-free telephone number during normal business hours (1–866–274–0960) or electronic mail *firegrants@dhs.gov.*

Application Process

Organizations may submit one application per application period in each of the three AFG program activities (*e.g.,* one application for Operations and Safety, one for Vehicle Acquisition, and/or a separate application to be a Joint/Regional Project host). If an organization submits more than one application for any single AFG program activity (*e.g.,* two applications for Operations and Safety, two for Vehicles, etc.), either intentionally or unintentionally, both applications may be disqualified.

Applicants can access the grant application electronically at *https://portal.fema.gov.* The application is accessible from the U.S. Fire Administration's website *http://www.usfa.fema.gov* and *http://www.grants.gov.* New applicants must register and establish a user name and password for secure access to the grant application. Previous AFG grant applicants must use their previously established user name and passwords.

Applicants can answer questions about their grant request that reflect the AFG funding priorities, described below. In addition, each applicant must complete four separate narratives for each project or grant activity requested. Grant applicants will also provide relevant information about their organization's characteristics, call volume, and existing organizational capabilities.

System for Award Management (SAM)

Per 2 CFR 25.200, all federal grant applicants and recipients must register in *https://SAM.gov.* SAM is the Federal Government's System for Awards Management, and registration is free of charge. Applicants must maintain current information in SAM that is consistent with the data provided in their AFG grant application and in the Dun & Bradstreet (DUNS) database. FEMA may not accept any application, process any awards, and consider any payment or amendment requests, unless the applicant or grant recipient has complied with the requirements to provide a valid DUNS number and an active SAM registration. The grant applicant's banking information, EIN, organization/entity name, address, and DUNS number must match the same information provided in SAM.

Criteria Development Panel (CDP) Recommendations

If there are any differences between the published AFG guidelines and the recommendations made by the CDP, FEMA must explain them and publish the information in the **Federal Register** prior to awarding any grant under the AFG Program. For FY 2018, FEMA accepted, and will implement, all of the CDP's recommendations for the prioritization of eligible activities.

Adopted Recommendations for FY 2018

The FY 2018 AFG NOFO contains some changes to definitions, descriptions, and priority categories. Changes to the FY 2018 AFG NOFO include:

- Under the Equipment category, FEMA has updated the reasons for equipment purchases. The new descriptions are:
  - High priority—Obtain equipment to achieve minimum operational and deployment standards for existing missions
  - High priority—Replace unusable/unrepairable equipment to meet current standard
  - High priority—Replace non-compliant equipment to current standard
  - Medium priority—Obtain equipment for new mission
  - Low priority—Upgrade technology to current standard
- Under the PPE category, FEMA has updated the purchase reason for PPE/SCBA. The new descriptions are:
  - High priority—Replace unusable/unrepairable PPE to meet current standard
  - High priority—Increase supply for new hires and/or existing firefighters that do not have one set of turnout gear (PPE) or allocated seated positions (SCBA)
  - Medium priority—Replace non-compliant PPE equipment to current standard
- Priority categories for Wellness and Fitness requests have been updated
- Mass Casualty and HazMat Technician training have been updated from a Medium to High funding priority for fire department and regional training under the Training Activity.
- Cancer Screening Programs that meet NFPA 1582 were added as a Priority 1 activity required for a Wellness and Fitness program.
- Specialized training has been added as a medium priority, and includes training such as Crisis Intervention Training, to provide specialized training to firefighters, paramedics, emergency medical service workers, and other first responders to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness, including strategies for verbal de-escalation of crises.

Authority: 15 U.S.C. 2229.

Dated: October 18, 2018.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–23160 Filed 10–23–18; 8:45 am]

BILLING CODE 9111–64–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4382–DR; Docket ID FEMA–2018–0001]

California; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of California (FEMA–4382–DR), dated August 4, 2018, and related determinations.

DATES: This amendment was issued October 4, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of California is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of August 4, 2018.

Lake County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–23156 Filed 10–23–18; 8:45 am]

BILLING CODE 9111–11–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4393–DR; Docket ID FEMA–2018–0001]

North Carolina; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–4393–DR), dated September 14, 2018, and related determinations.

DATES: This amendment was issued October 12, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of North Carolina is hereby amended to include permanent work under the Public Assistance program for those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 14, 2018.

Allegany, Anson, Ashe, Cabarrus, Chatham, Dare, Granville, Montgomery,

Person, Randolph, Stanly, Union, and Yancey Counties for Public Assistance.

Beaufort, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson, Scotland, Wayne, and Wilson Counties for Public Assistance [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–23158 Filed 10–23–18; 8:45 am]

BILLING CODE 9111–11–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–B–1856]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before January 22, 2019.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1856, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David I. Maurstad,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Adams County, Pennsylvania (All Jurisdictions)	
Project: 14–03–1939S Preliminary Date: May 16, 2018	
Borough of Bonneauville	Bonneauville Borough Office, 46 East Hanover Street, Gettysburg, PA 17325.
Borough of Carroll Valley	Carroll Valley Office, 5685 Fairfield Road, Fairfield, PA 17320.
Borough of Fairfield	Borough Office, 108 West Main Street, Fairfield, PA 17320.
Borough of Gettysburg	Municipal Building, 59 East High Street, Gettysburg, PA 17325.
Borough of Littlestown	Borough Office, 10 South Queen Street, Littlestown, PA 17340.
Township of Cumberland	Cumberland Township Municipal Building, 1370 Fairfield Road, Gettysburg, PA 17325.
Township of Franklin	Franklin Township Building, 55 Scott School Road, Orrtanna, PA 17353.
Township of Freedom	Freedom Township Office, 2184 Pumping Station Road, Fairfield, PA 17320.
Township of Germany	Germany Township Municipal Building, 136 Ulricktown Road, Littlestown, PA 17340.
Township of Hamiltonban	Hamiltonban Township Office, 23 Carrolls Tract Road, Fairfield, PA 17320.
Township of Highland	Highland Township Municipal Building, 3641 Fairfield Road, Gettysburg, PA 17325.
Township of Liberty	Liberty Township Municipal Office, 39 Topper Road, Fairfield, PA 17320.
Township of Mount Joy	Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA 17325.
Township of Mount Pleasant	Mount Pleasant Township Municipal Building, 1035 Beck Road, Gettysburg, PA 17325.
Township of Straban	Straban Township Municipal Building, 1745 Granite Station Road, Gettysburg, PA 17325.
Township of Union	Union Township Municipal Building, 255 Pine Grove Road, Hanover, PA 17331.

[FR Doc. 2018–23161 Filed 10–23–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4386–DR; Docket ID FEMA–2018–0001]

Iowa; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA–4386–DR), dated August 20, 2018, and related determinations.

DATES: This amendment was issued October 9, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Iowa is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of August 20, 2018.

Woodbury County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–23159 Filed 10–23–18; 8:45 am]

BILLING CODE 9111–11–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6132–D–02]

Delegation of Authority to the Principal Deputy Assistant Secretary for the Office of Administration

AGENCY: Office of the Deputy Secretary, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: Through this notice, the Deputy Secretary delegates to the Principal Deputy Assistant Secretary for Administration authority and responsibility for the coordination, management and supervision for the following offices: Chief Human Capital Officer, Chief Procurement Officer, and Chief Administrative Officer.

DATES: Applicable October 18, 2018.

FOR FURTHER INFORMATION CONTACT: John B. Shumway, Assistant General Counsel for Administrative Law, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 9262, Washington, DC 20410–0500, telephone number 202–402–5190. (This is not a toll-free number.) Individuals with speech or hearing impairments may access this number through TTY by calling 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On January 5, 2018, the Deputy Secretary delegated authority to the Assistant Secretary for Administration (January 26, 2018, 83 FR 3764). On April 17, 2018 (83 FR 16897), the Assistant Secretary for Administration redelegated concurrent authority to the General Deputy Assistant Secretary for Administration. The January 4, 2018, delegation of authority and April 17, 2018, redelegation of authority remain intact. Through this delegation, with noted exceptions, the Deputy Secretary delegates to the Principal Deputy Assistant Secretary for Administration concurrent authority with the Assistant Secretary for Administration and the General Deputy Assistant Secretary for Administration to coordinate, manage and supervise the activities of the offices of the Chief Human Capital Officer, the Chief Procurement Officer, and the Chief Administrative Officer.

This delegation of authority does not include the authority to perform the duties and functions of the Chief Acquisition Officer, who is designated by the Deputy Secretary by separate notice.

Section A. Authority

The Deputy Secretary hereby delegates to the Principal Deputy Assistant Secretary for Administration the concurrent authority to coordinate, manage and supervise the activities of the following offices and functions, subject to the exceptions described in Section B.

1. *Office of the Chief Human Capital Officer:* This office is responsible for employee performance management; executive resources; human capital headquarters and field support; human capital policy; planning and training; recruitment and staffing; personnel security; employee assistance program; health and wellness; employee and labor relations; pay; benefits and retirement; and human capital information systems. More detailed information can be found in the delegation of authority notice for the Chief Human Capital Officer, posted at *https://www.hud.gov/sites/documents/5562-D-01_DELEGATION.PDF.*

2. *Office of the Chief Procurement Officer:* This office is responsible for obtaining all contracted goods and services required by the Department efficiently and in the most cost-effective manner possible to enable the Department to meet its strategic objectives. The office provides logistical support to HUD's program offices and other support offices in meeting their mission needs and provides leadership on developing fundamentally sound business practices. This redelegation does not include the authority to perform the duties and functions of the Chief Acquisition Officer, which is designated in a separate notice, most recently in the **Federal Register** at 83 FR 3765 (January 26, 2018). The functions of the Chief Acquisition Officer are outlined at 41 U.S.C. 1702.

3. *Office of the Chief Administrative Officer:* This office is responsible for headquarters and field support services, Executive Secretariat and compliance functions (including privacy, records, and Freedom of Information Act compliance), facilities management, disaster management, national security, security of the Secretary, Deputy Secretary, and of the various HUD buildings, and communication support services, including digital and multimedia. More detailed information can be found in the delegation of authority notice for the Chief Administrative Officer, posted at *https://www.hud.gov/sites/documents/DOAADMIN071814.PDF.*

Section B. Authority Excepted

The Principal Deputy Assistant Secretary is not authorized to exercise the following authorities:

1. Taking any actions where Congressional notification is statutorily required.

2. Making policy changes to Senior Executive Service performance management.

3. Authorizing procurements for the Office of Administration that exceed $50 million.

4. Approving HUD acceptance of Federal Emergency Management Agency (FEMA) mission assignments.

These authorities are retained by the Secretary and Deputy Secretary.

Section C. Authority To Redelegate

The Principal Deputy Assistant Secretary for Administration is authorized to redelegate to employees of HUD any of the authorities delegated under Section A above, subject to the exceptions described in Section B.

Section D. Authority Not Superseded

This delegation does not supersede the previous delegation of authority from the Deputy Secretary to the Assistant Secretary of Administration, which was published in the **Federal Register** on January 26, 2018, at 83 FR 3764, and the redelegation of concurrent authority to the General Deputy Assistant Secretary for Administration, published in the **Federal Register** on April 17, 2018 at 83 FR 16897.

Authority: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: October 18, 2018.

Pamela H. Patenaude,

Deputy Secretary.

[FR Doc. 2018–23238 Filed 10–23–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6132–D–01]

Order of Succession for the Office of Administration

AGENCY: Office of the Deputy Secretary, HUD.

ACTION: Notice of order of succession.

SUMMARY: In this notice, the Deputy Secretary for the Department of Housing and Urban Development designates the Order of Succession for the Office of Administration. This Order of Succession supersedes all prior orders of succession for the Office of Administration.

DATES: October 18, 2018.

FOR FURTHER INFORMATION CONTACT: John B. Shumway, Assistant General Counsel for Administrative Law, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 9262, Washington, DC 20410–0500, telephone number 202–402–5190. (This is not a toll-free number.) Individuals with speech or hearing impairments may access this number through TTY by calling 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Deputy Secretary of the Department of Housing and Urban Development is issuing this Order of Succession of officials authorized to perform the functions and duties of the Assistant Secretary for Administration when, by reason of absence, disability, or vacancy in office, the Assistant Secretary for Administration is not available to exercise the powers or perform the duties of the office. This Order of Succession is subject to the provisions of the Federal Vacancies Reform Act of 1998 (5 U.S.C. 3345–3349d). This publication supersedes all prior orders of succession for the Office of Administration. Accordingly, the Deputy Secretary designates the following Order of Succession:

Section A. Order of Succession

Subject to the provisions of the Federal Vacancies Reform Act of 1998, during any period when, by reason of absence, disability, or vacancy in office,

the Assistant Secretary for Administration is not available to exercise the powers or perform the duties of the Assistant Secretary for Administration, the following officials within the Office of Administration are hereby designated to exercise the powers and perform the duties of the office. No individual who is serving in an office listed below in an acting capacity shall act as the Assistant Secretary for Administration pursuant to this Order of Succession.

1. Principal Deputy Assistant Secretary for Administration;
2. General Deputy Assistant Secretary for Administration;
3. Chief Administrative Officer;
4. Chief Human Capital Officer;
5. Chief Procurement Officer.

These officials shall perform the functions and duties of the office in the order specified herein, and no official shall serve unless all the other officials, whose position titles precede his/hers in this order, are unable to act by reason of absence, disability, or vacancy in office.

Section B. Authority Superseded

This Order of Succession supersedes all prior orders of succession for the Office of Administration.

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 18, 2018.

Pamela H. Patenaude,

Deputy Secretary.

[FR Doc. 2018–23237 Filed 10–23–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076–0018]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Bureau of Indian Education Tribal Colleges and Universities; Application for Grants and Annual Report Form

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE) are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before November 23, 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 Dr. Katherine Campbell, Program Analyst, Office of Research, Policy and Post-Secondary, at 12220 Sunrise Valley Drive, Reston, VA 20191 or by email to *Katherine.Campbell@bie.edu.* Please reference OMB Control Number 1076–0018 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Dr. Katherine Campbell by email at *Katherine.Campbell@bie.edu,* or by telephone at (703) 390–6697. 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, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on April 9, 2018 (83 FR 15172). 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 BIE; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIE enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIE 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: Each tribally-controlled college or university requesting financial assistance under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (the Act) (25 U.S.C. 1801 *et seq.*), which provides grants to Tribally Controlled Colleges or Universities for the purpose of ensuring continued and expanded educational opportunities for Indian students. Similarly, each Tribally Controlled College or University that receives financial assistance is required by Sec. 107(c)(1) of the Act and 25 CFR 41 to provide a report on the use of funds received.

Additionally, BIE will be combining information collection OMB 1076–0105 with this collection because both collections are elements of the same grant program. OMB 1076–0105 covered the reporting element of the grant program. Each Tribally-controlled college or university that receives financial assistance under the Act is required by Sec. 107(c)(1) of the Act and 25 CFR 41 to provide a report on the use of funds received.

Title of Collection: Bureau of Indian Education Tribal Colleges and Universities; Application for Grants and Annual Report Form.

OMB Control Number: 1076–0018.

Form Number: BIE–62107, BIE–6259, BIE Form 22, and the Third Week Monitoring Form.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Tribal college and university administrators.

Total Estimated Number of Annual Respondents: 29 per year, on average.

Total Estimated Number of Annual Responses: 29 per year, on average.

Estimated Completion Time per Response: Varies from 1 hour to 11 hours.

Total Estimated Number of Annual Burden Hours: 870 hours.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2018–23180 Filed 10–23–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076–0185]

Agency Information Collection Activities; Bureau of Indian Education Tribal Education Department Grant Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before December 24, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to the Maureen Lesky, 1011 Indian School Road NW, Suite 332, Albuquerque, NM 87104; or by email to *Maureen.Lesky@bie.edu.* Please reference OMB Control Number 1076–0185 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Maureen Lesky by email at *Maureen.Lesky@bie.edu,* or by telephone at (505) 563–5397.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIE; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIE enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Under 25 U.S.C. 2020, Congress appropriated funding through the Bureau of Indian Education (BIE) for the development and operation of tribal departments or divisions of education for the purpose of planning and coordinating all educational programs of the tribe. All tribal education departments (TEDs) awarded will provide coordinating services and technical assistance to the school(s) they serve. As required under 25 U.S.C. 2020, for a federally recognized tribe to be eligible to receive a grant, the tribe shall submit a grant application proposal. Once the grant has been awarded, each awardee will be responsible for quarterly and annual reports. All awardees shall comply with regulations relating to grants made under 25 U.S.C. 450h(a).

Title of Collection: Tribal Education Department Grant Program.

OMB Control Number: 1076–0185.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Federally-recognized tribes and their Tribal Education Departments (TEDs).

Total Estimated Number of Annual Respondents: 13.

Total Estimated Number of Annual Responses: 63.

Estimated Completion Time per Response: One time proposal submission is 111 hours, 1 hour to prepare a quarterly report, and 2 hours to prepare an annual report.

Total Estimated Number of Annual Burden Hours: 1,503 hours.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: One time proposal submission, quarterly financial reports, and annual report.

Total Estimated Annual Nonhour Burden Cost: $5,359.

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.*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2018–23181 Filed 10–23–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0025; DS63644200 DRT000000.CH7000 190D1113RT, OMB Control Number 1012–0003]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; 30 CFR Parts 1227, 1228, and 1229, Delegated and Cooperative Activities With States and Indian Tribes

AGENCY: Office of the Secretary, Office of Natural Resources Revenue, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Natural Resources Revenue (ONRR), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before November 23, 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 Mr. Luis Aguilar, Regulatory Specialist, ONRR, P.O. Box 25165, MS 61030A, Denver, Colorado 80225–0165, or email to *Luis.Aguilar@onrr.gov.* Please reference OMB Control Number 1012–0003 in your comments.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact Peter Hanley, STRAC Administration, ONRR, telephone (303) 231–3721, or

email *peter.hanley@onrr.gov.* For other questions, contact Mr. Luis Aguilar, telephone (303) 231–3418, or email *luis.aguilar@onrr.gov.* You may also contact Mr. Aguilar to obtain copies (free of charge) of (1) the ICR, (2) any associated forms, and (3) the regulations that require the subject collection of information. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on June 5, 2018 (83 FR 26081); 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 ONRR; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the ONRR enhance the quality, utility, and clarity of the information to be collected; and (5) how might the ONRR 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 Secretary of the Interior is responsible for mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). Under various laws, the Secretary's responsibility is to manage mineral resources production on Federal and Indian lands and the OCS, collect the royalties and other mineral revenues due, and distribute the funds collected. ONRR performs the royalty management functions and assists the Secretary in carrying out the Department's responsibilities. We have posted those laws pertaining to mineral leases on Federal and Indian lands and the OCS at *http://www.onrr.gov/Laws_R_D/PubLaws/default.htm.*

General Information

When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share in an amount or value of production from the leased lands. The lessee is required to report various kinds of information to the lessor relative to the disposition of the minerals. Such information is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling of such minerals. The information that ONRR collects includes data necessary to ensure that the lessee accurately values the production and appropriately pays all royalties and other mineral revenues due.

The Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), as amended by sections 3, 4, and 8 [for Federal lands] of the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996, authorizes the Secretary to develop delegated and cooperative agreements with States (section 205) and Indian Tribes (section 202) to carry out certain inspection, auditing, investigation, and limited enforcement activities for oil and gas leases in their jurisdictions. The States and Indian Tribes are working partners with ONRR and are an integral part of the overall onshore and offshore compliance effort. The Appropriations Act of 1992 also authorizes the States and Indian Tribes to perform the same functions for coal and other solid mineral leases.

Information Collections

This Information Collection Request (ICR) covers the paperwork requirements in the regulations under title 30, *Code of Federal Regulations* (CFR), parts 1227, 1228, and 1229. This collection of information is necessary in order for States and Indian Tribes to conduct audits and related investigations of Federal and Indian oil, gas, coal, any other solid minerals, and geothermal royalty revenues from Federal and Tribal leased lands. Relevant parts of the regulations include 30 CFR parts 1227, 1228, and 1229, as described below:

Title 30 CFR part 1227—Delegation to States, provides procedures to delegate certain Federal minerals revenue management functions to States for Federal oil and gas leases. The regulations provide only audit and investigation functions to States for Federal geothermal and solid mineral leases, and leases subject to section 8(g) of the OCS Lands Act, within their respective State boundaries. To be considered for such delegation, States must submit a written proposal to ONRR, which ONRR must approve. States also must provide quarterly reimbursement vouchers and reports concerning the activities under the delegation to ONRR.

Title 30 CFR part 1228—Cooperative Activities with States and Indian Tribes, provides procedures for Indian Tribes to carry out audits and related investigations of their respective leased lands. Indian Tribes must submit a written proposal to ONRR in order to enter into a cooperative agreement. The proposal must outline the activities that the Tribe will undertake and must present evidence that the Tribe can meet the standards of the Secretary to conduct these activities. The Tribes also must submit an annual work plan and budget, as well as quarterly reimbursement vouchers.

Title 30 CFR part 1229—Delegation to States, provides procedures for States to carry out audits and related investigations of leased Indian lands within their respective State boundaries, by permission of the respective Indian Tribal councils or individual Indian mineral owners. The State must receive the Secretary's delegation of authority and submit annual audit work plans detailing its audits and related investigations, annual budgets, and quarterly reimbursement vouchers. The State also must maintain records.

OMB Approval

We will request OMB approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge the duties of the office and may also result in the inability to confirm the accurate royalty value. ONRR protects any proprietary information received under this collection and does not collect items of a sensitive nature. States and Tribes must respond in order to obtain the benefit of entering into a cooperative agreement with the Secretary.

Title of Collection: 30 CFR parts 1227, 1228, and 1229, Delegated and

Cooperative Activities with States and Indian Tribes.

OMB Control Number: 1012–0003.

Form Numbers: None.

Type of Review: Extension of currently approved collection.

Respondents/Affected Public: States and Indian Tribes.

Total Estimated Number of Annual Respondents: 9 States and 6 Indian Tribes.

Total Estimated Number of Annual Responses: 210.

Estimated Completion Time per Response: 75.50 hrs.

Total Estimated Number of Annual Burden Hours: 16,697 hours.

Respondent's Obligation: Required to obtain or retain benefit.

Frequency of Collection: Based on the functions performed, responses are monthly, quarterly, annually, on occasion, and varied.

Total Estimated Annual Non-hour Burden Cost: We have identified no ''non-hour cost'' burden associated with this collection of information.

We have not included in our estimates certain usual and customary requirements that States and Tribes perform in the normal course of business. This 30-day **Federal Register** notice burden chart shows an adjustment decrease of −1,008 burden hours from the previous 30-day notice published August 25, 2015 (80 FR 51597). The following table shows the estimated burden hours by CFR section and paragraph:

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
	Part 1227—Delegation to States			
	Delegation Proposals			
1227.103; 107; 109; 110(a–b(1)); 110(c–e); 111(a–b); 805.	What must a State's delegation proposal contain? If you want ONRR to delegate royalty management functions to you, then you must submit a delegation proposal to the ONRR Deputy Director. ONRR will provide you with technical assistance and information to help you prepare your delegation proposal. . . .	200	1	200
	Delegation Process			
1227.110(b)(2)	(b)(2) If you want to change the terms of your delegation agreement for the renewal period, you must submit a new delegation proposal under this part.	16	11	176
	Existing Delegations			
	Compensation			
1227.112(d) and (e)	What compensation will a State receive to perform delegated functions? You will receive compensation for your costs to perform each delegated function subject to the following conditions . . . (d) At a minimum, you must provide vouchers detailing your expenditures quarterly during the fiscal year. However, you may agree to provide vouchers on a monthly basis in your delegation agreement . . . (e) You must maintain adequate books and records to support your vouchers . . .	4	64	256
	States' Responsibilities to Perform Delegated Functions			
1227.200(a), (b), (c) and (d).	What are a State's general responsibilities if it accepts a delegation? For each delegated function you perform, you must: (a) . . . seek information or guidance from ONRR regarding new, complex, or unique issues. . . . (b)(1) . . . Provide complete disclosure of financial results of activities; (2) Maintain correct and accurate records of all mineral-related transactions and accounts; (3) Maintain effective controls and accountability; (4) Maintain a system of accounts . . .	940	9	8,460
	(5) Maintain adequate royalty and production information . . . (c) Assist ONRR in meeting the requirements of the Government Performance and Results Act (GPRA) . . .			

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
	(d) Maintain all records you obtain or create under your delegated function, such as royalty reports, production reports, and other related information. . . . You must maintain such records for at least 7 years. . . .			
1227.200(e); 801(a); 804.	(e) Provide reports to ONRR about your activities under your delegated functions . . . At a minimum, you must provide periodic statistical reports to ONRR summarizing the activities you carried out . . .	3	40	120
1227.200(f); 401(e); 601(d).	(f) Assist ONRR in maintaining adequate reference, royalty, and production databases. . . .	1	1	1
1227.200(g); 301(e)	(g) Develop annual work plans. . .	60	9	540
1227.200(h)	(h) Help ONRR respond to requests for information from other Federal agencies, Congress, and the public . . .	8	9	72
1227.400(a)(4) and (a)(6); 401(d); 501(c).	What functions may a State perform in processing production reports or royalty reports? Production reporters or royalty reporters provide production, sales, and royalty information on mineral production from leases that must be collected, analyzed, and corrected. (a) If you request delegation of either production report or royalty report processing functions, you must perform . . . (4) Timely transmitting production report or royalty report data to ONRR and other affected Federal agencies . . .	1	1	1
	(6) Providing production data or royalty data to ONRR and other affected Federal agencies. . . .			
1227.400(c)	(c) You must provide ONRR with a copy of any exceptions from reporting and payment requirements for marginal properties and any alternative royalty and payment requirements for unit agreements and communitization agreements you approve.	1	1	1
1227.601(c)	What are a State's responsibilities if it performs automated verification? To perform automated verification of production reports or royalty reports, you must . . . (c) Maintain all documentation and logging procedures . . .	1	1	1
	Performance Review			
Subtotal Burden for 30 CFR part 1227.	.....	.....	147	9,828
	Part 1228—Cooperative Activities With States and Indian Tribes			
	Subpart C—Oil and Gas, Onshore			
1228.100(a) and (b); 101(c); 107(b).	Entering into an agreement. (a) . . . Indian Tribe may request the Department to enter into a cooperative agreement by sending a letter from . . . tribal chairman . . . to the Director of ONRR. (b) The request for an agreement shall be in a format prescribed by ONRR and should include at a minimum the following information: (1) Type of eligible activities to be undertaken.	200	1	200
	(2) Proposed term of the agreement. (3) Evidence that . . . Indian Tribe meets, or can meet by the time the agreement is in effect . . .			
	(4) If the State is proposing to undertake activities on Indian lands located within the State, a resolution from the appropriate tribal council indicating their agreement to delegate to the State responsibilities under the terms of the cooperative agreement for activities to be conducted on tribal or allotted land.			

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
1228.101(a)	Terms of agreement. (a) Agreements entered into under this part shall be valid for a period of 3 years and shall be renewable . . . upon request of . . . Indian Tribe. . . .	15	6	90
1228.101(d)	(d) . . . Indian Tribe will be given 60 days to respond to the notice of deficiencies and to provide a plan for correction of those deficiencies. . . .	80	1	80
1228.103(a) and (b)	Maintenance of records. (a) . . . Indian Tribe entering into a cooperative agreement under this part must retain all records, reports, working papers, and any backup materials . . . (b) . . . Indian Tribe shall maintain all books and records . . .	940	6	5,640
1228.105(a)(1) and (a)(2).	Funding of cooperative agreements. (a)(1) The Department may, under the terms of the cooperative agreement, reimburse . . . Indian Tribe up to 100 percent of the costs of eligible activities. Eligible activities will be agreed upon annually upon the submission and approval of a work plan and funding requirement. (2) A cooperative agreement may be entered into with . . . Indian Tribe, upon request, without a requirement for reimbursement of costs by the Department.	60	6	360
1228.105(c)	(c) . . . Indian Tribe shall submit a voucher for reimbursement of eligible costs incurred within 30 days of the end of each calendar quarter. . . . Indian Tribe must provide the Department a summary of costs incurred, for which. . . Indian Tribe is seeking reimbursement, with the voucher.	20	24	480
Subtotal Burden for 30 CFR Part 1228.	.....	.....	44	6,850
	Part 1229—Delegation to States			
	Subpart C—Oil and Gas, Onshore			
	Administration of Delegations			
1229.100(a)(1) and (a)(2).	Authorities and responsibilities subject to delegation. (a) All or part of the following authorities and responsibilities of the Secretary under the Act may be delegated to a State authority: (1) Conduct of audits related to oil and gas royalty payments made to the Office of Natural Resources Revenue (ONRR) which are attributable to leased . . . Indian lands within the State. Delegations with respect to any Indian lands require the written permission, subject to the review of the ONRR, of the affected Indian Tribe or allottee. (2) Conduct of investigation related to oil and gas royalty payments made to the ONRR which are attributable to . . . Indian lands within the State. Delegation with respect to any Indian lands require the written permission, subject to the review of the ONRR, of the affected Indian Tribe or allottee. No investigation will be initiated without the specific approval of the ONRR. . . .	1	1	1
1229.101(a) and (d)	Petition for delegation. (a) The governor or other authorized official of any State which contains . . . Indian oil and gas leases where the Indian Tribe and allottees have given the State an affirmative indication of their desire for the State to undertake certain royalty management-related activities on their lands, may petition the Secretary to assume responsibilities to conduct audits and related investigations of royalty related matters affecting . . . Indian oil and gas leases within the State . . . (d) In the event that the Secretary denies the petition, the Secretary must provide the State with the specific reasons for denial of the petition. The State will then have 60 days to either contest or correct specific deficiencies and to reapply for a delegation of authority.	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
1229.102(c)	Fact-finding and hearings. (c) A State petitioning for a delegation of authority shall be given the opportunity to present testimony at a public hearing.	1	1	1
1229.103(c)	Duration of delegations; termination of delegations. (c) A State may terminate a delegation of authority by giving a 120-day written notice of intent to terminate.	1	1	1
1229.105	Evidence of Indian agreement to delegation. In the case of a State seeking a delegation of authority for Indian lands . . . the State petition to the Secretary must be supported by an appropriate resolution or resolutions of tribal councils joining the State in petitioning for delegation and evidence of the agreement of individual Indian allottees whose lands would be involved in a delegation. Such evidence shall specifically speak to having the State assume delegated responsibility for specific functions related to royalty management activities.	1	1	1
1229.106	Withdrawal of Indian lands from delegated authority. If at any time an Indian Tribe or an individual Indian allottee determines that it wishes to withdraw from the State delegation of authority in relation to its lands, it may do so by sending a petition of withdrawal to the State. . . .	1	1	1
1229.109(a)	Reimbursement for costs incurred by a State under the delegation of authority. (a) The Department of the Interior (DOI) shall reimburse the State for 100 percent of the direct cost associated with the activities undertaken under the delegation of authority. The State shall maintain books and records in accordance with the standards established by the DOI and will provide the DOI, on a quarterly basis, a summary of costs incurred . . .	1	1	1
1229.109(b)	(b) The State shall submit a voucher for reimbursement of costs incurred within 30 days of the end of each calendar quarter.	1	4	4
	Delegation Requirements			
1229.120	Obtaining regulatory and policy guidance. All activities performed by a State under a delegation must be in full accord with all Federal laws, rules and regulations, and Secretarial and agency determinations and orders relating to the calculation, reporting, and payment of oil and gas royalties. In those cases when guidance or interpretations are necessary, the State will direct written requests for such guidance or interpretation to the appropriate ONRR officials. . . .	1	1	1
1229.121	Recordkeeping requirements. (a) The State shall maintain in a safe and secure manner all records, workpapers, reports, and correspondence gained or developed as a consequence of audit or investigative activities conducted under the delegation . . . (b) The State must maintain in a confidential manner all data obtained from DOI sources or from payor or company sources under the delegation . . . (c) All records subject to the requirements of paragraph (a) must be maintained for a 6-year period measured from the end of the calendar year in which the records were created . . . Upon termination of a delegation, the State shall, within 90 days from the date of termination, assemble all records specified in subsection (a), complete all working paper files in accordance with § 229.124, and transfer such records to the ONRR. (d) The State shall maintain complete cost records for the delegation in accordance with generally accepted accounting principles. . . .	1	1	1
1229.122	Coordination of audit activities. (a) Each State with a delegation of authority shall submit annually to the ONRR an audit workplan specifically identifying leases, resources, companies, and payors scheduled for audit . . . A State may request changes to its workplan . . . at the end of each quarter of each fiscal year. All requested changes are subject to approval by the ONRR and must be submitted in writing.	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
	(b) When a State plans to audit leases of a lessee or royalty payor for which there is an ONRR or OIG resident audit team, all audit activities must be coordinated through the ONRR or OIG resident supervisor. . . . (c) The State shall consult with the ONRR and/or OIG regarding resolution of any coordination problems encountered during the conduct of delegation activities.			
1229.123(b)(3)(i)	Standards for audit activities. (b)(3) *Standards of reporting*. (i) Written audit reports are to be submitted to the appropriate ONRR officials at the end of each field examination.	1	1	1
1229.124	Documentation standards. Every audit performed by a State under a delegation of authority must meet certain documentation standards. In particular, detailed work papers must be developed and maintained.	1	1	1
1229.125(a) and (b)	Preparation and issuance of enforcement documents. (a) Determinations of additional royalties due resulting from audit activities conducted under a delegation of authority must be formally communicated by the State, to the companies or other payors by an issue letter prior to any enforcement action. . . . (b) After evaluating the company or payor's response to the issue letter, the State shall draft a demand letter which will be submitted with supporting workpaper files to the ONRR for appropriate enforcement action. Any substantive revisions to the demand letter will be discussed with the State prior to issuance of the letter. . . .	1	1	1
1229.126(a) and (b)	Appeals. (a) . . . The State regulatory authority shall, upon the request of the ONRR, provide competent and knowledgeable staff for testimony, as well as any required documentation and analyses, in support of the lessor's position during the appeal process. (b) An affected State, upon the request of the ONRR, shall provide expert witnesses from their audit staff for testimony as well as required documentation and analyses to support the Department's position during the litigation of court cases arising from denied appeals. . . .	1	1	1
1229.127	Reports from States. The State, acting under the authority of the Secretarial delegation, shall submit quarterly reports which will summarize activities carried out by the State during the preceding quarter of the year under the provisions of the delegation. . . .	1	1	1
Subtotal Burden for 30 CFR part 1229.	.....	.....	19	19
Total Burden	.....	.....	210	16,697

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*).

Gregory J. Gould,

Director for Office of Natural Resources Revenue.

[FR Doc. 2018–23176 Filed 10–23–18; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–18–049]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: October 31, 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. Nos. 731–TA–1392 and 1393 (Final) (Polytetrafluoroethylene (''PTFE'') Resin from China and India). The Commission is currently scheduled to complete and file its determinations and views of the Commission by November 9, 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: October 18, 2018.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–23307 Filed 10–22–18; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Heterogeneous System Architecture Foundation

Notice is hereby given that, on October 9, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Heterogeneous System Architecture Foundation (''HSA Foundation'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Nanjing Tech University, College of Computer Science and Technology, Shanghai, PEOPLE'S REPUBLIC OF CHINA, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HSA Foundation intends to file additional written notifications disclosing all changes in membership.

On August 31, 2012, HSA Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 11, 2012 (77 FR 61786).

The last notification was filed with the Department on May 1, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 7, 2018 (83 FR 26499).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–23188 Filed 10–23–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0077]

Agency Information Collection Activities; Proposed eCollection eComments Requested New Collection (Previously Submitted as an Emergency Collection): FIX NICS Act State Implementation Plan Survey

AGENCY: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

ACTION: 60-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: Comments are encouraged and will be accepted for 60 days until December 24, 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 Gerry Lynn Brovey, Supervisory Information Liaison Specialist, FBI, CJIS, Resources Management Section, Administrative Unit, Module C–2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306 (telephone: 304–625–4320) or email *glbrovey@fbi.gov.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted via email to *OIRA_submission@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 Bureau of Justice Statistics, 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:* FIX NICS Act State Implementation Plan Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Agency form number: 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:* Individuals or households. Primary: State, local, federal and tribal law enforcement agencies. This collection is needed for the reporting or making available of appropriate records to the National Instant Criminal Background Check System (NICS) established under section 103 of the Brady Handgun Violence Prevention Act. Acceptable data is stored as part of the NICS of the FBI.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated 56 respondents will complete each form within approximately 2,400 minutes.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 2,240 total annual burden hours associated with this 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, 3E.405A, Washington, DC 20530.

Dated: October 18, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–23139 Filed 10–23–18; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

On October 18, 2018, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Ohio in *United States* v. *Heritage Thermal Services,* Civil Action No. 4:18–cv–2419.

The Consent Decree settles claims brought by the United States for violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.,* in connection with a hazardous waste incinerator owned and operated by the Defendant in East Liverpool, Ohio. The Consent Decree requires the Defendant to undertake extensive measures to address Clean Air Act violations, pay a civil penalty of $288,000, and implement a supplemental environmental project consisting of lead abatement activities in the East Liverpool area.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Heritage Thermal Services,* D.J. Ref. No. 90–5–2–1–11449. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $21.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Randall Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–23190 Filed 10–23–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Modification Under the Clean Water Act

On October 10, 2018, the Department of Justice lodged a proposed modification of a Consent Decree with the United States District Court for the Northern District of Indiana in *United States and the State of Indiana* v. *City of Fort Wayne,* Civil Action No. 2:07–cv–00445–PPS–APR.

The Consent Decree, which was entered by the Court on April 1, 2008, settled claims brought by the United States and the State of Indiana for violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.,* in connection with Fort Wayne's operation of its municipal wastewater and sewer system. The Consent Decree requires Fort Wayne to develop and construct fifteen Combined Sewer Overflow Control Measures as part of a Long-Term Control Plan. The proposed modification makes changes to three of the Control Measures in the Long Term Control Plan.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of Indiana* v. *City of Fort Wayne,* D.J. Ref. No. 90–5–1–1–07653. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	*pubcomment-ees.enrd@usdoj.gov*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.*

We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $4.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–23184 Filed 10–23–18; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME AND DATE: Open meeting of the Executive Committee of the National Science Board, to be held Monday, October 29, 2018, from 10:30—11:30 a.m. EDT.

PLACE: This meeting will be held by teleconference at the National Science Foundation, 2415 Eisenhower Ave., Alexandria, VA 22314.

STATUS: Open.

MATTERS TO BE CONSIDERED: Committee Chair's Opening Remarks; approval of Executive Committee Minutes of June 22, 2018; discuss issues and topics for an agenda of the NSB Meeting scheduled for November 28–29, 2018.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: James Hamos, 2415 Eisenhower Ave. Alexandria, VA 22314. Telephone: (703) 292–8000. You may find meeting information and updates (time, place, subject matter or status of meeting) at *http://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.*

SUPPLEMENTARY INFORMATION: An audio listening line will be available for the public. Members of the public must contact the Board Office to request the number by sending an email to *nationalsciencebrd@nsf.gov* at least 24 hours prior to the teleconference.

Chris Blair,

Executive Assistant to the NSB Office.

[FR Doc. 2018–23341 Filed 10–22–18; 4:15 pm]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 23, 2018. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, at the above address, 703–292–8030, or *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 670), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2019–009

1. *Applicant*: Zicheng Yu, Department of Earth and Environmental Science, Lehigh University, 1 West Packer Avenue, Bethlehem, PA 18015.

Activity for Which Permit is Requested: Enter Antarctic Specially Protected Area (ASPA). The applicant requests access to ASPA 113, Litchfield Island, to collect small samples of moss and peat and carry out field measurements. Moss samples would primarily consist of two species, *Polytrichum strictum* and *Chorisodontium aciphyllum,* and would be collected by hand. Cores of peat moss up to 100 cm deep would be collected by box corer (3 inches by 4 inches) or permafrost corer (2-inch diameter). A limited number of samples would be collected from within the ASPA and from other nearby locations within the Palmer Basin ASMA. No equipment or instrumentation would be installed in ASPA 113. To minimize the potential for unintentional transfer of soils or organisms, the application and agents would clean sample collection tools, as well as clothing and shoes, between visits to different field sites. The samples would be processed at the home institution. Data gathered from this research will advance the understanding of peat moss banks to climate change during the last 3000 years.

Location: ASPA 113, Litchfield Island.

Dates of Permitted Activities: December 1, 2018–April 30, 2019.

Permit Application: 2019–010

2. *Applicant:* Mark Salvatore, Department of Physics and Astronomy, Northern Arizona University, NAU Box 6010, Flagstaff, AZ 86011–6010.

Activity for Which Permit is Requested: Enter Antarctic Specially Protected Area (ASPA); Take; Harmful interference. The applicant requests access to ASPA 131, Canada Glacier, to collect samples of mosses and microbial mats and carry out spectral measurements and imagery collection. The applicant and agents would enter ASPA 131 up to three times over the course of a single season to collect samples and measurements from up to three discrete plots (20 m by 20 m) of the Canada Stream area. The number of samples collected within each plot during each visit would vary based on the degree of heterogeneity of the distribution of mosses or microbial mats. The applicant proposes to collect no more that 66 total samples of moss and microbial mats. Samples would be small (up to approximately 10 mL) and collected using a #13 cork-borer or, when sampling from rocks or uneven surfaces, a 1 cm^2 area of mat would be brushed into a sample container. While traversing the ASPA area on foot between sampling plots, the applicant and agents would use trails, when available, and would avoid extremely sensitive areas such as drainages, stream channels, and soft soils to the maximum extent possible. The applicant and agents would also conduct similar, but more extensive sampling of microbial mats in other stream systems within the Lake Fryxell Basin in the McMurdo Dry Valleys Antarctic Specially Managed Area (ASMA 2). The samples, ground-based spectral measurements, and ground-based imagery would be compared to spectral signatures in satellite imagery with the ultimate goal of using remote sensing to study key ecosystem characteristics.

Location ASPA 131, Canada Glacier; ASMA 2, McMurdo Dry Valleys.

Dates of Permitted Activities: December 1, 2018–February 15, 2019.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–23258 Filed 10–23–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit modifications issued.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 703–292–8030; email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: On September 12, 2018 the National Science Foundation published a notice in the **Federal Register** of a permit modification request received. The permit modification was issued on October 16, 2018 to:

1. Jay Rotella—Permit No. 2018–012
2. David Ainley—Permit No. 2017–005

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–23257 Filed 10–23–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Fire Protection System Nonsafety Cable Spray Removal

AGENCY: Nuclear Regulatory Commission.

ACTION: Combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing License Amendment Nos. 145 and 144 to Combined Licenses (COL), NPF–91 and NPF–92, respectively. The COLs were issued to Southern Nuclear Operating Company, and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia (collectively SNC); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The amendment authorizes changes in the form of departures to the VEGP Units 3 and 4 plant specific Design Control Document (PS–DCD) Tier 2 information contained within the Updated Final Safety Analysis Report and plant-specific Tier 1 information, with corresponding changes to Appendix C of the COL removing the fire protection system (FPS) nonsafety-related containment cable spray and installing passive fire stops and radiant energy shields. Specifically, the changes were for the removal of the FPS containment open nozzle water spray suppression system for the open nonsafety-related cable trays in fire zone 1100 AF 11300B and for installing passive fire stops and radiant energy shields.

The exemption allows changes that impact Tier 1 of the PS–DCD and associated COL Appendix C of the Facility COL as specified in LAR 18–015. This exemption is related to, and necessary for, the granting of the amendment which is being issued concurrently.

DATES: The amendments were issued on October 4, 2018.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 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 *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about NRC dockets to Jennifer Borges; 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 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. The request for the amendment and exemption was submitted by letter dated April 27, 2018, designated License Amendment Request (LAR) 18–015, and supplemented by letter dated August 13, 2018 (ADAMS Accession Nos. ML18117A464 and ML18225A291, respectively).
- *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: William (Billy) Gleaves, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5848; email: *Bill.Gleaves@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting exemptions from paragraph B of section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment Nos. 138 and 137 to COLs, NPF–91 and NPF–92, respectively, to SNC. The exemption is required by paragraph A.4 of section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52 to allow SNC to depart from Tier 1 information. The exemptions met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and section VIII.A.4 of appendix D to 10 CFR part 52. The license amendments met all applicable regulatory criteria and were found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML18247A407.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to SNC for VEGP Units 3 and 4 (COLs NPF–91 and NPF–92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML18247A405 and ML18247A406, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML18247A401 and ML18247A403, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VEGP Units 3 and Unit 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated April 27, 2018, as supplemented August 13, 2018, SNC requested from the Nuclear Regulatory Commission (NRC or Commission) an exemption to allow departure from Tier 1 information in the certified DCD incorporated by reference in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, Appendix D, ''Design Certification Rule for the AP1000 Design,'' as part of license amendment request (LAR) 18–015, ''Fire Protection System Non-Safety Cable Spray Removal.''

For the reasons set forth in Section 3.2 of the NRC staff's Safety Evaluation, which can be found be found in ADAMS under Accession Number ML18247A407, the Commission finds that:

A. the exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, SNC is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the Facility

Combined License, as described in the licensee's request dated April 27, 2018, as supplemented August 13, 2018. This exemption is related to, and necessary for the granting of License Amendment No. 145 (Unit 3) and 144, which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's Safety Evaluation (ADAMS Accession Number ML18247A407), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated April 27, 2018, designated License Amendment Request (LAR) 18–015, and supplemented by letter dated August 13, 2018 (ADAMS Accession Nos. ML18117A464 and ML18225A291, respectively), the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF–91 and NPF–92. The proposed amendment is described in Section I of this **Federal Register** notice.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or COL, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on June 19, 2018 (83 FR 28463). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemptions and issued the amendments that SNC requested by letter dated April 27, 2018, supplemented by letter dated August 13, 2018 (ADAMS Accession Nos. ML18117A464 and ML18225A291, respectively). The exemptions and amendments were issued to the licensee on October 4, 2018, as part of a combined package (ADAMS Accession No. ML18247A399).

Dated at Rockville, Maryland, on October 19, 2018.

For the Nuclear Regulatory Commission.

Jennifer L. Dixon-Herrity,

Chief, Licensing Branch 4, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.

[FR Doc. 2018–23191 Filed 10–23–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Meeting of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Future Plant Designs

The ACRS Subcommittee on Future Plant Designs will hold a meeting on October 30, 2018 at U.S. Nuclear Regulatory Commission, Three White Flint North, 11601 Landsdown Street, Conference Rooms 1C3–1C5, North Bethesda, MD 20852.

The entire meeting will be open to public attendance. The agenda for the subject meeting shall be as follows:

Tuesday, October 30, 2018—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review guidance documents developed by the Advanced Reactor Licensing Modernization Program. The Subcommittee will hear presentations by and hold discussions with NRC staff, industry representatives, 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), Derek Widmayer (Telephone 301–221–1448 or Email *Derek.Widmayer@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 Three White Flint North building, 11601 Landsdown Street, North Bethesda, MD 20852. After registering with Security, please proceed to conference room 1C3–1C5, located directly behind the security desk on the first floor. You may contact Mr. Theron Brown (Telephone 301–415–6702) for assistance or to be escorted to the meeting room.

Dated: October 18, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–23169 Filed 10–23–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[License No. XW019; Docket No. 11005986; NRC–2012–7946]

Perma-Fix Northwest Richland, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Export license application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is reviewing an export license application (XW019),

submitted by Perma-Fix Northwest Richland, Inc. (PFNW). On August 30, 2018, PFNW filed a revised application with the NRC for a license to export radioactive waste. The revised application seeks NRC approval of a license for the export of low-level radioactive waste to Mexico. The NRC is providing notice of the opportunity to submit comments and/or to request a hearing on PFNW's revised application.

DATES: Comments must be filed by November 23, 2018. Requests for a hearing or a petition for leave to intervene must be filed by November 23, 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–2012–7946. Address questions about Docket IDs in *Regulations.gov* 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.
- *Email comments to: hearing.docket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

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: Andrea R. Jones, Office of International Programs, telephone: 404–997–4443, email: *Andrea.Jones2@nrc.gov,* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to NRC–2012–7946 or Docket No. 11005986 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–2012–7946.
- *NRC's public website:* Go to *http://www.nrc.gov* and search for XW019, Docket No. 11005986, Docket ID NRC–2012–7946, or ADAMS Accession No. ML18257A028.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The export license application from PFNW is available in ADAMS under Accession No. ML18257A028.
- *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–2012–7946 or Docket No. 11005986 in your comment submission. The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

In accordance with 10 CFR 110.70(b) the NRC is noticing the receipt of revised export license application submitted by PFNW on September 10, 2018, for the return of Mexican-origin radioactive waste, generated at the Laguna Verde Nuclear Power Plant. The radioactive waste was processed and treated by PFNW, located in Richland, Washington, and by Diversified Scientific Services, Inc., located in Kingston, Tennessee.[1] The application requests removal of previous references to IW031. The NRC is noticing the application for a license to export radioactive waste; opening the opportunity for public comment; and opening the opportunity to file a request for a hearing or petition for leave to intervene for a period of 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520. Hearing requests and intervention petitions must include the information specified in 10 CFR 110.82(b).

III. Electronic Submission (E-Filing)

A request for a hearing or petition for leave to intervene 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

[1] The export application (XW019) replaces prior export applications that were submitted in February of 2012 and February 2013, together with an import license application (IW031) that has now been withdrawn (ADAMS Accession No. ML17354A464).

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.

The information concerning this application for an export license amendment/renewal follows.

NRC EXPORT LICENSE AMENDMENT/RENEWAL APPLICATION

[Description of material]

Name of applicant, Date of application, Date received, Application No., Docket No., ADAMS accession No.	Material type	Total quantity	End use	Country of destination
Perma-Fix Northwest Richland, Inc. (PFNW), August 30, 2018, September 10, 2018, XW019, 11005986, ML18257A028.	Class A, B, and/or C radioactive waste in the form of contaminated aqueous, organic based fluids, semi-solids, solids, and other combustible and non-combustible materials which may include liquids, containing carbon-14, hydrogen-3, and other mixed fission product radionuclides. Contaminated material generated from processing imported radioactive waste may include metals, resin, liquids, and sludge.	Not to exceed total maximum quantity of 1.027 terabecquerels (TBq), or radioactive material.	Storage and ultimate disposal of radioactive waste in Mexico.	Mexico.

Dated at Rockville, Maryland, this 18th day of October, 2018.

For the Nuclear Regulatory Commission.

David L. Skeen,

Deputy Director, Office of International Programs.

[FR Doc. 2018–23164 Filed 10–23–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Meeting of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Plant License Renewal

The ACRS Subcommittee on Plant License Renewal will hold a meeting on October 31, 2018 at U.S. Nuclear Regulatory Commission, Three White Flint North, 11601 Landsdown Street, Conference Rooms 1C3–1C5, North Bethesda, MD 20852.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Wednesday October 31, 2018—8:30 a.m. until 6:30 p.m.

The Subcommittee will review the NextEra Alkali Silica Reaction (ASR) study that was conducted for Seabrook, and the NRC staff response to the study. 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. Seventy-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 Three White Flint North building, 11601 Landsdown Street, North Bethesda, MD 20852. After registering with Security, please proceed to conference room 1C3–1C5, located directly behind the security desk on the first floor. You may contact Mr. Theron Brown (Telephone 301–415–6702) for assistance or to be escorted to the meeting room.

Dated: October 18, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–23170 Filed 10–23–18; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84448; File No. SR–GEMX–2018–33]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Registration, Qualification Examination and Continuing Education Rules

October 18, 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 October 10, 2018, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend, reorganize and enhance its membership, registration and qualification rules and to make conforming changes to certain other rules.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqgemx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange has adopted registration requirements to ensure that associated persons attain and maintain specified levels of competence and knowledge pertinent to their function. In general, the current rules require that persons engaged in a member's securities business who are to function as representatives or principals register with the Exchange in each category of registration appropriate to their functions by passing one or more qualification examinations[3] and exempt specified associated persons from the registration requirements.[4] They also prescribe ongoing continuing education

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See, e.g.,* GEMX Rule 306, Registration Requirements, Section (a)(1).

[4] *See, e.g.,* GEMX Rule 306, Registration Requirements, Section (a)(2).

requirements for registered persons.[5] The Exchange now proposes to amend, reorganize and enhance its rules regarding registration, qualification examinations and continuing education, as described below.

Recently, the Commission approved a Financial Industry Regulatory Authority (''FINRA'') proposed rule change consolidating and adopting NASD and Incorporated NYSE rules relating to qualification and registration requirements into the Consolidated FINRA Rulebook,[6] restructuring the FINRA representative-level qualification examinations, creating a general knowledge examination and specialized knowledge examinations, allowing permissive registration, establishing an examination waiver process for persons working for a financial services affiliate of a member, and amending certain continuing education (''CE'') requirements (collectively, the ''FINRA Rule Changes'').[7] The FINRA Rule Changes became effective on October 1, 2018.

The Exchange now proposes to amend, reorganize and enhance its own membership, registration and qualification requirements rules in part in response to the FINRA Rule Changes, and also in order to conform its rules to those of its affiliated exchanges in the interest of uniformity and to facilitate compliance with membership, registration and qualification regulatory requirements by members of multiple Nasdaq-affiliated exchanges including GEMX. Last, the Exchange proposes to enhance its registration rules by adding a new registration requirement for developers of algorithmic trading systems similar to a requirement adopted by FINRA pursuant to a 2016 FINRA proposed rule change.[8]

As part of this proposed rule change, current Rule 306, Registration Requirements, is proposed to be deleted.[9] Additionally, as part of a parallel ISE filing that proposes to adopt the same registration, qualification examinations and continuing education rule changes proposed herein, Nasdaq ISE, LLC (''ISE'') is proposing to amend ISE Rules 601, Registration of Options Principals, 602, Registration of Representatives, 603, Termination of Registered Persons, and 604, Continuing Education for Registered Persons. The Exchange's own Chapter 6, Doing Business with the Public, incorporates by reference the ISE rules that are set forth in Chapter 6 of the ISE rulebook, including ISE Rules 601, 602, 603 and 604, such that the proposed changes to these ISE rules will apply automatically to the Exchange's own rules.[10] Citations herein to Rules 601, 602, 603, 604 and other Chapter 6 rules will be preceded by the term ''ISE Rule'' to reflect the Exchange's incorporation by reference of those rules.

The Exchange, like ISE, is proposing to adopt a new 1200 Series of rules captioned Registration, Qualification and Continuing Education, generally conforming to and based upon FINRA's new 1200 Series of rules resulting from the FINRA Rule Changes but with a number of Exchange-specific variations.[11] The 1200 Series would replace Exchange Rule 306 and portions of ISE Rules 601, 602 and 604. GEMX's intent is to adopt the same rule changes that ISE is proposing in SR–ISE–2018–82, resulting in the same new 1200 Series of rules on both exchanges, and ultimately the same changes to ISE Rules 601, 602 and 604 on both exchanges through the Exchange's incorporation by reference of those rules. The proposed new 1200 Series is also being proposed for adoption by GEMX's affiliated exchanges, in order to facilitate compliance with membership, registration and qualification regulatory requirements by members of two or more of those affiliated exchanges.[12] In the new 1200 Series the Exchange would, among other things, recognize an additional associated person registration category, recognize a new general knowledge examination, permit the maintenance of permissive registrations, and require Securities Trader registration of developers of algorithmic trading strategies consistent with a comparable existing FINRA registration requirement.[13]

The proposed rule change would become operative on the date of filing, with the exception of the new registration requirement for developers of algorithmic trading strategies, which would become operative April 1, 2019.

Proposed Rules

A. Registration Requirements (Proposed Rule 1210)

Exchange Rule 306(a) currently requires individual associated persons engaged or to be engaged in the securities business of a member to be registered with the Exchange in the category of registration appropriate to the function to be performed as prescribed by the Exchange. The Exchange is proposing to delete this

[5] *See* ISE Rule 604, Continuing Education for Registered Persons, incorporated by reference into the GEMX rules as explained below.

[6] The current FINRA rulebook consists of: (1) FINRA rules; (2) NASD rules; and (3) rules incorporated from the New York Stock Exchange (''NYSE'') (the ''Incorporated NYSE rules''). While the NASD rules generally apply to all FINRA members, the Incorporated NYSE rules apply only to those members of FINRA that are also members of the NYSE.

[7] *See* Securities Exchange Act Release No. 81098 (July 7, 2017), 82 FR 32419 (July 13, 2017) (Order Approving File No. SR–FINRA–2017–007). See also FINRA Regulatory Notice 17–30 (SEC Approves Consolidated FINRA Registration Rules, Restructured Representative-Level Qualification Examinations and Changes to Continuing Education Requirements) (October 2017). FINRA articulated its belief that the proposed rule change would streamline, and bring consistency and uniformity to, its registration rules, which would, in turn, assist FINRA members and their associated persons in complying with the rules and improve regulatory efficiency. FINRA also determined to enhance the overall efficiency of its representative-level examinations program by eliminating redundancy of subject matter content across examinations, retiring several outdated representative-level registrations, and introducing a general knowledge examination that could be taken by all potential representative-level registrants and the general public. FINRA amended certain aspects of its continuing education rule, including by codifying existing guidance regarding the effect of failing to complete the Regulatory Element on a registered person's activities and compensation.

[8] *See* Securities Exchange Act Release No. 77551 (April 7, 2016), 81 FR 21914 (April 13, 2016) (Order Approving File No. SR–FINRA–2016–007). In its proposed rule change FINRA addressed the increasing significance of algorithmic trading strategies by amending its rules to require registration, as Securities Traders, of associated persons primarily responsible for the design, development or significant modification of algorithmic trading strategies, or who are responsible for the day-to-day supervision or direction of such activities.

[9] Conforming changes are proposed to Rules 100, Definitions, and to Chapter 90, Code of Procedure.

[10] *See* SR–ISE–2018–82.

[11] The proposed 1200 Series of Rules would consist of Rule 1210, Registration Requirements; Rule 1220, Registration Categories; Rule 1230, Associated Persons Exempt from Registration; Rule 1240, Continuing Education Requirements; and Rule 1250, Electronic Filing Requirements for Uniform Forms.

[12] The Exchange's other four affiliated exchanges, The Nasdaq Stock Market LLC (''Nasdaq''), Nasdaq BX, Inc. (''BX''), Nasdaq PHLX LLC (''PHLX''), and Nasdaq MRX, LLC (''MRX'') (together with ISE and GEMX, the ''Nasdaq Affiliated Exchanges'') are also submitting proposed rule changes to adopt the 1200 Series of rules. *See* SR–NASDAQ–2018–078, SR–BX–2018–047, SR–Phlx–2018–61, and SR–MRX–2018–31. Additionally, the Exchange recently added a shell structure to its rulebook with the purpose of improving efficiency and readability and to align its rules closer to those of the other Nasdaq Affiliated Exchanges. *See* Securities Exchange Act Release No. 82171 (November 29, 2017), 82 FR 57516 (December 5, 2017) (SR–GEMX–2017–54). Ultimately, the Exchange intends to submit another proposed rule change to transfer the 1200 Series of rules into the new shell structure.

[13] *See* Securities Exchange Act Release No. 77551 (April 7, 2016), 81 FR 21914 (April 13, 2016) (Order Approving File No. SR–FINRA–2016–007). In its proposed rule change FINRA addressed the increasing significance of algorithmic trading strategies by amending its rules to require registration, as Securities Traders, of associated persons primarily responsible for the design, development or significant modification of algorithmic trading strategies, or who are responsible for the day-to-day supervision or direction of such activities.

language and to adopt in its place Exchange Rule 1210.[14]

Proposed Rule 1210 provides that each person engaged in the securities business of a member must register with the Exchange as a representative or principal in each category of registration appropriate to his or her functions and responsibilities as specified in proposed Rule 1220, unless exempt from registration pursuant to proposed Rule 1230.[15] Proposed Exchange Rule 1210 also provides that such person is not qualified to function in any registered capacity other than that for which the person is registered, unless otherwise stated in the rules.

B. Minimum Number of Registered Principals (Proposed Rule 1210.01)

Existing Rule 306.07 requires members to register with the Exchange as a principal each individual acting in any of the following capacities: (i) Officer; (ii) partner; (iii) director; (iv) supervisor of proprietary trading, market-making or brokerage activities; and/or (v) supervisor of those engaged in proprietary trading, market-making or brokerage activities with respect to those activities. Members must register with the Exchange at least two individuals acting in one or more of these heightened capacities (the ''two-principal requirement''). The Exchange may waive this requirement if a member demonstrates conclusively that only one individual acting in one or more of these capacities should be required to register. Further, a member that conducts proprietary trading only and has 25 or fewer registered persons is only required to have one officer or partner who is registered in this capacity.[16]

The Exchange is proposing to delete these requirements and in their place to adopt new Rule 1210.01. The new rule would provide firms that limit the scope of their business with flexibility in satisfying the two-principal requirement. In particular, proposed Rule 1210.01 requires that a member have a minimum of two General Securities Principals, provided that a member that is limited in the scope of its activities may instead have two officers or partners who are registered in a principal category that corresponds to the scope of the member's activities.[17] For instance, if a firm's business is limited to securities trading, the firm may have two Securities Trader Principals, instead of two General Securities Principals. Additionally, Exchange Rule 1210.01 provides that any member with only one associated person is excluded from the two principal requirement. Proposed Rule 1210.01 would provide that existing members as well as new applicants may request a waiver of the two-principal requirement, consistent with current Exchange Rule 306.07. Finally, the Exchange is proposing to include a provision currently found in current Rule 306 permitting a proprietary trading firm with 25 or fewer registered representatives to have just one registered principal. The FINRA Rule Changes do not include this provision.[18]

C. Permissive Registrations (Proposed Rule 1210.02)

Current Rule 306(a)(1) prohibits members from maintaining a registration with the Exchange for any person (1) who is no longer active in the member's securities business; (2) who is no longer functioning in the registered capacity; or (3) where the sole purpose is to avoid an examination requirement. It further prohibits a member from making an application for the registration of any person where there is no intent to employ that person in the member's securities business. A member may, however, maintain or make application for the registration of an individual who performs legal, compliance, internal audit, back-office operations, or similar responsibilities for the member, or a person who performs administrative support functions for registered personnel, or a person engaged in the securities business of a foreign securities affiliate or subsidiary of the member.

The Exchange is proposing to replace this provision with new Rule 1210.02. The Exchange is also proposing to expand the scope of permissive registrations and to clarify a member's obligations regarding individuals who are maintaining such registrations.

Specifically, proposed Rule 1210.02 allows any associated person to obtain and maintain any registration permitted by the member. For instance, an associated person of a member working solely in a clerical or ministerial capacity, such as in an administrative capacity, would be able to obtain and maintain a General Securities Representative registration with the member. As another example, an associated person of a member who is registered, and functioning solely, [sic] as a General Securities Representative would be able to obtain and maintain a General Securities Principal registration with the member. Further, proposed Rule 1210.02 allows an individual engaged in the securities business of a foreign securities affiliate or subsidiary of a member to obtain and maintain any registration permitted by the member.

The Exchange is proposing to permit the registration of such individuals for several reasons. First, a member may foresee a need to move a former representative or principal who has not been registered for two or more years back into a position that would require such person to be registered. Currently, such persons are required to requalify (or obtain a waiver of the applicable qualification examinations) and reapply for registration. Second, the proposed rule change would allow members to

[14] In general the 1200 Series would conform the Exchange's rules to FINRA's rules as revised in the FINRA Rule Changes, with modifications tailored to the business of the Exchange and of the other Nasdaq Affiliated Exchanges. However, the Exchange also proposes to adopt Rule 1210, Supplementary Material .12, which is not based upon a FINRA rule but instead on current Nasdaq Rule 1031(c), (d) and (e), which Nasdaq is proposing in SR–Nasdaq–2018–078 to relocate to Rule 1210, Supplementary Material .12 in the Nasdaq rulebook. These provisions govern the process for applying for registration and amending the registration application, as well as for notifying the Exchange of termination of the member's association with a person registered with the Exchange. The Exchange proposes to adopt Rule 1210, Supplemental Material .12, in order to have uniform processes and requirements in this area across the Nasdaq Affiliated Exchanges.

[15] Because the Exchange's proposed registration rules focus solely on securities trading activity, the proposed rules differ from the FINRA Rule Changes by omitting references to investment banking in proposed Rules 1210, 1210.03, 1210.10, 1220(a)(1), 1220(a)(2)(B), 1220(b), and 1240(b)(1), and also by omitting as unnecessary from Rule 1220(a)(10) a limitation on the qualification of a General Securities Sales Supervisor to supervise the origination and structuring of an underwriting.

[16] Rule 306, Supplementary Material .07, describes when a member is considered to be conducting only proprietary trading of the member. Because the Exchange is proposing to delete Rule 306 in its entirety, Rule 306, Supplementary Material .07 would be reworded and relocated to Rule 100(a), Definitions, as a provision defining the term ''proprietary trading'' for purposes of Rule 1210.

[17] The principal registration categories are described in greater detail below.

[18] The Exchange is not proposing provisions comparable to the new FINRA Rule 1210.01 requirements that all FINRA members are required to have a Principal Financial Officer and a Principal Operations Officer, because it believes that its proposed Rule 1220(a)(4), Financial and Operations Principal, which requires member firms operating pursuant to certain provisions of SEC rules to designate at least one Financial and Operations Principal, is sufficient. Further, the Exchange is not adopting the FINRA Rule 1210.01 requirements that (1) a member engaged in investment banking activities have an Investment Banking Principal, (2) a member engaged in research activities have a Research Principal, or (3) a member engaged in options activities with the public have a Registered Options Principal. The Exchange does not recognize the Investment Banking Principal or the Research Principal registration categories, and the Registered Options Principal registration requirement is set forth in Rule 1210.08 and its inclusion is therefore unnecessary in Rule 1210.01.

develop a depth of associated persons with registrations in the event of unanticipated personnel changes. Third, allowing registration in additional categories encourages greater regulatory understanding. Finally, the proposed rule change would eliminate an inconsistency in the current rules, which permit some associated persons of a member to obtain permissive registrations, but not others who equally are engaged in the member's business.

Individuals maintaining a permissive registration under the proposed rule change would be considered registered persons and subject to all Exchange rules, to the extent relevant to their activities. For instance, an individual working solely in an administrative capacity would be able to maintain a General Securities Representative registration and would be considered a registered person for purposes of rules relating to borrowing from or lending to customers, but the rule would have no practical application to his or her conduct because he or she would not have any customers.

Consistent with the Exchange's supervision rules, members would be required to have adequate supervisory systems and procedures reasonably designed to ensure that individuals with permissive registrations do not act outside the scope of their assigned functions.[19] With respect to an individual who solely maintains a permissive registration, such as an individual working exclusively in an administrative capacity, the individual's day-to-day supervisor may be a nonregistered person. Members would be required to assign a registered supervisor to this person who would be responsible for periodically contacting such individual's day-to-day supervisor to verify that the individual is not acting outside the scope of his or her assigned functions. If such individual is permissively registered as a representative, the registered supervisor must be registered as a representative or principal. If the individual is permissively registered as a principal, the registered supervisor must be registered as a principal.[20]

D. Qualification Examinations and Waivers of Examinations (Proposed Rule 1210.03)

Current Rule 306(a)(1) provides that before a registration can become effective, the individual associated person shall submit the appropriate application for registration, pass a qualification examination appropriate to the category of registration as prescribed by the Exchange and submit any required registration and examination fees. The Exchange is proposing to replace this rule language with new Rule 1210.03, Qualification Examinations and Waivers of Examinations.

As part of the FINRA Rule Changes, FINRA has adopted a restructured representative-level qualification examination program whereby representative-level registrants would be required to take a general knowledge examination (the Securities Industry Essentials Exam or ''SIE'') and a specialized knowledge examination appropriate to their job functions at the firm with which they are associating. Therefore, proposed Rule 1210.03 provides that before the registration of a person as a representative can become effective under proposed Rule 1210, such person must pass the SIE and an appropriate representative-level qualification examination as specified in proposed Rule 1220. Proposed Rule 1210.03 also provides that before the registration of a person as a principal can become effective under proposed Rule 1210, such person must pass an appropriate principal-level qualification examination as specified in proposed Rule 1220.

Further, proposed 1210.03 provides that if the job functions of a registered representative, other than an individual registered as an Order Processing Assistant Representative, change and he or she needs to become registered in another representative-level category, he or she would not need to pass the SIE again. Rather, the registered person would need to pass only the appropriate representative-level qualification examination.[21] Thus under the proposed rule change, individuals seeking registration in two or more representative-level categories would experience a net decrease in the total number of exam questions they would be required to answer because the SIE content would be tested only once.

The proposed rule change solely impacts the representative-level qualification requirements. The proposed rule change does not change the scope of the activities under the remaining representative categories. For instance, after the operative date of the proposed rule change, a previously unregistered individual registering as a Securities Trader for the first time would be required to pass the SIE and an appropriate specialized knowledge examination. However, such individual may engage only in those activities in which a current Securities Trader may engage under current Exchange Rules.

Individuals who are registered on the operative date of the proposed rule change would be eligible to maintain those registrations without being subject to any additional requirements. Individuals who had been registered within the past two years prior to the operative date of the proposed rule change would also be eligible to maintain those registrations without being subject to any additional requirements, provided that they reregister with the Exchange within two years from the date of their last registration.

Further, registered representatives, other than an individual registered as an Order Processing Assistant Representative, would be considered to have passed the SIE in the CRD system, and thus if they wish to register in any other representative category after the operative date of the proposed rule change, they could do so by taking only the appropriate specialized knowledge examination.[22] However, with respect to

[19] The FINRA Proposed Rules at Rule 1210.02 cite FINRA's own supervision rule, by number. Because the 1200 Series of rules is intended to apply to the Exchange as well as to its affiliates which have different supervision rules, proposed Rule 1210.02 refers generally to the supervision rules rather than identifying them by number.

[20] In either case, the registered supervisor of an individual who solely maintains a permissive registration would not be required to be registered in the same representative or principal registration category as the permissively-registered individual.

[21] The exception for Order Processing Assistant Representatives and Foreign Associates was adopted by FINRA in FINRA Rule 1210.03, and is included in proposed Exchange Rule 1210.03 without the reference to Foreign Associates which is a registration category the Nasdaq Affiliated Exchanges do not recognize. FINRA has stated that the SIE would assess basic product knowledge; the structure and function of the securities industry markets, regulatory agencies and their functions; and regulated and prohibited practices. Proposed Rule 1210.03 provides that all associated persons, such as associated persons whose functions are solely and exclusively clerical or ministerial, are eligible to take the SIE. Proposed Rule 1210.03 also provides that individuals who are not associated persons of firms, such as members of the general public, are eligible to take the SIE. FINRA has stated its belief that expanding the pool of individuals who are eligible to take the SIE would enable prospective securities industry professionals to demonstrate to prospective employers a basic level of knowledge prior to submitting a job application. Further, this approach would allow for more flexibility and career mobility within the securities industry. While all associated persons of firms as well as individuals who are not associated persons would be eligible to take the SIE pursuant to proposed Rule 1210.03, passing the SIE alone would not qualify them for registration with the Exchange. Rather, to be eligible for registration with the Exchange, an individual would be required to pass an applicable representative or principal qualification examination and complete the other requirements of the registration process.

[22] Under the proposed rule change, only individuals who have passed an appropriate representative-level examination would be

an individual who is not registered on the operative date of the proposed rule change but was registered within the past two years prior to the operative date of the proposed rule change, the individual's SIE status in the CRD system would be administratively terminated if such individual does not register within four years from the date of the individual's last registration.[23]

In addition, individuals, with the exception of Order Processing Assistant Representatives, who had been registered as representatives two or more years, but less than four years, prior to the operative date of the proposed rule change would also be considered to have passed the SIE and designated as such in the CRD system. Moreover, if such individuals re-register with a firm after the operative date of the proposed rule change and within four years of having been previously registered, they would only need to pass the specialized knowledge examination associated with that registration position. However, if they do not register within four years from the date of their last registration, their SIE status in the CRD system would be administratively terminated. Similar to the current process for registration, firms would continue to use the CRD system to request registrations for representatives. An individual would be able to schedule both the SIE and specialized knowledge examinations for the same day, provided the individual is able to reserve space at one of FINRA's designated testing centers.

Finally, under current Rule 306.05, the Exchange may, in exceptional cases and where good cause is shown, waive the applicable qualification examination and accept other standards as evidence of an applicant's qualifications for registration. The Exchange is proposing to replace Rule 306.05 with proposed Rule 1210.03 with changes which track FINRA Rule 1210.03. The proposed rule provides that the Exchange will only consider examination waiver requests submitted by a firm for individuals associated with the firm who are seeking registration in a representative- or principal-level registration category. Moreover, proposed Rule 1210.03 states that the Exchange will consider waivers of the SIE alone or the SIE and the representative- and principal-level examination(s) for such individuals.

E. Requirements for Registered Persons Functioning as Principals for a Limited Period (Proposed Rule 1210.04)

The Exchange is proposing to adopt new Rule 1210.04, which provides that a member may designate any person currently registered, or who becomes registered, with the member as a representative to function as a principal for a period of 120 calendar days prior to passing an appropriate principal qualification examination, provided that such person has at least 18 months of experience functioning as a registered representative within the five-year period immediately preceding the designation and has fulfilled all prerequisite registration, fee and examination requirements prior to designation as principal. These requirements apply to any principal category, including those categories that are not subject to a prerequisite representative-level registration requirement, such as the Financial and Operations Principal registration category.[24] Similarly, the rule would permit a member to designate any person currently registered, or who becomes registered, with the member as a principal to function in another principal category for a period of 120 calendar days prior to passing an appropriate qualification examination as specified under Rule 1220.[25]

This provision, which has no counterpart in the Exchange's current rules, is intended to provide flexibility to members in meeting their principal requirements on a temporary basis.

F. Rules of Conduct for Taking Examinations and Confidentiality of Examinations (Proposed Rule 1210.05)

Before taking an examination, FINRA currently requires each candidate to agree to the Rules of Conduct for taking a qualification examination. Among other things, the examination Rules of Conduct require each candidate to attest that he or she is in fact the person who is taking the examination. These Rules of Conduct also require that each candidate agree that the examination content is the intellectual property of FINRA and that the content cannot be copied or redistributed by any means. If FINRA discovers that a candidate has violated the Rules of Conduct for taking a qualification examination, the candidate may forfeit the results of the examination and may be subject to disciplinary action by FINRA. For instance, for cheating on a qualification examination, FINRA's Sanction Guidelines recommend a bar.[26]

Effective October 1, 2018 FINRA has codified the requirements relating to the Rules of Conduct for examinations under FINRA Rule 1210.05. FINRA also adopted Rules of Conduct for taking the SIE for associated persons and non-associated persons who take the SIE.

The Exchange proposes to adopt its own version of Rule 1210.05, which would provide that associated persons taking the SIE are subject to the SIE Rules of Conduct, and that associated persons taking any representative or principal examination are subject to the Rules of Conduct for representative and principal examinations. Under the proposed rule, a violation of the SIE Rules of Conduct or the Rules of Conduct for representative and principal examinations by an associated person would be deemed to be a violation of Exchange rules requiring observance of high standards of commercial honor or just and equitable principles of trade, such as Exchange Rule 400.[27] Further, if the Exchange determines that an associated person has violated the SIE Rules of Conduct or the Rules of Conduct for representative and principal examinations, the associated person may forfeit the results of the examination and may be subject to disciplinary action by the Exchange.

Proposed Rule 1210.05 also states that the Exchange considers all of the qualification examinations' content to be highly confidential. The removal of examination content from an examination center, reproduction, disclosure, receipt from or passing to any person, or use for study purposes of any portion of such qualification examination or any other use that would compromise the effectiveness of the examinations and the use in any manner and at any time of the questions or answers to the examinations would be prohibited and would be deemed to be a violation of Exchange rules requiring

considered to have passed the SIE. Registered principals who do not hold an appropriate representative-level registration would not be considered to have passed the SIE. For example, an individual who is registered solely as a Financial and Operations Principal (Series 27) today would have to take the Series 7 to become registered as a General Securities Representative. Under the proposed rule change, in the future, this individual would have to pass the SIE and the specialized Series 7 examination to obtain registration as a General Securities Representative.

[23] As discussed below, the Exchange is proposing a four-year expiration period for the SIE.

[24] In this regard, the Exchange notes that qualifying as a registered representative is currently a prerequisite to qualifying as a principal on the Exchange except with respect to the Financial and Operations Principal registration category.

[25] Proposed Rule 1210.04 omits FINRA Rule 1210.04's reference to Foreign Associates, which is a registration category not recognized by the Nasdaq Affiliated Exchanges, but otherwise tracks the language of FINRA Rule 1210.04.

[26] *See* SR–FINRA–2017–007, pp. 26—27.

[27] Exchange Rule 400 prohibits members from engaging in acts or practices inconsistent with just and equitable principles of trade. Persons associated with members have the same duties and obligations as members under Rule 400. FINRA Rule 1210.05 cites FINRA Rule 2010, which is a comparable rule.

observance of high standards of commercial honor or just and equitable principles of trade.

Finally, proposed Rule 1210.05 would prohibit an applicant from receiving assistance while taking the examination, and require the applicant to certify that no assistance was given to or received by him or her during the examination.[28]

G. Waiting Periods for Retaking a Failed Examination (Proposed Rule 1210.06)

The Exchange proposes to adopt new Rule 1210.06, which provides that a person who fails an examination may retake that examination after 30 calendar days from the date of the person's last attempt to pass that examination.[29] Proposed Rule 1210.06 further provides that if a person fails an examination three or more times in succession within a two-year period, the person is prohibited from retaking that examination until 180 calendar days from the date of the person's last attempt to pass it. These waiting periods would apply to the SIE and the representative- and principal-level examinations.[30]

H. CE Requirements (Proposed Rule 1210.07)

Pursuant to current Exchange Rule 306.04, each individual required to register under Rule 306 is required to satisfy the continuing education requirements set forth in ISE Rule 604, Continuing Education for Registered Persons, or any other applicable continuing education requirements as prescribed by the Exchange. Under ISE Rule 604 the CE requirements applicable to registered persons consist of a Regulatory Element[31] and a Firm Element.[32] The Regulatory Element applies to registered persons and must be completed within prescribed time frames.[33] For purposes of the Regulatory Element, a ''registered person'' is defined in the current rule as any person registered or required to be registered with the Exchange under the Exchange's rules.[34] The Firm Element consists of annual, member-developed and administered training programs designed to keep covered registered persons current regarding securities products, services and strategies offered by the member. For purposes of the Firm Element, the term ''covered registered persons'' is defined as any registered person who has a Series 57 registration or who has direct contact with customers in the conduct of the member's securities sales and trading activities, and the immediate supervisors of such persons.[35]

The Exchange proposes to delete Rule 306.4. The CE requirements set forth in Rule 306.04 have been reorganized and renumbered, and are now proposed to be adopted as new Rule 1240. The Exchange believes that all registered persons, regardless of their activities, should be subject to the Regulatory Element of the CE requirements so that they can keep their knowledge of the securities industry current. Therefore, the Exchange is proposing Rule 1210.07, to clarify that all registered persons, including those who solely maintain a permissive registration, are required to satisfy the Regulatory Element, as specified in proposed new Rule 1240, discussed below.[36] Individuals who have passed the SIE but not a representative or principal-level examination and do not hold a registered position would not be subject to any CE requirements. Consistent with current practice, proposed Rule 1210.07 also provides that a registered person of a member who becomes CE inactive would not be permitted to be registered in another registration category with that member or be registered in any registration category with another member, until the person has satisfied the Regulatory Element.

I. Lapse of Registration and Expiration of SIE (Proposed Rule 1210.08)

Existing Rule 306(e) states that any person whose registration has been revoked by the Exchange as a disciplinary sanction or whose most recent registration has been terminated for two or more years immediately preceding the date of receipt by the Exchange of a new application shall be required to pass a qualification examination appropriate to the category of registration as prescribed by the Exchange. The two year period is calculated from the termination date to the date the Exchange receives a new application for registration. The Exchange is proposing to delete existing Rule 306(e), and to replace it with Rule 1210.08, Lapse of Registration and Expiration of SIE.

Proposed Rule 1210.08 contains language comparable to that of existing Rule 306(e) but also clarifies that, for purposes of the proposed rule, an application would not be considered to have been received by the Exchange if that application does not result in a registration. Proposed Rule 1210.08 also sets forth the expiration period of the SIE. Based on the content covered on the SIE, the Exchange is proposing that a passing result on the SIE be valid for four years. Therefore, under the proposed rule change, an individual who passes the SIE and is an associated person of a firm at the time would have up to four years from the date he or she passes the SIE to pass a representative-level examination to register as a representative with that firm, or a subsequent firm, without having to retake the SIE. In addition, an individual who passes the SIE and is not an associated person at the time would have up to four years from the date he or she passes the SIE to become an associated person of a firm, pass a representative-level examination and register as a representative without having to retake the SIE.

Moreover, an individual holding a representative-level registration who leaves the industry after the operative date of the proposed rule change would have up to four years to re-associate with a firm and register as a representative without having to retake the SIE. However, the four-year expiration period in the proposed rule change extends only to the SIE, and not the representative- and principal-level registrations. The representative- and principal-level registrations would continue to be subject to a two year expiration period as is the case today.

[28] The Exchange is not adopting portions of FINRA's Rule 1210.05 which apply to non-associated persons, over whom the Exchange would in any event have no jurisdiction.

[29] Proposed Rule 1210.06 has no counterpart in existing Exchange rules.

[30] FINRA Rule 1210.06 requires individuals taking the SIE who are not associated persons to agree to be subject to the same waiting periods for retaking the SIE. The Exchange is not including this language in proposed Rule 1210.06, as the Exchange will not apply the 1200 Series of rules in any event to individuals who are not associated persons of members.

[31] *See* ISE Rule 604(a).

[32] *See* ISE Rule 604(c).

[33] Pursuant to ISE Rule 604(a), each registered person is required to complete the Regulatory Element initially within 120 days after the person's second registration anniversary date and, thereafter, within 120 days after every third registration anniversary date. Unless otherwise determined by the Exchange, a registered person who has not completed the Regulatory Element program within the prescribed time frames will have their registrations deemed inactive until such time as the requirements of the program have been satisfied. Any person whose registration has been deemed inactive under Rule ISE Rule 604(a) must cease all activities as a registered person and is prohibited from performing any duties and functioning in any capacity requiring registration. A person whose registration is so terminated may reactivate the registration only by reapplying for registration and meeting the qualification requirements of the applicable provisions of the Exchange's rules. The Exchange may, upon application and a showing of good cause, allow for additional time for a registered person to satisfy the program requirements.

[34] *See* ISE Rule 604.01.

[35] *See* ISE Rule 604(c)(1).

[36] Current Rule 306.04 would be deleted.

J. Waiver of Examinations for Individuals Working for a Financial Services Industry Affiliate of a Member (Proposed Rule 1210.09)

The Exchange is proposing Rule 1210.09 to provide a new process whereby individuals who would be working for a financial services industry affiliate of a member [37] would terminate their registrations with the member and would be granted a waiver of their requalification requirements upon re-registering with a member, provided the firm that is requesting the waiver and the individual satisfy the criteria for a Financial Services Affiliate (''FSA'') waiver.[38] The purpose of the FSA waiver is to provide a firm greater flexibility to move personnel, including senior and middle management, between the firm and its financial services affiliate(s) so that they may gain organizational skills and better knowledge of products developed by the affiliate(s) without the individuals having to requalify by examination each time they returned to the firm.

Under the proposed waiver process, the first time a registered person is designated as eligible for a waiver based on the FSA criteria, the member with which the individual is registered would notify the Exchange of the FSA designation. The member would concurrently file a full Form U5 terminating the individual's registration with the firm, which would also terminate the individual's other SRO and state registrations.

To be eligible for initial designation as an FSA-eligible person by a member, an individual must have been registered for a total of five years within the most recent 10-year period prior to the designation, including for the most recent year with that member.[39] An individual would have to satisfy these preconditions only for purposes of his or her initial designation as an FSA-eligible person, and not for any subsequent FSA designation(s). Thereafter, the individual would be eligible for a waiver for up to seven years from the date of initial designation [40] provided that the other conditions of the waiver, as described below, have been satisfied. Consequently, a member other than the member that initially designated an individual as an FSA-eligible person may request a waiver for the individual and more than one member may request a waiver for the individual during the seven-year period.[41]

An individual designated as an FSA-eligible person would be subject to the Regulatory Element of CE while working for a financial services industry affiliate of a member. The individual would be subject to a Regulatory Element program that correlates to his or her most recent registration category, and CE would be based on the same cycle had the individual remained registered. If the individual fails to complete the prescribed Regulatory Element during the 120-day window for taking the session, he or she would lose FSA eligibility (*i.e.,* the individual would have the standard two-year period after termination to re-register without having to retake an examination). The Exchange is making corresponding changes in proposed Rule 1240 (currently ISE Rule 604, Continuing Education for Registered Persons).

Upon registering an FSA-eligible person, a firm would file a Form U4 and request the appropriate registration(s) for the individual. The firm would also submit an examination waiver request to the Exchange,[42] similar to the process used today for waiver requests, and it would represent that the individual is eligible for an FSA waiver based on the conditions set forth below. The Exchange would review the waiver request and make a determination of whether to grant the request within 30 calendar days of receiving the request. The Exchange would summarily grant the request if the following conditions are met:

(1) Prior to the individual's initial designation as an FSA-eligible person, the individual was registered for a total of five years within the most recent 10-year period, including for the most recent year with the member that initially designated the individual as an FSA-eligible person;

(2) The waiver request is made within seven years of the individual's initial designation as an FSA-eligible person by a member;

(3) The initial designation and any subsequent designation(s) were made concurrently with the filing of the individual's related Form U5;

(4) The individual continuously worked for the financial services affiliate(s) of a member since the last Form U5 filing;

(5) The individual has complied with the Regulatory Element of CE; and

(6) The individual does not have any pending or adverse regulatory matters, or terminations, that are reportable on the Form U4, and has not otherwise been subject to a statutory disqualification while the individual was designated as an FSA-eligible person with a member.

Following the Form U5 filing, an individual could move between the financial services affiliates of a member so long as the individual is continuously working for an affiliate. Further, a member could submit multiple waiver requests for the individual, provided that the waiver requests are made during the course of the seven-year period.[43] An individual who has been designated as an FSA-eligible person by a member would not

[37] Proposed Rule 1210.09 defines a ''financial services industry affiliate of a member'' as a legal entity that controls, is controlled by or is under common control with a member and is regulated by the SEC, Commodity Futures Trading Commission (''CFTC''), state securities authorities, federal or state banking authorities, state insurance authorities, or substantially equivalent foreign regulatory authorities.

[38] There is no counterpart to proposed Rule 1210.09 in the Exchange's existing rules. FINRA Rule 1210.09 was recently adopted as a new waiver process for FINRA registrants, as part of the FINRA Rule Changes.

[39] For purposes of this requirement, a five year period of registration with the Exchange, with FINRA or with another self-regulatory organization would be sufficient.

[40] Individuals would be eligible for a single, fixed seven-year period from the date of initial designation, and the period would not be tolled or renewed.

[41] The following examples illustrate this point:

Example 1. Firm A designates an individual as an FSA-eligible person by notifying the Exchange and files a Form U5. The individual joins Firm A's financial services affiliate. Firm A does not submit a waiver request for the individual. After working for Firm A's financial services affiliate for three years, the individual directly joins Firm B's financial services affiliate for three years. Firm B then submits a waiver request to register the individual.

Example 2. Same as Example 1, but the individual directly joins Firm B after working for Firm A's financial services affiliate, and Firm B submits a waiver request to register the individual at that point in time.

Example 3. Firm A designates an individual as an FSA-eligible person by notifying the Exchange and files a Form U5. The individual joins Firm A's financial services affiliate for three years. Firm A then submits a waiver request to reregister the individual. After working for Firm A in a registered capacity for six months, Firm A re-designates the individual as an FSA-eligible person by notifying FINRA and files a Form U5. The individual rejoins Firm A's financial services affiliate for two years, after which the individual directly joins Firm B's financial services affiliate for one year. Firm B then submits a waiver request to register the individual.

Example 4. Same as Example 3, but the individual directly joins Firm B after the second period of working for Firm A's financial services affiliate, and Firm B submits a waiver request to register the individual at that point in time.

[42] The Exchange would consider a waiver of the representative-level qualification examination(s), the principal-level qualification examination(s) and the SIE, as applicable.

[43] For example, if a member submits a waiver request for an FSA-eligible person who has been working for a financial services affiliate of the member for three years and re-registers the individual, the member could subsequently file a Form U5 and re-designate the individual as an FSA-eligible person. Moreover, if the individual works with a financial services affiliate of the member for another three years, the member could submit a second waiver request and re-register the individual upon returning to the member.

be able to take additional examinations to gain additional registrations while working for a financial services affiliate of a member.

K. Status of Persons Serving in the Armed Forces of the United States (Proposed Rule 1210.10)

The Exchange is proposing to adopt new Rule 1210.10, Status of Persons Serving in the Armed Forces of the United States.[44] Rule 1210.10(a) would permit a registered person of a member who volunteers for or is called into active duty in the Armed Forces of the United States to be placed, after proper notification to the Exchange, on inactive status. The registered person would not need to be re-registered by such member upon his or her return to active employment with the member.

The registered person would remain eligible to receive transaction-related compensation, including continuing commissions, and the employing member could allow the registered person to enter into an arrangement with another registered person of the member to take over and service the person's accounts and to share transaction-related compensation based upon the business generated by such accounts. However, because such persons would be inactive, they could not perform any of the functions and responsibilities performed by a registered person, nor would they be required to complete either the continuing education Regulatory Element or Firm Element set forth in proposed Rule 1240 during the pendency of such inactive status.[45]

Pursuant to proposed Exchange Rule 1210.10(b), a member that is a sole proprietor who temporarily closes his or her business by reason of volunteering for or being called into active duty in the Armed Forces of the United States, shall be placed, after proper notification to the Exchange, on inactive status while the member remains on active military duty, would not be required to pay dues or assessments during the pendency of such inactive status and would not be required to pay an admission fee upon return to active participation in the securities business. This relief would be available only to a sole proprietor member and only while the person remains on active military duty, and the sole proprietor would be required to promptly notify the Exchange of his or her return to active participation in the securities business.

If a person who was formerly registered with a member volunteers for or is called into active duty in the Armed Forces of the United States at any time within two years after the date the person ceased to be registered with a member, the Exchange shall defer the lapse of registration requirements set forth in proposed Rule 1210.08 (*i.e.,* toll the two-year expiration period for representative and principal qualification examinations) and the lapse of the SIE (*i.e.,* toll the four-year expiration period for the SIE). The Exchange would defer the lapse of registration requirements and the SIE commencing on the date the person begins actively serving in the Armed Forces of the United States, provided that the Exchange is properly notified of the person's period of active military service within 90 days following his or her completion of active service or upon his or her re-registration with a member, whichever occurs first. The deferral will terminate 90 days following the person's completion of active service in the Armed Forces of the United States. Accordingly, if such person does not re-register with a member within 90 days following his or her completion of active service in the Armed Forces of the United States, the amount of time in which the person must become re-registered with a member without being subject to a representative or principal qualification examination or the SIE shall consist of the standard two-year period for representative and principal qualification examinations or the standard four-year period for the SIE, whichever is applicable, as provided in Rule 1210.08 reduced by the period of time between the person's termination of registration and beginning of active service in the Armed Forces of the United States.

Finally, under proposed Rule 1210.10(c), if a person placed on inactive status while serving in the Armed Forces of the United States ceases to be registered with a member, the Exchange would defer the lapse of registration requirements set forth in Rule 1210.08 (*i.e.,* toll the two-year expiration period for representative and principal qualification examinations) and the lapse of the SIE (*i.e.,* toll the four-year expiration period for the SIE) during the pendency of his or her active service in the Armed Forces of the United States. The Exchange would defer the lapse of registration requirements based on existing information in the CRD system, provided that the Exchange is properly notified of the person's period of active military service within two years following his or her completion of active service or upon his or her re-registration with a member, whichever occurs first. The deferral would terminate 90 days following the person's completion of active service in the Armed Forces of the United States. Accordingly, if such person did not re-register with a member within 90 days following completion of active service, the amount of time in which the person must become re-registered with a member without being subject to a representative or principal qualification examination or the SIE would consist of the standard two-year period for representative and principal qualification examinations or the standard four-year period for the SIE, whichever is applicable, as provided in Rule 1210.08.[46]

L. Impermissible Registrations (Proposed Rule 1210.11)

Existing Rule 306(a)(1) prohibits a member from maintaining a representative or principal registration with the Exchange for any person who is no longer active in the member's securities business, who is no longer functioning in the registered capacity, or where the sole purpose is to avoid an examination requirement. The rule also prohibits a member from applying for the registration of a person as representative or principal where the member does not intend to employ the person in its securities business. These prohibitions do not apply to the current permissive registration categories identified in Rule 306(a)(1).

In light of proposed Rule 1210.02, Permissive Registrations, discussed above, the Exchange is proposing to delete these provisions of Rule 306(a)(1) and instead adopt Rule 1210.11 prohibiting a member from registering or maintaining the registration of a person unless the registration is

[44] There is no counterpart to proposed Rule 1210.10 in the Exchange's existing rules.

[45] The relief provided in Rule 1210.10(a) would be available to a registered person during the period that such person remains registered with the member with which he or she was registered at the beginning of active duty in the Armed Forces of the United States, regardless of whether the person returns to active employment with another member upon completion of his or her active duty. The relief would apply only to a person registered with a member and only while the person remains on active military duty. Further, the member with which such person is registered would be required to promptly notify the Exchange of such person's return to active employment with the member.

[46] Proposed Rule 1210.10 tracks FINRA Rule 1210.10 except for the statement that inactive registered persons are not to be included within the definition of ''Personnel'' for purposes of dues or assessments as provided in Article VI of the FINRA By-Laws. Instead, proposed Rule 1210.10 includes language from existing Nasdaq IM–1002–2 stating that inactive persons under the rule are not included within the scope of fees, if any, charged by the Exchange with respect to registered persons.

consistent with the requirements of proposed Rule 1210.[47]

M. Registration Categories (Proposed Rule 1220)

The Exchange is proposing to adopt new and revised registration category rules and related definitions in proposed Rule 1220, Registration Categories.[48]

1. Definition of Principal (Proposed Rule 1220(a)(1))

The Exchange's registration rules currently do not include a definition of the term ''principal.'' Rather than employing a defined term, the Exchange's principal registration requirement directly identifies the types of persons who would be encompassed within the term ''principal'' if that term were defined.[49] The Exchange is now proposing to adopt a definition of ''principal'' in Rule 1220(a)(1).

Under proposed Rule 1220(a)(1) a ''principal'' would be defined as any person associated with a member, including, but not limited to, sole proprietor, officer, partner, manager of office of supervisory jurisdiction, director or other person occupying a similar status or performing similar functions, who is actively engaged in the management of the member's securities business, such as supervision, solicitation, conduct of business in securities or the training of persons associated with a member for any of these functions. Such persons would include, among other persons, a member's chief executive officer and chief financial officer (or equivalent officers). A ''principal'' would also include any other person associated with a member who is performing functions or carrying out responsibilities that are required to be performed or carried out by a principal under Exchange rules. The term ''actively engaged in the management of the member's securities business'' would include the management of, and the implementation of corporate policies related to, such business, as well as managerial decision-making authority with respect to the member's securities business and management-level responsibilities for supervising any aspect of such business, such as serving as a voting member of the member's executive, management or operations committees.

2. General Securities Principal (Proposed Rule 1220(a)(2))

The Exchange currently does not impose a General Securities Principal registration obligation. The Exchange is now proposing to adopt new Rule 1220(a)(2), which establishes an obligation to register as a General Securities Principal, but with certain exceptions.[50]

Proposed Rule 1220(a)(2)(A) states that each principal as defined in proposed Rule 1220(a)(1) is required to register with the Exchange as a General Securities Principal, except that if a principal's activities are limited to the functions of a Compliance Official, a Financial and Operations Principal, a Securities Trader Principal a Securities Trader Compliance Officer, or a Registered Options Principal, then the principal shall appropriately register in one or more of these categories.[51] Proposed Rule 1220(a)(2)(A) further provides that if a principal's activities are limited solely to the functions of a General Securities Sales Supervisor, then the principal may appropriately register in that category in lieu of registering as a General Securities Principal, provided that if the principal is engaged in options sales activities he or she would be required to register as a General Securities Sales Supervisor or as a Registered Options Principal.[52]

Proposed Rule 1220(a)(2)(B) requires that an individual registering as a General Securities Principal satisfy the General Securities Representative prerequisite registration and pass the General Securities Principal qualification examination.

Proposed Rule 1220(a)(2)(B) provides that, subject to the lapse of registration provisions in proposed Rule 1210.08, General Securities Principals who obtained the Corporate Securities Representative prerequisite registration on the Exchange in lieu of the General Securities Representative prerequisite registration and individuals who had been registered as such within the past two years prior to the operative date of the proposed rule change, may continue to supervise corporate securities activities as currently permitted.[53] Proposed Rule 1220(a)(2)(B) requires all other individuals registering as General Securities Principals after October 1, 2018, to first become registered as a General Securities Representative pursuant to Rule 1220(b)(2). The Exchange is not adopting the FINRA Rule 1220(a)(2)(B) language permitting an individual registering as a General Securities Principal after October 1, 2018 to register as a General Securities Sales Supervisor and to pass the General Securities Principal Sales Supervisor Module qualification examination. The Exchange believes that individuals registering as General Securities Principals should be required to demonstrate their competence for that role by passing the General Securities Principal qualification examination.[54]

3. Compliance Official (Proposed Rule 1220(a)(3))

Existing Rule 306(c) requires each member to designate a Chief Compliance Officer on Schedule A of Form BD, and requires individuals designated as a Chief Compliance Officer to register with the Exchange and pass the appropriate heightened qualification examination(s) as prescribed by the Exchange.[55] Current

[47] As discussed above, the Exchange is also proposing Rule 1210, Supplementary Material .12, Application for Registration and Jurisdiction, which is not included in FINRA Rule 1210. Proposed Exchange Rule 1210, Supplementary Material .12, is based upon portions of existing Nasdaq Rule 1031.

[48] For ease of reference, the Exchange proposes to adopt as Rule 1220, Supplementary Material .07, in chart form, a Summary of Qualification Requirements for each of the Exchange's permitted registration categories discussed below.

[49] Pursuant to existing Rule 306.07 each member must register with the Exchange each individual acting as an officer, partner, director, supervisor of proprietary trading, market-making or brokerage activities, and/or supervisor of those engaged in proprietary trading, market-making or brokerage activities with respect to those activities. This requirement is consistent with FINRA's current registration requirement for principals (NASD Rule 1021).

[50] There is no counterpart to proposed Rule 1220(a)(2) in the Exchange's existing rules.

[51] The Exchange is proposing to recognize the General Securities Principal and the Compliance Official registration categories for the first time in this proposed rule change.

[52] The Exchange's proposed Rule 1220(a)(2)(A) deviates somewhat from the counterpart FINRA rule in that it does not offer various limited registration categories provided for in FINRA's new Rule 1220(a)(2)(A). It therefore proposes to reserve Rules 1220(a)(2)(A)(ii) and (iv).

[53] The Exchange itself does not recognize the Corporate Securities Representative registration category, but understands that FINRA and Nasdaq currently accept Corporate Securities Representative registration as a prerequisite to General Securities Principal registration.

[54] Proposed Rule 1220(a)(2) generally tracks FINRA Rule 1220(a)(2), except that it omits references to a number of registration categories which FINRA recognizes but that the Exchange does not, and it includes a reference to the Securities Trader Compliance Officer category which the Exchange proposes to recognize, but which FINRA does not. Additionally, proposed Rule 1220(a)(2)(A)(i) extends that provision's exception to the General Securities Principal registration requirement to certain principals whose activities are ''limited to'' (rather than ''include'') the functions of a more limited principal. The Exchange believes that activities ''limited to'' expresses the intent of that exception more accurately than activities that ''include.'' Finally, proposed Rule 1220(a)(2)(B) specifies that registration as a Corporate Securities Representative must be with the Exchange in order to fulfill the Corporate Securities Representative registration prerequisite for General Securities Principal registration pursuant to that rule.

[55] Rule 306(c) further provides that a person who has been designated as a Chief Compliance Officer

Continued

Rule 306.08(a)(3) provides that an individual associated person who is a Chief Compliance Officer (or performs similar functions) for a member that engages in proprietary trading, market-making or effecting transactions on behalf of a broker-dealer is required to register and qualify as a Securities Trader Compliance Officer (CT) in WebCRD and to satisfy the prerequisite registration and qualification requirements.[56]

The Exchange is proposing to delete Rules 306(c) and 306.08(a)(3) and to adopt Rule 1220(a)(3), Compliance Official, in their place. Proposed Rule 1220(a)(3) provides that each person designated as a Chief Compliance Officer on Schedule A of Form BD shall be required to register with the Exchange as a General Securities Principal, provided that such person may instead register as a Compliance Official if his or her duties do not include supervision of trading. All individuals registering as Compliance Official would be required, prior to or concurrent with such registration, to pass the Compliance Official qualification examination. An individual designated as a Chief Compliance Officer on Schedule A of Form BD of a member that is engaged in limited securities business could be registered in a principal category under Rule 1220(a) that corresponds to the limited scope of the member's business.

Additionally, Rule 1220(a)(3) would provide that an individual designated as a Chief Compliance Officer on Schedule A of Form BD may register and qualify as a Securities Trader Compliance Officer if, with respect to transactions in equity, preferred or convertible debt securities, or options such person is engaged in proprietary trading, the execution of transactions on an agency basis, or the direct supervision of such activities other than a person associated with a member whose trading activities are conducted principally on behalf of an investment company that is registered with the Commission pursuant to the Investment Company Act and that controls, is controlled by, or is under common control with a member. All individuals registering as Securities Trader Compliance Officers would be required to first become registered pursuant to paragraph (b)(4) as a Securities Trader, and to pass the Compliance Official qualification exam.[57]

4. Financial and Operations Principal (Proposed Rule 1220(a)(4))

Existing Rule 306(b) provides that each member subject to Exchange Act Rule 15c3–1 must designate a Financial/Operations Principal. It specifies that the duties of a Financial/Operations Principal shall include taking appropriate actions to assure that the member complies with applicable financial and operational requirements under the Rules and the Exchange Act, including but not limited to those requirements relating to the submission of financial reports and the maintenance of books and records. It requires [sic] Financial/Operations Principal to have successfully completed the Financial and Operations Principal Examination (Series 27 Exam). The rule provides that each Financial/Operations Principal designated by a trading member shall be registered in that capacity with the Exchange as prescribed by the Exchange, and that a Financial/Operations Principal of a member may be a full-time employee, a part-time employee or independent contractor of the member.

The Exchange is proposing to delete Rule 306(b) and to adopt in its place Rule 1220(a)(4). Under the new rule, every member of the Exchange that is operating pursuant to the provisions of SEC Rule 15c3–1(a)(1)(ii), (a)(2)(i) or (a)(8), shall designate at least one Financial and Operations Principal who shall be responsible for performing the duties described in subparagraph (B) of that rule. In addition, each person associated with a member who performs such duties shall be required to register as a Financial and Operations Principal with the Exchange.[58]

Subparagraph (B) defines the term Financial and Operations Principal as a person associated with a member whose duties include (i) final approval and responsibility for the accuracy of financial reports submitted to any duly established securities industry regulatory body, (ii) final preparation of such reports, (iii) supervision of individuals who assist in the preparation of such reports, (iv) supervision of and responsibility for individuals who are involved in the actual maintenance of the member's books and records from which such reports are derived, (v) supervision and/or performance of the member's responsibilities under all financial responsibility rules promulgated pursuant to the provisions of the Act, (vi) overall supervision of and responsibility for the individuals who are involved in the administration and maintenance of the member's back office operations and (vii) any other matter involving the financial and operational management of the member.

Subparagraph (C) would require all individuals registering as a Financial and Operations Principal to pass the Financial and Operations Principal qualification examination before such registration may become effective. Finally, subparagraph (D) would prohibit a person registered solely as a Financial and Operations Principal from functioning in a principal capacity with responsibility over any area of business activity not described in subparagraph (2) of the rule.

5. Investment Banking Principal (Proposed Rule 1220(a)(5))

The Exchange does not recognize the Investment Banking Principal registration category and is therefore reserving Rule 1220(a)(5), retaining the caption solely to facilitate comparison with FINRA's rules.

on Schedule A of Form BD for at least two years immediately prior to January 1, 2002, and who has not been subject within the last ten years to any statutory disqualification as defined in Section 3(a)(39) of the Act; a suspension; or the imposition of a fine of $5,000 or more for a violation of any provision of any securities law or regulation, or any agreement with, rule or standard of conduct of any securities governmental agency, securities self-regulatory organization, or as imposed by any such regulatory or self-regulatory organization in connection with a disciplinary proceeding shall be required to register in the category of registration appropriate to the function to be performed as prescribed by the Exchange, but shall be exempt from the requirement to pass the heightened qualification examination as prescribed by the Exchange.

[56] Rule 306.08(b) establishes the Series 14 as the appropriate qualification examination for a Securities Trader Compliance Officer, but also permits General Securities Principal Registration (GP) or Securities Trader Principal (TP) (Series 24) as alternative acceptable qualifications.

[57] Proposed Rule 1220(a)(3) differs from FINRA Rule 1220(a)(3), Compliance Officer. The Exchange does not recognize the Compliance Officer registration category. Similarly, FINRA does not recognize the Compliance Official or the Securities Trader Compliance Officer registration categories which the Exchange proposes to recognize. However, FINRA Rule 1220(a)(3), like proposed Rule 1220(a)(3), offers an exception pursuant to which a Chief Compliance Officer designated on Schedule A of Form BD may register in a principal category that corresponds to the limited scope of the member's business.

[58] FINRA Rule 1220(a)(4) differs from proposed Rule 1220(a)(4) in that it includes an Introducing Broker-Dealer Financial and Operations Principal registration requirement. Additionally, proposed Rule 1220(a)(4) contains a requirement, which the FINRA rule does not, that each person associated with a member who performs the duties of a Financial and Operations Principal must register as such with the Exchange. Further, as discussed above, the Exchange is not adopting a Principal Financial Officer or Principal Operations Officer requirement like FINRA Rule 1220(a)(4)(B), as it believes the Financial and Operations Principal requirement is sufficient. Finally, proposed Rule 1220(a)(4)(B)(v) and (vi) contain minor wording variations from the FINRA rule.

6. Research Principal (Proposed Rule 1220(a)(6))

The Exchange does not recognize the Research Principal registration category and is therefore reserving Rule 1220(a)(6), retaining the caption solely to facilitate comparison with FINRA's rules.

7. Securities Trader Principal (Proposed Rule 1220(a)(7))

Existing Rule 306.08(a)(2) provides that an individual associated person who (i) supervises or monitors proprietary trading, market-making and/or brokerage activities for broker-dealers; (ii) supervises or trains those engaged in proprietary trading, market-making and/or effecting transactions on behalf of a broker-dealer, with respect to those activities; and/or (iii) is an officer, partner or director of a member is required to register and qualify as a Securities Trader Principal (TP) in WebCRD and to satisfy the prerequisite registration and qualification requirements. Further, current Rule 306.08(b) specifies that the Series 24 is the appropriate qualification examination, and that General Securities Sales Supervision Registration and General Securities Principal—Sales Supervisor Module Registration (Series 9/10 and Series 23) is an alternative acceptable qualification. Finally, current Rule 306.08(a)(2) provides that Securities Trader Principals' (TP) supervisory authority is limited to supervision of the securities trading functions of members and of officers, partners, and directors of a member.

The Exchange is proposing to delete Rules 306.08(a)(2) and related portions of Rule 306.08(b) (a summary chart) and to adopt in their place Rule 1220(a)(7), Securities Trader Principal. Proposed Rule 1220(a)(7) requires that a principal responsible for supervising the securities trading activities specified in proposed Rule 1220(b)(4) [59] register as a Securities Trader Principal. The proposed rule requires that individuals registering as Securities Trader Principals must be registered as Securities Traders and pass the General Securities Principal qualification examination.

8. Registered Options Principal (Proposed Rule 1220(a)(8))

The Exchange is proposing to adopt Rule 1220(a)(8)(A), Registered Options Principal, which would require under its section (a)(8)(A) that each member that is engaged in transactions in options with the public to [sic] have at least one Registered Options Principal. In addition, each principal as defined in Rule 1220(a)(1) who is responsible for supervising a member's options sales practices with the public would be required to register with the Exchange as a Registered Options Principal, subject to the following exception. If a principal's options activities are limited solely to those activities that may be supervised by a General Securities Sales Supervisor, then such person may register as a General Securities Sales Supervisor pursuant to paragraph (a)(10) of the Rule in lieu of registering as a Registered Options Principal.[60]

Pursuant to proposed Rule 1220(a)(8)(B), subject to the lapse of registration provisions in Rule 1210.08, each person registered with the Exchange as a Registered Options Principal on October 1, 2018 and each person who was registered as a Registered Options Principal within two years prior to October 1, 2018 would be qualified to register as a Registered Options Principal without passing any additional qualification examinations. All other individuals registering as Registered Options Principals after October 1, 2018 would, prior to or concurrent with such registration, be required to become registered pursuant to Rule 1220(b)(2) as a General Securities Representative and pass the Registered Options Principal qualification examination.[61]

9. Government Securities Principal (Rule 1220(a)(9))

The Exchange does not recognize the Government Securities Principal registration category and is therefore reserving Rule 1220(a)(9), retaining the caption solely to facilitate comparison with FINRA's rules.

10. General Securities Sales Supervisor (Proposed Rules 1220(a)(10) and 1220.04)

The Exchange is proposing to adopt new Rule 1220(a)(10), General Securities Sales Supervisor, as well as new Rule 1220, Supplementary Material .04, which explains the purpose of the General Securities Sales Supervisor registration category.[62] Proposed Rule 1220(a)(10) provides that each principal, as defined in Rule 1220(a)(1), may register with the Exchange as a General Securities Sales Supervisor if his or her supervisory responsibilities in the securities business of a member are limited to the securities sales activities of the member, including the approval of customer accounts, training of sales and sales supervisory personnel and the maintenance of records of original entry or ledger accounts of the member required to be maintained in branch offices by the Exchange Act's record-keeping rules.

A person registered solely as a General Securities Sales Supervisor would not be qualified to perform any

[59] Proposed Rule 1220(b)(4), discussed below, provides for representative-level registration in the ''Securities Trader'' category.

[60] Current ISE Rule 601(a) provides that no member shall be approved to transact options business with the public until those associated persons who are designated as Options Principals have been approved by and registered with the Exchange, and that persons engaged in the supervision of options sales practices or a person to whom the designated general partner or executive officer (pursuant to ISE Rule 609) or another Registered Options Principal delegates the authority to supervise options sales practices shall be designated as Options Principals. ISE Rule 601(e) provides that individuals who are delegated responsibility pursuant to ISE Rule 609 for the acceptance of discretionary accounts, for approving exceptions to a member's criteria or standards for uncovered options accounts, and for approval of communications, shall be designated as Options Principals and are required to qualify as an Options Principal by passing the Registered Options Principal Qualification Examination (Series 4). The foregoing provisions of ISE Rule 601 are specific to conducting an options business with the public and are not proposed to be amended by ISE. However, ISE Rule 601(b) and (c) contain provisions regarding submission of Forms U4 and U5 to WebCRD that are duplicative of the proposed 1200 Series of rules, in particular proposed Rules 1210.12, Application for Registration and Jurisdiction, and 1250, Electronic Filing Requirements for Electronic Forms, and ISE is therefore proposing to delete them. Current ISE Rule 601(d) provides that individuals engaged in the supervision of options sales practices and designated as Options Principals are required to qualify as an Options Principal by passing the Registered Options Principals Qualification Examination (Series 4) or the Sales Supervisor Qualification Examination (Series 9/10), and is proposed to be deleted by ISE in view of proposed Rule 1220(a)(8)(A). Exchange Rule 306(d), which merely serves as a cross-reference to ISE Rules 601 and 602, is unnecessary and is therefore proposed to be deleted with the rest of Rule 306.

[61] Although the Exchange does not currently list security futures products, it is also proposing to adopt Rule 1220, Supplementary Material .02, which provides that each person who is registered with the Exchange as a Registered Options Principal, General Securities Representative, Options Representative or General Securities Sales Supervisor shall be eligible to engage in security futures activities as a principal provided that such individual completes a Firm Element program as set forth in proposed Rule 1240 that addresses security futures products before such person engages in security futures activities. Unlike FINRA Rule 1220.02, proposed Exchange Rule 1220.02 omits references to United Kingdom Securities Representatives and Canada Securities Representatives, which are registration categories the Exchange does not recognize. In addition, the Exchange is also proposing to adopt Rule 1220, Supplementary Material .03 which requires notification to the Exchange in the event a member's sole Registered Options Principal is terminated, resigns, becomes incapacitated or is otherwise unable to perform the duties of a Registered Options Principal, and imposes certain restrictions on the member's options business in that event.

[62] Proposed Rule 1220(a)(10) has no counterpart in the Exchange's current rules.

of the following activities: Supervision of market making commitments, supervision of the custody of broker-dealer or customer funds or securities for purposes of SEA Rule 15c3–3, or supervision of overall compliance with financial responsibility rules for broker-dealers promulgated pursuant to the provisions of the Exchange Act.[63]

Each person seeking to register as a General Securities Sales Supervisor would be required, prior to or concurrent with such registration, to become registered pursuant to Rule 1220(b)(2) of the rule as a General Securities Representative and pass the General Securities Sales Supervisor qualification examinations.[64]

11. Investment Company and Variable Contracts Products Principal and Direct Participation Programs Principal (Rules 1220(a)(11) and (a)(12))

The Exchange does not recognize the Investment Company and Variable Contracts Products Principal and the Direct Participation Programs Principal registration categories and is reserving Rule 1220(a)(11) and (a)(12), retaining the captions solely to facilitate comparison with FINRA's rules.

12. Private Securities Offerings Principal (Rule 1220(a)(13))

The Exchange does not recognize the Private Securities Offerings Principal registration category and is reserving Rule 1220(a)(13), retaining the caption solely to facilitate comparison with FINRA's rules.

13. Supervisory Analyst (Rule 1220(a)(14))

The Exchange does not recognize the Supervisory Analyst registration category and is reserving Rule 1220(a)(14), retaining the caption solely to facilitate comparison with FINRA's rules.

14. Definition of Representative (Proposed Rule 1220(b)(1))

Exchange rules currently do not define the term ''representative'' although ISE Rule 602(b) states that persons who perform duties for the member which are customarily performed by sales representatives or branch office managers shall be designated as representatives of the member.

ISE is proposing to delete ISE Rule 602(b). The Exchange proposes to adopt a definition of ''representative'' in proposed Rule 1220(b)(1). Proposed 1220(b)(1) would define the term representative as any person associated with a member, including assistant officers other than principals, who is engaged in the member's securities business, such as supervision, solicitation, conduct of business in securities or the training of persons associated with a member for any of these functions.

15. General Securities Representative (Proposed Rule 1220(b)(2))

The Exchange proposes to adopt new Rule 1220(b)(2), General Securities Representative. Proposed Rule 1220(b)(2)(A) states that each representative as defined in proposed Rule 1220(b)(1) is required to register with the Exchange as a General Securities Representative, subject to the exception that if a representative's activities include the functions of a Securities Trader, as specified in Rule 1220(b)(2), then such person shall appropriately register as a Securities Trader.[65]

Further, consistent with the proposed restructuring of the representative-level examinations, proposed Rule 1220(b)(2)(B) would require that individuals registering as General Securities Representatives pass the SIE and the General Securities Representative examination except that individuals registered as a General Securities Representatives within two years prior to October 1, 2018 would be qualified to register as General Securities Representatives without passing any additional qualification examinations.[66]

In addition, the Exchange is proposing to adopt Rule 1220.01 to provide individuals who are associated persons of firms and who hold foreign registrations an alternative, more flexible, process to obtain an Exchange representative-level registration. The Exchange believes that there is sufficient overlap between the SIE and these foreign qualification requirements to permit them to act as exemptions to the SIE. Under proposed Rule 1220.01, individuals who are in good standing as representatives with the Financial Conduct Authority in the United Kingdom or with a Canadian stock exchange or securities regulator would be exempt from the requirement to pass the SIE, and thus would be required only to pass a specialized knowledge examination to register with the Exchange as a representative. The proposed approach would provide individuals with a United Kingdom or Canadian qualification more flexibility to obtain an Exchange representative-level registration.

16. Operations Professional, Securities Trader, Investment Banking Representative, Research Analyst, Investment Company and Variable Contracts Products Representative, Direct Participation Programs Representative and Private Securities Offerings Representative (Rules 1220(b)(3), 1220(b)(4), 1220(b)(5), 1220(b)(6), 1220(b)(7), 1220(b)(8), 1220(b)(9) and 1220.05)

Operations Professional, Investment Banking Representative, Research Analyst, Investment Company and Variable Products Representative, Direct Participation Programs Representative and Private Securities Offerings Representative. The Exchange does not recognize these registration categories for its associated persons. The Exchange is therefore reserving Rules 1220(b)(3)—Operations Professional, and related Rule 1220.05, Scope of Operations Professional Requirement; 1220(b)(5)—Investment Banking Representative; 1220(b)(6)—Research Analyst; 1220(b)(7)—Investment Company and Variable Products Representative; 1220(b)(8)—Direct Participation Programs Representative; and 1220(b)(9)—Private Securities Offerings Representative, retaining the captions

[63] Rule 1220(a)(10), however, omits the FINRA Rule 1220(a)(10) prohibition against supervision of the origination and structuring of underwritings as unnecessary, as this kind activity does not fall within the scope of ''securities trading'' covered by the Exchange's new 1200 Series of rules.

[64] Unlike FINRA Rule 1220.04, proposed Exchange Rule 1220.04 refers to ''multiple exchanges'' rather than listing the various exchanges where a sales principal might be required to qualify in the absence of the General Securities Sales Supervisor registration category. It also omits FINRA internal cross-references.

[65] Current ISE Rule 602(a) and (b) provide that no member shall be approved to transact business with the public until those persons associated with it who are designated representatives have been approved by and registered with the Exchange, and that persons who perform duties for the member which are customarily performed by sales representatives or branch office managers shall be designated as Representatives of the member. Further, ISE Rule 602(d) provides that a person accepting orders from non-member customers (unless such customer is a broker-dealer registered with the Commission) is required to register with the Exchange and to be qualified by passing the General Securities Registered Representative Examination (Series 7). The foregoing provisions of current ISE Rule 602 are specific to conducting an options business with the public, and ISE is not proposing to amend them. However, ISE Rule 602(c) contains provisions regarding the submission of Form U4 through WebCRD and the necessity of completing a qualification examination that are duplicative of the proposed 1200 Series of rules, in particular proposed Rules 1210.12, Application for Registration and Jurisdiction, and 1250, Electronic Filing Requirements for Electronic Forms. ISE is therefore proposing to delete these provisions.

[66] Proposed Rule 1220(b)(2)(B) differs from FINRA Rule 1220(b)(2)(B) in that it omits references to various registration categories which FINRA recognizes but which the Exchange does not propose to recognize.

for each of them solely to facilitate comparison with FINRA's rules.

Securities Trader—Proposed Rule 1220(b)(4). Pursuant to current Exchange Rule 306, Supplementary Material .08, an individual associated person who is engaged in proprietary trading, market-making and/or effecting transactions on behalf of a broker-dealer is required to register and qualify as a Securities Trader (TD).

The Exchange now proposes to delete that section of Exchange Rule 306, Supplementary Material .08, and to replace it with proposed Rule 1220(b)(4).[67] Rule 1220(b)(4) would require each representative as defined in Rule 1220(b)(1) of the Rule to register with the Exchange as a Securities Trader if, with respect to transactions in equity, preferred or convertible debt securities, or options such person is engaged in proprietary trading, the execution of transactions on an agency basis, or the direct supervision of such activities other than a person associated with a member whose trading activities are conducted principally on behalf of an investment company that is registered with the SEC pursuant to the Investment Company Act and that controls, is controlled by, or is under common control with a member. The revised definition of Securities Trader is consistent with the Securities Trader definition in the Nasdaq rules.[68] As a result of the revised rule, additional types of activity on the Exchange would fall within the Securities Trader registration category, including engaging in customer business. Rule 1220(b)(4) would require individuals registering as Securities Traders to pass the SIE as well as the Securities Trader qualification exam.

Additionally, proposed Rule 1220(b)(4)(A) would require each person associated with a member who is: (i) Primarily responsible for the design, development or significant modification of an algorithmic trading strategy relating to equity, preferred or convertible debt securities or options; or (ii) responsible for the day-to-day supervision or direction of such activities to register with the Exchange as a Securities Trader.[69]

For purposes of this proposed new registration requirement an ''algorithmic trading strategy'' is an automated system that generates or routes orders (or order-related messages) but does not include an automated system that solely routes orders received in their entirety to a market center. The proposed registration requirement applies to orders and order related messages whether ultimately routed or sent to be routed to an exchange or over the counter. An order router alone would not constitute an algorithmic trading strategy. However, an order router that performs any additional functions would be considered an algorithmic trading strategy. An algorithm that solely generates trading ideas or investment allocations—including an automated investment service that constructs portfolio recommendations—but that is not equipped to automatically generate orders and order-related messages to effectuate such trading ideas into the market—whether independently or via a linked router—would not constitute an algorithmic trading strategy.[70]

The associated persons covered by the expanded registration requirement would be required to pass the requisite qualification examination and be subject to the same continuing education requirements that are applicable to individual Securities Traders. The Exchange believes that potentially problematic conduct stemming from algorithmic trading strategies—such as failure to check for order accuracy, inappropriate levels of messaging traffic, and inadequate risk management controls—could be reduced or prevented, in part, through improved education regarding securities regulations for the specified individuals involved in the algorithm design and development process.

The proposal is intended to ensure the registration of one or more associated persons that possesses knowledge of, and responsibility for, both the design of the intended trading strategy and the technological implementation of the strategy, sufficient to evaluate whether the resulting product is designed to achieve regulatory compliance in addition to business objectives. For example, a lead developer who liaises with a head trader regarding the head trader's desired algorithmic trading strategy and is primarily responsible for the supervision of the development of the algorithm to meet such objectives must be registered under the proposal as the associated person primarily responsible for the development of the algorithmic trading strategy and supervising or directing the team of developers. Individuals under the lead developer's supervision would not be required to register under the proposal if they are not primarily responsible for the development of the algorithmic trading strategy or are not responsible for the day-to-day supervision or direction of others on the team. Under this scenario, the person on the business side that is primarily responsible for the design of the algorithmic trading strategy, as communicated to the lead developer, also would be required to register. In the event of a significant modification to the algorithm, members, likewise, would be required to ensure that the associated person primarily responsible for the significant modification (or the associated person supervising or directing such activity), is registered as a Securities Trader.

A member employing an algorithm is responsible for the algorithm's activities whether the algorithm is designed or developed in house or by a third-party. Thus, in all cases, robust supervisory procedures, both before and after deployment of an algorithmic trading strategy, are a key component in protecting against problematic behavior stemming from algorithmic trading. In addition, associated persons responsible for monitoring or reviewing the performance of an algorithmic trading strategy must be registered, and a member's trading activity must always be supervised by an appropriately registered person. Therefore, even where a firm purchases an algorithm off-the-shelf and does not significantly modify the algorithm, the associated person responsible for monitoring or reviewing the performance of the algorithm would be required to be registered.

Pursuant to proposed Rule 1220(b)(4)(B) each person registered as a Securities Trader on October 1, 2018 and each person who was registered as a Securities Trader within two years prior to October 1, 2018 would be qualified to register as a Securities Trader without passing any additional qualification examinations. All other individuals registering as Securities Traders after October 1, 2018 would be required, prior to or concurrent with such registration, to pass the SIE and the Securities Trader qualification examination.

[67] Proposed Rule 1220(b)(4)(A) differs from FINRA Rule 1220(b)(4)(A) in that it applies to trading on the Exchange while the FINRA rule is limited to the specified trading which is ''effected otherwise than on a securities exchange.'' Additionally, the FINRA rule does not specifically extend to options trading.

[68] *See* current Nasdaq Rule 1032(f), Securities Trader.

[69] As noted above, this new registration requirement was recently added to the FINRA rulebook. The Exchange has determined to add a parallel requirement to its own rules, but also to add options to the scope of products within the proposed rule's coverage. *See* Securities Exchange Act Release No. 77551 (April 7, 2016), 81 FR 21914 (April 13, 2016) (Order Approving File No. SR–FINRA–2016–007).

[70] *See* Securities Exchange Act Release No. 77551 (April 7, 2016), 81 FR 21914 (April 13, 2016) (Order Approving File No. SR–FINRA–2016–007).

17. Eliminated Registration Categories (Proposed Rule 1220.06)

Proposed Rule 1220.06 has no practical relevance to GEMX, but is included because all the Nasdaq Affiliated Exchanges, including Nasdaq, are also proposing to adopt the new 1200 Series on a uniform basis. Proposed Rule 1220.06 will be relevant to Nasdaq and BX which, unlike GEMX, are proposing to eliminate certain existing registration categories that are not currently recognized by the Exchange.[71]

Proposed Rule 1220.06 provides that, subject to the lapse of registration provisions in proposed Rule 1210.08, individuals who are registered with the Exchange in any capacity recognized by the Exchange immediately prior to October 1, 2018, and each person who was registered with the Exchange in such categories within two years prior to October 1, 2018, shall be eligible to maintain such registrations with the Exchange. However, if individuals registered in such categories terminate their registration with the Exchange and the registration remains terminated for two or more years, they would not be able to re-register in that category. In addition, proposed Rule 1220.06 would include the current restrictions to which Order Processing Assistant Representatives are subject under Nasdaq rules.[72] As stated above, Rule 1220.06 would have no practical application to the Exchange.

18. Grandfathering Provisions

In addition to the grandfathering provisions in proposed Rule 1220(a)(2) (relating to General Securities Principals), and in proposed Rule 1220.06 (relating to the eliminated registration categories), the Exchange is proposing to include grandfathering provisions in proposed Rule 1220(a)(8) (Registered Options Principal), 1220(b)(2) (General Securities Representative), and 1220(b)(4) (Securities Trader). Specifically, the proposed grandfathering provisions provide that, subject to the lapse of registration provisions in proposed Rule 1210.08, individuals who are registered in specified registration categories on the operative date of the proposed rule change and individuals who had been registered in such categories within the past two years prior to the operative date of the proposed rule change would be qualified to register in the proposed corresponding registration categories without having to take any additional examinations.

N. Associated Persons Exempt From Registration (Proposed Rules 1230 and 1230.01)

Existing Rule 306(a)(2) currently provides that the following persons associated with a member are not required to register:

(A) Individual associated persons whose functions are solely and exclusively clerical or ministerial;

(B) individual associated persons who are not actively engaged in the securities business;

(C) individual associated persons whose functions are related solely and exclusively to the Member's need for nominal corporate officers or for capital participation;

(D) individual associated persons whose functions are related solely and exclusively to:

(i) Transactions in commodities;

(ii) transactions in security futures; and/or

(iii) effecting transactions on the floor of another national securities exchange and who are registered as floor members with such exchange.

Rule 306(a)(2) is not meant to provide an exclusive or exhaustive list of exemptions from registration. Associated persons may otherwise be exempt from registration based on their activities and functions.

The Exchange is proposing to adopt Rule 306(a)(2) as Rule 1230 subject to certain changes. As noted above, Rule 306(a)(2)(B) exempts from registration those associated persons who are not actively engaged in the securities business. Rule 306(a)(2)(C) also exempts from registration those associated persons whose functions are related solely and exclusively to a member's need for nominal corporate officers or for capital participation.[73] The Exchange believes that the determination of whether an associated person is required to register must be based on an analysis of the person's activities and functions in the context of the various registration categories. The Exchange does not believe that categorical exemptions for associated persons who are not ''actively engaged'' in a member's securities business, associated persons whose functions are related only to a member's need for nominal corporate officers or associated persons whose functions are related only to a member's need for capital participation is consistent with this analytical framework.[74] The Exchange therefore is proposing to delete these exemptions. Rule 306(a)(2) further exempts from registration associated persons whose functions are related solely and exclusively to effecting transactions on the floor of another national securities exchange as long as they are registered as floor members with such exchange. Because exchanges have registration categories other than the floor member category, proposed Rule 1230 clarifies that the exemption applies to associated persons solely and exclusively effecting transactions on the floor of another national securities exchange, provided they are appropriately registered with such exchange.[75] Additionally, the Exchange proposes to add Section 3 of Rule 1230, pursuant to which persons associated with a member that are not citizens, nationals, or residents of the United States or any of its territories or possessions, that will conduct all of their securities activities in areas outside the jurisdiction of the United States, and that will not engage in any securities activities with or for any citizen, national or resident of the United States need not register with the Exchange.[76]

The Exchange proposes to adopt Rule 1230.01 to clarify that the function of accepting customer orders is not considered a clerical or ministerial function and that associated persons who accept customer orders under any circumstances are required to be appropriately registered. However, the proposed rule provides that an associated person is not accepting a customer order where occasionally, when an appropriately registered person is unavailable, the associated person transcribes the order details and the registered person contacts the customer to confirm the order details before entering the order.

[71] *See* SR–NASDAQ–2018–078.

[72] *See* Nasdaq Rule 1042. Proposed Exchange Rule 1220.06 omits references to a number of registration categories it does not propose to recognize, but which FINRA refers to in its own Rule 1220.06.

[73] These exemptions generally apply to associated persons who are corporate officers of a member in name only to meet specific corporate legal obligations or who only provide capital for a member, but have no other role in a member's business.

[74] The Exchange also proposes to delete Rule 306.06 which specifies circumstances in which the Exchange considers an associated person of a member to be engaged in the securities business of a member. The Exchange believes these determinations may be made on case by case basis, depending upon facts and circumstances.

[75] Proposed Rule 1230 differs from FINRA Rule 1230 in that it contains a number of additional exemptions, based upon current Nasdaq Rule 1060(a), which are not included in FINRA Rule 1230.

[76] Individuals described by Section 3 of Rule 1230 who are associated with FINRA members may be registered with FINRA as Foreign Associates pursuant to FINRA Rule 1220.06. FINRA eliminated this registration category effective October 1, 2018, and the Exchange has never recognized it.

O. Changes to Continuing Education Requirements (Proposed Rule 1240)

As described above, existing ISE Rule 604, Continuing Education for Registered Persons, includes a Regulatory Element and a Firm Element. The Regulatory Element applies to registered persons and consists of periodic computer-based training on regulatory, compliance, ethical, supervisory subjects and sales practice standards. The Firm Element consists of at least annual, member-developed and administered training programs designed to keep covered registered persons current regarding securities products, services and strategies offered by the member. ISE proposes to reorganize and renumber the CE requirements set forth in ISE Rule 604. This rule, as reorganized and renumbered, is now proposed to be adopted by the Exchange with amendments as new Rule 1240.[77]

1. Regulatory Element

The Exchange is proposing to replace the term ''registered person'' with the term ''covered person'' and make conforming changes to proposed Rule 1240(a). For purposes of the Regulatory Element, the Exchange is proposing to define the term ''covered person'' in Rule 1240(a)(5) as any person registered pursuant to proposed Rule 1210, including any person who is permissively registered pursuant to proposed Rule 1210.02, and any person who is designated as eligible for an FSA waiver pursuant to proposed Rule 1210.09. The purpose of this change is to ensure that all registered persons, including those with permissive registrations, keep their knowledge of the securities industry current. The inclusion of persons designated as eligible for an FSA waiver under the term ''covered persons'' corresponds to the requirements of proposed Rule 1210.09. In addition, consistent with proposed Rule 1210.09, proposed Rule 1240(a) provides that an FSA-eligible person would be subject to a Regulatory Element program that correlates to his or her most recent registration category, and CE would be based on the same cycle had the individual remained registered. The proposed rule also provides that if an FSA-eligible person fails to complete the Regulatory Element during the prescribed time frames, he or she would lose FSA eligibility.

Further, the Exchange is proposing to add a rule to address the impact of failing to complete the Regulatory Element on a registered person's activities and compensation. Specifically, proposed Rule 1240(a)(2) provides that any person whose registration has been deemed inactive under the rule may not accept or solicit business or receive any compensation for the purchase or sale of securities. However, like the FINRA rule, the proposed rule provides that such person may receive trail or residual commissions resulting from transactions completed before the inactive status, unless the member with which the person is associated has a policy prohibiting such trail or residual commissions.

2. Firm Element

The Exchange believes that training in ethics and professional responsibility should apply to all covered registered persons. Therefore, proposed Rule 1240(b)(2)(B), which provides that the Firm Element training programs must cover applicable regulatory requirements, would also require that a firm's training program cover training in ethics and professional responsibility.

P. Electronic Filing Rules

Existing Rule 306, Supplementary Material .01–.03 requires each individual required to register to electronically file a Uniform Application for Securities Industry Registration (''Form U4'') through the Central Registration Depository system (''Web CRD'') operated by the Financial Industry Regulatory Authority, Incorporated (''FINRA'') and to electronically submit to Web CRD any required amendments to Form U4. Similarly, any member that discharges or terminates the employment or retention of an individual required to register must comply with certain termination filing requirements which include the filing of a Form U5. Form U4 and U5 electronic filing requirements applicable to options principals and representatives, as well a Form U5 requirement applicable to members upon termination of employment of any of their registered persons, are found in ISE Rules 601, Registration of Options Principals, 602, Registration of Representatives, and 603, Termination of Registered Persons.

The Exchange is proposing to delete existing Rule 306, Supplementary Material .01–.03. ISE is proposing to delete the electronic filing requirements of ISE Rules 601, 602 and 603. The Exchange proposes to replace these deleted rules and rule sections with new Rule 1250, Electronic Filing Requirements for Uniform Forms which will consolidate Form U4 and U5 electronic filing requirements in a single location.[78] The new rule provides that all forms required to be filed under the Exchange's registration rules including the Rule 1200 series shall be filed through an electronic process or such other process as the Exchange may prescribe to the Central Registration Depository. It also would impose certain new requirements.

Under Rule 1250(b) members would be required to designate registered principal(s) or corporate officer(s) who are responsible for supervising a firm's electronic filings. The registered principal(s) or corporate officer(s) who has or have the responsibility to review and approve the forms filed pursuant to the rule would be required to acknowledge, electronically, that he is filing this information on behalf of the member and the member's associated persons. Under Rule 1250, Supplementary Material .01, the registered principal(s) or corporate officer(s) could delegate filing responsibilities to an associated person (who need not be registered) but could not delegate any of the supervision, review, and approval responsibilities mandated in Rule 1250(b). The registered principal(s) or corporate officer(s) would be required to take reasonable and appropriate action to ensure that all delegated electronic filing functions were properly executed and supervised.

Under Rule 1250(c)(1), initial and transfer electronic Form U4 filings and any amendments to the disclosure information on Form U4 must be based on a manually signed Form U4 provided to the member or applicant for membership by the person on whose behalf the Form U4 is being filed. As part of the member's recordkeeping requirements, it would be required to retain the person's manually signed Form U4 or amendments to the disclosure information on Form U4 in accordance with Rule 17a–4(e)(1) under the Act and make them available promptly upon regulatory request. An applicant for membership must also retain every manually signed Form U4 it receives during the application process and make them available promptly upon regulatory request. Rule 1250(c)(2) and Supplementary Material .03 and 04 provide for the electronic filing of Form U4 amendments without the individual's manual signature,

[77] Proposed Rule 1240 also differs slightly from FINRA Rule 1240 in that it omits references to certain registration categories which the Exchange does not recognize as well as an internal cross reference to FINRA Rule 4517.

[78] Proposed Rule 1250 is based upon current Nasdaq Rule 1140.

subject to certain safeguards and procedures.

Rule 1250(d) provides that upon filing an electronic Form U4 on behalf of a person applying for registration, a member must promptly submit fingerprint information for that person and that the Exchange may make a registration effective pending receipt of the fingerprint information. It further provides that if a member fails to submit the fingerprint information within 30 days after filing of an electronic Form U4, the person's registration will be deemed inactive, requiring the person to immediately cease all activities requiring registration or performing any duties and functioning in any capacity requiring registration. Under the rule the Exchange must administratively terminate a registration that is inactive for a period of two years. A person whose registration is administratively terminated could reactivate the registration only by reapplying for registration and meeting the qualification requirements of the applicable provisions of proposed Exchange Rule 1220. Upon application and a showing of good cause, the Exchange could extend the 30-day period.

Rule 1250(e) would require initial filings and amendments of Form U5 to be submitted electronically. As part of the member's recordkeeping requirements, it would be required to retain such records for a period of not less than three years, the first two years in an easily accessible place, in accordance with Rule 17a–4 under the Act, and to make such records available promptly upon regulatory request.

Finally, under proposed Rule 1250, Supplementary Material .02, a member could enter into an agreement with a third party pursuant to which the third party agrees to file the required forms electronically on behalf of the member and the member's associated persons. Notwithstanding the existence of such an agreement, the member would remain responsible for complying with the requirements of the Rule.

Q. Other Rules

As noted above, the Exchange is proposing minor conforming amendments to Rule 208, Regulatory Fees or Charges, as well as to Chapter 90, Code of Procedure. In both cases, the amendments delete citations to rules proposed to be deleted or cite the relevant provisions of the new 1200 Series. Chapter 90 would delete references to Exchange Rule 306, proposed to be deleted herein, and to BX Rule 1070, proposed to be deleted in SR–BX–2018–047.[79]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[80] in general, and furthers the objectives of Section 6(b)(5) of the Act,[81] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that the proposed rule change will streamline, and bring consistency and uniformity to, the registration rules, which will, in turn, assist members and their associated persons in complying with these rules and improve regulatory efficiency. The proposed rule change will also improve the efficiency of the examination program, without compromising the qualification standards, by eliminating duplicative testing of general securities knowledge on examinations and by removing examinations that currently have limited utility. In addition, the proposed rule change will expand the scope of permissive registrations, which, among other things, will allow members to develop a depth of associated persons with registrations to respond to unanticipated personnel changes and will encourage greater regulatory understanding. Further, the proposed rule change will provide a more streamlined and effective waiver process for individuals working for a financial services industry affiliate of a member, and it will require such individuals to maintain specified levels of competence and knowledge while working in areas ancillary to the securities business. The proposed rule change will improve the supervisory structure of firms by imposing an experience requirement for representatives that are designated by firms to function as principals for a 120-day period before having to pass an appropriate principal qualification examination. The proposed rule change will also prohibit unregistered persons from accepting customer orders under any circumstances, which will enhance investor protection.

The Exchange believes that, with the introduction of the SIE and expansion of the pool of individuals who are eligible to take the SIE, the proposed rule change has the potential of enhancing the pool of prospective securities industry professionals by introducing them to securities laws, rules and regulations and appropriate conduct before they join the industry in a registered capacity.

The extension of the Securities Trader registration requirement to developers of algorithmic trading strategies requires associated persons primarily responsible for the design, development or significant modification of an algorithmic trading strategy or responsible for the day-to-day supervision or direction of such activities to register and meet a minimum standard of knowledge regarding the securities rules and regulations applicable to the member employing the algorithmic trading strategy. This minimum standard of knowledge is identical to the standard of knowledge currently applicable to traditional securities traders. The Exchange believes that improved education of firm personnel may reduce the potential for problematic market conduct and manipulative trading activity.

Finally, the proposed rule change makes organizational changes to the Exchange's registration and qualification rules to align them with registration and qualification rules of the Nasdaq Affiliated Exchanges, in order to prevent unnecessary regulatory burdens and to promote efficient administration of the rules. The change also makes minor updates and corrections to the Exchange's rules which improve readability.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The proposed rule change is designed to ensure that all associated persons of members engaged in a securities business are, and will continue to be, properly trained and qualified to perform their functions, will be supervised, and can be identified by regulators. The proposed new 1200 Series of rules, which are similar in many respects to the registration-related requirements adopted by FINRA effective October 1, 2018, should enhance the ability of member firms to

[79] *See* Securities Exchange Act Release No. 83704 (July 25, 2018), 83 FR 37012 (July 31, 2018) (SR–GEMX–2018–24), adding Chapter 90. Chapter 90 incorporates into the GEMX rules by reference Series 9000 of the BX rules. Chapter 90 states that references in the BX Rule 9000 Series to ''Rule 1070'' shall be read to refer to the Supplementary Material to GEMX Rule 306. As noted above, both the BX and the GEMX rules are proposed to be deleted.

[80] 15 U.S.C. 78f(b).

[81] 15 U.S.C. 78f(b)(5).

comply with the Exchange's rules as well as with the Federal securities laws. Additionally, as described above, the Exchange intends the amendments described herein to eliminate inconsistent registration-related requirements across the Nasdaq Affiliated Exchanges, thereby promoting uniformity of regulation across markets. The new 1200 Series should in fact remove administrative burdens that currently exist for members seeking to register associated persons on multiple Nasdaq Affiliated Exchanges featuring varying registration-related requirements. Additionally, all similarly-situated associated persons of members will be treated similarly under the new 1200 Series in terms of standards of training, experience and competence for persons associated with Exchange members.

With respect to registration of developers of algorithmic trading strategies in particular, the Exchange recognizes that the proposal would impose costs on member firms employing associated persons engaged in the activity subject to the registration requirement. Specifically, among other things, additional associated persons would be required to become registered under the proposal, and the firm would need to establish policies and procedures to monitor compliance with the proposed requirement on an ongoing basis. However, given the prevalence and importance of algorithmic trading strategies in today's markets, the Exchange believes that associated persons engaged in the activities covered by this proposal must meet a minimum standard of knowledge regarding the applicable securities rules and regulations. To mitigate the costs imposed on member firms, the proposed rule change limits the scope of registration requirement by excluding technological or development support personnel who are not primarily responsible for the covered activities. It also excludes supervisors who are not responsible for the ''day-to-day'' supervision or direction of the covered activities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [82] and subparagraph (f)(6) of Rule 19b–4 thereunder.[83]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days from the date of filing. However, Rule 19b–4(f)(6)(iii) [84] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative on the date of filing to reflect FINRA's proposed rule change on which this proposal is based.[85] The waiver of the operative delay would make the Exchange's qualification requirements consistent with those of FINRA. Therefore, the Commission believes that the waiver of the 30-day operative delay is consistent with the protection of investors and the public interest and hereby waives the 30-day operative delay and designates the proposal operative on the date of filing.[86]

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–GEMX–2018–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–GEMX–2018–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–GEMX–2018–33, and should be submitted on or before November 14, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[87]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23172 Filed 10–23–18; 8:45 am]

BILLING CODE 8011–01–P

[82] 15 U.S.C. 78s(b)(3)(A)(iii).

[83] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[84] 17 CFR 240.19b–4(f)(6)(iii).

[85] *See supra* note 7.

[86] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[87] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 17Ad–4(b) & (c), SEC File No. 270–264, OMB Control No. 3235–0341.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in the following rule: Rule 17Ad–4(b) & (c) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17Ad–4(b) & (c) (17 CFR 240.17Ad–4) is used to document when transfer agents are exempt, or no longer exempt, from the minimum performance standards and certain recordkeeping provisions of the Commission's transfer agent rules. Pursuant to Rule 17Ad–4(b), if the Commission or the Office of the Comptroller of the Currency (''OCC'') is the appropriate regulatory authority (''ARA'') for an exempt transfer agent, that transfer agent is required to prepare and maintain in its possession a notice certifying that it is exempt from certain performance standards and recordkeeping and record retention provisions of the Commission's transfer agent rules. This notice need not be filed with the Commission or OCC. If the Board of Governors of the Federal Reserve System (''Fed'') or the Federal Deposit Insurance Corporation (''FDIC'') is the transfer agent's ARA, that transfer agent must prepare a notice and file it with the Fed or FDIC.

Rule 17Ad–4(c) sets forth the conditions under which a registered transfer agent loses its exempt status. Once the conditions for exemption no longer exist, the transfer agent, to keep the appropriate ARA apprised of its current status, must prepare, and file if the ARA for the transfer agent is the Fed or the FDIC, a notice of loss of exempt status under paragraph (c). The transfer agent then cannot claim exempt status under Rule 17Ad–4(b) again until it remains subject to the minimum performance standards for non-exempt transfer agents for six consecutive months.

ARAs use the information contained in the notices required by Rules 17Ad–4(b) and 17Ad–4(c) to determine whether a registered transfer agent qualifies for the exemption, to determine when a registered transfer agent no longer qualifies for the exemption, and to determine the extent to which that transfer agent is subject to regulation.

The Commission estimates that approximately 10 registered transfer agents each year prepare or file notices in compliance with Rules 17Ad–4(b) and 17Ad–4(c). The Commission estimates that each such registered transfer agent spends approximately 1.5 hours to prepare or file such notices for an aggregate total annual burden of 15 hours (1.5 hours times 10 transfer agents).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: October 19, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23203 Filed 10–23–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 15c2–8, SEC File No. 270–421, OMB Control No. 3235–0481.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the existing collection of information provided for in the following rule: Rule 15c2–8 (17 CFR 240.15c2–8), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 15c2–8 requires broker-dealers to deliver preliminary and/or final prospectuses to certain people under certain circumstances. In connection with securities offerings generally, including initial public offerings (''IPOs''), the rule requires broker-dealers to take reasonable steps to distribute copies of the preliminary or final prospectus to anyone who makes a written request, as well as any broker-dealer who is expected to solicit purchases of the security and who makes a request. In connection with IPOs, the rule requires a broker-dealer to send a copy of the preliminary prospectus to any person who is expected to receive a confirmation of sale (generally, this means any person who is expected to actually purchase the security in the offering) at least 48 hours prior to the sending of such confirmation. This requirement is sometimes referred to as the ''48 hour rule.''

Additionally, managing underwriters are required to take reasonable steps to ensure that all broker-dealers participating in the distribution of or trading in the security have sufficient copies of the preliminary or final prospectus, as requested by them, to enable such broker-dealer to satisfy their respective prospectus delivery obligations pursuant to Rule 15c2–8, as well as Section 5 of the Securities Act of 1933.

Rule 15c2–8 implicitly requires that broker-dealers collect information, as such collection facilitates compliance with the rule. There is no requirement to submit collected information to the

Commission. In order to comply with the rule, broker-dealers participating in a securities offering must keep accurate records of persons who have indicated interest in an IPO or requested a prospectus, so that they know to whom they must send a prospectus.

The Commission estimates that the time broker-dealers will spend complying with the collection of information required by the rule is 5,950 hours for equity IPOs and 23,300 hours for other offerings. The Commission estimates that the total annualized cost burden (copying and postage costs) is $11,900,000 for IPOs and $932,000 for other offerings.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Acting Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: October 19, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23208 Filed 10–23–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84450; File No. SR–NYSE–2018–50]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section 902.02 of the NYSE Listed Company Manual Regarding Information on Listed Securities of a Foreign Private Issuer Obtained From a U.S. or Non-U.S. Securities Depository

October 18, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on October 4, 2018, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Section 902.02 of the NYSE Listed Company Manual (the ''Manual'') to enable the Exchange to make use of information obtained from a U.S. [sic] securities depository in determining how many shares of a listed class of securities of a foreign private issuer are issued and outstanding in the United States. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Sections 902.02 and 902.03 of the Manual provide that the Exchange bills listed foreign private issuers annual and supplemental listing fees only on those shares issued and outstanding in the United States. In order to calculate a foreign private issuer's annual fees, Section 902.02 specifies that the Exchange will calculate a four-quarter average of securities issued and outstanding in the United States during the preceding year.[4] The Exchange obtains information on the number of securities issued and outstanding in the United States, including securities registered in the United States and securities held through any U.S. nominee, from each issuer's transfer agent and/or ADR depositary bank.

In the case of a foreign private issuer whose securities are listed directly on the Exchange (and not in the form of American depositary receipts (''ADRs'')), the Exchange relies on the company's home country transfer agent to provide the required information about shares outstanding in the United States. However, in the case of a small number of issuers, it has been the Exchange's recent experience that the home country transfer agent has indicated that it is able to provide the number of shares held by registered holders with U.S. addresses but is unable to provide this information with respect to securities held through the U.S. depository [5] or, in some instances, held through a non-U.S. securities depository.[6] Consequently, the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Section 902.02 states that the purpose of calculating this quarterly average is to recognize the possibility of flow-back and flow-in of securities to and from the home country market and more reasonably reflect the number of securities in the United States over the course of the year.

[5] The Depository Trust Company (''DTC'') is currently the only securities depository registered with the SEC. The Exchange assumes that all shares held at DTC are issued and outstanding in the United States for purposes of its annual fee billing calculation, with the exception of any shares held at DTC by a foreign depository as nominee for beneficial owners outside the United States.

[6] In the case of certain companies whose securities have trading markets in both the United States and a foreign country, the depository in the applicable foreign country holds shares at DTC as nominee for beneficial owners in the foreign jurisdiction. As the shares in the foreign depository's position at DTC are not issued and outstanding in the United States, the Exchange excludes them from its annual fee billing calculation.

Exchange proposes to amend the applicable provision in Section 902.02 to enable it, when necessary, to seek to obtain information about shares held through the U.S. depository or a non-U.S. depository directly from the applicable depository itself. The proposed rule change will provide a transparent methodology for determining an accurate share total for billing purposes in those limited circumstances where the methodology provided under the current rule is unavailable.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Sections 6(b)(4)[8] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges and is not designed to permit unfair discrimination among its members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act, in particular in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The proposed rule change provides for an equitable allocation of fees and is reasonable under Section 6(b)(4) in that it is designed to ensure that the Exchange can bill all foreign private issuers in every case on the basis of an accurate calculation of shares issued and outstanding in the United States. The proposal is not unfairly discriminatory under Section 6(b)(5) because the combination of methodologies the Exchange will use will enable it to obtain the same information for all foreign private issuers and bill them all on the same basis and will allow the Exchange to calculate accurately shares issued and outstanding in the United States for billing purposes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The proposed amendment does not impose any burden on competition as its purpose is to assist the Exchange in obtaining information it needs to bill listed foreign private issuers according to a preexisting fee schedule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[11] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2018–50 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2018–50. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2018–50, and should be submitted on or before November 14, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23175 Filed 10–23–18; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

[11] 15 U.S.C. 78s(b)(2)(B).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Rules 17h–1T and 17h–2T, SEC File No. 270–359, OMB Control No. 3235–0410.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rules 17h–1T and 17h–2T (17 CFR 240.17h–1T and 17 CFR 240.17h–2T), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17h–1T requires a covered broker-dealer to maintain and preserve records and other information concerning certain entities that are associated with the broker-dealer. This requirement extends to the financial and securities activities of the holding company, affiliates and subsidiaries of the broker-dealer that are reasonably likely to have a material impact on the financial or operational condition of the broker-dealer. Rule 17h–2T requires a covered broker-dealer to file with the Commission quarterly reports and a cumulative year-end report concerning the information required to be maintained and preserved under Rule 17h–1T.

The collection of information required by Rules 17h–1T and 17h–2T, collectively referred to as the ''risk assessment rules'', is necessary to enable the Commission to monitor the activities of a broker-dealer affiliate whose business activities are reasonably likely to have a material impact on the financial and operational condition of the broker-dealer. Without this information, the Commission would be unable to assess the potentially damaging impact of the affiliate's activities on the broker-dealer.

There are currently 285 respondents that must comply with Rules 17h–1T and 17h–2T. Each of these 285 respondents are estimated to require 10 hours per year to maintain the records required under Rule 17h–1T, for an aggregate estimated annual burden of 2,850 hours (285 respondents × 10 hours). In addition, each of these 285 respondents must make five annual responses under Rule 17h–2T. These five responses are estimated to require 14 hours per respondent per year for an aggregate estimated annual burden of 3,990 hours (285 respondents × 14 hours).

In addition, new respondents must draft an organizational chart required under Rule 17h–1T and establish a system for complying with the risk assessment rules. The staff estimates that drafting the required organizational chart requires one hour and establishing a system for complying with the risk assessment rules requires three hours. Based on the reduction in the number of filers in recent years, the staff estimates there will be zero new respondents, and thus, a corresponding estimated burden of zero hours for new respondents. Thus, the total compliance burden per year is approximately 6,840 burden hours (2,850 hours + 3,990 hours).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: October 19, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23199 Filed 10–23–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: US Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rules 3a68–2 and 3a68–4(c)
SEC File No. 270–641, OMB Control No. 3235–0685

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''SEC'') is soliciting comments on the existing collection of information provided for Rules 3a68–2 and 3a68–4(c). The SEC plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 3a68–2 creates a process for interested persons to request a joint interpretation by the SEC and the Commodity Futures Trading Commission (''CFTC'') (together with the SEC, the ''Commissions'') regarding whether a particular instrument (or class of instruments) is a swap, a security-based swap, or both (*i.e.,* a mixed swap). Under Rule 3a68–2, a person provides to the Commissions a copy of all material information regarding the terms of, and a statement of the economic characteristics and purpose of, each relevant agreement, contract, or transaction (or class thereof), along with that person's determination as to whether each such agreement, contract, or transaction (or class thereof) should be characterized as a swap, security-based swap, or both (*i.e.,* a mixed swap). The Commissions also may request the submitting person to provide additional information.

The SEC expects 25 requests pursuant to Rule 3a68–2 per year. The SEC estimates the total paperwork burden associated with preparing and submitting each request would be 20 hours to retrieve, review, and submit the information associated with the submission. This 20 hour burden is divided between the SEC and the CFTC, with 10 hours per response regarding reporting to the SEC and 10 hours of response regarding third party disclosure to the CFTC.[1] The SEC estimates this would result in an

[1] The burdens imposed by the CFTC are included in this collection of information.

aggregate annual burden of 500 hours (25 requests × 20 hours/request).

The SEC estimates that the total costs resulting from a submission under Rule 3a68–2 would be approximately $12,000 for outside attorneys to retrieve, review, and submit the information associated with the submission. The SEC estimates this would result in aggregate costs each year of $300,000 (25 requests × 30 hours/request × $400).

Rule 3a68–4(c) establishes a process for persons to request that the Commissions issue a joint order permitting such persons (and any other person or persons that subsequently lists, trades, or clears that class of mixed swap) to comply, as to parallel provisions only, with specified parallel provisions of either the Commodity Exchange Act (''CEA'') or the Securities Exchange Act of 1934 (''Exchange Act''), and related rules and regulations (collectively ''specified parallel provisions''), instead of being required to comply with parallel provisions of both the CEA and the Exchange Act.

The SEC expects ten requests pursuant to Rule 3a68–4(c) per year. The SEC estimates that nine of these requests will have also been made in a request for a joint interpretation pursuant to Rule 3a68–2, and one will not have been. The SEC estimates the total burden for the one request for which the joint interpretation pursuant to 3a68–2 was not requested would be 30 hours, and the total burden associated with the other nine requests would be 20 hours per request because some of the information required to be submitted pursuant to Rule 3a68–4(c) would have already been submitted pursuant to Rule 3a68–2. The burden in both cases is evenly divided between the SEC and the CFTC.

The SEC estimates that the total costs resulting from a submission under Rule 3a68–4(c) would be approximately $20,000 for the services of outside attorneys to retrieve, review, and submit the information associated with the submission of the one request for which a request for a joint interpretation pursuant to Rule 3a68–2 was not previously made (1 request × 50 hours/request × $400). For the nine requests for which a request for a joint interpretation pursuant to Rule 3a68–2 was previously made, the SEC estimates the total costs associated with preparing and submitting a party's request pursuant to Rule 3a68–4(c) would be $6,000 less per request because, as discussed above, some of the information required to be submitted pursuant to Rule 3a68–4(c) already would have been submitted pursuant to Rule 3a68–2. The SEC estimates this would result in an aggregate cost each year of $126,000 for the services of outside attorneys (9 requests × 35 hours/request × $400).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information shall have practical utility; (b) the accuracy of the SEC's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: October 19, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23206 Filed 10–23–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 15c3–4, SEC File No. 270–441, OMB Control No. 3235–0497

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information provided for in Rule 15c3–4 (17 CFR 240.15c3–4) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15c3–4 requires certain broker-dealers that are registered with the Commission as OTC derivatives dealers, or who compute their net capital charges under Appendix E to Rule 15c3–1 (17 CFR 240.15c3–1) (''ANC firms''), to establish, document, and maintain a system of internal risk management controls. The Rule sets forth the basic elements for an OTC derivatives dealer or an ANC firm to consider and include when establishing, documenting, and reviewing its internal risk management control system, which are designed to, among other things, ensure the integrity of an OTC derivatives dealer's or an ANC firm's risk measurement, monitoring, and management process, to clarify accountability at the appropriate organizational level, and to define the permitted scope of the dealer's activities and level of risk. The Rule also requires that management of an OTC derivatives dealer or an ANC firm must periodically review, in accordance with written procedures, the firm's business activities for consistency with its risk management guidelines.

The staff estimates that the average amount of time a new OTC derivatives dealer will spend establishing and documenting its risk management control system is 2,000 hours and that, on average, a registered OTC derivatives dealer will spend approximately 200 hours each year to maintain (*e.g.,* reviewing and updating) its risk management control system.[1] Currently, three firms are registered with the Commission as OTC derivatives dealers. The staff estimates that approximately six additional OTC derivatives dealers may become registered within the next three years. Thus, the estimated annualized burden would be 600 hours for the three OTC derivatives dealers currently registered with the Commission to maintain their risk management control systems,[2] 4,000 hours for the six new OTC derivatives dealers to establish and document their risk management control systems,[3] and 1,200 hours for the six new OTC derivatives dealers to maintain their risk management control systems.[4]

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[1] This notice does not cover the hour burden associated with ANC firms, because the hour burden for ANC firms is included in the Paperwork Reduction Act collection for Rule 15c3–1, which requires ANC firms to comply with specific provisions of Rule 15c3–4 in Appendix E to Rule 15c3–1. *See* 17 CFR 240.15c3–1(a)(7)(iii), 17 CFR 240.15c3–1e(a)(1)(ii), and 17 CFR 240.15c3–1e(a)(1)(viii)(C).

[2] (200 hours × 3 firms) = 600.

[3] ((2,000 hours/3 years) × 6 firms) = 4,000.

[4] (200 hours × 6 firms) = 1,200.

Accordingly, the staff estimates the total annualized burden associated with Rule 15c3–4 for the six OTC derivatives dealers will be approximately 5,800 hours annually.

The staff believes that the internal cost of complying with Rule 15c3–4 will be approximately $314 per hour.[5] This per hour cost is based upon an annual average hourly salary for a compliance manager who would be responsible for ensuring compliance with the requirements of Rule 15c3–4. Accordingly, the total annualized internal cost of compliance for all affected OTC derivatives dealers is estimated to be $1,821,200.[6]

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

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.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@SEC.gov.*

Dated: October 19, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23207 Filed 10–23–18; 8:45 am]

BILLING CODE 8011–01–P

[5] The $314 per hour salary figure for a compliance manager is from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

[6] 5,800 hours × $314 per hour = $1,821,200.

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Order Granting a Conditional Exemption Under the Securities Exchange Act of 1934 from the Confirmation Requirements of Exchange Act Rule 10b–10(a) for Certain Transactions in Money Market Funds, SEC File No. 270–792; OMB Control No. 3235–0739

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval: Order Granting a Conditional Exemption under the Securities Exchange Act of 1934 from the Confirmation Requirements of Exchange Act Rule 10b–10(a) for Certain Transactions in Money Market Funds (17 CFR 240.10b–10(a)).

Rule 10b–10 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) generally requires broker-dealers to provide customers with specified information relating to their securities transactions at or before the completion of the transactions. Rule 10b–10(b), however, provides an exception from this requirement for certain transactions in money market funds that attempt to maintain a stable net asset value when no sales load or redemption fee is charged. The exception permits broker-dealers to provide transaction information to money market fund shareholders on a monthly, rather than immediate, basis, subject to the conditions. Amendments to Rule 2a–7 of the Investment Company Act of 1940 (''Investment Company Act'') (15 U.S.C. 80a–1 *et seq.*) among other things, means, absent an exemption, broker-dealers would not be able to continue to rely on the exception under Exchange Act Rule 10b–10(b) for transactions in money market funds operating in accordance with Rule 2a–7(c)(1)(ii).[1]

In 2015, the Commission issued an Order Granting a Conditional Exemption under the Securities Exchange Act of 1934 From The Confirmation Requirements of Exchange Act Rule 10b–10(a) For Certain Transactions In Money Market Funds (''Order'')[2] which allows broker-dealers, subject to certain conditions, to provide transaction information to investors in any money market fund operating pursuant to Rule 2a–7(c)(1)(ii) on a monthly basis in lieu of providing immediate confirmations as required under Exchange Act Rule 10b–10(a) (''the Exemption''). Accordingly, to be eligible for the Exemption, a broker-dealer must (1) provide an initial written notification to the customer of its ability to request delivery of immediate confirmations consistent with the written notification requirements of Exchange Act Rule 10b–10(a), and (2) not receive any such request to receive immediate confirms from the customer. As of March 31, 2018, the Commission estimates there are approximately 162 broker-dealers that clear customer transactions or carry customer funds and securities who would be responsible for providing customer confirmations. The Commission estimates that the cost of the ongoing notification requirements would be minimal, approximately 5% of the initial burden which was previously estimated to be 36 hours per broker-dealer, or approximately 1.8 hours per broker-dealer per year to provide ongoing notifications or a total burden of 292 hours annually for the 162 carrying broker-dealers.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in

[1] *See generally* Money Market Fund Reform; Amendments to Form PF, Securities Act Release No. 9408, Investment Advisers Act Release No. 3616, Investment Company Act Release No. 30551 (June 5, 2013), 78 FR 36834, 36934 (June 19, 2013); *see also* Exchange Act Rule 10b–10(b)(1), 17 CFR 240.10b–10(b)(1) (limiting alternative monthly reporting to money market funds that attempt to maintain a stable NAV).

[2] *See* Order Granting a Conditional Exemption Under the Securities Exchange Act of 1934 From the Confirmation Requirements of Exchange Act Rule 10b–10(a) for Certain Transactions in Money Market Funds, Exchange Act Release No. 34–76480 (Nov. 19, 2015), 80 FR 73849 (Nov. 25, 2015).

writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: October 19, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23209 Filed 10–23–18; 8:45 am]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 17Ad–11, SEC File No. 270–261, OMB Control No. 3235–0274

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17Ad–11 (17 CFR 240.17Ad–11), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17Ad–11 requires every registered recordkeeping transfer agent to report to issuers and its appropriate regulatory agency in the event that the aggregate market value of an aged record difference exceeds certain thresholds. A record difference occurs when an issuer's records do not agree with those of securityholders as indicated, for instance, on certificates presented to the transfer agent for purchase, redemption or transfer. An aged record difference is a record difference that has existed for more than 30 calendar days. In addition, the rule requires every recordkeeping transfer agent to report to its appropriate regulatory agency in the event of a failure to post certificate detail to the master securityholder file within five business days of the time required by Rule 17Ad–10 (17 CFR 240.17Ad–10). Also, a transfer agent must maintain a copy of any report required under Rule 17Ad–11 for a period of not less than three years following the date of the report, the first year in an easily accessible place.

Because the information required by Rule 17Ad–11 is already available to transfer agents, any collection burden for small transfer agents is minimal. Based on a review of the number of Rule 17Ad–11 reports the Commission, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation received since 2012, the Commission staff estimates that 8 respondents will file a total of approximately 10 reports annually. The Commission staff estimates that, on average, each report can be completed in 30 minutes. Therefore, the total annual hourly burden to the entire transfer agent industry is approximately five hours (30 minutes × 10 reports). Assuming an average hourly rate of $25 for a transfer agent staff employee, the average total internal cost of the report is $12.50. The total annual internal cost of compliance for the approximate 8 respondents is approximately $125.00 (10 reports × $12.50).

The retention period for the recordkeeping requirement under Rule 17Ad–11 is three years following the date of a report prepared pursuant to the rule. The recordkeeping requirement under Rule 17Ad–11 is mandatory to assist the Commission and other regulatory agencies with monitoring transfer agents and ensuring compliance with the rule. This rule does not involve the collection of confidential information.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: October 19, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23211 Filed 10–23–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84451; File No. SR–NYSEArca–2018–74]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Amend Rules 6.62–O and 6.37A–O To Add New Order Types and Quotation Designations

October 18, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on October 5, 2018, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rules 6.62–O (Certain Types of Orders Defined) and 6.37A–O (Market Maker Quotations) to add new order types and quotation designations. The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify Rules 6.62–O and 6.37A–O to add new order types and quotation designations as described herein. The Exchange also proposes to make conforming changes to these rules to reflect the proposed order types and quotations designations.

Existing Order Types

Current Rule 6.62–O sets forth the order types available on the Exchange, including Liquidity Adding Orders (each an ''ALO'') and PNP (Post No Preference) Orders, both of which provide market participants control over how their orders interact with contra-side liquidity. Specifically, an ALO is a Limit Order that is rejected if it is marketable against the NBBO on arrival.[4] A PNP Order is eligible to interact solely with interest on the Exchange, will not route, and will cancel if it locks or crosses the NBBO.[5] The Exchange proposes to add order types that build on the existing ALO and PNP Order functionality to allow for repricing (rather than cancellation or rejection of orders) under certain circumstances.

Repricing ALO (''RALO'')

The Exchange proposes to allow market participants the option to send in ALOs designated as RALO.[6] As proposed, a RALO would be repriced (rather than be rejected) if it would either trade as the liquidity taker or display at a price that locks or crosses any interest on the Exchange or the NBBO. Specifically, an incoming RALO to buy (sell) that would trade with any displayed or undisplayed sell (buy) interest on the Consolidated Book would be displayed at a price one minimum price variation (''MPV'') below (above) such sell (buy) interest. An incoming RALO to buy (sell) that is not marketable against interest in the Consolidated Book but that would lock or cross the NBO (NBB) would be displayed at a price that is one MPV below (above) the NBO (NBB). If the sell (buy) interest in the Consolidated Book or NBO (NBB) moves up (down), the display price of the RALO to buy (sell) and the undisplayed price at which it is eligible to trade would be continuously adjusted, up (down) to the RALO's limit price. In other words, to avoid trading as the liquidity taker, the RALO would be displayed at a price one MPV away from the best-priced contra-side interest, whether on the Exchange or an away market, and its display price would continue to be adjusted up to its limit price.

As proposed, a resting RALO to buy (sell) that is displayed one MPV below (above) interest on the Consolidated Book would be eligible to trade at its display price. As further proposed, a resting RALO to buy (sell) that is displayed at a price one MPV below (above) the NBO (NBB) would be eligible to trade at the NBO (NBB); provided, however, that if the NBO (NBB) updates to lock or cross the RALO's display price, such RALO would trade at its display price in time priority behind other eligible interest already displayed at that price.[7] Because in such circumstances the RALO would be trading at its display price, which would be different than the (less aggressive) price it was previously eligible to trade, the Exchange believes that principles of price-time priority dictate that the repriced RALO should be ranked behind other interest already displayed at the RALO's updated display price.[8] Similarly, the Exchange proposes that each time there is an update to the RALO's price, the RALO would be ranked by time priority behind other eligible interest already at that price. And, if multiple RALOs simultaneously reprice to the same price at which they are eligible to trade, the RALOs would be prioritized based on the time of original order entry. The Exchange believes that this proposed handling of RALOs likewise would respect and preserve the Exchange price-time priority model.

To avoid accepting RALOs priced too far through the NBBO, the Exchange proposes to limit the extent to which it would reprice such interest. Specifically, the Exchange would cancel an incoming RALO that has a limit price to buy (sell) that is more than a configurable number of MPVs above (below) the initial display price (on arrival) of the RALO.[9] The Exchange would determine the configurable number of MPVs, which will be announced by Trader Update.[10]

The following examples illustrate the proposed RALO order type.

RALO Example 1

Exchange BBO: (100) 1.98 × 2.22 (100)
Away BBO: (50) 1.97 × 2.23 (50)

Order 1: RALO Buy 50 @ 2.25

- The incoming RALO (Order 1) will reprice to display and be eligible to trade @2 2.21 (*i.e.,* one MPV below the NBO, which is also the Exchange BO).

Order 2: Sell 50 @ 2.18

- Order 2 will trade on arrival with the RALO (Order 1) @ 2.21.

RALO Example 2

Exchange BBO: (100) 2.15 × 2.22 (100)
Away BBO: (50) 2.20 × 2.23 (50)

Order 1: PNPB [11] Sell 50 @ 2.19

[4] *See* Rule 6.62–O(t) (providing that ''a Liquidity Adding Order is a Limit Order which is to be accepted only if it is not executable at the time of receipt. Orders with the liquidity adding instruction will not be routed if marketable against the NBBO, but will be rejected. Liquidity adding orders may only be entered as a Day Order''). The Exchange proposes to modify paragraph (t) of this Rule to define Liquidity Adding Orders as ALOs and make conforming changes to the Rule. *See* proposed Rule 6.62–O(t). The Exchange also proposes to modify the rule to reflect that ''[a]n ALO or RALO, as defined in paragraph (t)(1) of this Rule, will be rejected if entered outside of Core Trading Hours or during a trading halt or, if resting, will be cancelled in the event of a trading halt,'' which is a functionality update that ensures these rule types operate as intended. *See id.*

[5] *See* Rule 6.62–O(p) (providing that a PNP Order ''is a Limit Order to buy or sell that is to be executed in whole or in part on the Exchange, and the portion not so executed is to be ranked in the Consolidated Book, without routing any portion of the order to another market center; provided, however, the Exchange shall cancel a PNP Order that would lock or cross the NBBO''). The Exchange proposes to capitalize the ''Market Center'' as used in paragraph (p) of the Rule, which is a defined term in Rule 6.1A–O(6). *See* proposed Rule 6.62–O(p).

[6] *See* proposed Rule 6.62–O(t)(1). The Exchange proposes that a RALO that is designated as a Reserve Order (*i.e.,* with a portion of the order not displayed) would be rejected because of the complexity (and potential priority conflict) that could be introduced if the Exchange allowed a combination of these two order types. *See id.*

[7] The proposed RALO operates in substantially the same manner as the ALO Order, available on the Exchange's equity market, which, like the RALO, would not remove liquidity and reprices if it would lock or cross interest on the Consolidated Book or the NBBO. *See* Rule 7.31–E(e)(2).

[8] The proposal to re-rank an order when the price at which an order is eligible to trade changes is consistent with how the Exchange's equity order types function. *See* Rule 7.36–E(f)(3) (providing that an order is assigned a new working time (*i.e.,* effective time sequence assigned to an order for purposes of determining its priority ranking) any time the working price (*i.e.,* the price at which an order is eligible to trade) changes).

[9] *See* proposed Rule 6.62[sic](t)(1)(B).

[10] For example, in a Penny Pilot issue, if the local best offer is 0.99 and the away best offer is 1.00 with a configuration set to 3 MPV, a RALO to buy of 1.02 or greater will cancel on arrival because the initial display price would be 0.98 which is 4 MPVs away from its limit price.

[11] A PNP-Blind Order (or PNPB) order ''is a Limit Order to buy or sell that is to be executed in whole

Continued

• The PNPB (Order 1) will be eligible to trade @ 2.20 (but will not be displayed at this price because it crosses the NBB).

Order 2: RALO Buy 50 @ 2.25

a. The RALO (Order 2) will reprice to display and be eligible to trade @ 2.19 (*i.e.,* one MPV below the PNPB (Order 1) @ 2.20, which is the best priced (undisplayed) contra-side interest in the Consolidated Book).

Order 3: Sell 100 @ 2.18

b. Order 3 will route 50 to the Away BB @ 2.20, and trade the remaining 50 with the RALO (Order 2) @ 2.19.

c. The PNPB (Order 1) will then display (because it is no longer crossing the NBB) and be eligible to trade @ 2.19.

RALO Example 3

Exchange BBO: (100) 1.98 × 2.22 (10)
Away BBO: (50) 1.97 × 2.25 (50)
Order 1: Sell Limit 10 @ 2.23
Order 2: Sell Limit 10 @ 2.24
Order 3: RALO Buy 50 @ 2.25

• The RALO (Order 3) will reprice to display and be eligible to trade @ 2.21 (*i.e.,* one MPV below the NBO, which is also the Exchange BO).

Order 4: Buy Limit 10@ 2.25

• Order 4 will trade with the Exchange BO @ 2.22.

Update to Exchange BBO: (50) 2.21 × 2.23 (10)

• Order 3 (RALO) will be repriced to display and be eligible to trade @ 2.22.

Order 5: Sell 50 @ 2.20

• Order 5 will trade with Order 3 (RALO) @ 2.22.

RALO Example 4

Exchange BBO: (100) 1.98 × 2.22 (10)
Away BBO: (50) 1.97 × 2.25 (50)
Order 1: RALO Buy 50 @ 2.23

• The RALO (Order 1) will reprice to display and be eligible to trade @ 2.21 (*i.e.,* one MPV below the NBO, which is also the Exchange BO).

Order 2: Buy Limit 50 @ 2.23

• Order 2 will trade 10 contracts with the Exchange BO @ 2.22 and the remaining 40 contracts of Order 2 will be added the Consolidated Book at 2.23. The RALO (Order 1) will reprice to display and be eligible to trade @ 2.23, at which time the RALO will get a new priority timestamp making it eligible to trade behind Order 2 (already displayed at this price) in time priority.

Order 3: Sell Limit 10 @ 2.23

• Order 3 will trade with Order 2, as Order 2 has time priority over the RALO (Order 1).

Order 4: Sell 10 @ 2.50

New Exchange BBO: (80) 2.23 × 2.50 (10)

* * * * *

The Exchange believes the proposed RALO would give market participants more flexibility and control over the circumstances under which their orders trade with contra side-interest (*i.e.,* by ensuring that a RALO would always add liquidity as maker, rather than remove liquidity as taker), while ensuring that RALOs priced too far through the contra-side NBBO would be rejected. The Exchange believes the proposed RALO would assist market participants in maximizing opportunities for execution (as such orders would reprice rather than reject) while encouraging the provision of greater displayed liquidity to the market, which would contribute to public price discovery.

Repricing PNP Order (''RPNP'')

The Exchange proposes to allow market participants the option to send in PNP Orders as RPNP.[12] As proposed, an RPNP is a PNP Order that would be repriced (rather than be cancelled after trading with interest in the Consolidated Book) if it would lock or cross the NBBO. Specifically, an RPNP to buy (sell) that would lock or cross the NBO (NBB) would be displayed at a price one MPV below (above) the NBO (NBB). If the NBO (NBB) moves up (down), the display price of the RPNP to buy (sell) and the undisplayed price at which it is eligible to trade would be continuously adjusted, up (down) to the limit price of the RPNP.

As proposed, a RPNP to buy (sell) that is displayed at a price one MPV below (above) the NBO (NBB) would be eligible to trade at the NBO (NBB), up (down) to the limit price of the RPNP; provided, however, that if the NBO (NBB) updates to lock or cross the RPNP's display price, such RPNP would trade at its display price in time priority behind other eligible interest already displayed at that price.[13] And, if multiple RPNPs simultaneously reprice to the same price at which they are eligible to trade, the RPNPs would be prioritized based on the time of original order entry. For the same reason as described above for the proposed RALO, the Exchange believes that ranking the RPNP to buy (sell) behind other interest already displayed at the RPNP's updated display price, and ranking RPNPs that simultaneously reprice to the same price based on time of original order entry, would respect and preserve principles of priority. Also consistent with the Exchange's price-time priority model, the Exchange proposes that each time there is an update to the RPNP's price, the RPNP would be ranked by time priority behind other eligible interest already at that price.

Similar to the proposed RALO, to avoid accepting RPNPs priced too far through the NBBO, the Exchange proposes to limit the extent to which it would reprice such interest.[14] An incoming RPNP would be cancelled after trading with eligible interest (if any) if its limit price to buy (sell) is more than a configurable number of MPVs above (below) the initial display price (on arrival). The Exchange would determine the configurable number of MPVs, which would be announced by Trader Update.[15]

The Exchange believes the proposed RPNP would give market participants more flexibility and control over the circumstances under which their orders trade with contra side-interest, while ensuring that RPNPs priced too far through the contra-side NBBO would be rejected. The Exchange believes the proposed RPNP would assist market participants in maximizing opportunities for execution (as such orders would reprice rather than reject) while encouraging the provision of greater liquidity to the market, which would contribute to public price discovery.

The following examples illustrate the proposed RPNP order type.

RPNP Example 1

Exchange BBO: (100) 1.98 × 2.22 (100)

or in part on the Exchange, and the portion not so executed is to be ranked in the Consolidated Book, without routing any portion of the order to another market center; however, if the [PNPB] order would lock or cross the NBBO, the price and size of the order will not be disseminated. Once the [PNPB] order no longer locks or crosses the NBBO, the price and size will be disseminated.'' *See* Rule 6.62–O(u).

[12] *See* proposed Rule 6.62–O(p)(1). The Exchange proposes that an RPNP received during pre-open or during a trading halt will be treated as a PNP Order (*i.e.,* as a Limit Order and will not reprice) for purposes of participating in opening auctions or re-opening auctions. *See* proposed Rule 6.62–O(p). An RPNP may only be entered as a Day Order (*i.e.,* that expires at the end of the trading day). *See* proposed Rule 6.62–O(p)(1). The Exchange proposes that an RPNP that is designated as a Reserve Order (*i.e.,* with a portion of the order not displayed) would be rejected because of the complexity (and potential priority conflict) that could be introduced if the Exchange allowed a combination of these two order types. *See id.*

[13] The proposed RPNP operates in substantially the same manner as the Non-Routable Limit Order available on the Exchange's equities market, which, like the RPNP, reprices if it would lock or cross a protected quotation of an Away Market or trade through a protected quotation. *See* Rule 7.31–E(e)(1).

[14] *See* proposed Rule 6.62[sic](p)(1)(B).

[15] For example, in a Penny Pilot issue, if the local best offer is 0.99 and the away best offer is 1.00 with a configuration set to 3 MPV, a RPNP to buy at 1.03 or greater would trade with the local offer at 0.99 and any remaining interest will be cancelled (because the initial display price would be 0.99 which is 4 MPVs away from its limit price).

Away BBO: (50) 2.00 × 2.20 (50)
Order 1: RPNP Buy 50 @ 2.25

• The RPNP (Order 1) will display @ 2.19 (*i.e.,* one MPV below the NBO) and will be eligible to trade @ 2.20 (*i.e.,* the NBO).

Order 2: Sell 50 @ 2.18

• Order 2 will trade on arrival with the RPNP (Order 1) @ 2.20.

RPNP Example 2

Exchange BBO: (100) 1.98 × 2.22 (100)
Away BBO: (50) 2.00 × 2.20 (50)
Order 1: PNPB Buy 50 @ 2.22

• The PNPB (Order 1) will be eligible to trade @ 2.20 (but will not be displayed at this price because it crosses the NBO).

Order 2: RPNP Buy 50 @ 2.21

• The RPNP (Order 2) will display @ 2.19 (*i.e.,* one MPV below the NBO) and be eligible to trade @ 2.20 behind Order 1 in time priority.

Order 3: Sell 10 @ 2.18

• Order 3 will trade on arrival with Order 1 @ 2.20.

RPNP Example 3

Exchange BBO: (100) 1.98 × 2.22 (100)
Away BBO: (50) 2.00 × 2.20 (50)
Order 1: PNPB Buy 50 @ 2.21

• The PNPB (Order 1) will be eligible to trade at 2.20 (but will not be displayed at this price because it crosses the NBO).

Order 2: RPNP Buy 50 @ 2.22

• The RPNP (Order 2) will display @ 2.19 and will be eligible to trade @2.20 behind Order 1 in time priority.

Away BBO updates to (50) 2.00 × 2.19 (50)

• The updated NBO locks the display price of the RPNP Buy 50 (Order 2).

• The PNPB (Order 1) and the RPNP (Order 2) are both eligible to trade @ 2.19. The RPNP has priority to trade ahead of the PNPB because the RPNP was displayed @ 2.19 before the away market updated (and the PNPB is still undisplayed because its limit price is still crossing the NBO).

Order 3: Sell 10 @ 2.18

• Order 3 will trade on arrival with the RPNP (Order 2) @ 2.19.

RPNP Example 4

Exchange BBO: (100) 1.98 × 2.22 (100)
Away BBO: (50) 2.00 × 2.20 (50)
Order 1: Limit Buy 50 @ 2.19.
Order 2: RPNP Buy 50 @ 2.22

• The RPNP will display @ 2.19 (because crosses the NBO) and will be eligible to trade @ 2.20.

Away BBO updates to (50) 2.00 × 2.19 (50)

• NBO now locks the display price of Order 2 (RPNP).

• The RPNP (Order 2) will reprice to display and (will continue to) be eligible to trade @ 2.19, but Order 1 will have priority over Order 2 as it was already being displayed at this price.

Order 3: Sell 10 @ 2.18

• Order 3 will trade on arrival with Order 1 @ 2.19.

* * * * *

Existing Market Maker Quotations

Current Rule 6.37A–O(a) defines Market Maker quotes, including quotations designated as Market Maker—Light Only (''MMLO''), and specifies how such quotes are processed when a series is open for trading. The Exchange proposes to modify Rule 6.37A–O(a) to add two new quote designations to provide market makers with the same functionality for their quotations as are proposed for orders entered on the Exchange. The proposed quotation designations are similar to how the proposed RALO and RPNP would function and would enable Market Makers to exert greater control over how their quotes would interact with contra-side liquidity, while affording them more opportunities to provide liquidity.

Market Maker—Add Liquidity Only Quotation (''MMALO'')

The Exchange proposes to allow Markets Makers the option to designate quotations as MMALO.[16] Similar to how the proposed RALO would function, as proposed, an incoming or resting MMALO would never trade as the liquidity taker nor would it display at a price that would lock or cross any interest on the Exchange or the NBBO.[17] Rather than trade, an MMALO would be repriced based on contra-side interest.[18] Specifically, an incoming MMALO to buy (sell) that would trade with any sell (buy) interest on the Consolidated Book would be displayed at a price one minimum price variation (''MPV'') below (above) such sell (buy) interest. Similarly, an incoming MMALO to buy (sell) that is not marketable against interest in the Consolidated Book but that would lock or cross the NBO (NBB) would be displayed at a price that is one MPV below (above) the NBO (NBB). If the sell (buy) interest in the Consolidated Book or NBO (NBB) moves up (down), the display price of the MMALO to buy (sell) and the undisplayed price at which it is eligible to trade would be continuously adjusted, up (down) to the MMALO's limit price. In other words, to avoid trading as the liquidity taker, the MMALO would be displayed at a price one MPV away from the best-priced contra-side interest, whether on the Exchange or an away market. The above trading examples illustrating how a RALO is processed (RALO Examples 1–4) apply equally to an MMALO of the same size and price of the RALO in each example.

Similar to the proposed RALO, a resting MMALO to buy (sell) that is displayed one MPV below (above) interest on the Consolidated Book would be eligible to trade at its display price. Also similar to the proposed RALO, a resting MMALO to buy (sell) that is displayed at a price one MPV below (above) the NBO (NBB) would be eligible to trade at the NBO (NBB); provided, however, that if the NBO (NBB) updates to lock or cross the MMALO's display price, such MMALO would trade at its display price in time priority behind other eligible interest already displayed at that price.[19] For the same reasons as described above for the proposed RALO and RPNP, the Exchange believes that ranking the MMALO to buy (sell) behind other interest already displayed at the MMALO's updated display price would respect and preserve principles of priority. Also consistent with the handling of RALOs, the Exchange proposes that each time there is an update to the MMALO's price, the MMALO would be ranked by time priority behind other eligible interest already at that price.[20] And, if multiple MMALOs simultaneously reprice to the same price at which they are eligible to trade, the MMALOs would be prioritized based on the time of original order entry. The Exchange believes that this handling of MMALOs (which is consistent with proposed handling of RALOs) in the event of a reprice, including when multiple MMALOs simultaneously reprice, is consistent

[16] *See* proposed Rule 6.37A–O(a)(3)(B) and (a)(4)(A)(i). The Exchange proposes to delete reference to MMLO in paragraph (a)(4), regarding the ''[t]reatment of Market Maker Quotations,'' as too restrictive in light of the proposed quote types; instead, the Exchange proposes to separately describe the treatment of the various quote types when a series is open for trading. *See* proposed Rule 6.37A–O(a)(4).

[17] Because incoming quotations, other than an MMALO, would immediately ''trade with contra-side interest in the Consolidated Book at prices that do not trade through interest on another Market Center,'' the Exchange proposes to modify the rule to carve out incoming MMALOs. *See* proposed Rule 6.37A–O(a)(4)(A). The Exchange also proposes to replace references to ''another Market Center'' with ''the NBBO'' to add clarity and consistency to the Rule. *See id.; see also* proposed Rule 6.37A–O(a)(4)(C)(i),(D)(i)–(ii).

[18] *See* proposed Rule 6.37A–O(a)(4)(A)(i).

[19] *See* proposed Rule 6.37A–O(a)(4)(A)(i)(b).

[20] *See* proposed Rule 6.37A–O(a)(4)(A)(i)(c).

with the Exchange's price-time priority model.

To incorporate MMALO (and MMRP discussed below) into existing rule text, the Exchange proposes to streamline Rule 6.37A–O, by re-organizing and re-numbering related text regarding the treatment of untraded incoming quotations. Specifically, the Exchange proposes to provide that ''[a]ny untraded quantity of an incoming quotation will be added to the Consolidated Book, except in the circumstances specified below, which result in the remaining balance being cancelled,'' [21] including when the incoming quotation ''is not designated as MMALO or MMRP'' and locks or crosses the NBBO and when it is designated as MMLO and locks or crosses undisplayed interest.[22] Similarly, the Exchange would modify the rule providing that an incoming quotation that locks or crosses the NBBO would be rejected, provided ''it is not designated as MMALO or MMRP'' and cannot trade with interest in the Consolidated Book at prices that do not trade through the NBBO.[23]

To avoid accepting MMALOs priced too far through the NBBO, the Exchange proposes to limit the extent to which it would reprice such interest. Specifically, the Exchange would reject an incoming quote that is designated as MMALO that has a limit price to buy (sell) that is more than a configurable number of MPVs above (below) the initial display price of the MMALO.[24] The Exchange would determine the configurable number of MPVs, which will be announced by Trader Update.[25]

The Exchange believes the proposed MMALO would give Market Makers more flexibility and control over the circumstances under which their quotes trade with contra side-interest (*i.e.,* by ensuring that an MMALO would always add liquidity as maker, rather than remove liquidity as taker), while ensuring that MMALOs priced too far through the contra-side NBBO would be rejected. The Exchange believes the proposed MMALO would assist Market Makers in maintaining a fair and orderly market, as it would encourage Market Makers to provide displayed liquidity to the market and thereby contribute to public price discovery.

Market Maker—Repricing Quotation (''MMRP'')

The Exchange also proposes to allow Markets Makers the option to designate quotations as MMRP, which is similar to the proposed RPNP.[26] As proposed, an incoming or resting quotation designated as MMRP would never display at a price that locks or crosses the NBBO. Instead, after trading with interest in the Consolidated Book, an incoming MMRP to buy (sell) that locks or crosses the NBO (NBB) would be displayed at a price that is one MPV below (above) the NBO (NBB). If the NBO (NBB) moves up (down), the display price of the MMRP to buy (sell) and the undisplayed price at which it is eligible to trade would be continuously adjusted, up (down) to the MMRP's limit price.

Similar to the proposed RPNP, an MMRP to buy (sell) that is displayed at a price one MPV below (above) the NBO (NBB) would trade at the NBO (NBB); provided, however, that if the NBO (NBB) updates to lock or cross the MMRP's display price, such MMRP would trade at its display price in time priority behind other eligible interest already displayed at that price. For the same reasons described above for the proposed RALO and RPNP, the Exchange believes that ranking the MMRP to buy (sell) behind other interest already displayed at the MMRP's updated display price would respect and preserve principles of priority.[27] Also consistent with the handling of RALOs and RPNPs,, [sic] the Exchange proposes that each time there is an update to the MMRP's price, the MMRP would be ranked by time priority behind other eligible interest already at that price.[28] And, if multiple MMRPs simultaneously reprice to the same price at which they are eligible to trade, the MMRPs would be prioritized based on the time of original order entry. The Exchange believes that this handling of MMRPs (which is consistent with the proposed handling of RALOs and RPNPs) in the event of a reprice, including when multiple MMRPs simultaneously reprice, is consistent with the Exchange's price-time priority model.

The Exchange notes that an MMRP may be submitted when a series is not open for trading (*i.e.,* during pre-open or a trading halt) and such MMRP would be eligible to participate in the opening auction and re-opening auction (as applicable) at the limit price of the MMRP.[29] Such MMRPs would not be repriced as an option series may not open (or re-open) if a quote is locked or crossed.[30]

To avoid accepting MMRPs priced too far through the NBBO, the Exchange proposes to limit the extent to which it would reprice such interest. Specifically, an incoming MMRP that has a limit price more than a configurable number of MPVs above (below) the initial display price (on arrival) would first trade with marketable interest in the Consolidated Book up (down) to the NBO (NBB) and any remaining balance would be cancelled.[31] Similarly, the Exchange would reject an incoming MMRP that does not trade (*i.e.,* because there is no marketable interest in the Consolidated Book) and has a limit price to buy (sell) that is more than a configurable number of MPVs above (below) the initial display price (on arrival) of the MMRP.[32] The Exchange would determine the applicable number of MPVs and announce the configurable by Trader Update.[33] The above trading

[21] *See* proposed Rule 6.37A–O(a)(4)(C).

[22] *See* proposed Rule 6.37A–O(a)(4)(C)(i) and (ii).

[23] *See* proposed Rule 6.37A–O(a)(4)(D)(i).

[24] *See* proposed Rule 6.37A–O(a)(4)(D)(iii). The Exchange notes that incoming MMALOs that fail the MPV check are rejected while similarly-priced RALOs would be accepted and then cancelled. The Exchange notes that this is a distinction without a difference and simply reflects an operational difference in how the Exchange evaluates these types of interest. The Exchange also proposes to re-locate text that is currently at the end of this provision to the beginning, such that the Rules states that ''[a]n incoming quotation will be rejected, and the Exchange will cancel the Market Maker's current quotation on the same side of the market, if:'' as the Exchange believes this would streamline the Rule making it easier to navigate and understand. *See* proposed Rule 6.37A–O(a)(4)(D).

[25] For example, in a Penny Pilot issue, if the local best offer is 0.99 and the away best offer is 1.00 with a configuration set to 3 MPV, a MMALO to buy of 1.02 or greater would be rejected because the initial display price would be 0.98, which is 4 MPVs away from its limit price.

[26] *See* proposed Rule 6.37A–O(a)(3)(C) and (a)(4)(B).

[27] *See* proposed Rule 6.37A–O(a)(4)(B)(i).

[28] *See* proposed Rule 6.37A–O(a)(4)(B)(ii).

[29] *See* proposed Rule 6.37A–O(a)(5). The Exchange also proposes to make clear that ''[a]ll resting quotations will be cancelled in the event of a trading halt.'' *See id.*

[30] *See* Rule 6.64–O(b)(E)(providing in relevant part, that ''[i]f the OX System does not open a series with an Auction Process, the OX System shall open the series for trading after receiving notification of an initial uncrossed NBBO disseminated by OPRA for the series'').

[31] *See* proposed Rule 6.37A–O(a)(4)(C)(iii).

[32] *See* proposed Rule 6.37A–O(a)(4)(D). The Exchange notes that incoming MMRPs that fail the MPV check are rejected while similarly-priced RPNPs would be accepted and then cancelled. The Exchange notes that this is a distinction without a difference and simply reflects an operational difference in how the Exchange evaluates these types of interest.

[33] For example, in a Penny Pilot issue, if the local best offer is 0.99 and the away best offer is 1.00 with a configuration set to 3 MPV, a MMRP to buy at 1.03 or greater would trade with the local offer at 0.99 and any remaining interest will be cancelled (because the initial display price would be 0.99 which is 4 MPVs away from its limit price). Because the MMRP is cancelled, the Exchange would also cancel the opposite-side quote for that Market Maker. *See* Rule 6.37A–O(a)(4)(B)(or, as renumbered, proposed Rule 6.37A–O(a)(4)(C) (providing, ''[w]hen such quantity of an incoming quotation is cancelled, the Exchange will also

examples illustrating how a RPNP is processed (RPNP Examples 1–4) apply equally to an MMRP of the same size and price of the RPNP in each example.

The Exchange notes that absent the proposed MMRP, incoming quotes (or portions thereof) would reject or cancel if such quotes locked or crossed away markets, which aligns with the NMS plan for Options Order Protection And Locked/Crossed Market Plan (''Plan''), to which the Exchange is a party.[34] Thus, the Exchange believes that affording Market Makers the ability to designate quotes as MMRP affords Market Makers more certainty when providing liquidity, while ensuring that MMRPs priced too far through the contra-side NBBO would cancel or reject after trading with any eligible interest on the Exchange.

To reflect the quote types proposed herein, the Exchange proposes to re-organize paragraph (a) of Rule 6.37A–O, by re-locating text that a quote will never route from existing paragraph (a)(4) to paragraph (a)(2); adding new paragraph (a)(3) to provide that ''[a] Market Maker may designate a quote as follows''; and re-numbering the balance of the paragraph to account for such changes.[35] In addition, as proposed, the description of a Market Maker—Light Only Quotation (''MMLO'') would be re-numbered as paragraph (a)(3)(A), and the text would be streamlined to provide simply that ''[o]n arrival, a quotation designated MMLO will trade with displayed interest in the Consolidated Book only. Once resting, the MMLO designation no longer applies and such quotation is eligible to trade with displayed and undisplayed interest.'' [36]

The Exchange notes that this proposal does not relieve a Market Maker of its continuous quoting or firm quote obligations pursuant to Rules 6.37A–O and 6.86–O, respectively. Further, the Exchange notes that Market Makers would still be able to send orders in (and out of) classes to which they are appointed, as orders are not affected by this proposal.

Implementation

The Exchange will announce by Trader Update the implementation date of the proposed rule change within 90 days of the effective date of this rule filing.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[37] in general, and furthers the objectives of Section 6(b)(5) of the Act,[38] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

RALO and RPNP

The proposed RALO and RPNP would remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed order types would provide market participants with greater flexibility and control over how their orders interact with liquidity on the Exchange. The Exchange believes this proposal allows market participants to provide and access greater liquidity on the Exchange, thus benefiting Exchange members. Both proposed order types provide a means to display such orders at prices that are designed to maximize their opportunities for execution. Specifically, allowing any eligible RALO and RPNP to be repriced and potentially trade at multiple price points would improve the mechanism of price discovery. The Exchange believes that ranking a repriced RALO or repriced RPNP behind other interest already eligible to trade at a price, as well as ranking such orders that simultaneously reprice to the same price by time of original order entry, respects and preserves principles of priority and therefore would promote just and equitable principles of trade. The Exchange notes that similar order types are offered by other options exchanges.[39] In addition, the Exchange has approved order types that function similar to the proposed RALO, and RPNP in its equities market rules.[40]

Specifically, the proposed RALO is substantially similar to the Post-Only Order available on NOM. A NOM Post-Only Order is a non-routable order that will not remove liquidity from the NOM System and is ranked and executed on the exchange or cancelled (at the request of a market participant), as appropriate, without routing away to another market. A RALO, like a NOM Post-Only Order, is evaluated at the time of entry with respect to locking or crossing other orders and if such order would lock or cross an order on the Exchange, the order would be repriced to one MPV below the current best offer (for bids) or above the current best bid (for offers) and displayed at one MPV below the current best offer (for bids) or above the current best bid (for offers). Also, like NOM's Post-Only Order, if a proposed RALO would not lock or cross an order on the local book but would lock or cross the NBBO of another market center, in violation of the Plan, such order would be repriced to the current NBO (for bids) or the current NBB (for offers) and displayed at one MPV above (for offers) or below (for bids) the national best price. Given that an incoming RALO (like a NOM Post-Only Order) would need to be evaluated for potential repricing, it may only be entered with a time-in-force of Day (*i.e.,* like NOM's Post-Only Order, a RALO could not be submitted as an Immediate-or-Cancel (IOC) or Good-till-Cancel (GTC)).[41] The RALO, however, will continuously reprice to avoid locking or crossing once resting, while the NOM Post-Only Order appears to be evaluated and repriced only upon entry, which distinction does not change the underlying principle to both order types, which is to avoid locking and crossing the market.[42]

cancel the Market Maker's current quotation on the opposite side of the market).

[34] *See* Plan, dated April 14, 2009, *available here, http://www.optionsclearing.com/components/docs/clearing/services/options_order_protection_plan.pdf. See also* Securities Exchange Act Release No. 60405 (July 30, 2009), 74 FR 39362 (August 6, 2009) (File No. 4–546) (order approving the Plan). The Plan obligates the participating exchanges to provide order protection, including addressing locked and crossed markets and the potential for trade-throughs in certain options classes. *See id.* Consistent with the Plan, the rules of the Exchange include prohibitions against trade-throughs and a pattern or practice of displaying certain quotations that lock or cross away markets. *See, e.g.,* Rules 6.94–O, 6.95–O.

[35] *See* proposed Rule 6.37A–O(a)(2)–(3).

[36] *See* proposed Rule 6.37A–O(a)(3)(A).

[37] 15 U.S.C. 78f(b).

[38] 15 U.S.C. 78f(b)(5).

[39] *See, e.g.,* Nasdaq Options Market (''NOM''), Chapter VI Trading Systems, Sec. 1(e)(11) (providing for a non-routable Post-Only Order that will reprice upon entry rather than remove liquidity or lock or cross the NBBO as described herein) and Nasdaq PHLX LLC (''PHLX'') Rule 1080(m)(iv)(A) (providing for a non-routable Do Not Route (''DNR'') Order that that will repeatedly reprice as described herein).

[40] *See* Rules 7.31–E(e)(1) (describing the ''Non-Routable Limit Order'', which reprices if it would lock or cross a protected quotation of an Away Market or trade through a protected quotation) and 7.31–E(e)(2) (describing the ''ALO Order,'' which is an non-routable limit order that would also reprice if it would remove liquidity from the NYSE Arca Book).

[41] *See* proposed Rule 6.62–O(t) (providing that an ALO may only be entered as a Day order) and (t)(1) (providing that a RALO in an ALO that may be repriced).

[42] The continuous repricing feature of the RALO is similar to the ''multiple display price sliding'' available on Cboe BZX Exchange, Inc. for its Post Only Order; however that order type has certain differences from the proposed RALO, including that the BZX Post Only Order allows such orders to remove liquidity when cost beneficial or cost neutral to market participants and does not appear

Continued

The Exchange's ALO and the RALO combine elements of the NOM Post-Only Order in that NOM market participants can opt to have their Post-Only Order cancelled back if such order locks or crosses another market (an ALO would simply be rejected) and/or if the Post-Only Order would be posted to the NOM System at a price other than its limit price (whereas the RALO is designed to provide additional flexibility for a potential executions until the order reaches its limit price). The NOM Post-Only Order does not specify how it interacts, if at all, with undisplayed interest. The Exchange notes that NOM does not appear to provide for the cancellation of Post-Only Orders that have a limit price that is more than a certain number of MPVs through the best-priced contra-side interest. The Exchange notes that this feature does not alter the repricing feature of the proposed RALO, but rather operates as a check for market participants that may have priced their RALO erroneously. The Exchange therefore believes that any differences between the proposed RALO and the NOM Post-Only Order are minimal and do not change the underlying principle to both order types, which is to avoid locking and crossing the market (with the RALO offering additional protection against erroneous orders).

The RPNP is substantially similar to PHLX's ''DNR Order,'' which is a non-routable order that, after trading with eligible interest on PHLX on arrival, is displayed one MPV ''inferior'' to the away best bid/offer'' and is eligible to trade with the best-priced contra-side interest.[43] The proposed RPNP, like the DNR Order, automatically reprices if the best away market changes, or moves to an inferior price level, and such orders are displayed at the NBBO only if the repriced order locks or crosses the best-priced local interest. A RPNP (like a DNR Order) may reprice until it reaches its limit price, at which time it will remain at that price until executed or cancelled. And, for both the RPNP and a DNR Order, if the best away market improves its price such that it locks or crosses its limit price, the exchange executes the incoming order that is routed from the away market that locked or crossed the order's limit price. Finally, similar to DNR Orders, any RPNPs that are submitted outside of trading hours will be executed to the extent possible, *i.e.,* at their limit price.[44] The Exchange notes that PHLX does not appear to provide for the cancellation of DNR Orders that have a limit price that is more than a certain number of MPVs through the best-priced contra-side interest. The Exchange notes that this feature does not alter the repricing feature of the proposed RPNP, but rather operates as a check for market participants that may have priced their RPNP erroneously. The Exchange believes that such difference between the proposed RPNP and PHLX's DNR Order is minimal and is designed to protect against erroneous orders.

MMALO and MMRP

Similar to the proposed RALO and RPNP, the proposed MMALO and MMRP quote designations would remove impediments to and perfect the mechanism of a free and open market and a national market system because they would provide Market Makers with increased control over interactions with contra-side liquidity and would increase opportunities for such interactions. The Exchange notes that, absent the proposed repricing functionality associated with the MMALO and MMRP, a Market Maker quote that locks or crosses interest on the Exchange or an away market would reject or cancel. In the case of MMALOs, the proposal would promote the display of liquidity because such quotations would be displayed at the next-best aggressive price instead of being cancelled. The proposal would also ensure that an MMALO would always add liquidity as maker, rather than remove liquidity as taker, while ensuring that MMALOs priced too far through the contra-side interest on the Exchange or the NBBO would be rejected. As such, the proposed MMALO would assist Market Makers in maintaining a fair and orderly market, as it would encourage Market Makers to provide displayed liquidity to the market and thereby contribute to public price discovery. In the case of MMRPs, the proposal would afford Market Makers more certainty when providing liquidity, while ensuring that MMRPs priced too far through the contra-side NBBO would cancel or reject after trading with any eligible interest on the Exchange. The Exchange notes that the proposed MMALO and MMRP are optional and Market Makers have the option to utilize these quote types (or not). The Exchange believes that ranking the repriced MMALO or repriced MMRP by time priority behind other interest already available to trade at a price respects and preserves principles of priority and therefore would remove impediments to and perfect the mechanism of a free and open market and a national market system.

Because the options market is quote driven and Market Makers are vital to the price discovery process, the Exchange believes that the proposed (optional) quote types would provide Market Makers with a greater level of determinism, in terms of managing their exposure, and thus may encourage more aggressive liquidity provision, resulting in more trading opportunities and tighter spreads. This too would help improve the mechanism of price discovery. Accordingly, the Exchange believes that the proposal would improve overall market quality and enhance competition on the Exchange to the benefit of all market participants. Moreover, the Exchange also notes that other options exchanges have recently adopted quote types designed to strengthen market making.[45] Accordingly, the Exchange believes that the proposal would improve overall market quality and improve competition on the Exchange, to the benefit of all market participants.

Technical Changes

The Exchange notes that the proposed organizational and non-substantive

to reprice the Post Only Order based on interest in the local book. *See* BZX Rule 11.9(c)(6) and (g).

[43] *See* PHLX Rule 1080(m)(iv)(A). *See also* proposed Rule 6.62[sic](p)(1)(A). The Exchange notes, however, that immediately upon receipt, the DNR Order is exposed at the NBBO, which differs from the proposed RPNP. However, the Exchange believes this is not a material difference as a DNR Orders (like the proposed RPNP) may not trade at prices inferior to the NBBO.

[44] *See* PHLX Rule 1017(k)(C)(6)(providing that DNR Orders will be executed to ''to the extent possible'' if received pre-open). *See also* proposed Rule 6.62[sic](p) (providing that an RPNP received during pre-open or during a trading halt will be treated as a PNP Order (*i.e.,* as a Limit Order and will not reprice) for purposes of participating in opening auctions or re-opening auctions'').

[45] *See, e.g.,* MIAX Options Exchange (''MIAX'') Rule 515(d) (providing that ''[i]f a Market Maker order or quote could not be executed or could not be executed in full upon receipt, the System will continue to execute the Market Maker's order or quote at multiple prices until (i) the Market Maker's quote has been exhausted or its order has been completely filled; (ii) the executions have reached the Market Maker's limit price; or (iii) further executions will trade at a price inferior to the ABBO [Away Best Bid or Offer], whichever occurs first''). The Exchange notes that MIAX does not appear to provide for the rejection of Market Maker quotes that have a limit price that is more than a certain number of MPVs through the best-priced contra-side interest. The Exchange notes that this feature does not alter the repricing feature of the proposed MMALO/MMRP, but rather operates as a check for market participants that may have priced their MMALO/MMRP erroneously. *See also* BOX Options Exchange LLC (''BOX'') IM–8050–3 (providing that ''[i]f an incoming quote is marketable against the BOX Book and will execute against a resting order or quote, it will be rejected''). The Exchange notes that other options exchanges currently offer repricing functionality that are substantially similar to the proposed functionality for quotes. *See supra* n. 39.

changes to the rule text would provide clarity and transparency to Exchange rules and would promote just and equitable principles of trade and remove impediments to, and perfect the mechanism of, a free and open market and a national market system.[46] The proposed rule amendments would also provide internal consistency within Exchange rules and operate to protect investors and the investing public by making the Exchange rules easier to navigate and comprehend.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed quote designations would add value to market making on the Exchange and the proposed order types would provide market participants the option of exercising greater control over how orders interact with contra-side liquidity both on the Exchange and on away markets. The proposed quotations and order types would allow market participants to exert greater control over how their quotes and orders interact with liquidity on the Exchange, thereby attracting more investors to the Exchange, which, in turn, leads to greater price discovery and improves overall market quality.

The Exchange does not believe the proposal would impose a burden on competition among the options exchanges but instead, because the Exchange would be offering the proposed optional quotes and order types, the proposal would add to the existing competitive landscape. In this highly competitive market, the Exchange would be at a competitive disadvantage absent this proposal, which adopts functionality available on other options exchanges. Permitting the Exchange to operate on an even playing field relative to other exchanges that have similar functionality removes impediments to and perfects the mechanism for a free and open market and a national market system. The proposal does not impose an undue burden on intramarket competition because the proposed quote designations would be available to all Market Makers on the Exchange and the proposed order types would be available to all market participants. The proposal is structured to offer the same enhancement to all Market Makers and/or market participants, regardless of size, and would not impose a competitive burden on any participant.

The proposed quote designations, which provide Market Makers with enhanced determinism over their quotes, may contribute to more aggressive quoting by Market Makers, resulting in more trading opportunities and tighter spreads. To the extent this purpose is achieved, the proposed quote designations would enhance the market making function on the Exchange, which would improve overall market quality and improve competition on the Exchange to the benefit of all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or 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–NYSEArca–2018–74 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca-2018–74. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2018–74 and should be submitted on or before November 14, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[47]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23174 Filed 10–23–18; 8:45 am]

BILLING CODE 8011–01–P

[46] *See, e.g., supra* nn. 4, 5, 16, 17, 24.

[47] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84449; File No. SR–Phlx–2018–64]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section (a)(i)(D) of Rule 1012

October 18, 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 October 17, 2018, Nasdaq PHLX LLC (''Exchange'') filed with the Securities and Exchange Commission

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Section (a)(i)(D) of Rule 1012, Series of Options Open for Trading, to permit the listing and trading of up to ten expiration months for long term options on the SPDR® S&P 500® exchange-traded fund (the ''SPY ETF'').

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Section (a)(i)(D) of Rule 1012 currently provides that the Exchange may list, with respect to any class of stock or Exchange-Traded Fund Share options series, options having from twelve up to thirty-nine months from the time they are listed (''LEAPS'') until expiration. There may be up to six expiration months.[3] The Exchange proposes to amend Section (a)(i)(D) of Rule 1012 to permit up to ten LEAPS expiration months for options on the SPDR® S&P 500® exchange-traded fund (''SPY'') in response to customer demand.[4] The proposal will add liquidity to the SPY options market by allowing market participants to hedge risks relating to SPY positions over a longer time period with a known and limited cost.

The SPY options market today is characterized by its tremendous daily and annual liquidity. As a consequence the Exchange believes that the listing of additional SPY LEAPS expiration months would be well received by investors. This proposal to expand the number of permitted SPY long-term expiration months would not apply to LEAPS on any other class of stock or Exchange-Traded Fund Share.[5]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by offering market participants additional LEAPS on SPY options for their investment and risk management purposes. The proposal is intended simply to provide additional trading opportunities which have been requested by customers, thereby facilitating transactions in options and contributing to the protection of investors and the maintenance of fair and orderly markets. The proposed rule change responds to the continuing needs of market participants, particularly portfolio managers and other institutional customers, by providing protection from long-term market moves and by offering an alternative to hedging portfolios with futures positions or off-exchange customized derivative instruments.

Rule 1012 has permitted up to six expiration months in LEAPS since 1991, when the Exchange increased the number of permissible expiration months from four to six. In approving the increase to six expiration months, the Commission stated that it did not believe that increasing the number of expiration months to six would cause, by itself, a proliferation of expiration months. The Commission also required that the Exchange monitor the volume of additional options series listed as a result of the rule change, and the effect on the Exchange's system capacity and quotation dissemination displays.[8] The Exchange believes that the addition today of four additional expiration months for SPY LEAPS likewise does not represent a proliferation of expiration months, but is instead a very modest expansion of LEAPS options in response to stated customer demand. Significantly, the proposal would feature new LEAPS expiration months in only a single class of options that are very liquid and heavily traded, as discussed above. Additionally, the Exchange notes by way of precedent that ten expiration months are already permitted for stock index LEAPS options. Further, the Exchange has the necessary systems capacity to support the new SPY expiration months.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal merely provides investors additional investment and risk management opportunities by providing flexibility to the Exchange to list additional long term options expiration series, expanding the number of SPY LEAPS offered on the Exchange from six expiration months to ten expiration months.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and

[3] Strike price interval, bid/ask differential and continuity rules shall not apply to such options series until the time to expiration is less than nine months.

[4] In contrast to Section (a)(i)(D) of Rule 1012, Exchange Rule 1101A(b)(iii) which applies to index options permits to the Exchange to list LEAPS on any class of stock index options, adding up to ten expiration months. The Exchange seeks to list ten expiration months of LEAPS on the SPY ETF, just as it now may list ten LEAPS expiration months on index options, in order to provide investors with a wider choice of investments.

[5] Historically, SPY is the largest and most actively traded ETF in the United States as measured by its assets under management and the value of shares traded.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *See* Securities Exchange Act Release No. 29103 (April 18, 1991), 56 FR 19132 (April 25, 1991) (approving SR–Phlx–91–18).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is 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–Phlx–2018–64 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–Phlx–2018–64. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2018–64, and should be submitted on or before November 14, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23173 Filed 10–23–18; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15750 and #15751; South Carolina Disaster Number SC–00056]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of South Carolina

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Carolina (FEMA–4394–DR), dated 10/16/2018.

Incident: Hurricane Florence.

Incident Period: 09/08/2018 through 10/08/2018.

DATES: Issued on 10/16/2018.

Physical Loan Application Deadline Date: 12/17/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 07/16/2019.

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 President's major disaster declaration on 10/16/2018, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications 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: Berkeley, Calhoun, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Florence, Georgetown, Horry, Lancaster, Marion, Marlboro, Williamsburg.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 157508 and for economic injury is 157510.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–23240 Filed 10–23–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15744 and #15745; Georgia Disaster Number GA–00108]

Presidential Declaration Amendment of a Major Disaster for the State of Georgia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Georgia (FEMA–4400–DR), dated 10/14/2018.

Incident: Hurricane Michael.

Incident Period: 10/09/2018 and continuing.

DATES: Issued on 10/16/2018.

Physical Loan Application Deadline Date: 12/13/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 07/15/2019.

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: The notice of the President's major disaster declaration for the State of GEORGIA, dated 10/14/2018, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Crisp, Grady, Lee, Mitchell, Terrell, Thomas, Worth.

Contiguous Counties (Economic Injury Loans Only):

Georgia: Brooks, Colquitt, Dooly, Randolph, Sumter, Tift, Turner, Webster, Wilcox.

Florida: Jefferson, Leon.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–23236 Filed 10–23–18; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2018–0049]

Cost-of-Living Increase and Other Determinations for 2019

AGENCY: Social Security Administration.

ACTION: Notice.

SUMMARY: Under title II of the Social Security Act (Act), there will be a 2.8 percent cost-of-living increase in Social Security benefits effective December 2018. In addition, the national average wage index for 2017 is $50,321.89. The cost-of-living increase and national average wage index affect other program parameters as described below.

FOR FURTHER INFORMATION CONTACT: Susan C. Kunkel, Office of the Chief Actuary, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–3000. Information relating to this announcement is available on our internet site at *www.socialsecurity.gov/oact/cola/index.html.* For information on eligibility or claiming benefits, call 1–800–772–1213 (TTY 1–800–325–0778), or visit our internet site at *https://www.socialsecurity.gov* online.

SUPPLEMENTARY INFORMATION: Because of the 2.8 percent cost-of-living increase, the following items will increase for 2019:

(1) The maximum Federal Supplemental Security Income (SSI) monthly payment amounts for 2019 under title XVI of the Act will be $771 for an eligible individual, $1,157 for an eligible individual with an eligible spouse, and $386 for an essential person;

(2) The special benefit amount under title VIII of the Act for certain World War II veterans will be $578.25 for 2019;

(3) The student earned income exclusion under title XVI of the Act will be $1,870 per month in 2019, but not more than $7,550 for all of 2019;

(4) The dollar fee limit for services performed as a representative payee will be $43 per month ($82 per month in the case of a beneficiary who is disabled and has an alcoholism or drug addiction condition that leaves him or her incapable of managing benefits) in 2019; and

(5) The dollar limit on the administrative-cost fee assessment charged to an appointed representative such as an attorney, agent, or other person who represents claimants will be $95 beginning in December 2018.

The national average wage index for 2017 is $50,321.89. This index affects the following amounts:

(1) The Old-Age, Survivors, and Disability Insurance (OASDI) contribution and benefit base will be $132,900 for remuneration paid in 2019 and self-employment income earned in taxable years beginning in 2019;

(2) The monthly exempt amounts under the OASDI retirement earnings test for taxable years ending in calendar year 2019 will be $1,470 for beneficiaries who will attain their Normal Retirement Age (NRA) (defined in the *Retirement Earnings Test Exempt Amounts* section below) after 2019 and $3,910 for those who attain NRA in 2019;

(3) The dollar amounts (''bend points'') used in the primary insurance amount (PIA) formula for workers who become eligible for benefits, or who die before becoming eligible, in 2019 will be $926 and $5,583;

(4) The bend points used in the formula for computing maximum family benefits for workers who become eligible for retirement benefits, or who die before becoming eligible, in 2019 will be $1,184, $1,708, and $2,228;

(5) The taxable earnings a person must have to be credited with a quarter of coverage in 2019 will be $1,360;

(6) The ''old-law'' contribution and benefit base under title II of the Act will be $98,700 for 2019;

(7) The monthly amount deemed to constitute substantial gainful activity (SGA) for statutorily blind persons in 2019 will be $2,040. The corresponding amount for non-blind disabled persons will be $1,220;

(8) The earnings threshold establishing a month as a part of a trial work period will be $880 for 2019; and

(9) Coverage thresholds for 2019 will be $2,100 for domestic workers and $1,800 for election officials and election workers.

According to section 215(i)(2)(D) of the Act, we must publish the benefit increase percentage and the revised table of ''special minimum'' benefits within 45 days after the close of the third calendar quarter of 2018. We must also publish the following by November 1: The national average wage index for 2017 (215(a)(1)(D)), the OASDI fund ratio for 2018 (section 215(i)(2)(C)(ii)), the OASDI contribution and benefit base for 2019 (section 230(a)), the earnings required to be credited with a quarter of coverage in 2019 (section 213(d)(2)), the monthly exempt amounts under the Social Security retirement earnings test for 2019 (section 203(f)(8)(A)), the formula for computing a PIA for workers who first become eligible for benefits or die in 2019 (section 215(a)(1)(D)), and the formula for computing the maximum benefits payable to the family of a worker who first becomes eligible for old-age benefits or dies in 2019 (section 203(a)(2)(C)).

Cost-of-Living Increases

General

The cost-of-living increase is 2.8 percent for monthly benefits under title II and for monthly payments under title XVI of the Act. Under title II, OASDI monthly benefits will increase by 2.8 percent for individuals eligible for December 2018 benefits, payable in January 2019. We base this increase on the authority contained in section 215(i) of the Act.

Pursuant to section 1617 of the Act, Federal SSI benefit rates will also increase by 2.8 percent effective for payments made for January 2019 but paid on December 31, 2018.

Computation

Computation of the cost-of-living increase is based on an increase in a Consumer Price Index produced by the Bureau of Labor Statistics. At the time the Act was amended to provide cost-of-living increases, only one Consumer Price Index existed, namely the Consumer Price Index for Urban Wage Earners and Clerical Workers. Although the Bureau of Labor Statistics has since

developed other consumer price indices, we follow precedent by continuing to use the Consumer Price Index for Urban Wage Earners and Clerical Workers. We refer to this index in the following paragraphs as the CPI.

Section 215(i)(1)(B) of the Act defines a ''computation quarter'' to be a third calendar quarter in which the average CPI exceeded the average CPI in the previous computation quarter. The last cost-of-living increase, effective for those eligible to receive title II benefits for December 2017, was based on the CPI increase from the third quarter of 2016 to the third quarter of 2017. Therefore, the last computation quarter is the third quarter of 2017. The law states that a cost-of-living increase for benefits is determined based on the percentage increase, if any, in the CPI from the last computation quarter to the third quarter of the current year. Therefore, we compute the increase in the CPI from the third quarter of 2017 to the third quarter of 2018.

Section 215(i)(1) of the Act states that the CPI for a cost-of-living computation quarter is the arithmetic mean of this index for the 3 months in that quarter. In accordance with 20 CFR 404.275, we round the arithmetic mean, if necessary, to the nearest 0.001. The CPI for each month in the quarter ending September 30, 2017, the last computation quarter, is: For July 2017, 238.617; for August 2017, 239.448; and for September 2017, 240.939. The arithmetic mean for the calendar quarter ending September 30, 2017 is 239.668. The CPI for each month in the quarter ending September 30, 2018, is: For July 2018, 246.155; for August 2018, 246.336; and for September 2018, 246.565. The arithmetic mean for the calendar quarter ending September 30, 2018 is 246.352. The CPI for the calendar quarter ending September 30, 2018, exceeds that for the calendar quarter ending September 30, 2017 by 2.8 percent (rounded to the nearest 0.1). Therefore, beginning December 2018 a cost-of-living benefit increase of 2.8 percent is effective for benefits under title II of the Act.

Section 215(i) also specifies that a benefit increase under title II, effective for December of any year, will be limited to the increase in the national average wage index for the prior year if the OASDI fund ratio for that year is below 20.0 percent. The OASDI fund ratio for a year is the ratio of the combined assets of the OASDI Trust Funds at the beginning of that year to the combined expenditures of these funds during that year. For 2018, the OASDI fund ratio is assets of $2,891,789 million divided by estimated expenditures of $1,000,708 million, or 289.0 percent. Because the 289.0 percent OASDI fund ratio exceeds 20.0 percent, the benefit increase for December 2018 is not limited to the increase in the AWI.

Program Amounts That Change Based on the Cost-of-Living Increase

The following program amounts change based on the cost-of-living increase: (1) Title II benefits; (2) title XVI payments; (3) title VIII benefits; (4) the student earned income exclusion; (5) the fee for services performed by a representative payee; and (6) the appointed representative fee assessment.

Title II Benefit Amounts

In accordance with section 215(i) of the Act, for workers and family members for whom eligibility for benefits (that is, the worker's attainment of age 62, or disability or death before age 62) occurred before 2019, benefits will increase by 2.8 percent beginning with benefits for December 2018, which are payable in January 2019. For those first eligible after 2018, the 2.8 percent increase will not apply.

For eligibility after 1978, we determine benefits using a formula provided by the Social Security Amendments of 1977 (Pub. L. 95–216), as described later in this notice.

For eligibility before 1979, we determine benefits by using a benefit table. The table is available on the internet at *https://www.socialsecurity.gov/oact/ProgData/tableForm.html* or by writing to: Social Security Administration, Office of Public Inquiries, Windsor Park Building, 6401 Security Boulevard, Baltimore, MD 21235.

Section 215(i)(2)(D) of the Act requires that, when we determine an increase in Social Security benefits, we will publish in the **Federal Register** a revision of the range of the PIAs and maximum family benefits based on the dollar amount and other provisions described in section 215(a)(1)(C)(i). We refer to these benefits as ''special minimum'' benefits. These benefits are payable to certain individuals with long periods of low earnings. To qualify for these benefits, an individual must have at least 11 years of coverage. To earn a year of coverage for purposes of the special minimum benefit, a person must earn at least a certain proportion of the old-law contribution and benefit base (described later in this notice). For years before 1991, the proportion is 25 percent; for years after 1990, it is 15 percent. In accordance with section 215(a)(1)(C)(i), the table below shows the revised range of PIAs and maximum family benefit amounts after the 2.8 percent benefit increase.

SPECIAL MINIMUM PIAS AND MAXIMUM FAMILY BENEFITS PAYABLE FOR DECEMBER 2018

Number of years of coverage	PIA	Maximum family benefit
11	$41.90	$63.80
12	85.60	129.60
13	129.40	195.40
14	173.00	260.70
15	216.30	325.90
16	260.30	391.80
17	304.00	457.80
18	347.70	523.00
19	391.40	588.70
20	435.30	653.80
21	479.00	720.00
22	522.40	785.30
23	566.90	852.00
24	610.50	916.90
25	653.80	982.00
26	698.30	1,048.60
27	741.40	1,114.00
28	785.10	1,179.30
29	828.90	1,245.40
30	872.50	1,310.20

Title XVI Payment Amounts

In accordance with section 1617 of the Act, the Federal benefit rates used in computing Federal SSI payments for the aged, blind, and disabled will increase by 2.8 percent effective January 2019. For 2018, we derived the monthly payment amounts for an eligible individual, an eligible individual with an eligible spouse, and for an essential person—$750, $1,125, and $376, respectively—from yearly, unrounded Federal SSI payment amounts of $9,007.46, $13,509.70, and $4,514.06. For 2019, these yearly unrounded amounts respectively increase by 2.8 percent to $9,259.67, $13,887.97, and $4,640.45. We must round each of these resulting amounts, when not a multiple of $12, to the next lower multiple of $12. Therefore, the annual amounts, effective for 2019, are $9,252, $13,884, and $4,632. Dividing the yearly amounts by 12 gives the respective monthly amounts for 2019—$771, $1,157, and $386. For an eligible individual with an eligible spouse, we equally divide the amount payable between the two spouses.

Title VIII Benefit Amount

Title VIII of the Act provides for special benefits to certain World War II veterans who reside outside the United States. Section 805 of the Act provides that ''[t]he benefit under this title payable to a qualified individual for any month shall be in an amount equal to 75 percent of the Federal benefit rate

[the maximum amount for an eligible individual] under title XVI for the month, reduced by the amount of the qualified individual's benefit income for the month.'' Therefore, the monthly benefit for 2019 under this provision is 75 percent of $771, or $578.25.

Student Earned Income Exclusion

A blind or disabled child who is a student regularly attending school, college, university, or a course of vocational or technical training can have limited earnings that do not count against his or her SSI payments. The maximum amount of such income that we may exclude in 2018 is $1,820 per month, but not more than $7,350 in all of 2018. These amounts increase based on a formula set forth in regulation 20 CFR 416.1112.

To compute each of the monthly and yearly maximum amounts for 2019, we increase the unrounded amount for 2018 by the latest cost-of-living increase. If the amount so calculated is not a multiple of $10, we round it to the nearest multiple of $10. The unrounded monthly amount for 2018 is $1,822.44. We increase this amount by 2.8 percent to $1,873.47, which we then round to $1,870. Similarly, we increase the unrounded yearly amount for 2018, $7,346.23, by 2.8 percent to $7,551.92 and round this to $7,550. Therefore, the maximum amount of the income exclusion applicable to a student in 2019 is $1,870 per month but not more than $7,550 in all of 2019.

Fee for Services Performed as a Representative Payee

Sections 205(j)(4)(A)(i) and 1631(a)(2)(D)(i) of the Act permit a qualified organization to collect a monthly fee from a beneficiary for expenses incurred in providing services as the beneficiary's representative payee. In 2018, the fee is limited to the lesser of: (1) 10 percent of the monthly benefit involved; or (2) $42 each month ($80 each month when the beneficiary is entitled to disability benefits and has an alcoholism or drug addiction condition that makes the individual incapable of managing such benefits). The dollar fee limits are subject to increase by the cost-of-living increase, with the resulting amounts rounded to the nearest whole dollar amount. Therefore, we increase the current amounts by 2.8 percent to $43 and $82 for 2019.

Appointed Representative Fee Assessment

Under sections 206(d) and 1631(d) of the Act, whenever we pay a fee to a representative such as an attorney, agent, or other person who represents claimants, we must impose on the representative an assessment to cover administrative costs. The assessment is no more than 6.3 percent of the representative's authorized fee or, if lower, a dollar amount that is subject to increase by the cost-of-living increase. We derive the dollar limit for December 2018 by increasing the unrounded limit for December 2017, $93.30, by 2.8 percent, which is $95.91. We then round $95.91 to the next lower multiple of $1. The dollar limit effective for December 2018 is, therefore, $95.

National Average Wage Index for 2017

Computation

We determined the national average wage index for calendar year 2017 based on the 2016 national average wage index of $48,642.15, published in the **Federal Register** on December 15, 2017 (82 FR 59937), and the percentage increase in average wages from 2016 to 2017, as measured by annual wage data. We tabulate the annual wage data, including contributions to deferred compensation plans, as required by section 209(k) of the Act. The average amounts of wages calculated from these data were $46,640.94 for 2016 and $48,251.57 for 2017. To determine the national average wage index for 2017 at a level consistent with the national average wage indexing series for 1951 through 1977 (published December 29, 1978, at 43 FR 61016), we multiply the 2016 national average wage index of $48,642.15 by the percentage increase in average wages from 2016 to 2017 (based on SSA-tabulated wage data) as follows. We round the result to the nearest cent.

National Average Wage Index Amount

Multiplying the national average wage index for 2016 ($48,642.15) by the ratio of the average wage for 2017 ($48,251.57) to that for 2016 ($46,640.94) produces the 2017 index, $50,321.89. The national average wage index for calendar year 2017 is about 3.45 percent higher than the 2016 index.

Program Amounts That Change Based on the National Average Wage Index

Under the Act, the following amounts change with annual changes in the national average wage index: (1) The OASDI contribution and benefit base; (2) the exempt amounts under the retirement earnings test; (3) the dollar amounts, or bend points, in the PIA formula; (4) the bend points in the maximum family benefit formula; (5) the earnings required to credit a worker with a quarter of coverage; (6) the old-law contribution and benefit base (as determined under section 230 of the Act as in effect before the 1977 amendments); (7) the substantial gainful activity (SGA) amount applicable to statutorily blind individuals; and (8) the coverage threshold for election officials and election workers. Additionally, under section 3121(x) of the Internal Revenue Code, the domestic employee coverage threshold is based on changes in the national average wage index.

Two amounts also increase under regulatory requirements—the SGA amount applicable to non-blind disabled persons, and the monthly earnings threshold that establishes a month as part of a trial work period for disabled beneficiaries.

OASDI Contribution and Benefit Base

General

The OASDI contribution and benefit base is $132,900 for remuneration paid in 2019 and self-employment income earned in taxable years beginning in 2019. The OASDI contribution and benefit base serves as the maximum annual earnings on which OASDI taxes are paid. It is also the maximum annual earnings used in determining a person's OASDI benefits.

Computation

Section 230(b) of the Act provides the formula used to determine the OASDI contribution and benefit base. Under the formula, the base for 2019 is the larger of: (1) The 1994 base of $60,600 multiplied by the ratio of the national average wage index for 2017 to that for 1992; or (2) the current base ($128,400). If the resulting amount is not a multiple of $300, we round it to the nearest multiple of $300.

OASDI Contribution and Benefit Base Amount

Multiplying the 1994 OASDI contribution and benefit base ($60,600) by the ratio of the national average wage index for 2017 ($50,321.89 as determined above) to that for 1992 ($22,935.42) produces $132,960.57. We round this amount to $132,900. Because $132,900 exceeds the current base amount of $128,400, the OASDI contribution and benefit base is $132,900 for 2019.

Retirement Earnings Test Exempt Amounts

General

We withhold Social Security benefits when a beneficiary under the NRA has earnings over the applicable retirement earnings test exempt amount. The NRA is the age when retirement benefits (before rounding) are equal to the PIA.

The NRA is age 66 for those born in 1943–54, and it gradually increases to age 67 for those born in 1960 or later. A higher exempt amount applies in the year in which a person attains NRA, but only for earnings in months before such attainment. A lower exempt amount applies at all other ages below NRA. Section 203(f)(8)(B) of the Act provides formulas for determining the monthly exempt amounts. The annual exempt amounts are exactly 12 times the monthly amounts.

For beneficiaries who attain NRA in the year, we withhold $1 in benefits for every $3 of earnings over the annual exempt amount for months before NRA. For all other beneficiaries under NRA, we withhold $1 in benefits for every $2 of earnings over the annual exempt amount.

Computation

Under the formula that applies to beneficiaries attaining NRA after 2019, the lower monthly exempt amount for 2019 is the larger of: (1) The 1994 monthly exempt amount multiplied by the ratio of the national average wage index for 2017 to that for 1992; or (2) the 2018 monthly exempt amount ($1,420). If the resulting amount is not a multiple of $10, we round it to the nearest multiple of $10.

Under the formula that applies to beneficiaries attaining NRA in 2019, the higher monthly exempt amount for 2019 is the larger of: (1) The 2002 monthly exempt amount multiplied by the ratio of the national average wage index for 2017 to that for 2000; or (2) the 2018 monthly exempt amount ($3,780). If the resulting amount is not a multiple of $10, we round it to the nearest multiple of $10.

Lower Exempt Amount

Multiplying the 1994 retirement earnings test monthly exempt amount of $670 by the ratio of the national average wage index for 2017 ($50,321.89) to that for 1992 ($22,935.42) produces $1,470.03. We round this to $1,470. Because $1,470 exceeds the current exempt amount of $1,420, the lower retirement earnings test monthly exempt amount is $1,470 for 2019. The lower annual exempt amount is $17,640 under the retirement earnings test.

Higher Exempt Amount

Multiplying the 2002 retirement earnings test monthly exempt amount of $2,500 by the ratio of the national average wage index for 2017 ($50,321.89) to that for 2000 ($32,154.82) produces $3,912.47. We round this to $3,910. Because $3,910 exceeds the current exempt amount of $3,780, the higher retirement earnings test monthly exempt amount is $3,910 for 2019. The higher annual exempt amount is $46,920 under the retirement earnings test.

Primary Insurance Amount Formula

General

The Social Security Amendments of 1977 provided a method for computing benefits that generally applies when a worker first becomes eligible for benefits after 1978. This method uses the worker's average indexed monthly earnings (AIME) to compute the PIA. We adjust the formula each year to reflect changes in general wage levels, as measured by the national average wage index.

We also adjust, or index, a worker's earnings to reflect the change in the general wage levels that occurred during the worker's years of employment. Such indexing ensures that a worker's future benefit level will reflect the general rise in the standard of living that will occur during his or her working lifetime. To compute the AIME, we first determine the required number of years of earnings. We then select the number of years with the highest indexed earnings, add the indexed earnings for those years, and divide the total amount by the total number of months in those years. We then round the resulting average amount down to the next lower dollar amount. The result is the AIME.

Computing the PIA

The PIA is the sum of three separate percentages of portions of the AIME. In 1979 (the first year the formula was in effect), these portions were the first $180, the amount between $180 and $1,085, and the amount over $1,085. We call the dollar amounts in the formula governing the portions of the AIME the ''bend points'' of the formula. Therefore, the bend points for 1979 were $180 and $1,085.

To obtain the bend points for 2019, we multiply each of the 1979 bend-point amounts by the ratio of the national average wage index for 2017 to that average for 1977. We then round these results to the nearest dollar. Multiplying the 1979 amounts of $180 and $1,085 by the ratio of the national average wage index for 2017 ($50,321.89) to that for 1977 ($9,779.44) produces the amounts of $926.22 and $5,583.07. We round these to $926 and $5,583. Therefore, the portions of the AIME to be used in 2019 are the first $926, the amount between $926 and $5,583, and the amount over $5,583.

Therefore, for individuals who first become eligible for old-age insurance benefits or disability insurance benefits in 2019, or who die in 2019 before becoming eligible for benefits, their PIA will be the sum of:

(a) 90 percent of the first $926 of their AIME, plus

(b) 32 percent of their AIME over $926 and through $5,583, plus

(c) 15 percent of their AIME over $5,583.

We round this amount to the next lower multiple of $0.10 if it is not already a multiple of $0.10. This formula and the rounding adjustment are stated in section 215(a) of the Act.

Maximum Benefits Payable to a Family

General

The 1977 amendments continued the policy of limiting the total monthly benefits that a worker's family may receive based on the worker's PIA. Those amendments also continued the relationship between maximum family benefits and PIAs but changed the method of computing the maximum benefits that may be paid to a worker's family. The Social Security Disability Amendments of 1980 (Pub. L. 96–265) established a formula for computing the maximum benefits payable to the family of a disabled worker. This formula applies to the family benefits of workers who first become entitled to disability insurance benefits after June 30, 1980, and who first become eligible for these benefits after 1978. For disabled workers initially entitled to disability benefits before July 1980 or whose disability began before 1979, we compute the family maximum payable the same as the old-age and survivor family maximum.

Computing the Old-Age and Survivor Family Maximum

The formula used to compute the family maximum is similar to that used to compute the PIA. It involves computing the sum of four separate percentages of portions of the worker's PIA. In 1979, these portions were the first $230, the amount between $230 and $332, the amount between $332 and $433, and the amount over $433. We refer to such dollar amounts in the formula as the ''bend points'' of the family-maximum formula.

To obtain the bend points for 2019, we multiply each of the 1979 bend-point amounts by the ratio of the national average wage index for 2017 to that average for 1977. Then we round this amount to the nearest dollar. Multiplying the amounts of $230, $332, and $433 by the ratio of the national average wage index for 2017 ($50,321.89) to that for 1977 ($9,779.44)

produces the amounts of $1,183.51, $1,708.37, and $2,228.08. We round these amounts to $1,184, $1,708, and $2,228. Therefore, the portions of the PIAs to be used in 2019 are the first $1,184, the amount between $1,184 and $1,708, the amount between $1,708 and $2,228, and the amount over $2,228.

Thus, for the family of a worker who becomes age 62 or dies in 2019 before age 62, we will compute the total benefits payable to them so that it does not exceed:

(a) 150 percent of the first $1,184 of the worker's PIA, plus

(b) 272 percent of the worker's PIA over $1,184 through $1,708, plus

(c) 134 percent of the worker's PIA over $1,708 through $2,228, plus

(d) 175 percent of the worker's PIA over $2,228.

We then round this amount to the next lower multiple of $0.10 if it is not already a multiple of $0.10. This formula and the rounding adjustment are stated in section 203(a) of the Act.

Quarter of Coverage Amount

General

The earnings required for a quarter of coverage in 2019 is $1,360. A quarter of coverage is the basic unit for determining if a worker is insured under the Social Security program. For years before 1978, we generally credited an individual with a quarter of coverage for each quarter in which wages of $50 or more were paid, or with 4 quarters of coverage for every taxable year in which $400 or more of self-employment income was earned. Beginning in 1978, employers generally report wages yearly instead of quarterly. With the change to yearly reporting, section 352(b) of the Social Security Amendments of 1977 amended section 213(d) of the Act to provide that a quarter of coverage would be credited for each $250 of an individual's total wages and self-employment income for calendar year 1978, up to a maximum of 4 quarters of coverage for the year. The amendment also provided a formula for years after 1978.

Computation

Under the prescribed formula, the quarter of coverage amount for 2019 is the larger of: (1) The 1978 amount of $250 multiplied by the ratio of the national average wage index for 2017 to that for 1976; or (2) the current amount of $1,320. Section 213(d) provides that if the resulting amount is not a multiple of $10, we round it to the nearest multiple of $10.

Quarter of Coverage Amount

Multiplying the 1978 quarter of coverage amount ($250) by the ratio of the national average wage index for 2017 ($50,321.89) to that for 1976 ($9,226.48) produces $1,363.52. We then round this amount to $1,360. Because $1,360 exceeds the current amount of $1,320, the quarter of coverage amount is $1,360 for 2019.

Old-Law Contribution and Benefit Base

General

The old-law contribution and benefit base for 2019 is $98,700. This base would have been effective under the Act without the enactment of the 1977 amendments.

The old-law contribution and benefit base is used by:

(a) The Railroad Retirement program to determine certain tax liabilities and tier II benefits payable under that program to supplement the tier I payments that correspond to basic Social Security benefits,

(b) the Pension Benefit Guaranty Corporation to determine the maximum amount of pension guaranteed under the Employee Retirement Income Security Act (section 230(d) of the Act),

(c) Social Security to determine a year of coverage in computing the special minimum benefit, as described earlier, and

(d) Social Security to determine a year of coverage (acquired whenever earnings equal or exceed 25 percent of the old-law base for this purpose only) in computing benefits for persons who are also eligible to receive pensions based on employment not covered under section 210 of the Act.

Computation

The old-law contribution and benefit base is the larger of: (1) The 1994 old-law base ($45,000) multiplied by the ratio of the national average wage index for 2017 to that for 1992; or (2) the current old-law base ($95,400). If the resulting amount is not a multiple of $300, we round it to the nearest multiple of $300.

Old-Law Contribution and Benefit Base Amount

Multiplying the 1994 old-law contribution and benefit base ($45,000) by the ratio of the national average wage index for 2017 ($50,321.89) to that for 1992 ($22,935.42) produces $98,733.10. We round this amount to $98,700. Because $98,700 exceeds the current amount of $95,400, the old-law contribution and benefit base is $98,700 for 2019.

Substantial Gainful Activity Amounts

General

A finding of disability under titles II and XVI of the Act requires that a person, except for a title XVI disabled child, be unable to engage in SGA. A person who is earning more than a certain monthly amount is ordinarily considered to be engaging in SGA. The monthly earnings considered as SGA depends on the nature of a person's disability. Section 223(d)(4)(A) of the Act specifies the SGA amount for statutorily blind individuals under title II while our regulations (20 CFR 404.1574 and 416.974) specify the SGA amount for non-blind individuals.

Computation

The monthly SGA amount for statutorily blind individuals under title II for 2019 is the larger of: (1) The amount for 1994 multiplied by the ratio of the national average wage index for 2017 to that for 1992; or (2) the amount for 2018. The monthly SGA amount for non-blind disabled individuals for 2019 is the larger of: (1) The amount for 2000 multiplied by the ratio of the national average wage index for 2017 to that for 1998; or (2) the amount for 2018. In either case, if the resulting amount is not a multiple of $10, we round it to the nearest multiple of $10.

SGA Amount for Statutorily Blind Individuals

Multiplying the 1994 monthly SGA amount for statutorily blind individuals ($930) by the ratio of the national average wage index for 2017 ($50,321.89) to that for 1992 ($22,935.42) produces $2,040.48. We then round this amount to $2,040. Because $2,040 exceeds the current amount of $1,970, the monthly SGA amount for statutorily blind individuals is $2,040 for 2019.

SGA Amount for Non-Blind Disabled Individuals

Multiplying the 2000 monthly SGA amount for non-blind individuals ($700) by the ratio of the national average wage index for 2017 ($50,321.89) to that for 1998 ($28,861.44) produces $1,220.50. We then round this amount to $1,220. Because $1,220 exceeds the current amount of $1,180, the monthly SGA amount for non-blind disabled individuals is $1,220 for 2019.

Trial Work Period Earnings Threshold

General

During a trial work period of 9 months in a rolling 60-month period, a beneficiary receiving Social Security disability benefits may test his or her

ability to work and still receive monthly benefit payments. To be considered a trial work period month, earnings must be over a certain level. In 2019, any month in which earnings exceed $880 is considered a month of services for an individual's trial work period.

Computation

The method used to determine the new amount is set forth in our regulations at 20 CFR 404.1592(b). Monthly earnings in 2019, used to determine whether a month is part of a trial work period, is the larger of: (1) The amount for 2001 ($530) multiplied by the ratio of the national average wage index for 2017 to that for 1999; or (2) the amount for 2018. If the amount so calculated is not a multiple of $10, we round it to the nearest multiple of $10.

Trial Work Period Earnings Threshold Amount

Multiplying the 2001 monthly earnings threshold ($530) by the ratio of the national average wage index for 2017 ($50,321.89) to that for 1999 ($30,469.84) produces $875.31. We then round this amount to $880. Because $880 exceeds the current amount of $850, the monthly earnings threshold is $880 for 2019.

Domestic Employee Coverage Threshold

General

The minimum amount a domestic worker must earn so that such earnings are covered under Social Security or Medicare is the domestic employee coverage threshold. For 2019, this threshold is $2,100. Section 3121(x) of the Internal Revenue Code provides the formula for increasing the threshold.

Computation

Under the formula, the domestic employee coverage threshold for 2019 is equal to the 1995 amount of $1,000 multiplied by the ratio of the national average wage index for 2017 to that for 1993. If the resulting amount is not a multiple of $100, we round it to the next lower multiple of $100.

Domestic Employee Coverage Threshold Amount

Multiplying the 1995 domestic employee coverage threshold ($1,000) by the ratio of the national average wage index for 2017 ($50,321.89) to that for 1993 ($23,132.67) produces $2,175.36. We then round this amount to $2,100. Therefore, the domestic employee coverage threshold amount is $2,100 for 2019.

Election Official and Election Worker Coverage Threshold

General

The minimum amount an election official and election worker must earn so the earnings are covered under Social Security or Medicare is the election official and election worker coverage threshold. For 2019, this threshold is $1,800. Section 218(c)(8)(B) of the Act provides the formula for increasing the threshold.

Computation

Under the formula, the election official and election worker coverage threshold for 2019 is equal to the 1999 amount of $1,000 multiplied by the ratio of the national average wage index for 2017 to that for 1997. If the amount we determine is not a multiple of $100, we round it to the nearest multiple of $100.

Election Official and Election Worker Coverage Threshold Amount

Multiplying the 1999 coverage threshold amount ($1,000) by the ratio of the national average wage index for 2017 ($50,321.89) to that for 1997 ($27,426.00) produces $1,834.82. We then round this amount to $1,800. Therefore, the election official and election worker coverage threshold amount is $1,800 for 2019.

(Catalog of Federal Domestic Assistance: Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.004 Social Security—Survivors Insurance; 96.006 Supplemental Security Income)

Nancy A. Berryhill,

Acting Commissioner of Social Security.

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STATE JUSTICE INSTITUTE

Grant Guideline

AGENCY: State Justice Institute.

ACTION: Grant Guideline for FY 2019.

SUMMARY: This Guideline sets forth the administrative, programmatic, and financial requirements attendant to Fiscal Year 2019 State Justice Institute grants.

DATES: October 24, 2018.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 11951 Freedom Drive, Suite 1020, Reston, VA 20190, 571–313–8843, *jonathan.mattiello@sji.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the State Justice Institute Act of 1984 (42 U.S.C. 10701, *et seq.*), SJI is authorized to award grants, cooperative agreements, and contracts to state and local courts, nonprofit organizations, and others for the purpose of improving the quality of justice in the state courts of the United States.

The following Grant Guideline is adopted by the State Justice Institute for FY 2019.

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I. The Mission of the State Justice Institute

SJI was established by State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 *et seq.*) to improve the administration of justice in the state courts of the United States. Incorporated in the State of Virginia as a private, nonprofit corporation, SJI is charged, by statute, with the responsibility to:

- Direct a national program of financial assistance designed to assure that each citizen of the United States is provided ready access to a fair and effective system of justice;
- Foster coordination and cooperation with the federal judiciary;
- Promote recognition of the importance of the separation of powers doctrine to an independent judiciary; and
- Encourage education for judges and support personnel of state court systems through national and state organizations.

To accomplish these broad objectives, SJI is authorized to provide funding to state courts, national organizations which support and are supported by state courts, national judicial education organizations, and other organizations that can assist in improving the quality of justice in the state courts. SJI is supervised by a Board of Directors appointed by the President, with the advice and consent of the Senate. The Board is statutorily composed of six judges; a state court administrator; and four members of the public, no more than two of the same political party.

Through the award of grants, contracts, and cooperative agreements, SJI is authorized to perform the following activities:

A. Support technical assistance, demonstrations, special projects, research and training to improve the administration of justice in the state courts;

B. Provide for the preparation, publication, and dissemination of information regarding state judicial systems;

C. Participate in joint projects with federal agencies and other private grantors;

D. Evaluate or provide for the evaluation of programs and projects to determine their impact upon the quality of criminal, civil, and juvenile justice and the extent to which they have contributed to improving the quality of justice in the state courts;

E. Encourage and assist in furthering judicial education; and,

F. Encourage, assist, and serve in a consulting capacity to state and local courts in the development, maintenance, and coordination of criminal, civil, and juvenile justice programs and services.

II. Eligibility for Award

SJI is authorized by Congress to award grants, cooperative agreements, and contracts to the following entities and types of organizations:

A. *State and local courts and their agencies (42 U.S.C. 10705(b)(1)(A)).*

B. *National nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branches of state governments (42 U.S.C. 10705(b)(1)(B)).*

C. *National nonprofit organizations for the education and training of judges and support personnel of the judicial branch of state governments (42 U.S.C. 10705(b)(1)(C)).* An applicant is considered a national education and training applicant under section 10705(b)(1)(C) if:

1. The principal purpose or activity of the applicant is to provide education and training to state and local judges and court personnel; and

2. The applicant demonstrates a record of substantial experience in the field of judicial education and training.

D. *Other eligible grant recipients (42 U.S.C. 10705(b)(2)(A)–(D)).*

1. Provided that the objectives of the project can be served better, the Institute is also authorized to make awards to:

a. Nonprofit organizations with expertise in judicial administration;

b. Institutions of higher education;

c. Individuals, partnerships, firms, corporations (for-profit organizations must waive their fees); and

d. Private agencies with expertise in judicial administration.

2. SJI may also make awards to state or local agencies and institutions other than courts for services that cannot be adequately provided through nongovernmental arrangements (42 U.S.C. 10705(b)(3)).

E. *Inter-agency Agreements.* SJI may enter into inter-agency agreements with federal agencies (42 U.S.C. 10705(b)(4)) and private funders to support projects consistent with the purposes of the State Justice Institute Act.

SJI is prohibited from awarding grants to federal, tribal, and international courts.

III. Scope of the Program

SJI is offering six types of grants in FY 2019: Project Grants, Technical Assistance (TA) Grants, Curriculum Adaptation and Training (CAT) Grants, Partner Grants, Strategic Initiatives Grants (SIG) Program, and the Education Support Program (ESP).

The SJI Board of Directors has established Priority Investment Areas for grant funding. SJI will allocate significant financial resources through grant-making for these Priority Investment Areas (in no ranking order):

- Opioids and the the State Courts Response—SJI is supporting a comprehensive strategy for responding to the challenges facing state courts in addressing the national opioid crisis. Projects that address this Priority Investment Area will inform the work of the Conference of Chief Justices/ Conference of State Court Administrators (CCJ/COSCA) National Opioid Task Force.
- Human Trafficking and the State Courts—Through the Human Trafficking and the State Courts Collaborative, addressing the impact of federal and state human trafficking laws on the state courts, and the challenges faced by state courts in dealing with cases involving trafficking victims and their families.
- Guardianship, Conservatorship, and Elder Issues—Assisting the state courts in improving their oversight responsibilities through electronic reporting, visitor programs, and training.
- Juvenile Justice Reform—innovative projects that have no other existing or potential funding sources (federal, state, or private) that will advance best practices in handling dependency and delinquency cases; promote effective court oversight of juveniles in the justice system; address the impact of trauma on juvenile behavior; assist the courts in identification of appropriate provision of services for juveniles; and address juvenile re-entry.
- Reengineering to Improve Court Operations—Assisting courts with the process of reengineering, regionalization or centralization of services, structural changes, and improving performance. This includes the innovative use of remote technology to improve the business operations of the courts, and provide for the transaction of court hearings without an appearance in a physical courtroom.
- Fines, Fees, and Bail Practices—Assisting courts in taking a leadership role in reviewing fines, fees, and bail practices to ensure processes are fair and access to justice is assured; implementing alternative forms of sanction; developing processes for indigency review; and transparency, governance, and structural reforms that promote access to justice, accountability, and oversight. Projects that address this Priority Investment Area will inform the work of the Conference of Chief Justices/Conference of State Court Administrators (CCJ/ COSCA) National Task Force on Fines, Fees, and Bail Practices.
- Self-Represented Litigation—promoting court-based solutions to address increase in self-represented litigants; specifically making courts more user-friendly by simplifying court forms, providing one-on-one assistance, developing guides, handbooks, and instructions on how to proceed, developing court-based self-help centers, and using internet technologies to increase access.
- Language Access and the State Courts—improving language access in the state courts through remote interpretation (outside the courtroom), interpreter certification, and courtroom services (plain language forms, websites, etc.).

A. Project Grants

Project Grants are intended to support innovative education and training, research and evaluation, demonstration, and technical assistance projects that can improve the administration of justice in state courts locally or nationwide. Project Grants may ordinarily not exceed $300,000. Examples of expenses not covered by Project Grants include the salaries, benefits, or travel of full- or part-time court employees. Grant periods for Project Grants ordinarily may not exceed 36 months.

Applicants for Project Grants will be required to contribute a cash match of not less than 50 percent of the total cost of the proposed project. In other words, grant awards by SJI must be matched at least dollar for dollar by grant applicants. Applicants may contribute the required cash match directly or in cooperation with third parties. Prospective applicants should carefully review Section VI.8. (matching requirements) and Section VI.16.a. (non-supplantation) of the Guideline prior to beginning the application process. Funding from other federal departments

or agencies may not be used for cash match. If questions arise, applicants are strongly encouraged to consult SJI.

As set forth in Section I., SJI is authorized to fund projects addressing a broad range of program areas. Funding will not be made available for the ordinary, routine operations of court systems.

B. Technical Assistance (TA) Grants

TA Grants are intended to provide state or local courts, or regional court associations, with sufficient support to obtain expert assistance to diagnose a problem, develop a response to that problem, and implement any needed changes. TA Grants may not exceed $50,000. Examples of expenses not covered by TA Grants include the salaries, benefits, or travel of full-or part-time court employees. Grant periods for TA Grants ordinarily may not exceed 12 months. In calculating project duration, applicants are cautioned to fully consider the time required to issue a request for proposals, negotiate a contract with the selected provider, and execute the project.

Applicants for TA Grants will be required to contribute a *total* match of not less than 50 percent of the grant amount requested, of which 20 percent must be cash. In other words, an applicant seeking a $50,000 TA grant must provide a $25,000 match, of which up to $20,000 can be in-kind and not less than $5,000 must be cash. Funding from other federal departments and agencies may not be used for cash match. TA Grant application procedures can be found in section IV.B.

C. Curriculum Adaptation and Training (CAT) Grants

CAT Grants are intended to: (1) Enable courts or national court associations to modify and adapt model curricula, course modules, or conference programs to meet states' or local jurisdictions' educational needs; train instructors to present portions or all of the curricula; and pilot-test them to determine their appropriateness, quality, and effectiveness, or (2) conduct judicial branch education and training programs, led by either expert or in-house personnel, designed to prepare judges and court personnel for innovations, reforms, and/or new technologies recently adopted by grantee courts. CAT Grants may not exceed $30,000. Examples of expenses not covered by CAT Grants include the salaries, benefits, or travel of full-or part-time court employees. Grant periods for CAT Grants ordinarily may not exceed 12 months.

Applicants for CAT Grants will be required to contribute a match of not less than 50 percent of the grant amount requested, of which 20 percent must be cash. In other words, an applicant seeking a $30,000 CAT grant must provide a $15,000 match, of which up to $12,000 can be in-kind and not less than $3,000 must be cash. Funding from other federal departments and agencies may not be used for cash match. CAT Grant application procedures can be found in section IV.C.

D. Partner Grants

Partner Grants are intended to allow SJI and federal, state, or local agencies or foundations, trusts, or other private entities to combine financial resources in pursuit of common interests. SJI and its financial partners may set any level for Partner Grants, subject to the entire amount of the grant being available at the time of the award. Grant periods for Partner Grants ordinarily may not exceed 36 months.

Partner Grants are subject to the same cash match requirement as Project Grants. In other words, grant awards by SJI must be matched at least dollar-for-dollar. Partner Grants are initiated and coordinated by SJI and its financial partner. More information on Partner Grants can be found in section IV.D.

E. Strategic Initiatives Grants

The Strategic Initiatives Grants (SIG) program provides SJI with the flexibility to address national court issues as they occur, and develop solutions to those problems. This is an innovative approach where SJI uses its expertise and the expertise and knowledge of its grantees to address key issues facing state courts across the United States.

The funding is used for grants or contractual services, and is handled at the discretion of the SJI Board of Directors and staff outside the normal grant application process (*i.e.,* SJI will initiate the project).

F. Education Support Program (ESP) for Judges and Court Managers

The Education Support Program (ESP) is intended to enhance the skills, knowledge, and abilities of state court judges and court managers by enabling them to attend out-of-state, or to enroll in online, educational and training programs sponsored by national and state providers that they could not otherwise attend or take online because of limited state, local, and personal budgets. The program only covers the cost of tuition up to a maximum of $1,000 per course. More information on the ESP program can be found in section IV.E.

IV. Grant Applications

A. Project Grants

An application for a Project Grant must include an application form; budget forms (with appropriate documentation); a project abstract and program narrative; a disclosure of lobbying form, when applicable; and certain certifications and assurances (see below). See *www.sji.gov/forms* for Project Grant application forms.

1. Forms

a. Application Form (Form A)

The application form requests basic information regarding the proposed project, the applicant, and the total amount of funding requested from SJI. It also requires the signature of an individual authorized to certify on behalf of the applicant that the information contained in the application is true and complete; that submission of the application has been authorized by the applicant; and that if funding for the proposed project is approved, the applicant will comply with the requirements and conditions of the award, including the assurances set forth in Form D.

b. Certificate of State Approval (Form B)

An application from a state or local court must include a copy of Form B signed by the state's chief justice or state court administrator. The signature denotes that the proposed project has been approved by the state's highest court or the agency or council it has designated. It denotes further that, if applicable, a cash match reduction has been requested, and that if SJI approves funding for the project, the court or the specified designee will receive, administer, and be accountable for the awarded funds.

c. Budget Form (Form C)

Applicants must submit a Form C. In addition, applicants must provide a detailed budget narrative providing an explanation of the basis for the estimates in each budget category (see subsection A.4. below).

If funds from other sources are required to conduct the project, either as match or to support other aspects of the project, the source, current status of the request, and anticipated decision date must be provided.

d. Assurances (Form D)

This form lists the statutory, regulatory, and policy requirements with which recipients of Institute funds must comply.

e. Disclosure of Lobbying Activities (Form E)

Applicants other than units of state or local government are required to disclose whether they, or another entity that is part of the same organization as the applicant, have advocated a position before Congress on any issue, and to identify the specific subjects of their lobbying efforts (see section VI.A.7.).

2. Project Abstract

The abstract should highlight the purposes, goals, methods, and anticipated benefits of the proposed project. It should not exceed 1 single-spaced page.

3. Program Narrative

The program narrative for an application may not exceed 25 double-spaced pages. The pages should be numbered. This page limit does not include the forms, the abstract, the budget narrative, and any appendices containing resumes and letters of cooperation or endorsement. Additional background material should be attached only if it is essential to impart a clear understanding of the proposed project. Numerous and lengthy appendices are strongly discouraged.

The program narrative should address the following topics:

a. Project Objectives

The applicant should include a clear, concise statement of what the proposed project is intended to accomplish. In stating the objectives of the project, applicants should focus on the overall programmatic objective (*e.g.,* to enhance understanding and skills regarding a specific subject, or to determine how a certain procedure affects the court and litigants) rather than on operational objectives.

The applicant must describe how the proposed project addresses one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicant must provide an explanation why not.

b. Need for the Project

If the project is to be conducted in any specific location(s), the applicant should discuss the particular needs of the project site(s) to be addressed by the project and why those needs are not being met through the use of existing programs, procedures, services, or other resources.

If the project is not site-specific, the applicant should discuss the problems that the proposed project would address, and why existing programs, procedures, services, or other resources cannot adequately resolve those problems. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the National Center for State Courts (NCSC) Library and Digital Archive. Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants, and previous projects not supported by SJI. Searches for SJI grant reports and other state court resources begin with the NCSC Library section. Applicants must discuss the results of their research; how they plan to incorporate the previous work into their proposed project; and if the project will differentiate from prior work.

c. Tasks, Methods and Evaluations

(1) Tasks and Methods. The applicant should delineate the tasks to be performed in achieving the project objectives and the methods to be used for accomplishing each task. For example:

(a) *For research and evaluation projects,* the applicant should include the data sources, data collection strategies, variables to be examined, and analytic procedures to be used for conducting the research or evaluation and ensuring the validity and general applicability of the results. For projects involving human subjects, the discussion of methods should address the procedures for obtaining respondents' informed consent, ensuring the respondents' privacy and freedom from risk or harm, and protecting others who are not the subjects of research but would be affected by the research. If the potential exists for risk or harm to human subjects, a discussion should be included that explains the value of the proposed research and the methods to be used to minimize or eliminate such risk.

(b) *For education and training projects,* the applicant should include the adult education techniques to be used in designing and presenting the program, including the teaching/learning objectives of the educational design, the teaching methods to be used, and the opportunities for structured interaction among the participants; how faculty would be recruited, selected, and trained; the proposed number and length of the conferences, courses, seminars, or workshops to be conducted and the estimated number of persons who would attend them; the materials to be provided and how they would be developed; and the cost to participants.

(c) *For demonstration projects,* the applicant should include the demonstration sites and the reasons they were selected, or if the sites have not been chosen, how they would be identified and their cooperation obtained; and how the program or procedures would be implemented and monitored.

(d) *For technical assistance projects,* the applicant should explain the types of assistance that would be provided; the particular issues and problems for which assistance would be provided; the type of assistance determined; how suitable providers would be selected and briefed; and how reports would be reviewed.

(2) Evaluation. Projects should include an evaluation plan to determine whether the project met its objectives. The evaluation should be designed to provide an objective and independent assessment of the effectiveness or usefulness of the training or services provided; the impact of the procedures, technology, or services tested; or the validity and applicability of the research conducted. The evaluation plan should be appropriate to the type of project proposed.

d. Project Management

The applicant should present a detailed management plan, including the starting and completion date for each task; the time commitments to the project of key staff and their responsibilities regarding each project task; and the procedures that would ensure that all tasks are performed on time, within budget, and at the highest level of quality. In preparing the project time line, Gantt Chart, or schedule, applicants should make certain that all project activities, including publication or reproduction of project products and their initial dissemination, would occur within the proposed project period. The management plan must also provide for the submission of Quarterly Progress and Financial Reports within 30 days after the close of each calendar quarter (*i.e.,* no later than January 30, April 30, July 30, and October 30), per section VI.A.13.

Applicants should be aware that SJI is unlikely to approve a limited extension of the grant period without strong justification. Therefore, the management plan should be as realistic as possible and fully reflect the time commitments of the proposed project staff and consultants.

e. Products

The program narrative in the application should contain a description of the product(s) to be developed (*e.g.,* training curricula and materials, websites or other electronic multimedia, articles, guidelines, manuals, reports, handbooks, benchbooks, or books), including when they would be submitted to SJI. The budget should include the cost of producing and disseminating the product to the state chief justice, state court administrator, and other appropriate judges or court personnel. If final products involve electronic formats, the applicant should indicate how the product would be made available to other courts. Discussion of this dissemination process should occur between the grantee and SJI prior to the final selection of the dissemination process to be used.

(1) Dissemination Plan. The application must explain how and to whom the products would be disseminated; describe how they would benefit the state courts, including how they could be used by judges and court personnel; identify development, production, and dissemination costs covered by the project budget; and present the basis on which products and services developed or provided under the grant would be offered to the court community and the public at large (*i.e.,* whether products would be distributed at no cost to recipients, or if costs are involved, the reason for charging recipients and the estimated price of the product). Ordinarily, applicants should schedule all product preparation and distribution activities within the project period.

Applicants proposing to develop web-based products should provide for sending a notice and description of the document to the appropriate audiences to alert them to the availability of the website or electronic product (*i.e.,* a written report with a reference to the website).

Three (3) copies of all project products should be submitted to SJI, along with an electronic version in HTML or PDF format. Discussions of final product dissemination should be conducted with SJI prior to the end of the grant period.

(2) Types of Products. The type of product to be prepared depends on the nature of the project. For example, in most instances, the products of a research, evaluation, or demonstration project should include an article summarizing the project findings that is publishable in a journal serving the courts community nationally, an executive summary that would be disseminated to the project's primary audience, or both. Applicants proposing to conduct empirical research or evaluation projects with national import should describe how they would make their data available for secondary analysis after the grant period (see section VI.A.14.a.).

The curricula and other products developed through education and training projects should be designed for use by others and again by the original participants in the course of their duties.

(3) SJI Review. Applicants must submit a final draft of all written grant products to SJI for review and approval at least 30 days before the products are submitted for publication or reproduction. For products in website or multimedia format, applicants must provide for SJI review of the product at the treatment, script, rough-cut, and final stages of development, or their equivalents. No grant funds may be obligated for publication or reproduction of a final grant product without the written approval of SJI (see section VI.A.11.f.).

(4) Acknowledgment, Disclaimer, and Logo. Applicants must also include in all project products a prominent acknowledgment that support was received from SJI and a disclaimer paragraph based on the example provided in section VI.A.11.a.2. in the Grant Guideline. The ''SJI'' logo must appear on the front cover of a written product, or in the opening frames of a website or other multimedia product, unless SJI approves another placement. The SJI logo can be downloaded from SJI's website: *www.sji.gov*.

f. Applicant Status

An applicant that is not a state or local court and has not received a grant from SJI within the past three years should indicate whether it is either a national non-profit organization controlled by, operating in conjunction with, and serving the judicial branches of state governments, or a national non-profit organization for the education and training of state court judges and support personnel (see section II). If the applicant is a non-judicial unit of federal, state, or local government, it must explain whether the proposed services could be adequately provided by non-governmental entities.

g. Staff Capability

The applicant should include a summary of the training and experience of the key staff members and consultants that qualify them for conducting and managing the proposed project. Resumes of identified staff should be attached to the application. If one or more key staff members and consultants are not known at the time of the application, a description of the criteria that would be used to select persons for these positions should be included. The applicant also should identify the person who would be responsible for managing and reporting on the financial aspects of the proposed project.

h. Organizational Capacity

Applicants that have not received a grant from SJI within the past three years should include a statement describing their capacity to administer grant funds, including the financial systems used to monitor project expenditures (and income, if any), and a summary of their past experience in administering grants, as well as any resources or capabilities that they have that would particularly assist in the successful completion of the project.

Unless requested otherwise, an applicant that has received a grant from SJI within the past three years should describe only the changes in its organizational capacity, tax status, or financial capability that may affect its capacity to administer a grant.

If the applicant is a non-profit organization (other than a university), it must also provide documentation of its 501(c) tax-exempt status as determined by the Internal Revenue Service and a copy of a current certified audit report. For purposes of this requirement, ''current'' means no earlier than two years prior to the present calendar year.

If a current audit report is not available, SJI will require the organization to complete a financial capability questionnaire, which must be signed by a certified public accountant. Other applicants may be required to provide a current audit report, a financial capability questionnaire, or both, if specifically requested to do so by the Institute.

i. Statement of Lobbying Activities

Non-governmental applicants must submit SJI's Disclosure of Lobbying Activities Form E, which documents whether they, or another entity that is a part of the same organization as the applicant, have advocated a position before Congress on any issue, and identifies the specific subjects of their lobbying efforts.

j. Letters of Cooperation or Support

If the cooperation of courts, organizations, agencies, or individuals other than the applicant is required to conduct the project, the applicant should attach written assurances of

cooperation and availability to the application, or send them under separate cover. Letters of general support for a project are also encouraged.

4. Budget Narrative

In addition to Project Grant applications, the following section also applies to Technical Assistance and Curriculum Adaptation and Training grant applications.

The budget narrative should provide the basis for the computation of all project-related costs. When the proposed project would be partially supported by grants from other funding sources, applicants should make clear what costs would be covered by those other grants. Additional background information or schedules may be attached if they are essential to obtaining a clear understanding of the proposed budget. Numerous and lengthy appendices are strongly discouraged.

The budget narrative should cover the costs of all components of the project and clearly identify costs attributable to the project evaluation.

a. Justification of Personnel Compensation

The applicant should set forth the percentages of time to be devoted by the individuals who would staff the proposed project, the annual salary of each of those persons, and the number of work days per year used for calculating the percentages of time or daily rates of those individuals. The applicant should explain any deviations from current rates or established written organizational policies. No grant funds or cash match may be used to pay the salary and related costs for a current or new employee of a court or other unit of government because such funds would constitute a supplantation of state or local funds in violation of 42 U.S.C. 10706(d)(1); this includes new employees hired specifically for the project. The salary and any related costs for a current or new employee of a court or other unit of government may only be accepted as in-kind match.

b. Fringe Benefit Computation

For non-governmental entities, the applicant should provide a description of the fringe benefits provided to employees. If percentages are used, the authority for such use should be presented, as well as a description of the elements included in the determination of the percentage rate.

c. Consultant/Contractual Services and Honoraria

The applicant should describe the tasks each consultant would perform, the estimated total amount to be paid to each consultant, the basis for compensation rates (*e.g.,* the number of days multiplied by the daily consultant rates), and the method for selection. Rates for consultant services must be set in accordance with section VII.I.2.c. Prior written SJI approval is required for any consultant rate in excess of $800 per day; SJI funds may not be used to pay a consultant more than $1,100 per day. Honorarium payments must be justified in the same manner as consultant payments.

d. Travel

Transportation costs and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established travel policy, then travel rates must be consistent with those established by the federal government. The budget narrative should include an explanation of the rate used, including the components of the per diem rate and the basis for the estimated transportation expenses. The purpose of the travel should also be included in the narrative.

e. Equipment

Grant funds may be used to purchase only the equipment necessary to demonstrate a new technological application in a court or that is otherwise essential to accomplishing the objectives of the project. In other words, grant funds cannot be used strictly for the purpose of purchasing equipment. Equipment purchases to support basic court operations will not be approved. The applicant should describe the equipment to be purchased or leased and explain why the acquisition of that equipment is essential to accomplish the project's goals and objectives. The narrative should clearly identify which equipment is to be leased and which is to be purchased. The method of procurement should also be described.

f. Supplies

The applicant should provide a general description of the supplies necessary to accomplish the goals and objectives of the grant. In addition, the applicant should provide the basis for the amount requested for this expenditure category.

g. Construction

Construction expenses are prohibited.

h. Postage

Anticipated postage costs for project-related mailings, including distribution of the final product(s), should be described in the budget narrative. The cost of special mailings, such as for a survey or for announcing a workshop, should be distinguished from routine mailing costs. The bases for all postage estimates should be included in the budget narrative.

i. Printing/Photocopying

Anticipated costs for printing or photocopying project documents, reports, and publications should be included in the budget narrative, along with the bases used to calculate these estimates.

j. Indirect Costs

Indirect costs are only applicable to organizations that are not state courts or government agencies. Recoverable indirect costs are limited to no more than 75 percent of a grantee's direct personnel costs, *i.e.* salaries plus fringe benefits (see section VII.H.3.).

Applicants should describe the indirect cost rates applicable to the grant in detail. If costs often included within an indirect cost rate are charged directly (*e.g.,* a percentage of the time of senior managers to supervise project activities), the applicant should specify that these costs are not included within its approved indirect cost rate. These rates must be established in accordance with section VII.H.3. If the applicant has an indirect cost rate or allocation plan approved by any federal granting agency, a copy of the approved rate agreement must be attached to the application.

5. Submission Requirements

a. Every applicant must submit an original and one copy, by mail, of the application package consisting of Form A; Form B, if the application is from a state or local court, or a Disclosure of Lobbying Form (Form E), if the applicant is not a unit of state or local government; Form C; the Application Abstract; the Program Narrative; the Budget Narrative; and any necessary appendices.

Letters of application may be submitted at any time. However, applicants are encouraged to review the grant deadlines available on the SJI website. Receipt of each application will be acknowledged by letter or email.

b. Applicants submitting more than one application may include material that would be identical in each application in a cover letter. This material will be incorporated by reference into each application and

counted against the 25-page limit for the program narrative. A copy of the cover letter should be attached to each copy of the application.

B. Technical Assistance (TA) Grants

1. Application Procedures

Applicants for TA Grants may submit an original and one copy, by mail, of a detailed letter describing the proposed project, as well as a Form A—State Justice Institute Application; Form B—Certificate of State Approval from the State Supreme Court, or its designated agency; and Form C—Project Budget in Tabular Format (see *www.sji.gov/forms*).

2. Application Format

Although there is no prescribed form for the letter, or a minimum or maximum page limit, letters of application should include the following information:

a. Need for Funding. The applicant must explain the critical need facing the applicant, and the proposed technical assistance that will enable the applicant meet this critical need. The applicant must also explain why state or local resources are not sufficient to fully support the costs of the project. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the National Center for State Courts (NCSC) Library and Digital Archive. Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants, and previous projects not supported by SJI. Searches for SJI grant reports and other state court resources begin with the NCSC Library section. Applicants must discuss the results of their research; how they plan to incorporate the previous work into their proposed project; and if the project will differentiate from prior work.

b. Project Description. The applicant must describe how the proposed project addressed one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicant must provide an explanation why not.

The applicant must describe the tasks the consultant will perform, and how would they be accomplished. In addition, the applicant must identify which organization or individual will be hired to provide the assistance, and how the consultant was selected. If a consultant has not yet been identified, what procedures and criteria would be used to select the consultant (applicants are expected to follow their jurisdictions' normal procedures for procuring consultant services)? What specific tasks would the consultant(s) and court staff undertake? What is the schedule for completion of each required task and the entire project? How would the applicant oversee the project and provide guidance to the consultant, and who at the court or regional court association would be responsible for coordinating all project tasks and submitting quarterly progress and financial status reports?

If the consultant has been identified, the applicant should provide a letter from that individual or organization documenting interest in and availability for the project, as well as the consultant's ability to complete the assignment within the proposed time frame and for the proposed cost. The consultant must agree to submit a detailed written report to the court and SJI upon completion of the technical assistance.

c. Likelihood of Implementation. What steps have been or would be taken to facilitate implementation of the consultant's recommendations upon completion of the technical assistance? For example, if the support or cooperation of specific court officials or committees, other agencies, funding bodies, organizations, or a court other than the applicant would be needed to adopt the changes recommended by the consultant and approved by the court, how would they be involved in the review of the recommendations and development of the implementation plan?

3. Budget and Matching State Contribution

Applicants must follow the same guidelines provided under Section IV.A. A completed Form C—Project Budget, Tabular Format and budget narrative must be included with the letter requesting technical assistance.

The budget narrative should provide the basis for all project-related costs, including the basis for determining the estimated consultant costs, if compensation of the consultant is required (*e.g.,* the number of days per task times the requested daily consultant rate). Applicants should be aware that consultant rates above $800 per day must be approved in advance by SJI, and that no consultant will be paid more than $1,100 per day from SJI funds. In addition, the budget should provide for submission of two copies of the consultant's final report to the SJI.

Recipients of TA Grants must maintain appropriate documentation to support expenditures.

4. Submission Requirements

Letters of application should be submitted according to the grant deadlines provided on the SJI website.

If the support or cooperation of agencies, funding bodies, organizations, or courts other than the applicant would be needed in order for the consultant to perform the required tasks, written assurances of such support or cooperation should accompany the application letter. Letters of general support for the project are also encouraged. Support letters may be submitted under separate cover; however, they should be received by the same date as the application.

C. Curriculum Adaptation and Training (CAT) Grants

1. Application Procedures

Applicants must submit an original and one copy, by mail, of a detailed letter as well as a Form A—State Justice Institute Application; Form B—Certificate of State Approval; and Form C—Project Budget, Tabular Format (see *www.sji.gov/forms*).

2. Application Format

Although there is no prescribed format for the letter, or a minimum or maximum page limit, letters of application should include the following information.

a. For Adaptation of a Curriculum

(1) *Project Description.* The applicant must describe how the proposed project addresses one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicant must provide an explanation why not. Due to the high costs of travel to attend training events, the innovative use of distance learning is highly encouraged.

The applicant must provide the title of the curriculum that will be adapted, and identify the entity that originally developed the curriculum. The applicant must also address the following questions: Why is this education program needed at the present time? What are the project's goals? What are the learning objectives of the adapted curriculum? What program components would be implemented, and what types of modifications, if any, are anticipated in length, format, learning objectives, teaching methods, or content? Who would be responsible for adapting the

model curriculum? Who would the participants be, how many would there be, how would they be recruited, and from where would they come (*e.g.,* from a single local jurisdiction, from across the state, from a multi-state region, from across the nation)?

(2) *Need for Funding.* The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the National Center for State Courts (NCSC) Library and Digital Archive. Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants, and previous projects not supported by SJI. Searches for SJI grant reports and other state court resources begin with the NCSC Library section. Applicants must discuss the results of their research; how they plan to incorporate the previous work into their proposed project; and if the project will differentiate from prior work.

The applicant should explain why state or local resources are unable to fully support the modification and presentation of the model curriculum. The applicant should also describe the potential for replicating or integrating the adapted curriculum in the future using state or local funds, once it has been successfully adapted and tested. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

(3) *Likelihood of Implementation.* The applicant should provide the proposed timeline, including the project start and end dates, the date(s) the judicial branch education program will be presented, and the process that will be used to modify and present the program. The applicant should also identify who will serve as faculty, and how they were selected, in addition to the measures taken to facilitate subsequent presentations of the program. Ordinarily, an independent evaluation of a curriculum adaptation project is not required; however, the results of any evaluation should be included in the final report.

(4) *Expressions of Interest by Judges and/or Court Personnel.* Does the proposed program have the support of the court system or association leadership, and of judges, court managers, and judicial branch education personnel who are expected to attend? Applicants may demonstrate this by attaching letters of support.

b. For Training Assistance

(1) *Need for Funding.* The applicant must describe how the proposed project addresses one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicant must provide an explanation why not.

The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the National Center for State Courts (NCSC) Library and Digital Archive. Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants, and previous projects not supported by SJI. Searches for SJI grant reports and other state court resources begin with the NCSC Library section. Applicants must discuss the results of their research; how they plan to incorporate the previous work into their proposed project; and if the project will differentiate from prior work.

The applicant should describe the court reform or initiative prompting the need for training. The applicant should also discuss how the proposed training will help the applicant implement planned changes at the court, and why state or local resources are not sufficient to fully support the costs of the required training. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

(2) *Project Description.* The applicant must identify the tasks the trainer(s) will be expected to perform, which organization or individual will be hired, and, if in-house personnel are not the trainers, how the trainer will be selected. If a trainer has not yet been identified, the applicant must describe the procedures and criteria that will be used to select the trainer. In addition, the applicant should address the following questions: What specific tasks would the trainer and court staff or regional court association members undertake? What presentation methods will be used? What is the schedule for completion of each required task and the entire project? How will the applicant oversee the project and provide guidance to the trainer, and who at the court or affiliated with the regional court association would be responsible for coordinating all project tasks and submitting quarterly progress and financial status reports?

If the trainer has been identified, the applicant should provide a letter from that individual or organization documenting interest in and availability for the project, as well as the trainer's ability to complete the assignment within the proposed time frame and for the proposed cost.

(3) *Likelihood of Implementation.* The applicant should explain what steps have been or will be taken to coordinate the implementation of the training. For example, if the support or cooperation of specific court or regional court association officials or committees, other agencies, funding bodies, organizations, or a court other than the applicant will be needed to adopt the reform and initiate the training proposed, how will the applicant secure their involvement in the development and implementation of the training?

3. Budget and Matching State Contribution

Applicants must also follow the same guidelines provided under Section IV.A. Applicants should attach a copy of budget Form C and a budget narrative that describes the basis for the computation of all project-related costs and the source of the match offered.

4. Submission Requirements

For curriculum adaptation requests, applicants should allow at least 90 days between the Board meeting and the date of the proposed program to allow sufficient time for needed planning. Letters of support for the project are also encouraged. Applicants are encouraged to call SJI to discuss concerns about timing of submissions.

D. Partner Grants

SJI and its funding partners may meld, pick and choose, or waive their application procedures, grant cycles, or grant requirements to expedite the award of jointly-funded grants targeted at emerging or high priority problems confronting state and local courts. SJI may solicit brief proposals from potential grantees to fellow financial partners as a first step. Should SJI be chosen as the lead grant manager, Project Grant application procedures will apply to the proposed Partner Grant.

E. Education Support Program (ESP)

The Education Support Program (ESP) supports full-time state court judges and court managers to attend courses that enhance the knowledge, skills, and abilities which they could not otherwise attend because of limited, state, local, or personal budgets. Beginning in FY 2018, the National Judicial College (NJC) and the National Center for State Courts/ Institute for Court Management (ICM)

will administer the ESP program separately, in partnership and with funding from SJI.

a. *Covered Costs.* The ESP program only covers the costs of tuition up to a maximum of $1,000 per award. Awards will be made for the exact amount requested for tuition. Funds to play tuition in excess of $1,000, and other costs of participating in a course such as travel, transportation, meals, materials, and transportation to and from airports (including rental cars) at the site of the educational program, must be obtained from other sources or be borne by the ESP award recipient.

b. *Eligible Recipients.* Because of the limited amount of funding available, only full-time judges of state or local trial and appellate courts; full-time professional, state or local court personnel with management and supervisory responsibilities or on a professional management career track; and supervisory and management probation personnel in judicial branch probation offices are eligible for the program. Senior judges, part-time judges, quasi-judicial hearing officers including referees and commissioners, administrative law judges, staff attorneys, law clerks, line staff, law enforcement officers, and other executive branch personnel are not eligible. Applicants will be limited to one ESP award every other fiscal year (*i.e.,* if awarded an ESP in FY 2018, the applicant will remain ineligible until FY 2020), unless the course specifically assumes multi-year participation as part of a certificate program.

c. *Eligible Courses.* Awards are only for courses presented by the NJC and ICM in a U.S. jurisdiction to participants in the U.S. or U.S. Territories. These courses are designed to enhance the skills of new or experienced judges and court managers. Participation during annual or mid-year conferences or meetings of a state or national organization does not qualify for ESP purposes, even though the conference may include workshops or other training sessions.

d. *How and When to Apply*

For NJC Courses: To seek an ESP to attend an NJC course, simply find the course you wish to attend on the NJC website: *www.judges.org/courses,* and click ''register.'' During the registration process, the website will ask whether you need a scholarship to attend. Simply follow the online instructions to request tuition assistance. If you have any questions about this process, you may contact NJC Scholarship Coordinator Rebecca Bluemer, at *bluemer@judges.org* or 800–225–8343. The NJC reserves the right to apply additional selection criteria.

For ICM Courses: To seek an ESP to participate in the ICM Fellows Program, submit a completed application to ICM Education Program Manager Amy McDowell, at *amcdowell@ncsc.org.* If you have questions about this process, you may contact her at 757–259–1552 or via email. To seek an ESP to participate in an ICM course, find the course you wish to attend on the ICM website: *www.courses.ncscs.org,* and click ''register.'' During the registration process, the website will ask if you need a scholarship to participate. Follow the online instructions to request tuition assistance. If you have any questions about this process, you may contact ICM Director of National Programs Margaret Allen, at *mallen@ncsc.org* or 757–259–1581. ICM reserves the right to apply additional selection criteria.

e. *Responsibilities of ESP Award Recipients.* Recipients are responsible for disseminating the information received from the course, when possible, to their court colleagues locally, and if possible, throughout the state. The NJC and ICM may impose additional requirements on recipients.

V. Application Review Procedures

A. Preliminary Inquiries

SJI staff will answer inquiries concerning application procedures.

B. Selection Criteria

1. Project Grant Applications

a. Project Grant applications will be rated on the basis of the criteria set forth below. SJI will accord the greatest weight to the following criteria:

(1) The soundness of the methodology;

(2) The demonstration of need for the project;

(3) The appropriateness of the proposed evaluation design;

(4) If applicable, the key findings and recommendations of the most recent evaluation and the proposed responses to those findings and recommendations;

(5) The applicant's management plan and organizational capabilities;

(6) The qualifications of the project's staff;

(7) The products and benefits resulting from the project, including the extent to which the project will have long-term benefits for state courts across the nation;

(8) The degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions;

(9) The reasonableness of the proposed budget; and,

(10) The demonstration of cooperation and support of other agencies that may be affected by the project.

b. In determining which projects to support, SJI will also consider whether the applicant is a state court, a national court support or education organization, a non-court unit of government, or other type of entity eligible to receive grants under SJI's enabling legislation (see section II.); the availability of financial assistance from other sources for the project; the amount of the applicant's match; the extent to which the proposed project would also benefit the federal courts or help state courts enforce federal constitutional and legislative requirements; and the level of appropriations available to SJI in the current year and the amount expected to be available in succeeding fiscal years.

2. Technical Assistance (TA) Grant Applications

TA Grant applications will be rated on the basis of the following criteria:

a. Whether the assistance would address a critical need of the applicant;

b. The soundness of the technical assistance approach to the problem;

c. The qualifications of the consultant(s) to be hired or the specific criteria that will be used to select the consultant(s);

d. The commitment of the court or association to act on the consultant's recommendations; and,

e. The reasonableness of the proposed budget.

SJI also will consider factors such as the level and nature of the match that would be provided, diversity of subject matter, geographic diversity, the level of appropriations available to SJI in the current year, and the amount expected to be available in succeeding fiscal years.

3. Curriculum Adaptation and Training (CAT) Grant Applications

CAT Grant applications will be rated on the basis of the following criteria:

a. For curriculum adaptation projects:

(1) The goals and objectives of the proposed project;

(2) The need for outside funding to support the program;

(3) The appropriateness of the approach in achieving the project's educational objectives;

(4) The likelihood of effective implementation and integration of the modified curriculum into ongoing educational programming; and,

(5) Expressions of interest by the judges and/or court personnel who would be directly involved in or affected by the project.

b. For training assistance:

(1) Whether the training would address a critical need of the court or association;

(2) The soundness of the training approach to the problem;

(3) The qualifications of the trainer(s) to be hired or the specific criteria that will be used to select the trainer(s);

(4) The commitment of the court or association to the training program; and

(5) The reasonableness of the proposed budget.

SJI will also consider factors such as the reasonableness of the amount requested; compliance with match requirements; diversity of subject matter, geographic diversity; the level of appropriations available to SJI in the current year; and the amount expected to be available in succeeding fiscal years.

4. Partner Grants

The selection criteria for Partner Grants will be driven by the collective priorities of SJI and other organizations and their collective assessments regarding the needs and capabilities of court and court-related organizations. Having settled on priorities, SJI and its financial partners will likely contact the courts or court-related organizations most acceptable as pilots, laboratories, consultants, or the like.

C. Review and Approval Process

1. Project Grant Applications

SJI's Board of Directors will review the applications competitively. The Board will review all applications and decide which projects to fund. The decision to fund a project is solely that of the Board of Directors. The Chairman of the Board will sign approved awards on behalf of SJI.

2. Technical Assistance (TA) and Curriculum Adaptation and Training (CAT) Grant Applications

The Board will review the applications competitively. The Board will review all applications and decide which projects to fund. The decision to fund a project is solely that of the Board of Directors. The Chairman of the Board will sign approved awards on behalf of SJI.

3. Partner Grants

SJI's internal process for the review and approval of Partner Grants will depend on negotiations with fellow financiers. SJI may use its procedures, a partner's procedures, a mix of both, or entirely unique procedures. All Partner Grants will be approved by the Board of Directors.

D. Return Policy

Unless a specific request is made, unsuccessful applications will not be returned.

E. Notification of Board Decision

SJI will send written notice to applicants concerning all Board decisions to approve, defer, or deny their respective applications. For all applications (except ESP applications), if requested, SJI will convey the key issues and questions that arose during the review process. A decision by the Board to deny an application may not be appealed, but it does not prohibit resubmission of a proposal in a subsequent funding cycle.

F. Response to Notification of Approval

With the exception of those approved for ESP awards, applicants have 30 days from the date of the letter notifying them that the Board has approved their application to respond to any revisions requested by the Board. If the requested revisions (or a reasonable schedule for submitting such revisions) have not been submitted to SJI within 30 days after notification, the approval may be rescinded and the application presented to the Board for reconsideration. In the event an issue will only be resolved after award, such as the selection of a consultant, the final award document will include a Special Condition that will require additional grantee reporting and SJI review and approval. Special Conditions, in the form of incentives or sanctions, may also be used in other situations.

VI. Compliance Requirements

The State Justice Institute Act contains limitations and conditions on grants, contracts, and cooperative agreements awarded by SJI. The Board of Directors has approved additional policies governing the use of SJI grant funds. These statutory and policy requirements are set forth below.

A. Recipients of Project Grants

1. Advocacy

No funds made available by SJI may be used to support or conduct training programs for the purpose of advocating particular non-judicial public policies or encouraging non-judicial political activities (42 U.S.C. 10706(b)).

2. Approval of Key Staff

If the qualifications of an employee or consultant assigned to a key project staff position are not described in the application or if there is a change of a person assigned to such a position, the recipient must submit a description of the qualifications of the newly assigned person to SJI. Prior written approval of the qualifications of the new person assigned to a key staff position must be received from the Institute before the salary or consulting fee of that person and associated costs may be paid or reimbursed from grant funds.

3. Audit

Recipients of SJI grants must provide for an annual fiscal audit which includes an opinion on whether the financial statements of the grantee present fairly its financial position and its financial operations are in accordance with generally accepted accounting principles (see section VII.I. for the requirements of such audits).

4. Budget Revisions

Budget revisions among direct cost categories that: (a) Transfer grant funds to an unbudgeted cost category, or (b) individually or cumulatively exceed five percent of the approved original budget or the most recently approved revised budget require prior SJI approval (see section VIII.A.1.).

5. Conflict of Interest

Personnel and other officials connected with SJI-funded programs must adhere to the following requirements:

a. No official or employee of a recipient court or organization shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which SJI funds are used, where, to his or her knowledge, he or she or his or her immediate family, partners, organization other than a public agency in which he or she is serving as officer, director, trustee, partner, or employee or any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment, has a financial interest.

b. In the use of SJI project funds, an official or employee of a recipient court or organization shall avoid any action which might result in or create the appearance of:

(1) Using an official position for private gain; or

(2) Affecting adversely the confidence of the public in the integrity of the Institute program.

c. Requests for proposals or invitations for bids issued by a recipient of Institute funds or a subgrantee or subcontractor will provide notice to

prospective bidders that the contractors who develop or draft specifications, requirements, statements of work, and/or requests for proposals for a proposed procurement will be excluded from bidding on or submitting a proposal to compete for the award of such procurement.

6. Inventions and Patents

If any patentable items, patent rights, processes, or inventions are produced in the course of SJI-sponsored work, such fact shall be promptly and fully reported to SJI. Unless there is a prior agreement between the grantee and SJI on disposition of such items, SJI shall determine whether protection of the invention or discovery shall be sought.

7. Lobbying

a. Funds awarded to recipients by SJI shall not be used, indirectly or directly, to influence Executive Orders or similar promulgations by federal, state or local agencies, or to influence the passage or defeat of any legislation by federal, state or local legislative bodies (42 U.S.C. 10706(a)).

b. It is the policy of the Board of Directors to award funds only to support applications submitted by organizations that would carry out the objectives of their applications in an unbiased manner. Consistent with this policy and the provisions of 42 U.S.C. 10706, SJI will not knowingly award a grant to an applicant that has, directly or through an entity that is part of the same organization as the applicant, advocated a position before Congress on the specific subject matter of the application.

8. Matching Requirements

All grantees other than ESP award recipients are required to provide a match. A match is the portion of project costs not borne by the Institute. Match includes both cash and in-kind contributions. Cash match is the direct outlay of funds by the grantee or a third party to support the project. In-kind match consists of contributions of time and/or services of current staff members, new employees, space, supplies, etc., made to the project by the grantee or others (*e.g.,* advisory board members) working directly on the project or that portion of the grantee's federally-approved indirect cost rate that exceeds the Guideline's limit of permitted charges (75 percent of salaries and benefits).

Under normal circumstances, allowable match may be incurred only during the project period. When appropriate, and with the prior written permission of SJI, match may be incurred from the date of the Board of Directors' approval of an award. The amount and nature of required match depends on the type of grant (see section III.).

The grantee is responsible for ensuring that the total amount of match proposed is actually contributed. If a proposed contribution is not fully met, SJI may reduce the award amount accordingly, in order to maintain the ratio originally provided for in the award agreement (see section VII.D.1.). Match should be expended at the same rate as SJI funding.

The Board of Directors looks favorably upon any unrequired match contributed by applicants when making grant decisions. The match requirement may be waived in exceptionally rare circumstances upon the request of the chief justice of the highest court in the state or the highest ranking official in the requesting organization and approval by the Board of Directors (42 U.S.C. 10705(d)). The Board of Directors encourages all applicants to provide the maximum amount of cash and in-kind match possible, even if a waiver is approved. The amount and nature of match are criteria in the grant selection process (see section V.B.1.b.).

Other federal department and agency funding may not be used for cash match.

9. Nondiscrimination

No person may, on the basis of race, sex, national origin, disability, color, or creed be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity supported by SJI funds. Recipients of SJI funds must immediately take any measures necessary to effectuate this provision.

10. Political Activities

No recipient may contribute or make available SJI funds, program personnel, or equipment to any political party or association, or the campaign of any candidate for public or party office. Recipients are also prohibited from using funds in advocating or opposing any ballot measure, initiative, or referendum. Officers and employees of recipients shall not intentionally identify SJI or recipients with any partisan or nonpartisan political activity associated with a political party or association, or the campaign of any candidate for public or party office (42 U.S.C. 10706(a)).

11. Products

a. Acknowledgment, Logo, and Disclaimer

(1) Recipients of SJI funds must acknowledge prominently on all products developed with grant funds that support was received from the SJI. The ''SJI'' logo must appear on the front cover of a written product, or in the opening frames of a multimedia product, unless another placement is approved in writing by SJI. This includes final products printed or otherwise reproduced during the grant period, as well as re-printings or reproductions of those materials following the end of the grant period. A camera-ready logo sheet is available on SJI's website: *www.sji.gov/forms.*

(2) Recipients also must display the following disclaimer on all grant products: ''This [document, film, videotape, etc.] was developed under [grant/cooperative agreement] number SJI-[insert number] from the State Justice Institute. The points of view expressed are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute.''

(3) In addition to other required grant products and reports, recipients must provide a one page executive summary of the project. The summary should include a background on the project, the tasks undertaken, and the outcome. In addition, the summary should provide the performance metrics that were used during the project, and how performance will be measured in the future.

b. Charges for Grant-Related Products/Recovery of Costs

(1) SJI's mission is to support improvements in the quality of justice and foster innovative, efficient solutions to common issues faced by all courts. SJI has recognized and established procedures for supporting research and development of grant products (*e.g.,* a report, curriculum, video, software, database, or website) through competitive grant awards based on merit review of proposed projects. To ensure that all grants benefit the entire court community, projects SJI considers worthy of support (in whole or in part), are required to be disseminated widely and available for public consumption. This includes open-source software and interfaces. Costs for development, production, and dissemination are allowable as direct costs to SJI.

(2) Applicants should disclose their intent to sell grant-related products in the application. Grantees must obtain SJI's prior written approval of their plans to recover project costs through the sale of grant products. Written requests to recover costs ordinarily should be received during the grant period and should specify the nature

and extent of the costs to be recouped, the reason that such costs were not budgeted (if the rationale was not disclosed in the approved application), the number of copies to be sold, the intended audience for the products to be sold, and the proposed sale price. If the product is to be sold for more than $25, the written request also should include a detailed itemization of costs that will be recovered and a certification that the costs were not supported by either SJI grant funds or grantee matching contributions.

(3) In the event that the sale of grant products results in revenues that exceed the costs to develop, produce, and disseminate the product, the revenue must continue to be used for the authorized purposes of SJI-funded project or other purposes consistent with the State Justice Institute Act that have been approved by SJI (see section VII.F.).

c. Copyrights

Except as otherwise provided in the terms and conditions of a SJI award, a recipient is free to copyright any books, publications, or other copyrightable materials developed in the course of a SJI-supported project, but SJI shall reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the materials for purposes consistent with the State Justice Institute Act.

d. Due Date

All products and, for TA and CAT grants, consultant and/or trainer reports (see section VI.B.1 & 2) are to be completed and distributed (see below) not later than the end of the award period, not the 90-day close out period. The latter is only intended for grantee final reporting and to liquidate obligations (see section VII.J.).

e. Distribution

In addition to the distribution specified in the grant application, grantees shall send:

(1) Three (3) copies of each final product developed with grant funds to SJI, unless the product was developed under either a Technical Assistance or a Curriculum Adaptation and Training Grant, in which case submission of 2 copies is required; and

(2) An electronic version of the product in HTML or PDF format to SJI.

f. SJI Approval

No grant funds may be obligated for publication or reproduction of a final product developed with grant funds without the written approval of SJI. Grantees shall submit a final draft of each written product to SJI for review and approval. The draft must be submitted at least 30 days before the product is scheduled to be sent for publication or reproduction to permit SJI review and incorporation of any appropriate changes required by SJI. Grantees must provide for timely reviews by the SJI of website or other multimedia products at the treatment, script, rough cut, and final stages of development or their equivalents.

g. Original Material

All products prepared as the result of SJI-supported projects must be originally-developed material unless otherwise specified in the award documents. Material not originally developed that is included in such products must be properly identified, whether the material is in a verbatim or extensive paraphrase format.

12. Prohibition Against Litigation Support

No funds made available by SJI may be used directly or indirectly to support legal assistance to parties in litigation, including cases involving capital punishment.

13. Reporting Requirements

a. Recipients of SJI funds other than ESP awards must submit Quarterly Progress and Financial Status Reports within 30 days of the close of each calendar quarter (that is, no later than January 30, April 30, July 30, and October 30). The Quarterly Progress Reports shall include a narrative description of project activities during the calendar quarter, the relationship between those activities and the task schedule and objectives set forth in the approved application or an approved adjustment thereto, any significant problem areas that have developed and how they will be resolved, and the activities scheduled during the next reporting period. Failure to comply with the requirements of this provision could result in the termination of a grantee's award.

b. The quarterly Financial Status Report must be submitted in accordance with section VII.G.2. of this Guideline. A final project Progress Report and Financial Status Report shall be submitted within 90 days after the end of the grant period in accordance with section VII.J.1. of this Guideline.

14. Research

a. Availability of Research Data for Secondary Analysis

Upon request, grantees must make available for secondary analysis backup files containing research and evaluation data collected under an SJI grant and the accompanying code manual. Grantees may recover the actual cost of duplicating and mailing or otherwise transmitting the data set and manual from the person or organization requesting the data. Grantees may provide the requested data set in the format in which it was created and analyzed.

b. Confidentiality of Information

Except as provided by federal law other than the State Justice Institute Act, no recipient of financial assistance from SJI may use or reveal any research or statistical information furnished under the Act by any person and identifiable to any specific private person for any purpose other than the purpose for which the information was obtained. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

c. Human Subject Protection

Human subjects are defined as individuals who are participants in an experimental procedure or who are asked to provide information about themselves, their attitudes, feelings, opinions, and/or experiences through an interview, questionnaire, or other data collection technique. All research involving human subjects shall be conducted with the informed consent of those subjects and in a manner that will ensure their privacy and freedom from risk or harm and the protection of persons who are not subjects of the research but would be affected by it, unless such procedures and safeguards would make the research impractical. In such instances, SJI must approve procedures designed by the grantee to provide human subjects with relevant information about the research after their involvement and to minimize or eliminate risk or harm to those subjects due to their participation.

15. State and Local Court Applications

Each application for funding from a state or local court must be approved, consistent with state law, by the state supreme court, or its designated agency or council. The supreme court or its designee shall receive, administer, and be accountable for all funds awarded on the basis of such an application (42 U.S.C. 10705(b)(4)). See section VII.B.2.

16. Supplantation and Construction

To ensure that SJI funds are used to supplement and improve the operation of state courts, rather than to support basic court services, SJI funds shall not be used for the following purposes:

a. To supplant state or local funds supporting a program or activity (such as paying the salary of court employees who would be performing their normal duties as part of the project, or paying rent for space which is part of the court's normal operations);

b. To construct court facilities or structures.

c. Solely to purchase equipment.

17. Suspension or Termination of Funding

After providing a recipient reasonable notice and opportunity to submit written documentation demonstrating why fund termination or suspension should not occur, SJI may terminate or suspend funding of a project that fails to comply substantially with the Act, the Guideline, or the terms and conditions of the award (42 U.S.C. 10708(a)).

18. Title to Property

At the conclusion of the project, title to all expendable and nonexpendable personal property purchased with SJI funds shall vest in the recipient court, organization, or individual that purchased the property if certification is made to and approved by SJI that the property will continue to be used for the authorized purposes of the SJI-funded project or other purposes consistent with the State Justice Institute Act. If such certification is not made or SJI disapproves such certification, title to all such property with an aggregate or individual value of $1,000 or more shall vest in SJI, which will direct the disposition of the property.

B. Recipients of Technical Assistance (TA) and Curriculum Adaptation and Training (CAT) Grants

Recipients of TA and CAT Grants must comply with the requirements listed in section VI.A. and the reporting requirements below:

1. Technical Assistance (TA) Grant Reporting Requirements

Recipients of TA Grants must submit to SJI one copy of a final report that explains how it intends to act on the consultant's recommendations, as well as two copies of the consultant's written report.

2. Curriculum Adaptation and Training (CAT) Grant Reporting Requirements

Recipients of CAT Grants must submit one copy of the agenda or schedule, outline of presentations and/or relevant instructor's notes, copies of overhead transparencies, power point presentations, or other visual aids, exercises, case studies and other background materials, hypotheticals, quizzes, and other materials involving the participants, manuals, handbooks, conference packets, evaluation forms, and suggestions for replicating the program, including possible faculty or the preferred qualifications or experience of those selected as faculty, developed under the grant at the conclusion of the grant period, along with a final report that includes any evaluation results and explains how the grantee intends to present the educational program in the future, as well as two copies of the consultant's or trainer's report.

C. Partner Grants

The compliance requirements for Partner Grant recipients will depend upon the agreements struck between the grant financiers and between lead financiers and grantees. Should SJI be the lead, the compliance requirements for Project Grants will apply, unless specific arrangements are determined by the Partners.

VII. Financial Requirements

A. Purpose

The purpose of this section is to establish accounting system requirements and offer guidance on procedures to assist all grantees, sub-grantees, contractors, and other organizations in:

1. Complying with the statutory requirements for the award, disbursement, and accounting of funds;
2. Complying with regulatory requirements of SJI for the financial management and disposition of funds;
3. Generating financial data to be used in planning, managing, and controlling projects; and
4. Facilitating an effective audit of funded programs and projects.

B. Supervision and Monitoring Responsibilities

1. Grantee Responsibilities

All grantees receiving awards from SJI are responsible for the management and fiscal control of all funds. Responsibilities include accounting for receipts and expenditures, maintaining adequate financial records, and refunding expenditures disallowed by audits.

2. Responsibilities of the State Supreme Court

a. Each application for funding from a state or local court must be approved, consistent with state law, by the state supreme court, or its designated agency or council.

b. The state supreme court or its designee shall receive all SJI funds awarded to such courts; be responsible for assuring proper administration of SJI funds; and be responsible for all aspects of the project, including proper accounting and financial record-keeping by the subgrantee. These responsibilities include:

(1) *Reviewing Financial Operations.* The state supreme court or its designee should be familiar with, and periodically monitor, its sub-grantee's financial operations, records system, and procedures. Particular attention should be directed to the maintenance of current financial data.

(2) *Recording Financial Activities.* The sub-grantee's grant award or contract obligation, as well as cash advances and other financial activities, should be recorded in the financial records of the state supreme court or its designee in summary form. Sub-grantee expenditures should be recorded on the books of the state supreme court or evidenced by report forms duly filed by the sub-grantee. Matching contributions provided by sub-grantees should likewise be recorded, as should any project income resulting from program operations.

(3) *Budgeting and Budget Review.* The state supreme court or its designee should ensure that each sub-grantee prepares an adequate budget as the basis for its award commitment. The state supreme court should maintain the details of each project budget on file.

(4) *Accounting for Match.* The state supreme court or its designee will ensure that sub-grantees comply with the match requirements specified in this Grant Guideline (see section VI.A.8.).

(5) *Audit Requirement.* The state supreme court or its designee is required to ensure that sub-grantees meet the necessary audit requirements set forth by SJI (see sections I. and VI.A.3. below).

(6) *Reporting Irregularities.* The state supreme court, its designees, and its sub-grantees are responsible for promptly reporting to SJI the nature and circumstances surrounding any financial irregularities discovered.

C. Accounting System

The grantee is responsible for establishing and maintaining an adequate system of accounting and

internal controls and for ensuring that an adequate system exists for each of its sub-grantees and contractors. An acceptable and adequate accounting system:

1. Properly accounts for receipt of funds under each grant awarded and the expenditure of funds for each grant by category of expenditure (including matching contributions and project income);
2. Assures that expended funds are applied to the appropriate budget category included within the approved grant;
3. Presents and classifies historical costs of the grant as required for budgetary and evaluation purposes;
4. Provides cost and property controls to assure optimal use of grant funds;
5. Is integrated with a system of internal controls adequate to safeguard the funds and assets covered, check the accuracy and reliability of the accounting data, promote operational efficiency, and assure conformance with any general or special conditions of the grant;
6. Meets the prescribed requirements for periodic financial reporting of operations; and
7. Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

D. Total Cost Budgeting and Accounting

Accounting for all funds awarded by SJI must be structured and executed on a ''Total Project Cost'' basis. That is, total project costs, including SJI funds, state and local matching shares, and any other fund sources included in the approved project budget serve as the foundation for fiscal administration and accounting. Grant applications and financial reports require budget and cost estimates on the basis of total costs.

1. Timing of Matching Contributions

Matching contributions should be applied at the same time as the obligation of SJI funds. Ordinarily, the full matching share must be obligated during the award period; however, with the written permission of SJI, contributions made following approval of the grant by the Board of Directors, but before the beginning of the grant, may be counted as match. If a proposed cash or in-kind match is not fully met, SJI may reduce the award amount accordingly to maintain the ratio of grant funds to matching funds stated in the award agreement.

2. Records for Match

All grantees must maintain records that clearly show the source, amount, and timing of all matching contributions. In addition, if a project has included, within its approved budget, contributions which exceed the required matching portion, the grantee must maintain records of those contributions in the same manner as it does SJI funds and required matching shares. For all grants made to state and local courts, the state supreme court has primary responsibility for grantee/sub-grantee compliance with the requirements of this section (see subsection B.2. above).

E. Maintenance and Retention of Records

All financial records, including supporting documents, statistical records, and all other information pertinent to grants, sub-grants, cooperative agreements, or contracts under grants, must be retained by each organization participating in a project for at least three years for purposes of examination and audit. State supreme courts may impose record retention and maintenance requirements in addition to those prescribed in this section.

1. Coverage

The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records. Source documents include copies of all grant and sub-grant awards, applications, and required grantee/sub-grantee financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under a grant, sub-grant or contract, whether they are employed full-time or part-time. Time and effort reports are required for consultants.

2. Retention Period

The three-year retention period starts from the date of the submission of the final expenditure report.

3. Maintenance

Grantees and sub-grantees are expected to see that records of different fiscal years are separately identified and maintained so that requested information can be readily located. Grantees and sub-grantees are also obligated to protect records adequately against fire or other damage. When records are stored away from the grantee's/sub-grantee's principal office, a written index of the location of stored records should be on hand, and ready access should be assured.

4. Access

Grantees and sub-grantees must give any authorized representative of SJI access to and the right to examine all records, books, papers, and documents related to an SJI grant.

F. Project-Related Income

Records of the receipt and disposition of project-related income must be maintained by the grantee in the same manner as required for the project funds that gave rise to the income and must be reported to SJI (see subsection G.2. below). The policies governing the disposition of the various types of project-related income are listed below.

1. Interest

A state and any agency or instrumentality of a state, including institutions of higher education and hospitals, shall not be held accountable for interest earned on advances of project funds. When funds are awarded to sub-grantees through a state, the sub-grantees are not held accountable for interest earned on advances of project funds. Local units of government and nonprofit organizations that are grantees must refund any interest earned. Grantees shall ensure minimum balances in their respective grant cash accounts.

2. Royalties

The grantee/sub-grantee may retain all royalties received from copyrights or other works developed under projects or from patents and inventions, unless the terms and conditions of the grant provide otherwise.

3. Registration and Tuition Fees

Registration and tuition fees may be considered as cash match with prior written approval from SJI. Estimates of registration and tuition fees, and any expenses to be offset by the fees, should be included in the application budget forms and narrative.

4. Income From the Sale of Grant Products

If the sale of products occurs during the project period, the income may be treated as cash match with the prior written approval of SJI. The costs and income generated by the sales must be reported on the Quarterly Financial Status Reports (Form F) and documented in an auditable manner. Whenever possible, the intent to sell a product should be disclosed in the application or reported to SJI in writing once a decision to sell products has been made. The grantee must request approval to recover its product development, reproduction, and

dissemination costs as specified in section VI.A.11.b.

5. Other

Other project income shall be treated in accordance with disposition instructions set forth in the grant's terms and conditions.

G. Payments and Financial Reporting Requirements

1. Payment of Grant Funds

The procedures and regulations set forth below are applicable to all SJI grant funds and grantees.

Request for Reimbursement of Funds. Grantees will receive funds on a reimbursable, U.S. Treasury ''check-issued'' or electronic funds transfer (EFT) basis. Upon receipt, review, and approval of a Request for Reimbursement (Form R) by SJI, payment will be issued directly to the grantee or its designated fiscal agent. The Form R, along with the instructions for its preparation, and the SF 3881 Automated Clearing House (ACH/Miscellaneous Payment Enrollment Form for EFT) are available on the Institute's website: *www.sji.gov/forms.*

2. Financial Reporting

a. *General Requirements.* To obtain financial information concerning the use of funds, SJI requires that grantees/sub-grantees submit timely reports for review.

b. *Due Dates and Contents.* A Financial Status Report is required from all grantees for each active quarter on a calendar-quarter basis. This report is due within 30 days after the close of the calendar quarter. It is designed to provide financial information relating to SJI funds, state and local matching shares, project income, and any other sources of funds for the project, as well as information on obligations and outlays. A copy of the Financial Status Report (Form F), along with instructions, are provided at *www.sji.gov/forms.* If a grantee requests substantial payments for a project prior to the completion of a given quarter, SJI may request a brief summary of the amount requested, by object class, to support the Request for Reimbursement.

3. Consequences of Non-Compliance With Submission Requirement

Failure of the grantee to submit required financial and progress reports may result in suspension or termination of grant reimbursement.

H. Allowability of Costs

1. Costs Requiring Prior Approval

a. *Pre-agreement Costs.* The written prior approval of SJI is required for costs considered necessary but which occur prior to the start date of the project period.

b. *Equipment.* Grant funds may be used to purchase or lease only that equipment essential to accomplishing the goals and objectives of the project. The written prior approval of SJI is required when the amount of automated data processing (ADP) equipment to be purchased or leased exceeds $10,000 or software to be purchased exceeds $3,000.

c. *Consultants.* The written prior approval of SJI is required when the rate of compensation to be paid a consultant exceeds $800 a day. SJI funds may not be used to pay a consultant more than $1,100 per day.

d. *Budget Revisions.* Budget revisions among direct cost categories that (i) transfer grant funds to an unbudgeted cost category or (ii) individually or cumulatively exceed five percent (5%) of the approved original budget or the most recently approved revised budget require prior SJI approval (see section VIII.A.1.).

2. Travel Costs

Transportation and per diem rates must comply with the policies of the grantee. If the grantee does not have an established written travel policy, then travel rates must be consistent with those established by the federal government. SJI funds may not be used to cover the transportation or per diem costs of a member of a national organization to attend an annual or other regular meeting, or conference of that organization.

3. Indirect Costs

Indirect costs are only applicable to organizations that are not state courts or government agencies. These are costs of an organization that are not readily assignable to a particular project but are necessary to the operation of the organization and the performance of the project. The cost of operating and maintaining facilities, depreciation, and administrative salaries are examples of the types of costs that are usually treated as indirect costs. Although SJI's policy requires all costs to be budgeted directly, it will accept indirect costs if a grantee has an indirect cost rate approved by a federal agency. However, recoverable indirect costs are limited to no more than 75 percent of a grantee's direct personnel costs (salaries plus fringe benefits).

a. Approved Plan Available

(1) A copy of an indirect cost rate agreement or allocation plan approved for a grantee during the preceding two years by any federal granting agency on the basis of allocation methods substantially in accord with those set forth in the applicable cost circulars must be submitted to SJI.

(2) Where flat rates are accepted in lieu of actual indirect costs, grantees may not also charge expenses normally included in overhead pools, *e.g.,* accounting services, legal services, building occupancy and maintenance, etc., as direct costs.

I. Audit Requirements

1. Implementation

Each recipient of a Project Grant must provide for an annual fiscal audit. This requirement also applies to a state or local court receiving a sub-grant from the state supreme court. The audit may be of the entire grantee or sub-grantee organization or of the specific project funded by the Institute. Audits conducted using generally accepted auditing standards in the United States will satisfy the requirement for an annual fiscal audit. The audit must be conducted by an independent Certified Public Accountant, or a state or local agency authorized to audit government agencies.

2. Resolution and Clearance of Audit Reports

Timely action on recommendations by responsible management officials is an integral part of the effectiveness of an audit. Each grantee must have policies and procedures for acting on audit recommendations by designating officials responsible for: (1) Follow-up, (2) maintaining a record of the actions taken on recommendations and time schedules, (3) responding to and acting on audit recommendations, and (4) submitting periodic reports to SJI on recommendations and actions taken.

3. Consequences of Non-Resolution of Audit Issues

Ordinarily, SJI will not make a subsequent grant award to an applicant that has an unresolved audit report involving SJI awards. Failure of the grantee to resolve audit questions may also result in the suspension or termination of payments for active SJI grants to that organization.

J. Close-Out of Grants

1. Grantee Close-Out Requirements

Within 90 days after the end date of the grant or any approved extension thereof (see subsection J.2. below), the

following documents must be submitted to SJI by grantees:

a. *Financial Status Report.* The final report of expenditures must have no unliquidated obligations and must indicate the exact balance of unobligated funds. Any unobligated/unexpended funds will be deobligated from the award by SJI. Final payment requests for obligations incurred during the award period must be submitted to SJI prior to the end of the 90-day close-out period.

b. *Final Progress Report.* This report should describe the project activities during the final calendar quarter of the project and the close-out period, including to whom project products have been disseminated; provide a summary of activities during the entire project; specify whether all the objectives set forth in the approved application or an approved adjustment have been met and, if any of the objectives have not been met, explain why not; and discuss what, if anything, could have been done differently that might have enhanced the impact of the project or improved its operation. These reporting requirements apply at the conclusion of every grant.

2. Extension of Close-Out Period

Upon the written request of the grantee, SJI may extend the close-out period to assure completion of the grantee's close-out requirements. Requests for an extension must be submitted at least 14 days before the end of the close-out period and must explain why the extension is necessary and what steps will be taken to assure that all the grantee's responsibilities will be met by the end of the extension period.

VIII. Grant Adjustments

All requests for programmatic or budgetary adjustments requiring Institute approval must be submitted by the project director in a timely manner (ordinarily 30 days prior to the implementation of the adjustment being requested). All requests for changes from the approved application will be carefully reviewed for both consistency with this Grant Guideline and the enhancement of grant goals and objectives. Failure to submit adjustments in a timely manner may result in the termination of a grantee's award.

A. Grant Adjustments Requiring Prior Written Approval

The following grant adjustments require the prior written approval of SJI:

1. Budget revisions among direct cost categories that (a) transfer grant funds to an unbudgeted cost category or (b) individually or cumulatively exceed five percent (5%) of the approved original budget or the most recently approved revised budget (see section VII.H.1.d.).

2. A change in the scope of work to be performed or the objectives of the project (see subsection D. below).

3. A change in the project site.

4. A change in the project period, such as an extension of the grant period and/or extension of the final financial or progress report deadline (see subsection E. below).

5. Satisfaction of special conditions, if required.

6. A change in or temporary absence of the project director (see subsections F. and G. below).

7. The assignment of an employee or consultant to a key staff position whose qualifications were not described in the application, or a change of a person assigned to a key project staff position (see section VI.A.2.).

8. A change in or temporary absence of the person responsible for managing and reporting on the grant's finances.

9. A change in the name of the grantee organization.

10. A transfer or contracting out of grant-supported activities (see subsection H. below).

11. A transfer of the grant to another recipient.

12. Pre-agreement costs (see section VII.I.2.a.).

13. The purchase of automated data processing equipment and software (see section VII.H.1.b.).

14. Consultant rates (see section VII.I.2.c.).

15. A change in the nature or number of the products to be prepared or the manner in which a product would be distributed.

B. Requests for Grant Adjustments

All grantees must promptly notify SJI, in writing, of events or proposed changes that may require adjustments to the approved project design. In requesting an adjustment, the grantee must set forth the reasons and basis for the proposed adjustment and any other information the program manager determines would help SJI's review.

C. Notification of Approval/Disapproval

If the request is approved, the grantee will be sent a Grant Adjustment signed by the SJI Executive Director. If the request is denied, the grantee will be sent a written explanation of the reasons for the denial.

D. Changes in the Scope of the Grant

Major changes in scope, duration, training methodology, or other significant areas must be approved in advance by SJI. A grantee may make minor changes in methodology, approach, or other aspects of the grant to expedite achievement of the grant's objectives with subsequent notification to SJI.

E. Date Changes

A request to change or extend the grant period must be made at least 30 days in advance of the end date of the grant. A revised task plan should accompany a request for an extension of the grant period, along with a revised budget if shifts among budget categories will be needed. A request to change or extend the deadline for the final financial report or final progress report must be made at least 14 days in advance of the report deadline (see section VII.J.2.).

F. Temporary Absence of the Project Director

Whenever an absence of the project director is expected to exceed a continuous period of one month, the plans for the conduct of the project director's duties during such absence must be approved in advance by the Institute. This information must be provided in a letter signed by an authorized representative of the grantee/sub-grantee at least 30 days before the departure of the project director, or as soon as it is known that the project director will be absent. The grant may be terminated if arrangements are not approved in advance by SJI.

G. Withdrawal of/Change in Project Director

If the project director relinquishes or expects to relinquish active direction of the project, SJI must be notified immediately. In such cases, if the grantee/sub-grantee wishes to terminate the project, SJI will forward procedural instructions upon notification of such intent. If the grantee wishes to continue the project under the direction of another individual, a statement of the candidate's qualifications should be sent to SJI for review and approval. The grant may be terminated if the qualifications of the proposed individual are not approved in advance by SJI.

H. Transferring or Contracting Out of Grant-Supported Activities

No principal activity of a grant-supported project may be transferred or contracted out to another organization without specific prior approval by SJI. All such arrangements must be formalized in a contract or other written agreement between the parties involved.

Copies of the proposed contract or agreement must be submitted for prior approval of SJI at the earliest possible time. The contract or agreement must state, at a minimum, the activities to be performed, the time schedule, the policies and procedures to be followed, the dollar limitation of the agreement, and the cost principles to be followed in determining what costs, both direct and indirect, will be allowed. The contract or other written agreement must not affect the grantee's overall responsibility for the direction of the project and accountability to SJI.

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Jonathan D. Mattiello,
Executive Director.

[FR Doc. 2018–23261 Filed 10–23–18; 8:45 am]

BILLING CODE 6820–SC–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2018–83]

Petition for Exemption; Summary of Petition Received; L3 Unmanned Systems, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before November 13, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0752 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

• *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: 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.0752gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 18, 2018.

Lirio Liu,
Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2018–0752.
Petitioner: L3 Unmanned Systems, Inc.
Section(s) of 14 CFR Affected: §§ 107.1; 107.3.
Description of Relief Sought: The petitioner is requesting relief to operate the Latitude HQ–60 and HQ–90 hybrid quadcopter unmanned aircraft systems, both above 55 pounds, under 14 CFR part 107, for the purpose of training and gathering aerial data for development and commercial interests. The petitioner also requests relief from the applicablility of operations and the definition of ''small unmanned aircraft'' in part 107.

[FR Doc. 2018–23262 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: QSA Customer Feedback Report

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 15, 2018. The collection involves the voluntary submission of responses to survey questions. The information is collected from holders of FAA production approvals and selected suppliers and provides them an opportunity to offer their input on how well the agency is performing the administration and conduct of the Aircraft Certification Systems Quality System Audit (QSA). The information to be collected will be used to promote continuous improvement initiatives and industry dialog in the FAA oversight process.

DATES: Written comments should be submitted by November 23, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0605.

Title: QSA Customer Feedback Report.

Form Numbers: FAA Form 8100–7.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 15, 2018 (83 FR 40619). The feedback information collection is voluntary and is collected by way of a self-addressed stamped envelope. It is used by local field offices, manufacturing inspection offices and the surveillance and oversight policy section of AIR–600 to improve the administration and conduct of the QSA at the local and national levels. Improvements to FAA Order 8120.23, Certificate Management of Production Approval Holders, have been and will continue to be included as policy evolves as a direct benefit of the on-going collection of that feedback information. It will also be used for reporting as a Customer Service Standard in fulfillment of Executive Order 12862, Setting Customer Service Standards, dated September 11, 1993.

Respondents: There are approximately 190 holders of FAA production approvals responding annually. This metric was updated from the 60 day FRN as a wider sampling was taken to more accurately validate and maintain consistency with supporting statement responses. Audit frequencies change from year to year as due dates range from 12 to 48 months. Accordingly, the sampling period was adjusted to capture the most recent three year period that full data was readily available.

Frequency: Feedback information is collected about thirty days after conclusion of the oversight activity. The feedback provided is voluntarily submitted by the audited facility on occasion which is predicated on their audit due date frequency.

Estimated Average Burden per Response: 30 Minutes.

Estimated Total Annual Burden: 95 hours.

Issued in Washington, DC on October 18, 2018.

Barbara Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–23218 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–3637; FMCSA–2000–7006; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0071; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2008–0231; FMCSA–2008–0266; FMCSA–2009–0291; FMCSA–2010–0161; FMCSA–2010–0187; FMCSA–2010–0201; FMCSA–2012–0040; FMCSA–2012–0161; FMCSA–2012–0214; FMCSA–2012–0215; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0011; FMCSA–2014–0296; FMCSA–2014–0297; FMCSA–2015–0072; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2016–0031; FMCSA–2016–0207; FMCSA–2016–0208; FMCSA–2016–0209; FMCSA–2016–0210]

Qualification of Drivers; Exemption Applications; Vision

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 85 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 requirements 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. Comments must be received on or before November 23, 2018.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–1998–3637; FMCSA–2000–7006; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0071; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2008–0231; FMCSA–2008–0266; FMCSA–2009–0291; FMCSA–2010–0161; FMCSA–2010–0187; FMCSA–2010–0201; FMCSA–2012–0040; FMCSA–2012–0161; FMCSA–2012–0214; FMCSA–2012–0215; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0011; FMCSA–2014–0296; FMCSA–2014–0297; FMCSA–2015–0072; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2016–0031; FMCSA–2016–0207; FMCSA–2016–0208; FMCSA–2016–0209; FMCSA–2016–0210 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., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

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., ET, 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. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–1998–3637; FMCSA–2000–7006; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0071; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2008–0231; FMCSA–2008–0266; FMCSA–2009–0291; FMCSA–2010–0161; FMCSA–2010–0187; FMCSA–2010–0201; FMCSA–2012–0040; FMCSA–2012–0161; FMCSA–2012–0214; FMCSA–2012–0215; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0011; FMCSA–2014–0296; FMCSA–2014–0297; FMCSA–2015–0072; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2016–0031; FMCSA–2016–0207; FMCSA–2016–0208; FMCSA–2016–0209; FMCSA–2016–0210), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–1998–3637; FMCSA–2000–7006; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0071; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2008–0231; FMCSA–2008–0266; FMCSA–2009–0291; FMCSA–2010–0161; FMCSA–2010–0187; FMCSA–2010–0201; FMCSA–2012–0040; FMCSA–2012–0161; FMCSA–2012–0214; FMCSA–2012–0215; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0011; FMCSA–2014–0296; FMCSA–2014–0297; FMCSA–2015–0072; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2016–0031; FMCSA–2016–0207; FMCSA–2016–0208; FMCSA–2016–0209; FMCSA–2016–0210, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

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

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

B. Viewing Documents and Comments

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C. Privacy Act

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

II. Background

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 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.

The 85 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), 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.

III. 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.

IV. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than five years from its approval date and may be renewed upon application. FMCSA grants exemptions from the vision standard for a two-year period to align with the maximum duration of a driver's medical certification. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 85 applicants has satisfied the renewal conditions for obtaining an exemption from the vision standard (see 63 FR 196; 63 FR 30285; 65 FR 20245; 65 FR 57230; 65 FR 66293; 67 FR 46016; 67 FR 57266; 67 FR 57267; 67 FR 67234; 69 FR 17263; 69 FR 31447; 69 FR 51346; 69 FR 52741; 69 FR 62741; 71 FR 14566; 71 FR 27034; 71 FR 30227; 71 FR 32183; 71 FR 32185; 71 FR 41310; 71 FR 41311; 71 FR 50970; 71 FR 53489; 71 FR 62147; 73 FR 6242; 73 FR 6244; 73 FR 16950; 73 FR 16952; 73 FR 27014; 73 FR 35196; 73 FR 35197; 73 FR 35200; 73 FR 36955; 73 FR 38499; 73 FR 42403; 73 FR 46973; 73 FR 48270; 73 FR 48273; 73 FR 48275; 73 FR 51336; 73 FR 51689; 73 FR 54888; 73 FR 63047; 73 FR 74565; 74 FR 65842; 75 FR 9482; 75 FR 22179; 75 FR 27622; 75 FR 36779; 75 FR 39725; 75 FR 44051; 75 FR 47883; 75 FR 50799; 75 FR 52061; 75 FR 52062; 75 FR 52063; 75 FR 54958; 75 FR 61833; 75 FR 63257; 75 FR 64396; 75 FR 66423; 75 FR 70078; 77 FR 10604; 77 FR 23799; 77 FR 26816; 77 FR 33558; 77 FR 36338; 77 FR 38384; 77 FR 41879; 77 FR 46153; 77 FR 46793; 77 FR 48590; 77 FR 52381; 77 FR 52388; 77 FR 52389; 77 FR 52391; 77 FR 56262; 77 FR 59245; 77 FR 60010; 77 FR 64582; 77 FR 64841; 77 FR 68199; 77 FR 68200; 78 FR 34143; 78 FR 41975; 78 FR 52602; 78 FR 56986; 78 FR 62935; 78 FR 63302; 78 FR 67454; 78 FR 76395; 78 FR 77780; 79 FR 4803; 79 FR 10619; 79 FR 14571; 79 FR 18392; 79 FR 27365; 79 FR 28588; 79 FR 29498; 79 FR 35212; 79 FR 35218; 79 FR 38659; 79 FR 41735; 79 FR 45868; 79 FR 46153; 79 FR 46300; 79 FR 47175; 79 FR 51642; 79 FR 51643; 79 FR 53514; 79 FR 56097; 79 FR 56099; 79 FR 56104; 79 FR 58856; 79 FR 59348; 79 FR 59357; 79 FR 63211; 79 FR 64001; 79 FR 68199; 79 FR 70928; 79 FR 72754; 80 FR 2471; 80 FR 63869; 80 FR 67481; 80 FR 70060; 81 FR 15401; 81 FR 16265; 81 FR 39320; 81 FR 40634; 81 FR 42054; 81 FR 52514; 81 FR 66720; 81 FR 68098; 81 FR 70248; 81 FR 70251; 81 FR 70253; 81 FR 71173; 81 FR 72664; 81 FR 80161; 81 FR 80161; 81 FR 81230; 81 FR 90046; 81 FR 90050; 81 FR 91239; 81 FR 94013; 81 FR 96178; 81 FR 96191; 81 FR 96196). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. 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 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 November and are discussed below:

As of November 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 53 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (63 FR 196; 63 FR 30285; 65 FR 20245; 65 FR 57230; 65 FR 66293; 67 FR 46016; 67 FR 57266; 67 FR 57267; 67 FR 67234; 69 FR 17263; 69 FR 31447; 69 FR 51346; 69 FR 52741; 69 FR 62741; 71 FR 14566; 71 FR 27034; 71 FR 30227; 71 FR 32183; 71 FR 32185; 71 FR 41310; 71 FR 41311; 71 FR 50970; 71 FR 53489; 71 FR 62147; 73 FR 6242; 73 FR 6244; 73 FR 16950; 73 FR 16952; 73 FR 27014; 73 FR 35196; 73 FR 35197; 73 FR 35200; 73 FR 36955; 73 FR 38499; 73 FR 42403; 73 FR 46973; 73 FR 48270; 73 FR 48273; 73 FR 48275; 73 FR 51336; 73 FR 51689; 73 FR 54888; 73 FR 63047; 73 FR 74565; 74 FR 65842; 75 FR 9482; 75 FR 22179; 75 FR 27622; 75 FR 36779; 75 FR 39725; 75 FR 44051; 75 FR 47883; 75 FR 50799; 75 FR 52061; 75 FR 52062; 75 FR 52063; 75 FR 54958; 75 FR 61833; 75 FR 63257; 75 FR 64396; 75 FR 66423; 75 FR 70078; 77 FR 10604; 77 FR 23799; 77 FR 26816; 77 FR 33558; 77 FR 36338; 77 FR 38384; 77 FR 41879; 77 FR 46153; 77 FR 46793; 77 FR 48590; 77 FR 52381; 77 FR 52388; 77 FR 52389; 77 FR 52391; 77 FR 56262; 77 FR 59245; 77 FR 60010; 77 FR 64582; 77 FR 64841; 77 FR 68199; 77 FR 68200; 78 FR 34143; 78 FR 41975; 78 FR 52602; 78 FR 56986; 78 FR 62935; 78 FR 63302; 78 FR 67454; 78 FR 76395; 78 FR 77780; 79 FR 4803; 79 FR 10619; 79 FR 14571; 79 FR 18392; 79 FR 27365; 79 FR 28588; 79 FR 29498; 79 FR 35212; 79 FR 35218; 79 FR 38659; 79 FR 41735; 79 FR 45868; 79 FR 46153; 79 FR 46300; 79 FR 47175; 79 FR 51642; 79 FR 51643; 79 FR 53514; 79 FR 56097; 79 FR 56099; 79 FR 56104; 79 FR 58856; 79 FR 59348; 79 FR 59357; 79 FR 64001; 79 FR 68199; 79 FR 70928; 79 FR 72754; 80 FR 63869; 80 FR 67481; 80 FR 70060; 81 FR 15401; 81 FR 16265; 81 FR 39320; 81 FR 40634; 81 FR 42054; 81 FR 52514; 81 FR 66720; 81 FR 68098; 81 FR 71173; 81 FR 80161; 81 FR 81230; 81 FR 90050; 81 FR 91239; 81 FR 96196):

John W. Arnold (KY)
Joel W. Bryant (LA)
Derric D. Burrell (AL)
Kenneth C. Caldwell (NY)
Juan Carranco (TX)
Dionicio Carrera (TX)
John P. Catalano (NJ)
Joshua L. Cecotti (WA)
David A. Coburn, Sr. (VT)
Julian Collins (GA)
Jimmie L. Crenshaw (AL)
Edward Cunningham (MI)
Louis A. DiPasqua, Jr. (NY)
Roderick L. Duvall (PA)
Kelvin Frandin Bombu (KY)
Tyron O. Friese (MN)
Randy M. Garcia (NM)
Jeffrey M. Hall (AL)
Clifford J. Harris (VA)
John H. Holmberg (WI)
Edward P. Hynes II (VA)
Thomas L. Kitchen (VA)
Richard A. Kolodziejczyk (CT)
John C. Lewis (SC)
Ronnie R. Lockamy (NC)
Ernest B. Martin (KY)
Mark L. McWhorter (FL)
Ronald S. Milkowski (NJ)
Jeremy L. Miller (OR)
Benny R. Morris (WV)
Larry G. Nikkel (WA)
Donald L. Nisbet (WA)
Dennis E. Palmer, Jr. (CT)
Larry A. Priewe (ND)
Chad M. Quarles (AL)
Robert D. Reeder (MI)
Albert L. Remsburg III (MD)
Antonio A. Ribeiro (CT)
Christopher W. Robinson (NY)
Sabahudin Sabic (IA)
Kirk Scott (CT)
Jimmy E. Settle (MO)
Lawrence Siegler (MN)
LeTroy D. Sims (SC)
David M. Smith (IL)
Sandra J. Sperling (WA)
Dale L. Stewart (MI)
Malcolm J. Tilghman, Sr. (DE)
Donald Wallace (IL)
Scott C. Westphal (MN)
Carl V. Wheeler (NC)
Earl L. White, Jr. (NH)
Hubert Whittenburg (MO)

The drivers were included in docket numbers FMCSA–1998–3637; FMCSA–2000–7006; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0071; FMCSA–2008–0106; FMCSA–2008–

0174; FMCSA–2008–0231; FMCSA–2008–0266; FMCSA–2009–0291; FMCSA–2010–0161; FMCSA–2010–0187; FMCSA–2010–0201; FMCSA–2012–0040; FMCSA–2012–0161; FMCSA–2012–0214; FMCSA–2012–0215; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0011; FMCSA–2014–0296; FMCSA–2015–0072; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2016–0031. Their exemptions are applicable as of November 9, 2018, and will expire on November 9, 2020.

As of November 11, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 22 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 70248; 81 FR 70251; 81 FR 70253; 81 FR 90046; 81 FR 96178; 81 FR 96191):

Elijah A. Allen (AR)
Randal D. Aukes (MN)
Daniel L. Bawden (IL)
Keith D. Blackwell (TX)
Kathy J. Brown (OH)
Louis J. Cullen (NJ)
Edwin P. Davis (OR)
Wayne L. Dorbert (PA)
Timothy J. Dougherty (MN)
Kelly L. Ewing (PA)
Joseph G. Fischer (MO)
Josh Gallant (SC)
Stanley W. Goble (IA)
John P. Grum (PA)
William R. Guida (PA)
Jerry L. Hayden (IA)
Nylo K. Helberg (ND)
Dillon L. Hendren (SC)
J.W. Keener (PA)
George P. Mendiola (CA)
Alfred L. Robinson (AR)
Jerry L. Smith (VA)

The drivers were included in docket numbers FMCSA–2016–0207; FMCSA–2016–0208; FMCSA–2016–0209. Their exemptions are applicable as of November 11, 2018, and will expire on November 11, 2020.

As of November 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 vision requirement in the FMCSRs for interstate CMV drivers (79 FR 63211; 80 FR 2471; 81 FR 72664; 81 FR 80161; 81 FR 94013):

Harry R. Brewer (TN)
Kevin J. Embrey (IN)
Peter J. Faber (NE)
Johnny E. Hill (AL)
Justin A. Hooper (MO)
John R. Horst (PA)
Robert E. Kelley (WA)
James F. McLaughlin (MN)
Michael J. Monroe (IA)
Brian T. Morrison (MO)

The drivers were included in docket numbers FMCSA–2014–0297; 2016–0210. Their exemptions are applicable as of November 22, 2018, and will expire on November 22, 2020.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver 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 of his/her driver's qualification if he/her 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.

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 85 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. 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: October 15, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23234 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0018]

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 11 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 November 23, 2018.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0018 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., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

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., ET,

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. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice Docket No. FMCSA–2018–0018, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2018–0018, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

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

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

B. Viewing Documents and Comments

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C. Privacy Act

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II. 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 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.

III. Qualifications of Applicants

Brian K. Aldridge

Mr. Aldridge, 46, 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 optometrist stated, ''My medical opinion is that patient has sufficient vision to perform driving tasks required for commercial vehicle.'' Mr. Aldridge reported that he has driven straight trucks for seven years, accumulating 54,600 miles. He holds a Class B CDL from Ohio. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Peter A. Clarke

Mr. Clarke, 53, has macular scarring in his left eye due to a traumatic incident in his childhood. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2018, his optometrist stated, ''I attest that Peter Clarke has sufficient vision to qualify to operate a commercial vehicle.'' Mr. Clarke reported that he has driven straight trucks for 15 years, accumulating 225,000 miles. He holds an operator's license from Washington. His driving record for the last three years shows no crashes and one conviction for a moving violation in a CMV; failure to obey traffic control device.

Lane D. Fuller

Mr. Fuller, 25, has had neuroretinitis in his right eye since 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 optometrist stated, ''I feel Lane has excellent vision with his left eye and can safely operate a commercial vehicle with his VA and field of vision of his left eye.'' Mr. Fuller reported that he has driven straight trucks for seven years, accumulating 143,000 miles, and tractor-trailer combinations for seven years, accumulating 364,000 miles. He holds a Class A CDL from Kansas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Justin M. Goins

Mr. Goins, 34, has a retinal detachment in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''It is my opinion that Justin Goins has sufficient vision to operate a commercial vehicle.'' Mr. Goins reported that he has driven straight trucks for eight years, accumulating 76,000 miles, and tractor-trailer combinations for eight years, accumulating 32,000 miles. He holds an operator's license from Michigan. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Alfred R. Knotts, Jr.

Mr. Knotts, 56, has had complete loss of vision in left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2018, his ophthalmologist stated, ''This is to certify that in my opinion Mr. Alfred R. Knotts Jr. clearly has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Knotts reported that he has driven straight trucks for 26 years, accumulating 156,000 miles. He holds a Class B CDL from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Margurette Mungro

Ms. Mungro, 58, has had a retinal detachment in her left eye since 2014. The visual acuity in her right eye is 20/30, and in her left eye, 20/100. Following an examination in 2018, her ophthalmologist stated, ''In my opinion she does have sufficient vision to drive comerical veHICLE [sic].'' Ms. Mungro reported that she has driven tractor-trailer combinations for 36 years, accumulating 3.6 million miles. She holds a Class A CDL from North Carolina. Her driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jerome Nezworski

Mr. Nezworski, 64, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2018, his ophthalmologist stated, ''In my medical opinion, patient has sufficient vision to perform driving tasks associated with operating a commercial vehicle.'' Mr. Nezworski reported that he has driven straight trucks for 42 years, accumulating 1 million miles. He holds a Class CD CDL from Michigan. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

James E. Smith

Mr. Smith, 39, has had a central retinal vein occlusion in his right eye since 2014. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''In my medical opinion, James has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Smith reported that he has driven straight trucks for 20 years, accumulating 800,000 miles, and tractor-trailer combinations for seven years, accumulating 210,000 miles. He holds a Class A CDL from Florida. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Marcel Spinu

Mr. Spinu, 54, had a retinal detachment in his right eye due to a traumatic incident in 1999. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''In my medical opinion, patient has sufficient vision to perform driving tasks require [sic] to operate a commercial vehicle.'' Mr. Spinu reported that he has driven straight trucks for one year, accumulating 50,000 miles, and tractor-trailer combinations for 14 years, accumulating 1.54 million miles. He holds an operator's license from Washington. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Francisco J. Torres

Mr. Torres, 51, has a prosthetic right eye due to a traumatic incident in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''Left eye is best corrected to 20/20 at distance and near and is stable. From all the findings, he is able to perform the driving tasks required to operate a commercial vehicle.'' Mr. Torres reported that he has driven straight trucks for 30 years, accumulating 1.2 million miles, and tractor-trailer combinations for 30 years, accumulating 1.2 million miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

William Walden

Mr. Walden, 58, has a macular scar in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''My medical opinion is that Mr. Walden has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Walden reported that he has driven straight trucks for 35 years, accumulating 1.68 million miles. He holds a Class BM CDL from Alabama. His driving record for the last three years shows one crash, for which he was not cited, and no convictions for moving violations in a CMV.

IV. 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.

Issued on: October 15, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23232 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0188; FMCSA–2012–0164; FMCSA–2014–0019; FMCSA–2014–0020; FMCSA–2016–0043; FMCSA–2016–0216; FMCSA–2016–0218; FMCSA–2016–0219]

Qualification of Drivers; Exemption Applications; Diabetes

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 192 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.

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., ET, 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. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2010–0188; FMCSA–2012–0164; FMCSA–2014–0019; FMCSA–2014–0020; FMCSA–2016–0043; FMCSA–2016–0216; FMCSA–2016–0218; FMCSA–2016–0219, 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., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

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

II. Background

On August 15, 2018, FMCSA published a notice announcing its decision to renew exemptions for 192 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (75 FR 42477; 75 FR 57329; 77 FR 46149; 77 FR 59450; 79 FR 47702; 79 FR 47711; 79 FR 63210; 81 FR 51541; 81 FR 52505; 81 FR 52947; 81 FR 59718; 81 FR 67421; 81 FR 72640; 81 FR 72651; 81 FR 84688; 82 FR 12899). The public comment period ended on September 14, 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)(3).

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.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based on its evaluation of the 192 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.41(b)(3):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of September and are discussed below:

As of September 7, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 29 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 51541; 81 FR 72651):

Larry S. Ankerson (WI)
Kenneth D. Beatty (MS)
Brandon J. Brown (TN)
Justin D. Campbell (AL)
Vito J. Dambra (PA)
Linda D. Davis (IN)
Frank A. DeCarolis (KS)
Orlando Dominguez (CA)
Scott L. Fetzer (PA)
Carl E. Fisher (PA)
Ryan A. Gehrke (MN)
Shane R. Gousie (MA)
Randal E. Hampton (NV)
Reginald M. Hart (GA)
Dennis J. Kniffen (SD)
Allen E. Lemaster (SC)
Wayne F. Leonard (IL)
Joshua W. Lockwood (MD)
Brian P. McCabe (WA)
Charles M. McKenzie (OH)
Michael C. McNamara (SC)
Michael S. Meulenberg (MI)
Timothy J. Newton (IA)
David T. Petty (CA)
Ronald K. Roe (PA)
Harry W. Roebuck (TX)

James D. Tichnor (NJ)
Scott W. Waterman (SD)
Richard A. Wojciak (CT)

The drivers were included in docket number FMCSA–2016–0043. Their exemptions are applicable as of September 7, 2018, and will expire on September 7, 2020.

As of September 8, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 33 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 52505; 81 FR 84688):

Robert C. Bartleson (WI)
Melvin J. Bowers (SC)
Howard A. Cambridge (PA)
Donald J. Charette (CT)
Robert C. Davis (PA)
Matthew P. Delaney (MA)
Scot D. Dragon (CT)
Patrick J. Flynn (IA)
Tyson E. Frazier (NH)
Charles R. Hurston (LA)
Lovie L. Ivory (AL)
Rodrigo Jackson (TX)
Keith L. Jaynes (ME)
James J. Jopp (MN)
Evan D. Keese (TN)
Michael J. Kelly (NY)
Mark A. Lewis (SD)
Lloyd I. Lynn (IA)
Vincent Marino (WV)
Dean A. McCoy (IA)
Bruce A. Miller (IA)
Eric J. O'Neal (MD)
Eugene E. Patterson III (TX)
Michael G. Schleining (WA)
Ryan A. Scopino (ME)
Robert W. Shafer (SD)
Terry J. Southards (KS)
Timothy T. Stanton (MN)
Eric W. Thomason (KS)
Glenn M. Turley (WV)
Randy R. Wallace (MO)
Merle L. Weyer (SD)
Norman D. Zamarche (UT)

The drivers were included in docket number FMCSA–2016–0218. Their exemptions are applicable as of September 8, 2018, and will expire on September 8, 2020.

As of September 10, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 31 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 52947; 81 FR 67421):

Dale E. Bliss (WI)
Charles W. Bobbitt (WA)
Thomas Buckmaster (FL)
Carlos A. Chapa (TX)
David E. Colorado (UT)
Francis J. Crawford (NY)
James W. Creech (IN)
Kirk A. Devitis (NJ)
Melinda L. Echols (WA)
Justin W. Garriott (WY)
David J. Goergen (MN)
Pedro L. Gonzalez (MA)
Jeffrey K. Hagen (WI)
Charles D. Hall (CA)
Bonita K. Hunt (NC)
John M. Isley (NC)
Jeffrey A. Kidd (MD)
Craig T. Kite (OH)
Kevin E. Lester (VA)
Eric T. Maier (CA)
Javier Melendez (TX)
Terry L. Neiman (PA)
Peter Z. Pall (FL)
Vernon Piper (NY)
Sean A. Rivera (AZ)
James R. Sauceda (NM)
Tony B. Wetherell (MN)
Mark A. Williams (GA)
Steven M. Wilson (IL)
Don E. Wood (TX)
Charles P. Zenns (NY)

The drivers were included in docket number FMCSA–2016–0216. Their exemptions are applicable as of September 10, 2018, and will expire on September 10, 2020.

As of September 16, 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 47702; 79 FR 47711; 79 FR 63210; 82 FR 12899):

Vincent M. Branch (VA)
James M. Brooks (VA)
Perry C. Bullis (PA)
Richard E. Campney (IA)
James E. Cantrell, Jr. (AL)
Steven J. Causie (MI)
Wesley A. Chain (TX)
Kristy S. Clark (VA)
Richard M. Cohen (NJ)
Dwayne P. Daniels (IL)
James T. Dodge (CO)
Richard D. Domingo (NV)
John J. Dominguez (TX)
Bradley C. Dunlap (IL)
Gary W. Giles (TX)
John A. Gillingham (PA)
Ronald L. Glade (IL)
Brent C. Godshalk (IN)
Benny B. Gonzales (TX)
Jerry W. Gott (IA)
Daniel E. Harris (IL)
Randy S. Holz (IA)
Henderson R. Hughes (NY)
James L. Hummel (WA)
Joseph T. Ingiosi (MI)
Michael J. Javenkoski (MN)
Steven T. Juhl (WI)
Joseph A. Kipus (OH)
Kevin L. Kreakie (OH)
Kevin C. Lewis (LA)
Richard M. Mackey (TX)
Paul J. Marshall (UT)
David L. McDonald (IL)
Kevin J. McGrath (MA)
Thomas K. Miszler (PA)
Jerry W. Murphy (MS)
Christopher D. Murray (NC)
Robert D. Noe (IL)
Kyle W. Parker (CA)
Gary L. Roberts (CT)
Eric D. Roberts (MI)
Tommy A. Rollins (GA)
Janice M. Rowles (PA)
William B. Rupert, Jr. (PA)
Ahmed A. Saleh (MI)
Bradlee R. Saxby (IL)
Robert M. Schmitz (IA)
Barry L. Schwab (MI)
Geoffrey E. Showaker (PA)
Bryce J. Smith (UT)
David R. Sprenkel (PA)
Jeffrey R. Stevens (PA)
Artilla M. Thomas (IL)
Dale W. Tucker (VA)
William C. Vickery (NY)
Robert A. Whitcomb (MA)
Rodney L. Wichman (IL)
Richard D. Wiegartz (IL)

The drivers were included in docket numbers FMCSA–2014–0019; FMCSA–2014–0020. Their exemptions are applicable as of September 16, 2018, and will expire on September 16, 2020.

As of September 20, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 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 42477; 75 FR 57329; 82 FR 12899):

Tommy S. Boden (ID)
Dustin G. Cook (OH)
Nathan J. Enloe (MO)
Joseph B. Hall (GA)
Mark H. Horne (NH)
Michael J. Hurst (MI)
Chad W. Lawyer (IN)
Thomas A. Mentley (NY)
Justin P. Sibigtroth (IL)
Duane A. Wages (ND)
Michael J. Williams (NY)
Edward L. Winget, Sr. (MS)

The drivers were included in docket number FMCSA–2010–0188. Their exemptions are applicable as of September 20, 2018, and will expire on September 20, 2020.

As of September 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following five 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 46149; 77 FR 59450; 82 FR 12899):

Matthew R. Lanciault (NH)
Steven L. Leslie (MI)
Del A. Meath (MN)
Benny D. Puck (IA)
Bob F. Rice (WA)

The drivers were included in docket number FMCSA–2016–0164. Their exemptions are applicable as of September 27, 2018, and will expire on September 27, 2020.

As of September 30, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 24 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 59718; 81 FR 72640):

Scott G. Barr (FL)
John L. Bauers (NE)
Robert J. Borgese (NJ)
Rodger L. Bratton (LA)
John T. Brecken (MI)
Ross L. Christenson (MN)
Daniel B. Cox (WA)
Raymond Davila (NJ)
Craig W. Dennis (MN)
Douglas Endicott (VA)
Thomas P. Fogerty (MA)
M. A. Gandolfo (NY)
Merlyn C. Gerdes (IA)
Fabian Guerrero-Rodriguez (NV)
James C. Holcomb (LA)
Robert J. Lockwood (CT)
Adam W. Martin (MI)
Lucas J. Preston (ND)
William B. Robinson (AR)
F. Marino M. Sanchez (NY)
Andrew D. Sanford (TN)
Michael A. Taylor (CT)
Jerry W. Thomas (NC)
Ray E. Vaughan (MN)

The drivers were included in docket number FMCSA–2016–0219. Their exemptions are applicable as of September 30, 2018, and will expire on September 30, 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: October 15, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23227 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0015]

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 nine 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 August 21, 2018. The exemptions expire on August 21, 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., ET, 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. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0015, 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., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

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

II. Background

On July 20, 2018, FMCSA published a notice announcing receipt of applications from nine individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (83 FR 34667). The public comment period ended on August 20, 2018, and one comment was 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 one comment in this proceeding. Vicky Johnson stated that the Minnesota Department of Public Safety (MN DPS) has no objections to granting a Federal vision exemption to Mark E. Thesing.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to five years 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. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

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 July 20, 2018, **Federal Register** notice (83 FR 34667) 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 nine 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, cataract, glaucoma, optic nerve hypoplasia, prosthesis, and retinal detachment. In most cases, their eye conditions were not recently developed. Five 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 four to nine 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 9 to 73 years. In the past three years, no drivers were involved in crashes, and one driver was convicted of a moving violation in a CMV. 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 nine exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Paulo G. Clemente (NC)
Ronald W. Doskocil (TX)
Loren D. Estad (ND)
Ryan P. Garner (MT)
Kody D. Gleckler (OH)
Jeffrey W. Hawkins (NC)
Timothy D. Lundvall (NE)
Eric D. Smith (GA)
Mark E. Thesing (MN)

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: October 15, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23233 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0443]

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 renew exemptions for five 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: The exemptions were applicable on May 19, 2018. The exemptions expire on May 19, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, f*mcsamedical@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., ET, 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. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2013–0443, 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., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

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

II. Background

On July 20, 2018, FMCSA published a notice announcing its decision to renew exemptions for five individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (83 FR 34670). The public comment period ended on August 20, 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)(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 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 no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the five renewal exemption applications, FMCSA announces its' decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8):

Thomas Bynum (NC)
Ronald A. Hartl (WI)
Craig Hoisington (NH)
Michael W. Miller (WI)
Peter M. Thompson (FL)

The drivers were included in docket number FMCSA–2013–0443. Their exemptions are applicable as of May 19, 2018, and will expire on May 19, 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: October 15, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23235 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2018–0030]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 41 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on July 12, 2018. The exemptions expire on July 12, 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., ET, 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. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0030, 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., ET., Monday through Friday, except Federal holidays.

B. Privacy Act

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

II. Background

On June 11, 2018, FMCSA published a notice announcing receipt of applications from 41 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (83 FR 27070). The public comment period ended on July 11, 2018, and 1 comment was 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)(3).

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.

III. Discussion of Comments

FMCSA received one comment in this proceeding. Vicky Johnson submitted a comment regarding John A. Larson and Christopher A. Marquette, indicating that the Minnesota Department of Public Safety (MN DPS) has no objections to either driver being granted a Federal diabetes exemption. Ms. Johnson notes that neither Mr. Larson nor Mr. Marquette has provided a medical certificate or waiver/exemption to MN DPS. Neither driver had been granted a Federal diabetes exemption until the date previously stated in this notice and would have been unable to provide a Federal diabetes exemption prior to the date that the exemptions were applicable.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to five years from the diabetes standard in 49 CFR 391.41(b)(3) 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. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the June 11, 2018, **Federal Register** notice, (83 FR 27070) and will not be repeated in this notice.

These 41 applicants have had ITDM over a range of 1 to 26 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) 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 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 provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; 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 keeping 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 41 exemption applications, FMCSA exempts the following drivers from the rule prohibiting drivers with ITBM from driving CMV's in interstate commerce in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Gerardo Arredondo (TX)
Ammar H. Atieh (NJ)
Robert P. Baker, Jr. (IN)
Jose A. Barron (TX)
Michael D. Cash (NY)
Travis A. Chandler (TN)
Curtis D. Dement (ND)
Mark A. Duncan (KS)
Hugh J. Gallagher (IN)
Charles Gant (PA)
Gary D. Gudeman (IN)
Richard D. Hawkins (IN)
Michael A. Hayes (NC)
Brent M. Howard (IA)
Herbert O. Jenkins (KY)
Scott A. Kiel (ND)
Barry T. Koch (PA)
Jose Lares (AZ)
John A. Larson (MN)
Brian T. Lewis (CA)
Mark J. Longtin (SD)
Christopher A. Marquette (MN)
Kasey J. Martin (IN)
David A. Martin (IL)
Ryan J. Matthews (OH)
Gion H. Mersha (IA)
Phillip A. Nass (WI)
Frank T. Piper, Jr. (CT)
James P. Renaud (NH)
Charles D. Robison (IA)
Michael A. Roosa (MA)
Alan Sang (FL)
James M. Sanicola (WI)
Michael J. Torrez (WI)
Gerard N. Tremblay, Jr. (MA)
John H. Turner (GA)
Marcus D. Wade (IL)
James A. White (LA)
Theodore M. Wicks (WY)
Raymond L. Williamson (IL)
Steve B. Winger (MT)

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(e) and 31315.

Issued on: October 15, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23228 Filed 10–23–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2018–0033]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 60 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on August 21, 2018. The exemptions expire on August 21, 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., ET, 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. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0033, 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., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

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

II. Background

On July 20, 2018, FMCSA published a notice announcing receipt of applications from 60 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (83 FR 34653). The public comment period ended on August 20, 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)(3).

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.

III. Discussion of Comments

FMCSA received two comments in this proceeding. Dominika Rodriguez submitted a comment in favor of granting Paul Diokpa a Federal diabetes exemption.

Vicky Johnson of the Minnesota Department of Public Safety noted the driving record of Mr. William T. Casey. On September 20, 2018, FMCSA's office followed up with Vicky Johnson and determined that the information does not change the agency's decision.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to five years from the diabetes standard in 49 CFR 391.41(b)(3) 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. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the July 20, 2018, **Federal Register** notice (83 FR 34653) and will not be repeated in this notice.

These 60 applicants have had ITDM over a range of 1 to 45 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) 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 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 provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; 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 keeping 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 60 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Michael R. Allen (IL)

Kenneth A. Bauer II (MI)
Teresia K. Beaty (IN)
Mycah M. Bliesmer (MN)
Theodore F. Brassley, Jr. (ME)
Al C. Broom (CA)
David A. Bruns (IN)
Todd W. Burdick (WI)
William T. Casey (MN)
Anthony Castano (FL)
Richard T. Cisson III (FL)
John F. Daley (RI)
Erik T. Davis (MS)
Robert J. Degrave (VA)
Paul A. Diokpa (IL)
Richard E. Dodge (OR)
Jeramy A. Elley (MT)
John A. Evenson (MN)
Gregory L. Faison (MD)
Ronald N. Falkowski (WI)
Shawn L. Floyd (IL)
Terrence M. Fontaine (MA)
David G. Foster (MI)
Daniel A. Fry (PA)
Samuel L. Gillespie (TN)
Eddie C. Hall (FL)
Jacob E. Heubner (IN)
Michael P. Johnson (MN)
Ryan J. Keys (NY)
James C. Lee, Jr. (GA)
Harold W. Lewis, Jr. (MD)
Edward T. Martin (MN)
Clavenda L. Mason (MD)
Derek A. McGinty (WI)
Pamela J. Meziere (MS)
Mark A. Miller (IN)
Donald R. Mocaby (IL)
David B. Morel (NH)
Cornelius W. Ott, Jr. (IL)
Gene H. Owens (KS)
Jarek D. Perkins (OH)
Austin S. Pihuliak (OH)
Michael P. Poisson (MI)
Carl E. Rhoads (IL)
John W. Ringbloom (PA)
Leslie M. Rinker (VA)
Rocky G. Roof (MO)
Lance U. Sapp (ND)
Dwayne E. Smith (NY)
Brian C. Smith (CA)
Alex L. Soto (CA)
Scott K. Stauffer (PA)
Jerry F. Summers (NH)
Gary R. Waldvogel (MN)
Lee H. Watkins (OH)
John D. Wenger, Jr. (MO)
David B. Whitehead (NC)
John J. Wille III (UT)
Douglas W. Winslow (IL)
Christopher S. Wright (IL)

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(e) and 31315.

Issued on: October 15, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23229 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2018–0202]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 39 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on September 15, 2018. The exemptions expire on September 15, 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., ET, 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. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0202, 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., ET., Monday through Friday, except Federal holidays.

B. Privacy Act

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

II. Background

On August 15, 2018, FMCSA published a notice announcing receipt of applications from 39 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (83 FR 40642). The public comment period ended on September 14, 2018, and no 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)(3).

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.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to five years from the diabetes standard in 49 CFR 391.41(b)(3) 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. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications,

experience, and medical condition of each applicant were stated and discussed in detail in the August 15, 2018, **Federal Register** notice (83 FR 40642) and will not be repeated in this notice.

These 39 applicants have had ITDM over a range of 1 to 59 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) 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 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 provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; 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 keeping 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 39 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Jeffrey L. Barton (KS)
Michael J. Beattie (TN)
Timothy W. Beeny (KY)
Joseph A. Bradley (IN)
Harold B. Bryan (ID)
Javis B. Cruz (NM)
Matthew A. Cunningham (NY)
Victor J. Da-Chao (MD)
Timothy S. Danley (TX)
Richard G. Dattler, Jr. (OR)
Ellen M. Diggs (KS)
Marven J. Finken (MN)
Randie S. Fisher, Jr. (MO)
Jason J. Fleisch (PA)
Ryan M. Galusha (NY)
Raymond M. Hamlin (ME)
Steven L. Hare, Jr. (NC)
Joshua R. Hedges (MO)
Vicky L. Hill (WA)
Charles O. Hudson (TN)
James A. Keebaugh (PA)
Rein R. Kori (TN)
Thomas C. McGee (SC)
Anton Means (IL)
Andrew P. Metze (SC)
Christopher J. Misner (MI)
Mohamed S. Mohamed (MA)
Eugene G. Mueller (WI)
Reginald J. Pokorny (NE)
Vernon C. Read (CA)
John W. Rosenthal (ID)
Steven A. Santamaria (IL)
Ricky J. Sawyer (AL)
Justin G. Simpson (OH)
Jacob H. Turner (AR)
Chad E. Vanscoy (OH)
Phillip M. Woods (MI)
Robert W. Youdath (OH)
Brian D. Zoll (OH)

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(e) and 31315.

Issued on: October 15, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23230 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2018–0032]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 54 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on August 17, 2018. The exemptions expire on August 17, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, 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., ET, 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. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0032, 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., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

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

II. Background

On July 17, 2018, FMCSA published a notice announcing receipt of applications from 53 individuals requesting an exemption from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3), to operate a CMV in interstate commerce and requested comments from the public (83 FR 27070). The public comment period ended on August 16, 2018, and one comment was 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)(3).

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.

III. Discussion of Comments

FMCSA received one comment in this proceeding. Alexandra Reese from the state of Minnesota stated that the state of Minnesota has no objections to granting diabetes exemptions to Benjamin J. Boeding and Thomas W. Markham.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for up to five years from the diabetes standard in 49 CFR 391.41(b)(3) 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. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the July 17, 2018, **Federal Register** notice (83 FR 33297) and will not be repeated in this notice.

These 54 applicants have had ITDM over a range of 1 to 46 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) 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 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 provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; 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 keeping 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 53 exemption applications, FMCSA exempts the following drivers from the rule prohibiting drivers with ITBM from driving CMV's in interstate commerce in 49 CFR 391.41(b)(10), subject to the requirements cited above:

David V. Amado (CA)
Allan D. Arcand (WI)
Nickie D. Archuleta (PA)
Mathew B. Bartlett (IA)
Sean S. Bateman (NY)
Marvin E. Battle, Jr. (GA)
Gordon R. Bayles (UT)
Kirk W. Behrer (PA)
Benjamin J. Boeding (MN)
Robert A. Bowman (KY)
Michael G. Cohen (NY)
John R. Delucca (IN)
James M. Dubay (MI)
Larry I. Frizell (IA)
Gerson A. Gonzalez (NJ)
David D. Gross (PA)
Ricky A. Kirby (KY)
Dustin M. Kirkland (OH)
Scott M. Kiser (GA)
Lee E. Koehn (AL)
Wayne L. Kracht (IA)
Jeffrey L. Kramer (OH)
Brad M. Ligols (MA)
Kenneth J. Lubanski (NJ)
Thomas W. Markham (MN)
Richard T. McAtee II (OH)
John T. McEntire III (SC)
Jonathan D. Miles (IN)
Brian J. Morgan (VT)
Cecil M. Morris, Jr. (KY)
Nicholas C. O'Connor (MA)
Rowdy V. Orr (TX)
Neal J. Pangrazio (NY)
William T. Phipps, Jr. (MD)
Robert A. Pope (IA)
Micky J. Powers (MI)
Shawn K. Richardson (WA)
Joselito Rosario (MA)
Gregory L. Ryan (DE)
Howard G. Schrepp (GA)
James W. Shirk (PA)
Michael J. Simko (PA)
Roderick Q. Smith (IL)
Walter C. Snoodgrass, Jr. (IN)
Robert W. Stewart (NC)
Joseph W. Symons (MI)
Felipe D. Torres (TX)
James J. Triplett (TN)
Amos L. Trujillo (NM)
Lynda D. Vance (TN)
Christopher E. Vazquez (CT)
Michael J. Vigna (IL)
Brian P. Walsh (IA)

Nathan L. Watson (TX)

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(e) and 31315.

Issued on: October 15, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23231 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0206]

Qualification of Drivers; Exemption Applications; Diabetes

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

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from seven individuals who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce.

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., ET, 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. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0206, 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., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

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

II. Background

FMCSA received applications from seven individuals who requested an exemption from the FMCSRs prohibiting persons with ITDM from operating a CMV in interstate commerce.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(3).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.

The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(3). Therefore, the seven applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(3).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitutes final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following four applicants met the diabetes requirements of 49 CFR 391.41(b)(3) and do not need an exemption:

Randal B. Bivin (TX)

Joel D. Dillahunty (TX)

Donald D. Gueiss (NC)

Kurt A. Taranto (NY)

The following two applicants had other medical conditions making the applicant otherwise unqualified under the Federal Motor Carrier Safety Regulations Norman C. Hutchinson, (IA); Curtis D. Lansdell, (AR).

The following applicant, David L. Fisher (PA), did not have endocrinologists willing to make statements that he is able to operate CMVs from a diabetes standpoint.

Issued on: October 15, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23226 Filed 10–23–18; 8:45 am]

BILLING CODE 4910–EX–P

FEDERAL REGISTER

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Part II

Department of Commerce

Bureau of Industry and Security

15 CFR Parts 740, 742, 744, et al.

Wassenaar Arrangement 2017 Plenary Agreements Implementation; Final Rule

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740, 742, 744, 772, and 774

[Docket No. 170831854–7854–01]

RIN 0694–AH44

Wassenaar Arrangement 2017 Plenary Agreements Implementation

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) maintains, as part of its Export Administration Regulations (EAR), the Commerce Control List (CCL), which identifies certain items subject to Department of Commerce jurisdiction. This final rule revises the CCL, as well as corresponding parts of the EAR, to implement changes made to the Wassenaar Arrangement List of Dual-Use Goods and Technologies (WA List) maintained and agreed to by governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement, or WA) at the December 2017 WA Plenary meeting. The Wassenaar Arrangement advocates implementation of effective export controls on strategic items with the objective of improving regional and international security and stability. This rule harmonizes the CCL with the agreements reached at the 2017 Plenary meeting by revising Export Control Classification Numbers (ECCNs) controlled for national security reasons in each category of the CCL. This rule also makes other associated changes to the EAR and makes a correction.

DATES: This rule is effective October 24, 2018.

FOR FURTHER INFORMATION CONTACT: For general questions, contact Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce at 202–482–2440 or by email: *Sharron.Cook@bis.doc.gov.*

For technical questions contact:

Categories 0, 1 & 2: Joseph Giunta at 202–482–3127.

Category 3: Brian Baker at 202–482–5534.

Categories 4 & 5: Aaron Amundson or Anita Zinzuvadia 202–482–0707.

Category 6 (optics): Chris Costanzo at 202–482–5299.

Category 6 (lasers and radar): Michael Rithmire 202–482–6105.

Category 6 (sensors and cameras): John Varesi 202–482–1114.

Categories 7 & 9: Michael Rithmire 202–482–6105 or Michael Tu 202–482–6462.

Category 9x515 (Satellites): Michael Tu 202–482–6462.

Category ''600 Series'' (Munitions Items): Christopher Williams at 202–482–6023 or Heather Moore at 202–482–4786.

SUPPLEMENTARY INFORMATION:

Background

The Wassenaar Arrangement (Wassenaar or WA) (*http://www.wassenaar.org/*) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies is a group of 42 like-minded states committed to promoting responsibility and transparency in the global arms trade, and preventing destabilizing accumulations of arms. As a Participating State, the United States has committed to controlling for export all items on the WA control lists. The lists were first established in 1996 and have been revised annually thereafter. Proposals for changes to the WA control lists that achieve consensus are approved by Participating States at annual plenary meetings. Participating States are charged with implementing the agreed list changes as soon as possible after approval. The United States' implementation of WA list changes ensures U.S. companies have a level playing field with their competitors in other WA Participating States.

The changes in this rule, which reflect the changes to the WA control lists that were approved at the December 2017 WA Plenary meeting, update the corresponding items listed in the EAR, and reflect the most recent changes in technologies and conditions. Unless explicitly discussed below, the revisions made by this rule will not impact the number of license applications submitted to BIS.

Revisions to the Commerce Control List Related to WA 2017 Plenary Agreements

Revises (50) ECCNs: 0A617, 0A919, 1A002, 1C001, 1C002, 1C007, 1C010, 1C608, 2A001, 2B001, 2B006, 2B007, 2B008, 2E003, 3A001, 3A002, 3B001, 3B002, 3C002, 3C005, 3C006, 3C992, 3E001, 4A003, 4A004, 4D001, 4E001, 5A001, 5A002, 5D002, 5E002, 6A002, 6A003, 6A004, 6A005, 6A008, 6A203, 6D003, 6D991, 6E001, 6E002, 6E201, 7A006, 7E004, 9A002, 9A004, 9D001, 9D002, 9D004, and 9E003.

License Exception eligibility additions: 3A001.i (GBS).

ECCN Removals: 6A990 and 6E990.

ECCN Correction: 3A991.

ECCN change to maintain NP controls: 2B206.

Category 0—Nuclear Materials, Facilities, and Equipment [and Miscellaneous Items]

0A617 Miscellaneous ''Equipment'', Materials, and Related Commodities

ECCN 0A617, paragraph y.3, containers for shipping or packing defense articles or items controlled by ''600 series'' ECCNs, is amended by narrowing the scope to International Organization for Standardization (ISO) intermodal containers or demountable vehicle bodies (*i.e.,* swap bodies), but also expands the scope beyond ''specially designed'' by adding ''or modified''. As the term 'modified' is in single quotes, BIS is also adding the technical note that defines 'modified,' which was already existing text in Wassenaar Arrangement Military List of 2017 (WAML 17).

0A919 ''Military Commodities'' Located and Produced Outside the United States

ECCN 0A919 is revised to remove reference to 6A990, because this rule removes 6A990 from the CCL and Read Out Integrated Circuits (ROICs) are now controlled under 6A002.f.

Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'', and ''Toxins''

1A002 ''Composite'' Structures or Laminates

The heading of ECCN 1A002 is amended by replacing ''having any of the following'' with ''as follows''. An ''as follows'' phrase is usually followed by items, but in this case it is followed by parameters. The phrase ''consisting of'' is replaced by ''made from'' in both sub-paragraph .a and .b. Also, more descriptive text is added for clarity and the scope of the control is not changed. The superfluous word ''purely'' is removed from Note 2, which does not change the effect of the Note.

1C001 Materials ''Specially Designed'' for Use as Absorbing of Electromagnetic Radiation, or Intrinsically Conductive Polymers

The heading of ECCN 1C001 is amended by replacing ''absorbers'' with ''absorbing'' and replacing ''waves'' with ''radiation''. Subparagraph .b is amended by moving the phrase ''not transparent to visible light'' to the beginning and adding more descriptive text ''near-infrared radiation having a wavelength'' to clarify the scope of the control. Also the parameters are changed from ''1.5×10^{14} Hz'' to ''810

nm'' and ''3.7×10^{14} Hz'' to ''2,000 nm (frequencies exceeding 150 THz but less than 370 THz)''. The frequency band is changed to the equivalent wavelength band to make the parameter easier to understand and not to change the scope of control. Therefore, these revisions will not affect the number of license applications submitted to BIS.

1C002 Metal Alloys, Metal Alloy Powder and Alloyed Materials

Item paragraphs c.2 and d.3 are amended by replacing the double quotes with single quotes around the terms in c.2.a through c.2.h and d.3.a through d.3.c. Double quotes indicate the term is used multiple times in the Commerce Control List (CCL) or separated by a large amount of space within a single ECCN and the definition for the term is found in part 772. Single quotes indicate the term is used only in a single ECCN and the definition for the term is found within the ECCN where the term is used. These and many other terms in this rule were found to only be used in a single ECCN and should not be defined in part 772, but in the ECCN. The definitions for the terms, in c.2.a through c.2.h and d.3.a through d.3.c, are moved from part 772 to a new Technical Note after Items paragraph d.3.c. These amendments do not change the number of license applications submitted to BIS.

1C007 Ceramic Powders, Ceramic ''Matrix'' ''Composite'' Materials and ''Precursor Materials''

In the Nota Bene (N.B.) to Item paragraphs c.2, .d and .f, the phrase ''listed under'' is replaced by ''specified by'' to be consistent with the terms used to reference new locations for controlled items. This does not change the number of license applications submitted to BIS.

1C010 ''Fibrous or Filamentary Materials''

Item paragraphs d.2 and .e, and Note 1 below Item paragraph e.2.c are amended by replacing the double quotes with single quotes around defined terms, because the terms are only used in this ECCN. The definition for 'commingled' is moved from part 772 to the Technical Note below Items paragraph d.2. The definition for 'carbon fiber preforms' is moved from part 772 to the Technical Note at the end of the List of Items Controlled. These amendments do not change the number of license applications submitted to BIS.

1C608 ''Energetic Materials'' and Related Commodities

WA agreed to add a Note specifying that WAML 8.c.1 does not apply to aircraft fuels—JP–4, JP–5 and JP–8. This rule adds this Note below 1C608.n ''Any explosives, 'propellants,' oxidizers, ''pyrotechnics'', fuels, binders, or additives . . .'' as well as bringing forth another Note from WAML 8.c.1 that specifies that aircraft fuels specified by WAML 8.c.1 are finished products, not their constituents.

Category 2—Materials Processing

2A001 Anti-Friction Bearings and Bearing Systems

Note 2 at the beginning of the Items paragraph is amended by adding ''(or national equivalents)'', in order to help efficiently classify bearings using national standards that are equivalent to ISO 3290 as grade 5.

2B001 Machine Tools

An editorial change is made to Note 2 to 2B001.a by replacing ''and/or'' with ''or''. Items paragraph c.1.b is revised from specifying ''three or more axes'' to ''three or four axes'' to remove the overlap between c.2 ''five or more axes'' and c.1.b for machine tools for grinding. This will not affect license submissions to BIS.

2B006 Dimensional Inspection or Measuring Systems, Equipment, Position Feedback Units and ''Electronic Assemblies''

The Heading is revised to add ''position feedback units'' and ''electronic assemblies'' to more accurately describe the scope of controls in Items paragraph .b. Angular displacement measuring systems formerly in 2B006.b.2 are moved to 2B006.c. Linear Variable Differential Transformer (LVDT) systems formerly in 2B006.b.1.b are moved to 2B206.d and no longer have a national security control. The License Requirements section is amended by revising the Nuclear Proliferation (NP) controls from ''2B006.a and .b'' to ''2B006.a, .b.1, b.3, and .c (angular displacement measuring instruments)'' to account for moving the LVDT systems to 2B206 and moving the angular displacement measuring instruments from 2B006.b.2 to .c. Item paragraphs 2B008.a (linear position feedback units) and .b.2 (rotary position feedback units) are moved to 2B006.b.2 and .c, respectively, so that all the measuring systems for machine tools are in one place. Equipment for measuring surface roughness is moved from Items paragraph 2B006.c to .d.

2B007 ''Robots''

Item paragraph .a ''[Robots] capable in real-time of full three-dimensional image processing or full three-dimensional ''scene analysis'' to generate or modify ''programs'' or to generate or modify numerical program data'' is removed and reserved because of insufficient connection to military capabilities. Robots of national security concern are controlled under 2B007.b, .c and .d. This change will have a minimal effect on license application submissions to BIS.

2B008 ''Compound Rotary Tables'' and ''Tilting Spindles'', ''Specially Designed'' for Machine Tools

The Heading is amended by replacing ''assemblies or units'' with 'compound rotary tables' and ''tilting spindles'', as well as removing ''or dimensional inspection or measuring systems and equipment'' to align with revisions made to the List of Items Controlled in this ECCN. Item paragraphs .a (linear position feedback units) and .b (rotary position feedback units) are removed and reserved, because this rule moves these items to 2B006.b.2 and .c, respectively. Item paragraph .c is amended by replacing and cascading the parameter paragraphs, as well as moving the definition for 'compound rotary table' from part 772 to a Technical Note under this Item paragraph. ''Tilting spindles'' are moved from Item paragraph .c to new Item paragraph .d to separate it from the compound rotary table control. The parameters have been revised in both paragraphs .c and .d to remove ambiguity, which will not affect license application submissions.

2B206 Dimensional Inspection Machines, Instruments or Systems, Other Than Those Described in 2B006

2B206 is amended by adding Linear Variable Differential Transformer (LVDT) systems to Item paragraph .d, because this item is removed from 2B006.b.1.b. While LVDT systems are no longer controlled for national security reasons, they are still on the Nuclear Supplier's Group (NSG) list under 1.B.3.b.2 and remain controlled for nuclear nonproliferation reasons on the CCL.

2E003 Other ''Technology''

Item paragraph .a (''technology'' for the ''development'' of interactive graphics as an integrated part in ''numerical control'' units for preparation or modification of part programs) is removed and reserved because of the advancement of technology. Therefore, Item paragraph .a is removed from License Exception TSR.

The double quotes are replaced with single quotes around the term 'direct-acting hydraulic pressing' in Item paragraphs b.1.c and b.1.d and 'hot isostatic densification' in Item paragraph b.2.d. Additionally, the definition for these terms is moved from part 772 to the Technical Notes below Item paragraph b.2.d.3, because these terms are only used in this ECCN. Item paragraph .d (''technology'' for the ''development'' of generators of machine tool instructions . . . from design data residing inside ''numerical control'' units) is removed and reserved because of the advancement of technology. When items are removed because of technological advancement, it does not affect the annual number of license application submissions to BIS.

Category 3—Electronics

Product Group A. ''End Items'', ''Equipment'', ''Accessories'', ''Attachments'', ''Parts'', ''Components'', and ''Systems''

Note 1 at the beginning of Category 3 is amended by making an editorial correction by moving an ''or'' and adding ''to'' in order to correctly specify which ECCN 3A001 subparagraphs are excluded from the scope statement for Category 3.

Note 2 at the beginning of Category 3 is amended by making an editorial correction by moving an ''or'', adding ''to'', adding a comma and replacing ''that'' with ''which''. These revisions are made to correctly specify which ECCN 3A001 subparagraphs are included in the scope statement for Category 3.

The Nota Bene after Note 2 is amended to make an editorial correction by moving an ''and'' and adding ''to'' in order to correctly specify the scope of this N.B.

3A001 Electronic Items

Item paragraph a.2 is amended by replacing ''Electrical Erasable Programmable Read-Only Memories (EEPROMS), flash memories, and MRAMs'' with 'non-volatile memories' and adding a Technical Note to define 'non-volatile memories,' to provide a more generic term for these types of memory integrated circuits.

Item paragraph a.5.a ''ADCs'' and the Technical Note below a.5.a are amended by replacing the term ''output rate'' with the ''sample rate'' as measured points at the input, except for oversampling (defined as output sample rate), and the Technical Note identifies common ways manufacturers specify 'sample rate.' The definition for ''sample rate'' is added to part 772 ''Definition of Terms. . . .'' Also the superfluous term ''Mega Samples Per Second'', is removed from several subparagraphs in a.5.a, but leaves its acronym ''MSPS''. The Technical Notes below Items paragraph a.5.a are amended by adding an explanation for the resolution of the ADC, removing the explanation for output rate, replacing single quotes with double quotes around the term ''interleaved ADCs'' and ''multiple channel ADCs'', and removing Technical Notes 6 through 9. The definitions for the terms ''interleaved ADCs'' and ''multiple channel ADCs'' are added to part 772 ''Definition of terms. . . .''. These revisions will not change the number of submissions of license applications.

Item paragraph a.5.b.2.a, ''settling time'' parameter, is amended by adding ''arrive at or within'' to clarify the potentially ambiguous parameter with common usage and understanding of DAC specifications, so that it will not be misinterpreted to mean the time to deviate by the specific amount from the original level.

The inclusion Note to 3A001.a.7 is amended by removing ''Simple Programmable Logic Devices (SPLDs)'' because of technological advancements, which will not affect the number of license application submissions.

Item paragraph a.14 is amended by replacing ''Integrated circuits that perform all of the following:'' with ''Integrated circuits that perform or are programmed to perform all of the following:''. The term ''input sample rate'' is replaced with ''sample rate'' that is defined in part 772. The superfluous ''Giga Samples Per Second'' is removed, but the acronym GSPS remains, as ''Mega Samples Per Second'' is removed and MSPS remains. Technical Notes are added below Items paragraph a.14.b.2 to provide more explanation of the parameters in Item paragraph .a, especially, resolution of ADC and the ''sample rate'' for integrated circuits with interleaving or non-interleaving ''multiple channel ADCs''. These changes will have little effect on the number of licenses submitted to BIS.

Nota Bene 3 is added after Item paragraph b.4.f to reference 3A001.b.7 for converters and harmonic mixers, designed to extend the operating or frequency range of signal analyzers, signal generators, network analyzers or microwave test receivers.

In Item paragraph b.11 double quotes are replaced with single quotes around the term 'frequency synthesizer' and the definition is moved from part 772 to a Technical Note below Item paragraph b.11.g, because the term is only used in this ECCN.

The Technical Notes after Item paragraph b.12.d are amended by correcting the reference ''3A001.b.4.12.c'' to read ''3A001.b.12.c'' in Technical Note 5.

The parameters for 'primary cells' in Item paragraph e.1.a are amended by cascading the parameters and adding a 'continuous power density' parameter and the definition for it in Technical Note 5 below Item paragraph e.1.b, because military uses for these items have requirements in both energy and power density. This revision should lower the annual number of license applications submitted to BIS by 5.

Intensity, amplitude, or phase electro-optic modulators, designed for analog signals, including electro-optic modulators having optical input and output connectors are added to new paragraph 3A001.i to address photonic components for analog Radio Frequency (RF) over fiber antenna remoting, and analog RF distribution of signals. One of the parameters for these items is 'half-wave voltage' ('Vπ'), which is defined in a Technical Note below the new paragraph. These items will be eligible for License Exception GBS; therefore, the GBS paragraph is revised to add Item paragraph .i. This new entry is estimated to add 10 new license application submissions to BIS annually.

3A991 Electronic Devices, and ''Components'' Not Controlled by 3A001

On September 20, 2016, BIS published a WA rule (81 FR 64682) that increased the energy density in 3A001.e.1.b from 300 to 350 Wh/kg, but did not make the corresponding change to ECCN 3A991.j.2, which left a gap in control. This rule corrects 3A991.j.2 by increasing the energy density from 300 to 350 Wh/kg or less in order to close a gap of control between 3A001.e.1.b and 3A991.j.2 for secondary cells.

3A002 General Purpose ''Electronic Assemblies'', Modules and Equipment

The frequency parameter is raised from ''exceeding 10 MHz'' to ''exceeding 40 MHz'' for signal analyzers having a 3 dB resolution bandwidth (RBW) in Item paragraph c.1, which is estimated to reduce annual license application submissions to BIS by 5.

Double quotes are replaced with single quotes for the term 'real-time bandwidth' in Item paragraph c.4.a and for 'frequency mask trigger' in Item paragraph c.4.b.2, because these terms are only used in this ECCN. The definitions for these terms are moved from part 772 to the Technical Notes after Item paragraph c.4.b.2.

The scientific unit ''billion samples per second'' is replaced with ''Giga Samples Per Second (GSPS)'' in Item paragraph h.1.a. The scientific unit ''billion samples per second'' is replaced with the acronym GSPS in Item paragraphs h.1.b and h.1.c. The scientific unit ''million samples per second'' is replaced with ''Mega Samples Per Second (MSPS)'' in Item paragraph h.1.d. The scientific unit ''million samples per second'' is replaced with the acronym ''MSPS'' in Item paragraph h.1.e. These revisions are made for simplification purposes.

The Technical Note below Item paragraph h.2.c is replaced by the same Technical Notes that are added below 3A001.a.5.a, explaining resolution and ''sample rate'' for interleaved and non-interleaved multiple-channel ''electronic assemblies'', modules, or equipment.

3B001 Equipment for the Manufacturing of Semiconductor Devices or Materials

Mask ''substrate blanks'' with multilayer reflector structure consisting of molybdenum and silicon being ''specially designed'' for 'Extreme Ultraviolet (EUV)' lithography and being compliant with SEMI Standard P37 are added to new paragraph 3B001.j, because mask ''substrate blanks'' and the subsequent substrate blank with multilayer reflector structure are critical materials for EUV lithography. This addition is estimated to increase annual license application submissions to BIS by 7. EUV lithography opens up integrated circuit fabrication at the most advanced state-of-the-art technology node. The definition for 'Extreme Ultraviolet (EUV)' is added to a Technical Note below Item paragraph j.2.

3B002 Test Equipment ''Specially Designed'' for Testing Finished or Unfinished Semiconductor Devices

Item paragraph .a is revised from ''For testing S-parameters of transistor device at frequencies exceeding 31.8 GHz'' to read ''For testing S-parameters of items specified by 3A001.b.3'' to remove potential overlapping controls for network analyzers (which measure S-parameters) described in 3A002.e, to harmonize the control text of equipment for testing S-parameters of transistors specified in paragraphs 3A001.b.3.a and 3A001.b.3.b (*i.e.,* transistors that are below 31.8 GHz), and to remove ambiguity regarding the meaning of the phrase ''transistor devices'' by substituting the unambiguous reference to transistors specified by 3A001.b.3.

3C002 Resist Materials

The wavelength for positive resists in Item paragraph a.1 is revised from ''wavelengths less than 245 nm . . . .'' to ''wavelengths less than 193 nm . . . .'' in order to match the material control with the lithography equipment parameters in 3B001.f.1.a, which is estimated to reduce by 3 the annual number of license application submissions to BIS.

3C005 High Resistivity Materials

The Heading of ECCN 3C005 is revised to move the items that were in the Heading to Items paragraph .a. Polycrystalline ''substrates'' or polycrystalline ceramic ''substrates'' are added to Item paragraph .b, because there are both military and commercial applications for microwave transistors fabricated on the engineered substrates. These newly added substrates will be controlled for NS:2 and AT:1 and have License Exception LVS ($3,000), GBS and CIV eligibility. It is anticipated that this new control will result in an increase of 15 new license application submissions to BIS annually.

3C006 Materials, Not Specified by 3C001, Consisting of a ''Substrate'' Specified in 3C005 With at Least One Epitaxial Layer of Silicon Carbide, Gallium Nitride, Aluminum Nitride or Aluminum Gallium Nitride

The Heading is amended by adding ''Materials, not specified by 3C001, consisting of a'' at the beginning of the Heading in order to clarify the scope of the control. The former language of 3C001, 3C005 and 3C006 has common elements that have led to some confusion around the control of silicon carbide wafers.

3C992 Positive Resists Designed for Semiconductor Lithography

The Heading of 3C992 is amended by replacing the wavelength range from ''370 and 245 nm'' to ''370 and 193 nm.'' This is to harmonize this ECCN with the amendment to ECCN 3C002.a.1.

3E001 ''Technology''

License Exception CIV eligibility paragraph is corrected by removing the eligibility for 3B001.c, because that paragraph was removed and reserved on September 20, 2016 (81 FR 64658).

Note 2 is amended by harmonizing the scope of the paragraph to be ''technology'' for integrated circuits controlled by 3A001.a.3 to a.14.

Note 3 is added to exclude from 3E001 'Process Design Kits' ('PDKs') unless they include libraries implementing functions or technologies for items specified by 3A001. A Technical Note is added below Note 3 to define 'Process Design Kit' ('PDK'). PDKs do not provide knowledge about production tools. This will not result in a change to license application submissions, because no license submissions have been submitted to BIS for PDK under 3E001.

Category 4—Computers

In Note 2 at the top of Category 4, the double quotes are replaced with single quotes around the term 'main storage' because the term is only used in these Category 4 Notes. The definition is moved from part 772 to a Technical Note at the end of the Category 4 Notes section.

4A003 ''Digital Computers'', ''Electronic Assemblies'', and Related Equipment Therefor

The Adjusted Peak Performance (APP) is raised from ''exceeding 16 WT'' to ''exceeding 29 WT'' in Item paragraph .b and in accordance with this revision the APP is raised to 29 in the AT control text in the License Requirements table and in two places in the Note to the table. This change will not immediately affect the annual number of license application submissions to BIS because this is keeping up with technological advancement. However, absent additional increases next year, BIS estimates that this level would result in an increase of 600 license applications per year.

4A004 Computers

The double quotes are replaced with single quotes around the terms 'systolic array computers,' 'neural computers' and 'optical computers,' because these terms are only used in this ECCN. The definitions for these terms are moved from part 772 to Technical Notes at the end of the Items paragraph of 4A004.

4D001 ''Software'' & 4E001 ''Technology''

The Adjusted Peak Performance (APP) is raised from 16 Weighted TeraFLOPs (WT) to 29 WT in License Exceptions TSR and STA in accordance with the new APP level in 4A003.b. The APP control level is raised from ''exceeding 8 WT'' to ''exceeding 15 WT'' in Item paragraph b.1. These revisions continue to address the need to track incremental (*e.g.,* ''Moore's Law'') improvements in microprocessor technology. This change will not affect the annual number of license application submissions to BIS because this is keeping up with technological advancement.

Technical Note on ''Adjusted Peak Performance'' (''APP'')

In the Outline of ''APP'' calculation method, the Note to paragraph 1, an ''and/or'' is replaced with ''or,'' which does not change the meaning at all.

Category 5—Part 1—''Telecommunications''

5A001 Telecommunications Systems, Equipment, ''Components'' and ''Accessories''

In the NS Column 1 paragraph of the License Requirements table, the order of the referenced Item paragraphs is corrected.

For telecommunications equipment specially designed to withstand transitory electronic effects or electromagnetic pulse effects, the temperature range parameters is changed from ''to operate outside the temperature range from 218K (-55 °C) to 397 K (124 °C)'' to ''below 218K (-55°C)'' in Item paragraph a.3 or ''above 397 K (124 °C)'' in new Item paragraph a.4, which does not change the scope of control, but seeks to make the text easier to understand. The Note to 5A001.a.3 is modified to add 5A001.a.4, so that it reads ''5A001.a.3 and 5A001.a.4 apply only to electronic equipment''.

Double quotes are replaced by single quotes around the term 'electronically steerable phased array antennae' in Item paragraph .d. The word 'antennas' is replaced with 'antennae' in this paragraph and in Note 1 to this paragraph. The quotes are revised because the term is only used in this ECCN. The definition for the term is moved from part 772 to a Technical Note above Item paragraph .e. Because of technology advances, phased array antennae are increasingly being developed for civil telecommunications applications, including cellular, WLAN, 802.15, and wireless HDMI. Exclusion Note 2 is added in order to remove from control phased array antennae specially designed for those purposes.

Category 5—Part 2—''Information Security''

5A002 ''Information Security'' Systems, Equipment and ''Components''

5A002 is amended to clarify controls on products with dormant encryption. These changes do not affect the scope of items controlled. Items paragraph .a is amended by replacing the phrase ''where that cryptographic capability is usable without ''cryptographic activation'' or has been activated'' with the phrase ''where that cryptographic capability is usable, has been activated, or can be activated by means of ''cryptographic activation'' not employing a secure mechanism''. The revision clarified that an item is controlled if (1) the 'cryptography for data confidentially' is usable from the beginning regardless of ''cryptographic activation'' (*i.e.,* not dormant), (2) the cryptographic capability was previously dormant but is now usable (whether by ''cryptographic activation'' or by other means; or (3) the ''cryptographic activation'' mechanism is not secure (*i.e.,* the cryptographic capability is not securely kept dormant).

Items paragraph .b is amended by replacing ''to enable'' an item with ''for converting'' an item and replacing ''to achieve or exceed the controlled performance levels for functionality specified by 5A002.a that would not otherwise be enabled'' with ''not specified by Category 5 —Part 2 into an item specified by 5A002.a or 5D002.c.1, and not released by the Cryptography Note (Note 3 in Category 5—Part 2), or for enabling, by means of ''cryptographic activation'', additional functionality specified by 5A002.a of an item already specified by Category 5—Part 2''. This clarifies that a ''cryptographic activation'' mechanism is controlled by 5A002.b in two situations: (1) It converts an item classified outside of Category 5—Part 2 into a 5A002.a item (*e.g.,* by activating 'cryptography for data confidentiality' capability in an item that was previously limited to performing ''authentication,'' or by activating encryption capability which disqualifies a product from the Cryptography Note exclusion (Note 3 in Category 5—Part 2)); or (2) it enables additional functionality specified in 5A002.a in an item that was already classified in Category 5—Part 2 (*e.g.,* making additional encryption algorithms usable by the item, or that would change the item from being eligible or described under § 740.17(b)(1) into an item described under § 740.17(b)(2) or (3)).

5D002 ''Software'' and 5E002 ''Technology''

Item paragraph .b of ECCNs 5D002 and 5E002 is amended by replacing ''enable'' with ''for converting'' and replacing ''to meet the criteria for functionality specified by 5A002.a, that would not otherwise be met'' with ''not specified by Category 5—Part 2 into an item specified by 5A002.a or 5D002.c.1, and not released by the Cryptography Note (Note 3 in Category 5—Part 2), or for enabling, by means of ''cryptographic activation'', additional functionality specified by 5A002.a of an item already specified by Category 5—Part 2''. These revisions are made to create mirroring entries consistent with the changes being made to 5A002.b.

Category 6—Sensors and Lasers

6A002 Optical Sensors and Equipment, and ''Components''

Item paragraph .f is added to establish a control for Read-Out Integrated Circuits (ROICs) to ensure that certain ROICs not controlled on the Munitions List, but that provide night vision capability, are controlled. In order to maintain consistent paragraph placement with the WA List this rule adds and reserves Items paragraph .e, so that ROICs can be added to Item paragraph .f. For consistency, Items paragraph .f is added to the Regional Stability controls (RS Column 1) in the License Requirements section, because 6A990, where ROICs were formerly controlled, was controlled for RS Column 1.

6A003 Cameras, Systems or Equipment, and ''Components'' Therefor

Item paragraphs a.1 (high-speed cinema recording cameras) and a.2 (mechanical high speed cameras) are removed and reserved because of the advancement of technology. Item paragraph a.3.a (mechanical streak cameras) is also removed because of the advancement of technology. As a result of this change, electronic streak cameras are moved from Item paragraph a.3.b to a.3. BIS anticipates that there will be a negligible impact on the annual number of license applications submitted to BIS as a result of these removals and revisions.

6A004 Optical Equipment and ''Components''

The double quotes are replaced with single quotes around the term 'deformable mirrors' in Item paragraph a.1 because the term is only used in this ECCN. The definition for 'deformable mirrors' is moved from part 772 to the Technical Note below Item paragraph a.1.b.2. At the end of Item paragraph e.3 the period is changed to a semicolon, because a new Item paragraph is added. Dynamic wavefront measuring equipment is added to Item paragraph .f, with parameters in subparagraphs and a Technical Note at the end to define ''frame rate''. The purpose of wavefront sensing is to measure the level of the wavefront aberration as it is transferred through an optical system, regardless if the source of that aberration is the optical system itself or something external to that system. Wavefront sensors are principally used as one of the main components of adaptive optics

systems where they serve to close the control loop and feed the information about the required correction to deformable mirrors and beam steering mirrors in real-time, which are also controlled in this ECCN.

6A005 ''Lasers'', ''Components'' and Optical Equipment

An editorial amendment is made to Note 1, below Item paragraph a.6.b.2, by replacing ''and/or'' with ''or'', which does not change the scope of the Note. The double quotes are replaced with single quotes around the term 'transfer lasers' in Item paragraph d.5.c. The definition for 'transfer lasers' is moved from part 772 to the Technical Note below Item paragraph d.5.c.2, because this term is only found in this ECCN.

Item paragraph f.1 (dynamic wavefront (phase) measuring equipment) is removed and reserved, because this item is moved to ECCN 6A004.f, because of its close association to the mirrors controlled in 6A004. A Nota Bene is added to point to the new Item paragraph where this item is controlled.

Item paragraph f.2 (''Laser'' diagnostic equipment) is amended by replacing ''capable of measuring'' with ''specially designed for dynamic measurement of'' and replacing ''equal to or less than'' with ''and having an angular ''accuracy'' of'' to refine the scope of the entry. The phrase ''(microradians) or less (better)'' is added after ''10 μrad'' to clarify the unit. BIS does not anticipate and change to the annual number of license application submissions as a result of these changes.

Item paragraph f.3 (Optical equipment and components) is amended by moving the phrase ''coherent beam combination'' for better readability. The ''accuracy'' parameter is cascaded down to Item paragraph f.3.b and a new ''accuracy'' parameter is added to f.3.a, so that the equipment is controlled if it meets either of the ''accuracy'' parameters.

6A008 Radar Systems, Equipment and Assemblies

Item paragraph a.1 is amended by removing the double quotes around the term ''average output power'' in order to be consistent with the WA List.

Item paragraph .e is amended by replacing ''steerable array antennas'' with ''scanned array antennae'' as well as adding a Technical Note to make people aware that electronically scanned array antennae are also known as electronically steerable array antennae. This revision uses more current, and standard, language to describe E-scan radar.

Double quotes are replaced by single quotes around the term 'automatic target tracking' in Item paragraph l.1 and the definition is moved from part 772 to a Technical Note under the Note to 6A008.l.1, because this term only appears in this ECCN.

Double quotes are replaced by single quotes around 'geographically dispersed' in Item paragraph l.4 and the definition is moved from part 772 to the Technical Note below Item paragraph l.4, because this term only appears in this ECCN.

6A203 High-Speed Cameras, Imaging Devices and ''Components'' Therefor

The Related Controls paragraph is revised to remove a reference to ECCN 6A003.a.2, which is removed and reserved by this rule.

6A990 Read-Out Integrated Circuits and 6E990 Technology for ROICs

ECCNs 6A990 and 6E990 are removed because this rule adds ROICs to ECCN 6A002.f.

6D003 Other ''Software''

ECCN 6D003 is amended by removing the unnecessary word ''and'' in Item paragraph h.2 and replacing ''steerable phased array antennae'' with ''scanned array antennae'' in Item paragraph h.2.a in order to use a more standard term. Item paragraph h.2.a is also amended by replacing ''controlled'' with ''specified'' in order to be more precise, because an item may or may not be controlled depending on the reasons for control and destination of the export.

6D991, 6E001 and 6E002

Each of these ECCNs are amended to remove references to 6A990 or 6E990, because this rule adds ROICs to ECCN 6A002.f. For consistency, the License Requirements sections of 6E001 and 6E002 are amended to add a reference to 6A002.f to the Regional Stability Column 1 controls, because this technology was controlled for Regional Stability Column 1 under ECCN 6E990, where it was formerly controlled.

6E201 ''Technology'' According to the General Technology Note for the ''USE'' of Equipment

The Heading of ECCN 6E201 is revised to remove reference to 6A003.a.2, which is removed and reserved by this rule.

Category 7—Navigation and Avionics

7A006 Airborne Altimeters

Double quotes are replaced by single quotes around the term 'power management' and the definition for the term is moved from part 772 to a Technical Note below Item paragraph .a because the term is only used in this ECCN.

7E004 Other ''Technology''

Double quotes are replaced by single quotes around the term 'primary flight control' in Item paragraph a.5 and the definition for the term is moved from part 772 to a Technical Note below Item paragraph .a.5 because the term is only used in this ECCN.

Double quotes are replaced by single quotes around the term 'flight control optical sensor array' in Item paragraph a.6 and the definition for the term is moved from part 772 to a Technical Note below Item paragraph a.6 because the term is only used in the ECCN.

Double quotes are replaced by single quotes around the term 'flight path optimization' in paragraph 1. of the Note to 7E004.b.5 and the definition is moved from part 772 to a Technical Note below the Note to 7E004.b.5 because the term is only used in this ECCN.

Double quotes are replaced by single quotes around the term 'variable geometry airfoils' in Item paragraph c.3 and the definition for the term is moved from part 772 to a Technical Note below Item paragraph c.3 because the term only appears in this ECCN.

Category 9—Aerospace and Propulsion

9A002 ''Marine Gas Turbine Engines''

The Heading is amended by revising and moving the parameter ''with an ISO standard continuous power rating of 24,245 kW or more and a specific fuel consumption not exceeding 0.219 kg/kWh in the power range from 35 to 100%'' to the Items paragraph and adding ''designed to use liquid fuel and having all of the following (see List of Items Controlled),'' to the Heading. The definition for 'marine gas turbine engines' is moved from the Related Definition paragraph of the ECCN to a Note below Item paragraph .b in order to be more consistent with the WA list. Two parameters are added for this ECCN: Maximum continuous power and 'corrected specific fuel consumption'. The definition for 'corrected specific fuel consumption' is added to a Technical Note below the Note that is below Item paragraph .b. This change removes the ambiguity in this ECCN by removing the reference to power range. These revisions therefore do not change the scope of the existing control text, but rather clarify it by making it clear that the specific fuel consumption of concern applies at the ''turndown performance'' of 35%.

9A004 Space Launch Vehicles and ''Spacecraft'', ''Spacecraft Buses'', ''Spacecraft Payloads'', ''Spacecraft'' On-board Systems or Equipment, and Terrestrial Equipment

The scope of Item paragraph f.1 (Telemetry and telecommand equipment) is clarified by adding ''specially designed'' and two specific end uses in order to eliminate data processing equipment for mission data, such as GPS, science data, communication and broadcasting, since this data is not meant to be controlled under 9A004.f.1. The scope of Item paragraph f.2 (Simulators) is narrowed by adding ''specially designed for 'verification of operational procedures' of ''spacecraft''. A Technical Note is added below Item paragraph f.2 to define 'verification of operational procedures.' These clarifications will not result in a change to the number of annual license application submissions to BIS.

9D001 and 9D002 ''Software''

The Heading of 9D001 and 9D002 are amended by adding ''not specified in 9D003 or 9D004'' to clarify the scope of these entries and eliminate any possible overlap of control.

9D004 Other ''Software''

Item paragraph .b (''Software'' for testing aero gas turbine engines, assemblies, ''parts'' or ''components'') is amended by removing the parameter and cascading subparagraphs with specific features or functions, such as ''specially designed'' for testing aero gas turbine engines . . . , to clarify and focus (narrow) the scope of control. A Note is added above Item paragraph .c to exclude software for operation of the test facility or operator safety, or production, repair or maintenance acceptance-testing . . .'' It is estimated that these changes will not affect the annual number of license application submissions to BIS.

9E003 Other ''Technology''

In Technical Note 2 below Item paragraph a.2.d and in the Technical Note below Item paragraph a.5, the single quotes are replaced with double quotes around the term ''steady state mode'' because this term is also used in another ECCN 9A002.a. The definition for ''steady state mode'' is moved from the Technical Note 2 below a.5 to part 772 ''Definitions and Terms''.

Technical Note 4 below the Note to 9E003.c is amended by removing ''techniques'' and moving ''methods'' from the end of the Technical Note 4 to the top of Technical Note 4. Also revising the phrase ''include ''laser'', water jet . . .'' to read '' ''include ''laser'' beam machining, water jet machining . . .'' to be consistent with the other types of machining specified in Technical Note 4.

Part 772—Definitions of Terms as Used in the Export Administration Regulations (EAR)

This rule removes 37 definitions from § 772.1 and adds them to the ECCNs where they are used. According to the WA drafting guidelines, if a term is only used in a single ECCN, then the definition must be located in a Technical Note close to where that term is used. However, if the term is separated by many subparagraphs, then the definition may be located in the Definitions section of the WA List. The following 37 definitions are removed from part 772, because they are only used within a single ECCN: Automatic target tracking, carbon fiber preforms, commingled, comminution, compound rotary table, deformable mirrors, direct acting hydraulic pressing, effective gram, electronically steerable phased array antenna, flight control optical sensor array, flight path optimization, frequency mask trigger, frequency synthesizer, gas atomization, geographically dispersed, hot isostatic densification, linearity, main storage, mechanical alloying, melt extraction, melt spinning, neural computers, optical computer, plasma atomization, power management, previously separated, primary flight control, real-time bandwidth, resolution, rotary atomization, settling time, splat quenching, systolic array computer, transfer laser, vacuum atomization and variable geometry airfoils. The following definitions are revised for reasons stated either in the **Federal Register** instruction or under an ECCN where the term is used: Compensation systems, cryptographic activation, and user-accessible programmability. Two terms used in ECCNs 3A001 and 3A002 related to Analog-to-Digital Converters (ADC) are added to § 772.1. The term ''sample rate'', which is used in both ECCN 3A001 and 3A002, is added to § 772.1. The definition ''steady state mode'' is moved from Technical Note 2 to 9E003.a.5 to § 772.1 because it is now also used in a new parameter for 'marine gas turbine engines' in ECCN 9A002, as well as in Technical Notes in 9E003.a.2.d and 9E003.a.5. The Category 5—Part 2 definition ''cryptographic activation'' is amended by adding the word ''specifically'' before ''activates or enables'', and taking the word ''secure'' out of the definition, to fit with the changes being made in the control list entries that refer to this definition (ECCNs 5A002.b, 5D002.b and 5E002.b).

Supplement No. 6 to Part 774—Sensitive List

Paragraph (1)(i), ECCN 1A002, is amended by narrowing the scope from all of ECCN 1A002 to only subparagraph a.1 '' ''Composite'' structures or laminates made from an organic ''matrix'' and ''fibrous or filamentary materials'' specified by 1C010.c or 1C010.d'', because the rest of the items in ECCN 1A002 do not warrant control on the Sensitive List as they are not key technologies. This revision will minimally affect the annual number of Wassenaar reports to BIS.

Paragraph (2)(i)—ECCN 2D001, (ii)—ECCN 2E001, and (iii)—ECCN 2E002 are simplified and restructured for easier understanding and compliance. The revisions also focus the Sensitive List entries for software and technology for machine tools having a unidirectional repeatability at 0.9 microns. For machine tools having no variations specified at 0.9 microns, there is no change to the thresholds.

Supplement No. 7 to Part 774—Very Sensitive List

Paragraph (1)(i), ECCN 1A002, is amended by narrowing the scope from subparagraph .a to subparagraph a.1 (''Composite'' structures or laminates made from an organic ''matrix'' and ''fibrous or filamentary materials'' specified by 1C010.c or 1C0010.d), because the rest of the items in ECCN 1A002.a do not warrant control on the Sensitive List as they are not key technologies. It is estimated that this will minimally affect the annual number of Wassenaar reports to BIS.

Paragraphs (3)(iv), ECCN 6A001.a.2.c, and (3)(vi), ECCN 6A002.a.2.f, are amended by replacing the phase ''user accessible programmability'' with ''user-accessible programmability'' to add a hyphen for correctness.

Section 740.16 Additional Permissive Reexports (APR)

License Exception APR is amended to remove a reference to ECCN 6A990 in paragraphs (a)(2) and (b)(2)(v), because ECCN 6A990 is removed from the CCL by this rule. ROICs are now specified in 6A002.f.

Section 740.17 Encryption Commodities, Software and Technology (ENC)

License Exception ENC is corrected to replace a reference to 5D002.d with a reference to 5D002.b in the Note to paragraph (b)(2) and in paragraph (b)(3)(iv).

Section 740.20 License Exception Strategic Trade Authorization (STA)

License Exception STA is amended to remove reference to ECCNs 6A990 and 6E990 from paragraph (b)(2)(x), because these ECCNs are removed from the CCL. ROICs are now specified in 6A002.f and ROIC technology is specified in ECCNs 6E001 and 6E002.

Section 742.6 Regional Stability

Paragraph (b)(1)(ii) is amended by removing reference to ECCN 6E990, because this ECCN is removed by this rule. ROIC technology is now controlled under ECCNs 6E001 and 6E002.

Section 744.9 Restrictions on Exports, Reexports, and Transfers (In-Country) of Certain Cameras, Systems, or Related Components

Section 744.9 is amended by removing reference to ECCN 6A990 from paragraphs (a) and (b), because this ECCN is removed from the CCL. ROICs are now controlled under ECCN 6A002.f.

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (Title XVII, Subtitle B of Pub. L. 115–232) that provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule. As set forth in Section 1768 of ECRA, all delegations, rules, regulations, orders, determinations, licenses, or other forms of administrative action that have been made, issued, conducted, or allowed to become effective under the Export Administration Act of 1979 (50 U.S.C. 4601 *et seq.*) (as in effect prior to August 13, 2018 and as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013), and as extended by the Notice of August 8, 2018, 83 FR 39871 (August 13, 2018)), or the Export Administration Regulations, and are in effect as of August 13, 2018, shall continue in effect according to their terms until modified, superseded, set aside, or revoked under the authority of ECRA.

Saving Clause

Shipments of items removed from license exception eligibility or eligibility for export, reexport or transfer (in-country) without a license as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on October 24, 2018, pursuant to actual orders for exports, reexports and transfers (in-country) to a foreign destination, may proceed to that destination under the previous license exception eligibility or without a license so long as they have been exported, reexported or transferred (in-country) before December 24, 2018. Any such items not actually exported, reexported or transferred (in-country) before midnight, on December 24, 2018, require a license in accordance with this final rule.

Executive Order Requirements

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This rule has been designated a ''significant regulatory action'' under Executive Order 12866. The Wassenaar Arrangement (WA) has been established in order to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations. The aim is also to prevent the acquisition of these items by terrorists. There are presently 42 Participating States, including the United States, that seek through their national policies to ensure that transfers of these items do not contribute to the development or enhancement of military capabilities that undermine these goals, and to ensure that these items are not diverted to support such military capabilities that undermine these goals. Implementation of the WA agreements in a timely manner enhances the national security of the United States and global international trade.

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

This rule is not subject to the requirements of E.O. 13771 (82 FR 9339, February 3, 2017) because it is issued with respect to a national security function of the United States.

Paperwork Reduction Act Requirements

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

This rule involves the following OMB approved collections of information subject to the PRA: 0694–0088, ''Multi-Purpose Application'', and carries a burden hour estimate of 29.6 minutes for a manual or electronic submission; 0694–0106, ''Reporting and Recordkeeping Requirements under the Wassenaar Arrangement'', which carries a burden hour estimate of 21 minutes for a manual or electronic submission; 0694–0137 ''License Exceptions and Exclusions'', which carries a burden hour estimate average of 1.5 hours per submission (Note: submissions for License Exceptions are rarely required); 0694–0096 ''Five Year Records Retention Period'', which carries a burden hour estimate of less than 1 minute; and 0607–0152 ''Automated Export System (AES) Program, which carries a burden hour estimate of 3 minutes per electronic submission. Specific license application submission estimates are discussed further in the preamble of this rule where the revision is explained. BIS estimates that revisions that are editorial, moving the location of control text on the Commerce Control List, or clarifications will result in no change in license application submissions.

Any comments regarding these collections of information, including suggestions for reducing the burden, may be sent to OMB Desk Officer, New Executive Office Building, Washington, DC 20503; and to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

Administrative Procedure Act and Regulatory Flexibility Act Requirements

The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this action involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Immediate implementation of

these amendments fulfills the United States' international commitments to the WA. The WA is committed to contributing to regional and international security and stability by promoting responsibility and transparency in the global arms trade, and preventing destabilizing accumulations of arms. As a Participating State, the United States is charged with implementing the agreed list changes as soon as possible after approval. Because the United States is a significant exporter of the list items discussed in this rule, implementation of this provision is necessary for the WA to achieve its purpose, and will enhance the national security of the United States and global international trade.

Although the APA requirements in section 553 are not applicable to this action under the provisions of paragraph (a)(1), this action also falls within two other exceptions in the section. The subsection (b) requirement that agencies publish a notice of proposed rulemaking that includes information on the public proceedings does not apply when an agency for good cause finds that the notice and public procedures are impracticable, unnecessary, or contrary to the public interest, and the agency incorporates the finding (and reasons therefor) in the rule that is issued (5 U.S.C. 553(b)(B)). In addition, the section 553(d) requirement that publication of a rule shall be made not less than 30 days before its effective date can be waived if an agency finds there is good cause to do so.

The section 553 requirements for notice and public procedures and for a delay in the date of effectiveness do not apply to this rule, as there is good cause to waive such practices. Delay in implementation would disrupt the movement of these potential national-security controlled items globally, creating disharmony between export control measures implemented by the 42 WA Participating States. Export controls work best when all countries implement the same export controls in a timely manner. Delaying this rulemaking would prevent the United States from fulfilling its commitment to the WA in a timely manner, would injure the credibility of the United States in this and other multilateral regimes, and may impair the international community's ability to effectively control the export of national security controlled items. Therefore, this regulation is issued in final form, and is effective October 24, 2018.

Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects

15 CFR Part 740

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

15 CFR Part 742

Exports, Terrorism.

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

15 CFR Part 772

Exports.

15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 740, 742, 744, 772, and 774 of the Export Administration Regulations (15 CFR parts 730 through 774) are amended as follows:

PART 740—[AMENDED]

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

Authority: Pub. L. 115–232, Title XVII, Subtitle B. 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

■ 2. Section 740.16 is amended by revising paragraphs (a)(2) and (b)(2)(v) to read as follows:

§ 740.16 Additional permissive reexports (APR).

* * * * *

(a) * * *

(2) The commodities being reexported are not controlled for NP, CB, MT, SI or CC reasons or described in ECCN 0A919, 3A001.b.2 or b.3 (except those that are being reexported for use in civil telecommunications applications), 6A002, or 6A003; and

* * * * *

(b) * * *

(2) * * *

(v) Commodities described in ECCN 6A002.

* * * * *

§ 740.17 [Amended]

■ 3. Section 740.17 is amended by removing the reference to ''5D002.d'' and adding in its place ''5D002.b'' in the Note to paragraph (b)(2) and in paragraph (b)(3)(iv).

■ 4. Section 740.20 is amended by revising paragraph (b)(2)(x) to read as follows:

§ 740.20 License Exception Strategic Trade Authorization (STA).

* * * * *

(b) * * *

(2) * * *

(x) License Exception STA may not be used for items controlled by ECCN 6A002; 6D002 (software ''specially designed'' for the ''use'' of commodities controlled under 6A002.b); 6D003.c; 6D991 (software ''specially designed'' for the ''development,'' ''production,'' or ''use'' of commodities controlled under 6A002 or 6A003); 6E001 (''technology'' for the ''development'' of commodities controlled under ECCN 6A002 or 6A003); or 6E002 ''technology'' (for the ''production'' of commodities controlled under ECCN 6A002 or 6A003).

* * * * *

PART 742—[AMENDED]

■ 5. The authority citation for part 742 is revised to read as follows:

Authority: Pub. L. 115–232, Title XVII, Subtitle B. 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320; Notice of November 6, 2017, 82 FR 51971 (November 8, 2017); Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

■ 6. Section 742.6 is amended by revising paragraph (b)(1)(ii) to read as follows:

§ 742.6 Regional stability.

* * * * *

(b) * * *

(1) * * *

(ii) Applications for exports and reexports to a country listed in Country Group D:5 (in supplement no. 1 to part 740 of the EAR) of technology controlled under 6E001 for the development of focal plane arrays, read-out integrated circuits (ROICs) or image intensifier tubes described in 6A002 or technology controlled under 6E002 for the production of focal plane arrays, read-out integrated circuits (ROICs) or

image intensifier tubes described in 6A002 will be reviewed with a presumption of denial.

* * * * *

PART 744—[AMENDED]

■ 7. The authority citation for part 744 is revised to read as follows:

Authority: Pub. L. 115–232, Title XVII, Subtitle B. 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 18, 2017, 82 FR 43825 (September 19, 2017); Notice of November 6, 2017, 82 FR 51971 (November 8, 2017); Notice of January 17, 2018, 83 FR 2731 (January 18, 2018); Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

§ 744.9 [Amended]

■ 8. Section 744.9 is amended by removing the reference ''6A990,'' from paragraphs (a)(1) introductory text and (b).

PART 772—[AMENDED]

■ 9. The authority citation for part 772 is revised to read as follows:

Authority: Pub. L. 115–232, Title XVII, Subtitle B. 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

■ 10. Section 772.1 is amended by:

■ a. Removing definitions for ''Automatic target tracking'', ''Carbon fiber preforms'', ''Commingled'', and ''Comminution'';

■ b. Revising the definition for ''Compensation systems'';

■ c. Removing the definition for ''Compound rotary table'';

■ d. Revising the definition for ''Cryptographic activation'';

■ e. Removing the definitions for ''Deformable mirrors'', ''Direct-acting hydraulic pressing'', ''Effective Gram'', ''Electronically steerable phased array antenna'', ''Flight control optical sensor array'', ''Flight path optimization'', ''Frequency mask trigger'', ''Frequency synthesizer'', ''Gas Atomization'', ''Geographically dispersed'', and ''Hot isostatic densification'';

■ f. Adding the definition for ''Interleaved Analog-to-Digital Converter (ADC)'' in alphabetical order;

■ g. Removing the definitions for ''Linearity'', ''Main storage'', ''Mechanical alloying'', ''Melt Extraction'', and ''Melt Spinning'';

■ h. Adding the definition for ''Multiple channel Analog-to-Digital Converter (ADC)'' in alphabetical order;

■ i. Removing the definitions for ''Neural computer'', ''Optical computer'', ''Plasma atomization'', ''Power management'', ''Previously separated'', ''Primary flight control'', ''Real-time bandwidth'', ''Resolution'', and ''Rotary Atomization'';

■ j. Adding the definition for ''Sample rate'' in alphabetical order;

■ k. Removing the definitions for ''Settling time'' and ''Splat Quenching'';

■ l. Adding the definition for ''Steady state mode'' in alphabetical order;

■ m. Removing the definitions for ''Systolic array computer'' and ''Transfer laser'';

■ n. In the definition for ''User-accessible programmability'', removing ''Cat 4, 5, and 6'' and adding in its place ''Cat 6''; and

■ o. Removing the definitions for ''Vacuum Atomization'' and ''Variable geometry airfoils''.

The revisions and additions read as follows:

§ 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

* * * * *

Compensation systems. (Cat 6) Consist of the primary scalar sensor, one or more reference sensors (*e.g.,* vector ''magnetometers'') together with software that permit reduction of rigid body rotation noise of the platform.

* * * * *

Cryptographic activation. (Cat 5P2) Any technique that specifically activates or enables cryptographic capability of an item, by means of a mechanism implemented by the manufacturer of the item, where this mechanism is uniquely bound to any of the following:

(1) A single instance of the item; or

(2) One customer, for multiple instances of the item.

Technical note 1 to definition of ''Cryptographic activation'': ''Cryptographic activation'' techniques and mechanisms may be implemented as hardware, ''software'' or ''technology''.

Technical note 2 to definition of ''Cryptographic activation'': Mechanisms for ''cryptographic activation'' can, for example, be serial number-based license keys or authentication instruments such as digitally signed certificates.

* * * * *

Interleaved Analog-to-Digital Converter (ADC). (Cat 3) Devices that have multiple ADC units that sample the same analog input at different times such that when the outputs are aggregated, the analog input has been effectively sampled and converted at a higher sampling rate.

* * * * *

Multiple channel Analog-to-Digital Converter (ADC). (Cat 3) Devices that integrate more than one ADC, designed so that each ADC has a separate analog input.

* * * * *

Sample rate. (Cat 3) For an Analog-to-Digital Converter (ADC) the maximum number of samples that are measured at the analog input over a period of one second, except for oversampling ADCs. For oversampling ADCs the ''sample rate'' is taken to be its output word rate. ''Sample rate'' may also be referred to as sampling rate, usually specified in Mega Samples Per Second (MSPS) or Giga Samples Per Second (GSPS), or conversion rate, usually specified in Hertz (Hz).

* * * * *

Steady state mode. (Cat 9) The term ''steady state mode'' defines engine operation conditions, where the engine parameters, such as thrust/power, rpm and others, have no appreciable fluctuations, when the ambient air temperature and pressure at the engine inlet are constant.

* * * * *

PART 774—[AMENDED]

■ 11. The authority citation for part 774 is revised to read as follows:

Authority: Pub. L. 115–232, Title XVII, Subtitle B. 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824a; 50 U.S.C. 4305; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

■ 12. In supplement no. 1 to part 774, Category 0, ECCN 0A617 is revised to read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

* * * * *

0A617 Miscellaneous ''Equipment'', Materials, and Related Commodities (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry, except 0A617.y.	NS Column 1.

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
RS applies to entire entry, except 0A617.y.	RS Column 1.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 0A617.y.	See § 764.1(b) of the EAR for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500
GBS: N/A
CIV: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 0A617.

List of Items Controlled

Related Controls: (1) Defense articles, such as materials made from classified information, that are controlled by USML Category XIII, and technical data (including software) directly related thereto, are subject to the ITAR. (2) See ECCN 0A919 for foreign-made ''military commodities'' that incorporate more than a *de minimis* amount of U.S.-origin ''600 series'' controlled content. (3) For controls on self-contained diving and underwater swimming apparatus and related commodities, see ECCN 8A620.f. (4) For controls on robots, robot controllers, and robot end-effectors, see USML Category VII and ECCNs 0A606 and 2B007. (5) ''Libraries'', *i.e.,* parametric technical databases, ''specially designed'' for military use with equipment controlled by the USML or a ''600 series'' ECCN are controlled by the technical data and technology controls pertaining to such items. (6) For controls on nuclear power generating equipment or propulsion equipment, including ''nuclear reactors'', ''specially designed'' for military use, and ''parts'' and ''components'' ''specially designed'' therefor, see USML Categories VI, XIII, XV, and XX. (7) Simulators ''specially designed'' for military ''nuclear reactors'' are controlled by USML Category IX(b). (8) See USML Categories X, XI and XII for ''laser'' protection equipment (*e.g.,* eye and sensor protection) ''specially designed'' for military use. (9) ''Fuel cells'' ''specially designed'' for a defense article on the USML or a commodity controlled by a ''600 series'' ECCN are controlled according to the corresponding ''600 series'' ECCN for such end items. (10) See USML Category XV for controls on fuel cells ''specially designed'' for satellite or spacecraft.

Related Definitions: N/A

Items:

a. [Reserved]

b. Concealment and deception equipment ''specially designed'' for military application, including special paints, decoys, smoke or obscuration equipment and simulators, and ''parts'', ''components'', ''accessories'', and ''attachments'' ''specially designed'' therefor, not controlled by USML Category XIII.

c. Ferries, bridges (other than those described in ECCN 0A606 or USML Category VII), and pontoons, ''specially designed'' for military use.

d. Test models ''specially designed'' for the ''development'' of defense articles controlled by USML Categories IV, VI, VII and VIII.

e. [Reserved]

f. ''Metal embrittlement agents''.

g. through x. [Reserved]

y. Other commodities as follows, and ''parts'', ''components'', ''accessories'', and ''attachments'' ''specially designed'' therefore:

y.1. Construction equipment ''specially designed'' for military use, including such equipment ''specially designed'' for transport in aircraft controlled by USML VIII(a) or ECCN 9A610.a.

y.2. ''Parts'', ''components'', ''accessories'', and ''attachments'' ''specially designed'' for commodities in paragraph .y.1 of this entry, including crew protection kits used as protective cabs.

y.3. ISO intermodal containers or demountable vehicle bodies (*i.e.,* swap bodies), n.e.s., ''specially designed'' or 'modified' for shipping or packing defense articles or items controlled by a ''600 series'' ECCN.

Technical Note: For the purpose of 0A617.y.3, 'modified' means any structural, electrical, mechanical, or other change that provides a non-military item with military capabilities equivalent to an item which is ''specially designed'' for military use.

y.4. Field generators ''specially designed'' for military use.

y.5. Power controlled searchlights and control units therefor, ''specially designed'' for military use, and ''equipment'' mounting such units.

■ 13. In supplement no. 1 to part 774, Category 0, ECCN 0A919 is revised to read as follows:

0A919 ''Military commodities'' located and produced outside the United States as follows (see list of items controlled).

License Requirements

Reasons for Control: RS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
RS applies to entire entry.	RS Column 1, See § 742.6(a)(3) of the EAR for license requirements.
AT applies to entire entry.	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: (1) ''Military commodities'' are subject to the export licensing jurisdiction of the Department of State if they incorporate items that are subject to the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120 through 130). (2) ''Military commodities'' described in this paragraph are subject to the export licensing jurisdiction of the Department of State if such commodities are described on the U.S. Munitions List (22 CFR part 121) and are in the United States. (3) The furnishing of assistance (including training) to foreign persons, whether in the United States or abroad, in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing, or use of defense articles that are subject to the ITAR; or the furnishing to foreign persons of any technical data controlled under 22 CFR 121.1 whether in the United States or abroad are under the licensing jurisdiction of the Department of State. (4) Brokering activities (as defined in 22 CFR part 129) of ''military commodities'' that are subject to the ITAR are under the licensing jurisdiction of the Department of State.

Related Definitions: ''Military commodity'' or ''military commodities'' means an article, material or supply that is described on the U.S. Munitions List (22 CFR part 121) or on the Munitions List that is published by the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (*i.e.,* the Wassenaar Arrangement Munitions List (WAML)), but does not include software, technology, any item listed in any ECCN for which the last three numerals are 018, or any item in the ''600 series.''

Items:

a. ''Military commodities'' produced and located outside the United States that are not subject to the International Traffic in Arms Regulations (22 CFR parts 120 through 130) and having any of the following characteristics:

a.1. Incorporate more than a *de minimis* amount of U.S.-origin controlled content classified under ECCNs 6A002, 6A003, or 6A993.a (having a maximum frame rate equal to or less than 9 Hz and thus meeting the criterion of Note 3.a to 6A003.b.4);

a.2. Incorporate more than a *de minimis* amount of U.S.-origin ''600 series'' controlled content (see § 734.4 of the EAR); *or*

a.3. Are direct products of U.S.-origin ''600 series'' technology or software (see § 736.2(b)(3) of the EAR).

b. [Reserved]

■ 14. In supplement no. 1 to part 774, Category 1, ECCN 1A002 is revised to read as follows:

1A002 ''Composite'' structures or laminates, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2.

Control(s)	Country chart (see Supp. No. 1 to part 738)
NP applies to 1A002.b.1 in the form of tubes with an inside diameter between 75 mm and 400 mm.	NP Column 1.
AT applies to entire entry.	AT Column 1.

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500; N/A for NP; N/A for ''composite'' structures or laminates controlled by 1A002.a, having an organic ''matrix'' and made from materials controlled by 1C010.c or 1C010.d.
GBS: N/A
CIV: N/A

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this entry to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See ECCNs *1E001* (''development'' and ''production'') and *1E201* (''use'') for technology for items controlled by this entry. (2) Also see ECCNs *1A202, 1C010, 1C210,* 9A010, and 9A110. (3) ''Composite'' structures ''specially designed'' for missile applications (including ''specially designed'' subsystems, ''parts'', and ''components'') are controlled by ECCN 9A110. (4) ''Composite'' structures or laminates ''specially designed'' or prepared for use in separating uranium isotopes are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).
Related Definitions: N/A
Items:

a. Made from any of the following:

a.1. An organic ''matrix'' and ''fibrous or filamentary materials'' specified by 1C010.c or 1C010.d; *or*

a.2. Prepregs or preforms specified by 1C010.e;

b. Made from a metal or carbon ''matrix'', and any of the following:

b.1. Carbon ''fibrous or filamentary materials'' having all of the following:

b.1.a. A ''specific modulus'' exceeding 10.15×10^6 m; *and*

b.1.b. A ''specific tensile strength'' exceeding 17.7×10^4 m; *or*

b.2. Materials controlled by 1C010.c.

Note 1: 1A002 does not control ''composite'' structures or laminates made from epoxy resin impregnated carbon ''fibrous or filamentary materials'', for the repair of ''civil aircraft'' structures or laminates, having all of the following:

a. An area not exceeding 1 m^2;
b. A length not exceeding 2.5 m; and
c. A width exceeding 15 mm.

Note 2: 1A002 does not control semi-finished items, ''specially designed'' for civilian applications as follows:

a. Sporting goods;
b. Automotive industry;
c. Machine tool industry;
d. Medical applications.

Note 3: 1A002.b.1 does not apply to semi-finished items containing a maximum of two dimensions of interwoven filaments and ''specially designed'' for applications as follows:

a. Metal heat-treatment furnaces for tempering metals;
b. Silicon boule production equipment.

Note 4: 1A002 does not apply to finished items ''specially designed'' for a specific application.

■ 15. In supplement no. 1 to part 774, Category 1, ECCN 1C001 is revised to read as follows:

1C001 Materials ''specially designed'' for absorbing electromagnetic radiation, or intrinsically conductive polymers, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry.	NS Column 1.
MT applies to entire entry.	MT Column 1.
AT applies to entire entry.	AT Column 1.

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in this entry to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See also 1C101
Related Definitions: N/A
Items:

a. Materials for absorbing frequencies exceeding 2×10^8 Hz but less than 3×10^{12} Hz.

Note 1: 1C001.a does not control:

a. Hair type absorbers, constructed of natural or synthetic fibers, with non-magnetic loading to provide absorption;

b. Absorbers having no magnetic loss and whose incident surface is non-planar in shape, including pyramids, cones, wedges and convoluted surfaces;

c. Planar absorbers, having all of the following:

1. Made from any of the following:

a. Plastic foam materials (flexible or non-flexible) with carbon-loading, or organic materials, including binders, providing more than 5% echo compared with metal over a bandwidth exceeding ±15% of the center frequency of the incident energy, and not capable of withstanding temperatures exceeding 450 K (177 °C); or

b. Ceramic materials providing more than 20% echo compared with metal over a bandwidth exceeding ±15% of the center frequency of the incident energy, and not capable of withstanding temperatures exceeding 800 K (527 °C);

Technical Note: Absorption test samples for 1C001.a. Note 1.c.1 should be a square at least 5 wavelengths of the center frequency on a side and positioned in the far field of the radiating element.

2. Tensile strength less than 7×10^6 N/m^2; and

3. Compressive strength less than 14×10^6 N/m^2;

d. Planar absorbers made of sintered ferrite, having all of the following:

1. A specific gravity exceeding 4.4; and

2. A maximum operating temperature of 548 K (275 °C).

Note 2: Nothing in Note 1 releases magnetic materials to provide absorption when contained in paint.

b. Materials not transparent to visible light and specially designed for absorbing near-infrared radiation having a wavelength exceeding 810 nm but less than 2,000 nm (frequencies exceeding 150 THz but less than 370 THz);

Note: 1C001.b does not apply to materials, ''specially designed'' or formulated for any of the following applications:

a. ''Laser'' marking of polymers; or
b. ''Laser'' welding of polymers.

c. Intrinsically conductive polymeric materials with a 'bulk electrical conductivity' exceeding 10,000 S/m (Siemens per meter) or a 'sheet (surface) resistivity' of less than 100 ohms/square, based on any of the following polymers:

c.1. Polyaniline;
c.2. Polypyrrole;
c.3. Polythiophene;
c.4. Poly phenylene-vinylene; *or*
c.5. Poly thienylene-vinylene.

Note: 1C001.c does not apply to materials in a liquid form.

Technical Note: 'Bulk electrical conductivity' and 'sheet (surface) resistivity' should be determined using ASTM D–257 or national equivalents.

■ 16. In supplement no. 1 to part 774, Category 1, ECCN 1C002 is revised to read as follows:

1C002 Metal alloys, metal alloy powder and alloyed materials, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2.
NP applies to 1C002.b.3. or b.4 if they exceed the parameters stated in 1C202.	NP Column 1.
AT applies to entire entry.	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $3000; N/A for NP
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: (1) See ECCNs 1E001 (''development'' and ''production'') and 1E201 (''use'') for technology for items controlled by this entry. (2) Also see ECCN 1C202. (3) Aluminum alloys and titanium alloys in physical forms and finished products ''specially designed'' or prepared for use in separating uranium isotopes are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).
Related Definition: N/A
Items:

Note: 1C002 does not control metal alloys, metal alloy powder and alloyed materials, specially formulated for coating purposes.

Technical Note 1: The metal alloys in 1C002 are those containing a higher percentage by weight of the stated metal than of any other element.

Technical Note 2: 'Stress-rupture life' should be measured in accordance with ASTM standard E–139 or national equivalents.

Technical Note 3: 'Low cycle fatigue life' should be measured in accordance with ASTM Standard E–606 'Recommended Practice for Constant-Amplitude Low-Cycle Fatigue Testing' or national equivalents. Testing should be axial with an average stress ratio equal to 1 and a stress-concentration factor (K_t) equal to 1. The average stress is defined as maximum stress minus minimum stress divided by maximum stress.

a. Aluminides, as follows:
a.1. Nickel aluminides containing a minimum of 15% by weight aluminum, a maximum of 38% by weight aluminum and at least one additional alloying element;
a.2. Titanium aluminides containing 10% by weight or more aluminum and at least one additional alloying element;
b. Metal alloys, as follows, made from the powder or particulate material controlled by 1C002.c:
b.1. Nickel alloys having any of the following:
b.1.a. A 'stress-rupture life' of 10,000 hours or longer at 923 K (650 °C) at a stress of 676 MPa; *or*
b.1.b. A 'low cycle fatigue life' of 10,000 cycles or more at 823 K (550 °C) at a maximum stress of 1,095 MPa;
b.2. Niobium alloys having any of the following:
b.2.a. A 'stress-rupture life' of 10,000 hours or longer at 1,073 K (800 °C) at a stress of 400 MPa; *or*
b.2.b. A 'low cycle fatigue life' of 10,000 cycles or more at 973 K (700 °C) at a maximum stress of 700 MPa;
b.3. Titanium alloys having any of the following:
b.3.a. A 'stress-rupture life' of 10,000 hours or longer at 723 K (450 °C) at a stress of 200 MPa; *or*
b.3.b. A 'low cycle fatigue life' of 10,000 cycles or more at 723 K (450 °C) at a maximum stress of 400 MPa;
b.4 Aluminum alloys having any of the following:
b.4.a. A tensile strength of 240 MPa or more at 473 K (200 °C); *or*
b.4.b. A tensile strength of 415 MPa or more at 298 K (25 °C);
b.5. Magnesium alloys having all the following:
b.5.a. A tensile strength of 345 MPa or more; and
b.5.b. A corrosion rate of less than 1 mm/year in 3% sodium chloride aqueous solution measured in accordance with ASTM standard G–31 or national equivalents;
c. Metal alloy powder or particulate material, having all of the following:
c.1. Made from any of the following composition systems:

Technical Note: X in the following equals one or more alloying elements.

c.1.a. Nickel alloys (Ni-Al-X, Ni-X-Al) qualified for turbine engine ''parts'' or ''components'', *i.e.,* with less than 3 non-metallic particles (introduced during the manufacturing process) larger than 100 µm in 10^9 alloy particles;
c.1.b. Niobium alloys (Nb-Al-X or Nb-X-Al, Nb-Si-X or Nb-X-Si, Nb-Ti-X or Nb-X-Ti);
c.1.c. Titanium alloys (Ti-Al-X or Ti-X-Al);
c.1.d. Aluminum alloys (Al-Mg-X or Al-X-Mg, Al-Zn-X or Al-X-Zn, Al-Fe-X or Al-X-Fe); *or*
c.1.e. Magnesium alloys (Mg-Al-X or Mg-X-Al);
c.2. Made in a controlled environment by any of the following processes:
c.2.a. 'Vacuum atomization';
c.2.b. 'Gas atomization';
c.2.c. 'Rotary atomization';
c.2.d. 'Splat quenching';
c.2.e. 'Melt spinning' and 'comminution';
c.2.f. 'Melt extraction' and 'comminution';
c.2.g. 'Mechanical alloying'; *or*
c.2.h. 'Plasma atomization'; *and*
c.3. Capable of forming materials controlled by 1C002.a or 1C002.b;
d. Alloyed materials, having all the following:
d.1. Made from any of the composition systems specified by 1C002.c.1;
d.2. In the form of uncomminuted flakes, ribbons or thin rods; *and*
d.3. Produced in a controlled environment by any of the following:
d.3.a. 'Splat quenching';
d.3.b. 'Melt spinning'; *or*
d.3.c. 'Melt extraction'.

Technical Notes: 1. 'Vacuum atomisation' is a process to reduce a molten stream of metal to droplets of a diameter of 500 µm or less by the rapid evolution of a dissolved gas upon exposure to a vacuum.
2. 'Gas atomisation' is a process to reduce a molten stream of metal alloy to droplets of 500 µm diameter or less by a high pressure gas stream.
3. 'Rotary atomisation' is a process to reduce a stream or pool of molten metal to droplets to a diameter of 500 µm or less by centrifugal force.
4. 'Splat quenching' is a process to 'solidify rapidly' a molten metal stream impinging upon a chilled block, forming a flake-like product.
5. 'Melt spinning' is a process to 'solidify rapidly' a molten metal stream impinging upon a rotating chilled block, forming a flake, ribbon or rod-like product.
6. 'Comminution' is a process to reduce a material to particles by crushing or grinding.
7. 'Melt extraction' is a process to 'solidify rapidly' and extract a ribbon-like alloy product by the insertion of a short segment of a rotating chilled block into a bath of a molten metal alloy.
8. 'Mechanical alloying' is an alloying process resulting from the bonding, fracturing and rebonding of elemental and master alloy powders by mechanical impact. Non-metallic particles may be incorporated in the alloy by addition of the appropriate powders.
9. 'Plasma atomisation' is a process to reduce a molten stream or solid metal to droplets of 500 µm diameter or less, using plasma torches in an inert gas environment.
10. 'Solidify rapidly' is a process involving the solidification of molten material at cooling rates exceeding 1000 K/sec.

■ 17. In supplement no. 1 to part 774, Category 1, ECCN 1C007 is revised to read as follows:

1C007 **Ceramic powders, ceramic ''matrix'' ''composite'' materials and 'precursor materials,' as follows (see List of Items Controlled).**

License Requirements

Reason for Control: NS, MT, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
MT applies to items in 1C007.c when the dielectric constant is less than 6 at any frequency from 100 MHz to 100 GHz for use in ''missile'' radomes.	MT Column 1
AT applies to entire entry.	AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $5,000, except N/A for MT and for 1C007.e
GBS: N/A
CIV: N/A

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in 1C007.c entry to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See also 1C107
Related Definitions: N/A
Items:

a. Ceramic powders of titanium diboride (TiB_2) (CAS 12045–63–5) having total metallic impurities, excluding intentional additions, of less than 5,000 ppm, an average particle size equal to or less than 5 µm and no more than 10% of the particles larger than 10 µm;

b. [Reserved]

c. Ceramic ''matrix'' ''composite'' materials as follows:

c.1. Ceramic-ceramic ''composite'' materials with a glass or oxide-''matrix'' and reinforced with any of the following:

c.1.a. Continuous fibers made from any of the following materials:

c.1.a.1. Al_2O_3 (CAS 1344–28–1); or

c.1.a.2. Si-C-N; or

Note: 1C007.c.1.a does not apply to ''composites'' containing fibers with a tensile strength of less than 700 MPa at 1,273 K (1,000 °C) or tensile creep resistance of more than 1% creep strain at 100 MPa load and 1,273 K (1,000 °C) for 100 hours.

c.1.b. Fibers being all of the following:

c.1.b.1. Made from any of the following materials:

c.1.b.1.a. Si-N;

c.1.b.1.b. Si-C;

c.1.b.1.c. Si-Al-O-N; *or*

c.1.b.1.d. Si-O-N; *and*

c.1.b.2. Having a ''specific tensile strength'' exceeding 12.7×10^3 m;

c.2. Ceramic ''matrix'' ''composite'' materials with a ''matrix'' formed of carbides or nitrides of silicon, zirconium or boron;

N.B.: For items previously specified by 1C007.c see 1C007.c.1.b.

d. [Reserved]

N.B.: For items previously specified by 1C007.d see 1C007.c.2.

e. 'Precursor materials' ''specially designed'' for the ''production'' of materials controlled by 1C007.c, as follows:

e.1. Polydiorganosilanes;

e.2. Polysilazanes;

e.3. Polycarbosilazanes;

Technical Note: For the purposes of 1C007, 'precursor materials' are special purpose polymeric or metallo-organic materials used for the ''production'' of silicon carbide, silicon nitride, or ceramics with silicon, carbon and nitrogen.

f. [Reserved]

N.B.: For items previously specified by 1C007.f see 1C007.c.1.a.

■ 18. In supplement no. 1 to part 774, Category 1, ECCN 1C010 is revised to read as follows:

1C010 ''Fibrous or filamentary materials'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
NP applies to 1C010.a (aramid ''fibrous or filamentary materials'', b (carbon ''fibrous and filamentary materials''), and e.1 for ''fibrous and filamentary materials'' that meet or exceed the control criteria of ECCN 1C210.	NP Column 1
AT applies to entire entry.	AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500, N/A for NP
GBS: N/A
CIV: N/A

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in 1C010.c to any of the destinations listed in Country Group A:6 (See Supplement No. 1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See ECCNs *1E001* (''development'' and ''production'') and *1E201* (''use'') for technology for items controlled by this entry. (2) Also see ECCNs *1C210* and *1C990.* (3) See also 9C110 for material not controlled by *1C010.e,* as defined by notes 1 or 2.

Related Definitions: (1) ''Specific modulus'': Young's modulus in pascals, equivalent to N/m^2 divided by specific weight in N/m^3, measured at a temperature of (296 + 2) K ((23 + 2) °C) and a relative humidity of (50 + 5)%. (2) ''Specific tensile strength'': ultimate tensile strength in pascals, equivalent to N/m^2 divided by specific weight in N/m^3, measured at a temperature of (296 + 2) K ((23 + 2) °C) and a relative humidity of (50 + 5)%.

Items:

Technical Notes: 1. For the purpose of calculating ''specific tensile strength'', ''specific modulus'' or specific weight of ''fibrous or filamentary materials'' in 1C010.a, 1C010.b or 1C010.c, the tensile strength and modulus should be determined by using Method A described in ISO 10618 (2004) or national equivalents.

2. Assessing the ''specific tensile strength'', ''specific modulus'' or specific weight of non-unidirectional ''fibrous or filamentary materials'' (*e.g.,* fabrics, random mats or braids) in 1C010 is to be based on the mechanical properties of the constituent unidirectional monofilaments (*e.g.,* monofilaments, yarns, rovings or tows) prior to processing into the non-unidirectional ''fibrous or filamentary materials''.

a. Organic ''fibrous or filamentary materials'', having all of the following:

a.1. ''Specific modulus'' exceeding 12.7×10^6 m; *and*

a.2. ''Specific tensile strength'' exceeding 23.5×10^4 m;

Note: 1C010.a does not control polyethylene.

b. Carbon ''fibrous or filamentary materials'', having all of the following:

b.1. ''Specific modulus'' exceeding 14.65×10^6 m; *and*

b.2. ''Specific tensile strength'' exceeding 26.82×10^4 m;

Note: 1C010.b does not control:

a. ''Fibrous or filamentary materials'', for the repair of ''civil aircraft'' structures or laminates, having all of the following:

1. An area not exceeding 1 m^2;

2. A length not exceeding 2.5 m; and

3. A width exceeding 15 mm.

b. Mechanically chopped, milled or cut carbon ''fibrous or filamentary materials'' 25.0 mm or less in length.

c. Inorganic ''fibrous or filamentary materials'', having all of the following:

c.1. ''Specific modulus'' exceeding 2.54 x 10^6 m; and

c.2. Melting, softening, decomposition or sublimation point exceeding 1,922 K (1,649 °C) in an inert environment;

Note: 1C010.c does not control:

a. Discontinuous, multiphase, polycrystalline alumina fibers in chopped fiber or random mat form, containing 3% by weight or more silica, with a ''specific modulus'' of less than 10×10^6 m;

b. Molybdenum and molybdenum alloy fibers;

c. Boron fibers;

d. Discontinuous ceramic fibers with a melting, softening, decomposition or sublimation point lower than 2,043 K (1,770 °C) in an inert environment.

d. ''Fibrous or filamentary materials'', having any of the following:

d.1. Composed of any of the following:

d.1.a. Polyetherimides controlled by 1C008.a; *or*

d.1.b. Materials controlled by 1C008.b to 1C008.f; *or*

d.2. Composed of materials controlled by 1C010.d.1.a or 1C010.d.1.b and 'commingled' with other fibers controlled by 1C010.a, 1C010.b or 1C010.c.

Technical Note: 'Commingled' is filament to filament blending of thermoplastic fibers and reinforcement fibers in order to produce a fiber reinforcement ''matrix'' mix in total fiber form.

e. Fully or partially resin impregnated or pitch impregnated ''fibrous or filamentary

materials'' (prepregs), metal or carbon coated ''fibrous or filamentary materials'' (preforms) or 'carbon fiber preforms', having all of the following:

e.1. Having any of the following:

e.1.a. Inorganic ''fibrous or filamentary materials'' controlled by 1C010.c; *or*

e.1.b. Organic or carbon ''fibrous or filamentary materials'', having all of the following:

e.1.b.1. ''Specific modulus'' exceeding 10.15×10^6 m; *and*

e.1.b.2 ''Specific tensile strength'' exceeding 17.7×10^4 m; *and*

e.2. Having any of the following:

e.2.a. Resin or pitch, controlled by 1C008 or 1C009.b;

e.2.b. 'Dynamic Mechanical Analysis glass transition temperature (DMA T_g)' equal to or exceeding 453 K (180 °C) and having a phenolic resin; *or*

e.2.c. 'Dynamic Mechanical Analysis glass transition temperature (DMA T_g)' equal to or exceeding 505 K (232 °C) and having a resin or pitch, not specified by 1C008 or 1C009.b, and not being a phenolic resin;

Note 1: Metal or carbon coated ''fibrous or filamentary materials'' (preforms) or 'carbon fiber preforms', not impregnated with resin or pitch, are specified by ''fibrous or filamentary materials'' in 1C010.a, 1C010.b or 1C010.c.

Note 2: 1C010.e does not apply to:

a. Epoxy resin ''matrix'' impregnated carbon ''fibrous or filamentary materials'' (prepregs) for the repair of ''civil aircraft'' structures or laminates, having all of the following:

1. An area not exceeding 1 m^2;

2. A length not exceeding 2.5 m; and

3. A width exceeding 15 mm;

b. Fully or partially resin-impregnated or pitch-impregnated mechanically chopped, milled or cut carbon ''fibrous or filamentary materials'' 25.0 mm or less in length when using a resin or pitch other than those specified by 1C008 or 1C009.b.

Technical Notes:

1. 'Carbon fiber preforms' are an ordered arrangement of uncoated or coated fibers intended to constitute a framework of a part before the ''matrix'' is introduced to form a ''composite''.

2. The 'Dynamic Mechanical Analysis glass transition temperature (DMA T_g)' for materials controlled by 1C010.e is determined using the method described in ASTM D 7028–07, or equivalent national standard, on a dry test specimen. In the case of thermoset materials, degree of cure of a dry test specimen shall be a minimum of 90% as defined by ASTM E 2160 04 or equivalent national standard.

■ 19. In supplement no. 1 to part 774, Category 1, ECCN 1C608 revised to read as follows:

1C608 ''Energetic materials'' and related commodities (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, MT, AT, UN

Control(s)	*Country chart (see Supp. no. 1 to part 738)*
NS applies to entire entry.	NS Column 1
RS applies to entire entry.	RS Column 1
MT applies to 1C608.m.	MT Column 1
AT applies to entire entry.	AT Column 1
UN applies to entire entry.	See § 746.1(b) of the EAR for UN controls

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500
GBS: N/A
CIV: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 1C608.

List of Items Controlled

Related Controls: (1) The EAR does not control devices or charges containing materials controlled by USML subparagraphs V(c)(6), V(h), or V(i). The USML controls devices containing such materials. (2) The USML in Categories III, IV, or V controls devices and charges in this entry if they contain materials controlled by Category V (other than slurries) and such materials can be easily extracted without destroying the device or charge. (3) See also explosives and other items enumerated in ECCNs 1A006, 1A007, 1A008, 1C011, 1C111, 1C239, and 1C992. (4) See ECCN 0A919 for foreign-made ''military commodities'' that incorporate more than a *de minimis* amount of US-origin ''600 series'' controlled content.

Related Definitions: (1) For purposes of this entry, the term 'controlled materials' means controlled energetic materials enumerated in ECCNs 1C011, 1C111, 1C239, 1C608, or USML Category V. (2) For the purposes of this entry, the term 'propellants' means substances or mixtures that react chemically to produce large volumes of hot gases at controlled rates to perform mechanical work.

Items:

a. 'Single base', 'double base', and 'triple base' 'propellants' having nitrocellulose with nitrogen content greater than 12.6% in the form of either:

a.1. 'Sheetstock' or 'carpet rolls'; *or*

a.2. Grains with diameter greater than 0.10 inches.

Note: This entry does not control 'propellant' grains used in shotgun shells, small arms cartridges, or rifle cartridges.

Technical Notes:

1. 'Sheetstock' is 'propellant' that has been manufactured in the form of a sheet suitable for further processing.

2. A 'carpet roll' is 'propellant' that has been manufactured as a sheet, often cut to a desired width, and subsequently rolled up (like a carpet).

3. 'Single base' is 'propellant' which consists mostly of nitrocellulose.

4.'Double base' 'propellant' consist mostly of nitrocellulose and nitroglycerine.

5. 'Triple base' consists mostly of nitrocellulose, nitroglycerine, and nitroguanidine. Such 'propellants' contain other materials, such as resins or stabilizers, that could include carbon, salts, burn rate modifiers, nitrodiphenylamine, wax, polyethylene glycol (PEG), polyglycol adipate (PGA).

b. Shock tubes containing greater than 0.064 kg per meter (300 grains per foot), but not more than 0.1 kg per meter (470 grains per foot) of 'controlled materials.'

c. Cartridge power devices containing greater than 0.70 kg, but not more than 1.0 kg of 'controlled materials.'

d. Detonators (electric or nonelectric) and ''specially designed'' assemblies therefor containing greater than 0.01 kg, but not more than 0.1 kg of 'controlled materials'.

e. Igniters not controlled by USML Categories III or IV that contain greater than 0.01 kg, but not more than 0.1 kg of 'controlled materials'.

f. Oil well cartridges containing greater than 0.015 kg, but not more than 0.1 kg of 'controlled materials'.

g. Commercial cast or pressed boosters containing greater than 1.0 kg, but not more than 5.0 kg of 'controlled materials'.

h. Commercial prefabricated slurries and emulsions containing greater than 10 kg and less than or equal to thirty-five percent by weight of USML 'controlled materials'.

i. [Reserved]

j. ''Pyrotechnic'' devices ''specially designed'' for commercial purposes (*e.g.,* theatrical stages, motion picture special effects, and fireworks displays), and containing greater than 3.0 kg, but not more than 5.0 kg of 'controlled materials'.

k. Other commercial explosive devices or charges ''specially designed'' for commercial applications, not controlled by 1C608.c through .g above, containing greater than 1.0 kg, but not more than 5.0 kg of 'controlled materials'.

l. Propyleneimine (2 methylaziridine) (C.A.S. #75–55–8).

m. Any oxidizer or 'mixture' thereof that is a compound composed of fluorine and any of the following: other halogens, oxygen, or nitrogen.

Note 1 to 1C608.m: Nitrogen trifluoride (NF3) (CAS 7783–54–2) in a gaseous state is controlled under ECCN 1C992 and not under ECCN 1C608.m.

Note 2 to 1C608.m: Chlorine trifluoride (ClF3) (CAS 7790–91–2) is controlled under ECCN 1C111.a.3.f and not under ECCN 1C608.m.

Note 3 to 1C608.m: Oxygen difluoride (OF2) is controlled under USML Category V.d.10 (see 22 CFR 121.1) and not under ECCN 1C608.m.

Note to 1C608.l and m: If a chemical in ECCN 1C608.l or .m is incorporated into a commercial charge or device described in ECCN 1C608.c through .k or in ECCN 1C992, the classification of the commercial charge or device applies to the item.

Technical Note to 1C608.m: 'Mixture' refers to a composition of two or more substances with at least one substance being enumerated in 1C011, 1C111, 1C239, 1C608, USML Category V, or elsewhere on the USML.

n. Any explosives, 'propellants', oxidizers, ''pyrotechnics'', fuels, binders, or additives that are ''specially designed'' for military application and not enumerated or otherwise described in USML Category V or elsewhere on the USML.

Note 1: 1C608.n does not apply to the following ''aircraft'' fuels: JP–4, JP–5, and JP–8.

Note 2: ''Aircraft'' fuels specified by 1C608.n, Note 1 are finished products, not their constituents.

■ 20. In supplement no. 1 to part 774, Category 2, ECCN 2A001 is revised to read as follows:

2A001 Anti-friction bearings and bearing systems, as follows, (see List of Items Controlled) and ''components'' therefor.

License Requirements

Reason for Control: NS, MT, AT

Control(s)	*Country chart (see Supp. no. 1 to part 738)*
NS applies to entire entry.	NS Column 2
MT applies to radial ball bearings having all tolerances specified in accordance with ISO 492 Tolerance Class 2 (or ANSI/ABMA Std 20 Tolerance Class ABEC–9, or other national equivalents) or better and having all the following characteristics: an inner ring bore diameter between 12 and 50 mm; an outer ring outside diameter between 25 and 100 mm; and a width between 10 and 20 mm..	MT Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $3,000, N/A for MT
GBS: Yes, for 2A001.a, N/A for MT
CIV: Yes, for 2A001.a, N/A for MT

List of Items Controlled

Related Controls: (1) See also 2A991. (2) Quiet running bearings are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).
Related Definitions: Annular Bearing Engineers Committee (ABEC).
Items:

Note 1: 2A001.a includes ball bearing and roller elements ''specially designed'' for the items specified therein.

Note 2: 2A001 does not control balls with tolerances specified by the manufacturer in accordance with ISO 3290 as grade 5 (or national equivalents) or worse.

a. Ball bearings and solid roller bearings, having all tolerances specified by the manufacturer in accordance with ISO 492 Tolerance Class 4 (or national equivalents), or better, and having both 'rings' and 'rolling elements', made from monel or beryllium;

Note: 2A001.a does not control tapered roller bearings.

Technical Notes:

1. 'Ring'—annular part of a radial rolling bearing incorporating one or more raceways (ISO 5593:1997).

2. 'Rolling element'—ball or roller which rolls between raceways (ISO 5593:1997).

b. [Reserved]

c. Active magnetic bearing systems using any of the following:

c.1. Materials with flux densities of 2.0 T or greater and yield strengths greater than 414 MPa;

c.2. All-electromagnetic 3D homopolar bias designs for actuators; *or*

c.3. High temperature (450 K (177 °C) and above) position sensors.

■ 21. In supplement no. 1 to part 774, Category 2, ECCN 2B001 is revised to read as follows:

2B001 Machine tools and any combination thereof, for removing (or cutting) metals, ceramics or ''composites'', which, according to the manufacturer's technical specifications, can be equipped with electronic devices for ''numerical control''; as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
NP applies to 2B001.a, .b, .c, and .d, EXCEPT: (1) Turning machines under 2B001.a with a capacity no greater than 35 mm diameter; (2) bar machines (Swissturn), limited to machining only bar feed through, if maximum bar diameter is equal to or less than 42 mm and there is no capability of mounting chucks. (Machines may have drilling and/or milling capabilities for machining ''parts'' or ''components'' with diameters less than 42 mm); or (3) milling machines under 2B001.b with x-axis travel greater than two meters and overall positioning accuracy according to ISO 230/2 (2006) on the x-axis more (worse) than 22.5 µm.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: (1) See ECCN 2B002 for optical finishing machines. (2) See ECCNs 2D001 and 2D002 for software for items controlled under this entry. (3) See ECCNs 2E001 (''development''), 2E002 (''production''), and 2E201 (''use'') for technology for items controlled under this entry. (4) Also see ECCNs 2B201 and 2B991.
Related Definitions: N/A
Items:

Note 1: 2B001 does not control special purpose machine tools limited to the manufacture of gears. For such machines, see 2B003.

Note 2: 2B001 does not control special purpose machine tools limited to the manufacture of any of the following:
a. Crank shafts or cam shafts;
b. Tools or cutters;
c. Extruder worms;
d. Engraved or faceted jewelry parts; or
e. Dental prostheses.

Note 3: A machine tool having at least two of the three turning, milling or grinding capabilities (*e.g.,* a turning machine with

milling capability), must be evaluated against each applicable entry 2B001.a, .b or .c.

a. Machine tools for turning having two or more axes which can be coordinated simultaneously for ''contouring control'' having any of the following:

a.1. ''Unidirectional positioning repeatability'' equal to or less (better) than 0.9 µm along one or more linear axis with a travel length less than 1.0 m; *or*

a.2. ''Unidirectional positioning repeatability'' equal to or less (better) than 1.1 µm along one or more linear axis with a travel length equal to or greater than 1.0 m;

Note 1: 2B001.a does not control turning machines ''specially designed'' for producing contact lenses, having all of the following:

a. Machine controller limited to using ophthalmic based ''software'' for part programming data input; and

b. No vacuum chucking.

Note 2: 2B001.a does not apply to bar machines (Swissturn), limited to machining only bar feed thru, if maximum bar diameter is equal to or less than 42 mm and there is no capability of mounting chucks. Machines may have drilling or milling capabilities for machining parts with diameters less than 42 mm.

b. Machine tools for milling having any of the following:

b.1. Three linear axes plus one rotary axis which can be coordinated simultaneously for ''contouring control'' having any of the following:

b.1.a. ''Unidirectional positioning repeatability'' equal to or less (better) than 0.9 µm along one or more linear axis with a travel length less than 1.0 m; *or*

b.1.b. ''Unidirectional positioning repeatability'' equal to or less (better) than 1.1 µm along one or more linear axis with a travel length equal to or greater than 1.0 m;

b.2. Five or more axes which can be coordinated simultaneously for ''contouring control'' having any of the following:

b.2.a. ''Unidirectional positioning repeatability'' equal to or less (better) than 0.9 µm along one or more linear axis with a travel length less than 1.0 m;

b.2.b. ''Unidirectional positioning repeatability'' equal to or less (better) than 1.4 µm along one or more linear axis with a travel length equal to or greater than 1 m and less than 4 m; *or*

b.2.c. ''Unidirectional positioning repeatability'' equal to or less (better) than 6.0 µm along one or more linear axis with a travel length equal to or greater than 4 m;

b.3. A ''unidirectional positioning repeatability'' for jig boring machines, equal to or less (better) than 1.1 µm along one or more linear axis; *or*

b.4. Fly cutting machines having all of the following:

b.4.a. Spindle ''run-out'' and ''camming'' less (better) than 0.0004 mm TIR; *and*

b.4.b. Angular deviation of slide movement (yaw, pitch and roll) less (better) than 2 seconds of arc, TIR, over 300 mm of travel;

c. Machine tools for grinding having any of the following:

c.1. Having all of the following:

c.1.a. ''Unidirectional positioning repeatability'' equal to or less (better) than 1.1 µm along one or more linear axis; *and*

c.1.b. Three or four axes which can be coordinated simultaneously for ''contouring control''; *or*

c.2. Five or more axes which can be coordinated simultaneously for ''contouring control'' having any of the following:

c.2.a. ''Unidirectional positioning repeatability'' equal to or less (better) than 1.1 µm along one or more linear axis with a travel length less than 1 m;

c.2.b. ''Unidirectional positioning repeatability'' equal to or less (better) than 1.4 µm along one or more linear axis with a travel length equal to or greater than 1 m and less than 4 m; *or*

c.2.c. ''Unidirectional positioning repeatability'' equal to or less (better) than 6.0 µm along one or more linear axis with a travel length equal to or greater than 4 m.

Notes: 2B001.c does not control grinding machines as follows:

a. Cylindrical external, internal, and external-internal grinding machines, having all of the following:

a.1. Limited to cylindrical grinding; and

a.2. Limited to a maximum workpiece capacity of 150 mm outside diameter or length.

b. Machines designed specifically as jig grinders that do not have a z-axis or a w-axis, with a ''unidirectional positioning repeatability'' less (better) than 1.1 µm.

c. Surface grinders.

d. Electrical discharge machines (EDM) of the non-wire type which have two or more rotary axes which can be coordinated simultaneously for ''contouring control'';

e. Machine tools for removing metals, ceramics or ''composites'', having all of the following:

e.1. Removing material by means of any of the following:

e.1.a. Water or other liquid jets, including those employing abrasive additives;

e.1.b. Electron beam; or

e.1.c. ''Laser'' beam; and

e.2. At least two rotary axes having all of the following:

e.2.a. Can be coordinated simultaneously for ''contouring control''; and

e.2.b. A positioning ''accuracy'' of less (better) than 0.003°;

f. Deep-hole-drilling machines and turning machines modified for deep-hole-drilling, having a maximum depth-of-bore capability exceeding 5 m.

■ 22. In supplement no. 1 to part 774, Category 2, ECCN 2B006 is revised to read as follows:

2B006 Dimensional inspection or measuring systems, equipment, position feedback units and ''electronic assemblies'', as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
NP applies to those items in 2B006.a, .b.1, b.3, and .c (angular displacement measuring instruments) that meet or exceed the technical parameters in 2B206.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: (1) See ECCNs 2D001 and 2D002 for ''software'' for items controlled under this entry. (2) See ECCNs 2E001 (''development''), 2E002 (''production''), and 2E201 (''use'') for technology for items controlled under this entry. (3) Also see ECCNs 2B206 and 2B996.

Related Definitions: N/A

Items:

a. Computer controlled or ''numerically controlled'' Coordinate Measuring Machines (CMM), having a three dimensional length (volumetric) maximum permissible error of length measurement ($E_{0,MPE}$) at any point within the operating range of the machine (*i.e.,* within the length of axes) equal to or less (better) than (1.7 + L/1,000) µm (L is the measured length in mm) according to ISO 10360–2 (2009);

Technical Note: The $E_{0,MPE}$ of the most accurate configuration of the CMM specified by the manufacturer (*e.g.,* best of the following: Probe, stylus length, motion parameters, environment) and with ''all compensations available'' shall be compared to the 1.7 + L/1,000 µm threshold.

b. Linear displacement measuring instruments or systems, linear position feedback units, and ''electronic assemblies'', as follows:

Note: Interferometer and optical-encoder measuring systems containing a ''laser'' are only specified by 2B006.b.3.

b.1. 'Non-contact type measuring systems' with a 'resolution' equal to or less (better) than 0.2 µm within a measuring range up to 0.2 mm;

Technical Note: For the purposes of 2B006.b.1, 'non-contact type measuring systems' are designed to measure the distance between the probe and measured object along a single vector, where the probe or measured object is in motion.

b.2. Linear position feedback units ''specially designed'' for machine tools and having an overall ''accuracy'' less (better) than (800 + (600 × L/1,000)) nm (L equals effective length in mm);

b.3. Measuring systems having all of the following:

b.3.a. Containing a ''laser'';

b.3.b. A 'resolution' over their full scale of 0.200 nm or less (better); *and*

b.3.c. Capable of achieving a ''measurement uncertainty'' equal to or less (better) than (1.6 + L/2,000) nm (L is the measured length in mm) at any point within a measuring range, when compensated for the refractive index of air and measured over a period of 30 seconds at a temperature of 20 ± 0.01°C; *or*

Technical Note: For the purposes of 2B006.b, 'resolution' is the least increment of a measuring device; on digital instruments, the least significant bit.

b.4. ''Electronic assemblies'' ''specially designed'' to provide feedback capability in systems controlled by 2B006.b.3;

c. Rotary position feedback units ''specially designed'' for machine tools or angular displacement measuring instruments, having an angular position ''accuracy'' equal to or less (better) than 0.9 second of arc;

Note: 2B006.c does not control optical instruments, such as autocollimators, using collimated light (*e.g.,* ''laser'' light) to detect angular displacement of a mirror.

d. Equipment for measuring surface roughness (including surface defects), by measuring optical scatter with a sensitivity of 0.5 nm or less (better).

Note: 2B006 includes machine tools, other than those specified by 2B001, that can be used as measuring machines, if they meet or exceed the criteria specified for the measuring machine function.

■ 23. In supplement no. 1 to part 774, Category 2, ECCN 2B007 is revised to read as follows:

2B007 ''Robots'' having any of the following characteristics described in the List of Items Controlled and ''specially designed'' controllers and ''end-effectors'' therefor.

License Requirements

Reason for Control: NS, NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
NP applies to equipment that meets or exceeds the criteria in ECCNs 2B207.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $5,000, except 2B007.b and .c
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls:

(1) See ECCN 2D001 for ''software'' for items controlled under this entry. (2) See ECCNs 2E001 (''development''), 2E002 (''production''), and 2E201 (''use'') for technology for items controlled under this entry. (3) Also see ECCNs 2B207, 2B225 and 2B997.

Related Definitions: N/A

Items:

a. [Reserved]

b. ''Specially designed'' to comply with national safety standards applicable to potentially explosive munitions environments;

Note: 2B007.b does not apply to ''robots'' ''specially designed'' for paint-spraying booths.

c. ''Specially designed'' or rated as radiation-hardened to withstand a total radiation dose greater than 5×10^3 Gy (silicon) without operational degradation; *or*

Technical Note: The term Gy (silicon) refers to the energy in Joules per kilogram absorbed by an unshielded silicon sample when exposed to ionizing radiation.

d. ''Specially designed'' to operate at altitudes exceeding 30,000 m.

■ 24. In supplement no. 1 to part 774, Category 2, ECCN 2B008 is revised to read as follows:

2B008 'Compound rotary tables' and ''tilting spindles'', ''specially designed'' for machine tools, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: See also 2B998

Related Definition: N/A

Items:

a. [Reserved]

b. [Reserved]

c. 'Compound rotary tables' having all of the following:

c.1. Designed for machine tools for turning, milling or grinding; *and*

c.2. Two rotary axes designed to be coordinated simultaneously for ''contouring control''.

Technical Note: A 'compound rotary table' is a table allowing the workpiece to rotate and tilt about two non-parallel axes.

d. ''Tilting spindles'' having all of the following:

d.1. Designed for machine tools for turning, milling or grinding; *and*

d.2. Designed to be coordinated simultaneously for ''contouring control''.

■ 25. In supplement no. 1 to part 774, Category 2, ECCN 2B206 is revised to read as follows:

2B206 Dimensional inspection machines, instruments or systems, other than those described in 2B006, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NP applies to entire entry.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: (1) See ECCNs *2D002* and *2D201* for ''software'' for items controlled under this entry. (2) See ECCNs *2E001* (''development''), *2E002* (''production''), and *2E201* (''use'') for technology for items controlled under this entry. (3) Also see ECCNs *2B006* and *2B996.*

Related Definitions: N/A

Items:

Control Notes to ECCN 2B206: (1) Machine tools that can be used as measuring machines are controlled by ECCN 2B206 if they meet or exceed the control parameters specified in this entry for the measuring machine function. (2) The machines described in ECCN 2B206 are controlled by this entry if they exceed the specified control threshold anywhere in their operating range.

Technical Note to ECCN 2B206: All parameters of measurement values in this entry represent plus/minus, *i.e.,* not total band.

a. Computer controlled or numerically controlled coordinate measuring machines (CMM) with either of the following characteristics:

a.1. Having only two axes with a maximum permissible error of length measurement along any axis (one dimension), identified as any combination of $E_{0x\ MPE}$, $E_{0y\ MPE}$ or $E_{0z\ MPE}$, equal to or less (better) than (1.25 + L/1,000) µm (where L is the measured length in mm) at any point within the operating range of the machine (*i.e.,* within the length of the axis), according to ISO 10360–2 (2009); *or*

a.2. Having three or more axes with a three dimensional (volumetric) maximum permissible error of length measurement, identified as $E_{0,\ MPE}$, equal to or less (better) than (1.7 + L/800) µm (where L is the measured length in mm) at any point within the operating range of the machine (*i.e.,* within the length of the axis), according to ISO 10360–2 (2009).

Technical Note to 2B206.a.2: The $E_{0,\ MPE}$ of the most accurate configuration of the

CMM specified according to ISO 10360–2 (2009) by the manufacturer (*e.g.,* best of the following: Probe, stylus length, motion parameters, environment) and with all compensations available shall be compared to the 1.7 + L/800 µm threshold.

b. Systems for simultaneous linear-angular inspection of hemishells, having both of the following characteristics:

b.1. ''Measurement uncertainty'' along any linear axis equal to or less (better) than 3.5 µm per 5 mm; *and*

b.2. ''Angular position deviation'' equal to or less than 0.02°.

c. Linear displacement measuring systems having both of the following characteristics:

c.1. Containing a ''laser;'' *and*

c.2. Capable of maintaining, for at least 12 hours over a temperature range of ± 1 K around a standard temperature and a standard pressure, both:

c.2.a. A ''resolution'' over their full scale of 0.1 µm or better; *and*

c.2.b. A ''measurement uncertainty'' equal to or better (less) than (0.2 + L/2,000) µm (L is the measured length in millimeters).

Control Note to 2B206.c: 2B206.c does not control measuring interferometer systems, without closed or open loop feedback, containing a ''laser'' to measure slide movement errors of machine tools, dimensional inspection machines, or similar equipment.

Technical Note to 2B206.c: In 2B206.c, ''linear displacement'' means the change of distance between the measuring probe and the measured object.

d. Linear Variable Differential Transformer (LVDT) systems having all of the following:

d.1. Having any of the following:

d.1.a. ''Linearity'' equal to or less (better) than 0.1% measured from 0 to the full operating range, for LVDTs with a full operating range up to and including ±5 mm; *or*

d.1.b. ''Linearity'' equal to or less (better) than 0.1% measured from 0 to 5 mm for LVDTs with a 'full operating range' greater than ±5 mm; *and*

d.2. Drift equal to or less (better) than 0.1% per day at a standard ambient test room temperature ±1 K.

■ 26. In supplement no. 1 to part 774, Category 2, ECCN 2E003 is revised to read as follows:

2E003 Other ''technology'', as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 1.
AT applies to entire entry.	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A

TSR: Yes, except 2E003.b, .e and .f

List of Items Controlled

Related Controls: See 2E001, 2E002, and 2E101 for ''development'' and ''use'' technology for equipment that are designed or modified for densification of carbon-carbon composites, structural composite rocket nozzles and reentry vehicle nose tips.

Related Definitions: N/A

Items:

a. [Reserved]

b. ''Technology'' for metal-working manufacturing processes, as follows:

b.1. ''Technology'' for the design of tools, dies or fixtures ''specially designed'' for any of the following processes:

b.1.a. ''Superplastic forming'';

b.1.b. ''Diffusion bonding''; *or*

b.1.c. 'Direct-acting hydraulic pressing';

b.2. Technical data consisting of process methods or parameters as listed below used to control:

b.2.a. ''Superplastic forming'' of aluminum alloys, titanium alloys or ''superalloys:''

b.2.a.1. Surface preparation;

b.2.a.2. Strain rate;

b.2.a.3. Temperature;

b.2.a.4. Pressure;

b.2.b. ''Diffusion bonding'' of ''superalloys'' or titanium alloys:

b.2.b.1. Surface preparation;

b.2.b.2. Temperature;

b.2.b.3. Pressure;

b.2.c. 'Direct-acting hydraulic pressing' of aluminum alloys or titanium alloys:

b.2.c.1. Pressure;

b.2.c.2. Cycle time;

b.2.d. 'Hot isostatic densification' of titanium alloys, aluminum alloys or ''superalloys'':

b.2.d.1. Temperature;

b.2.d.2. Pressure;

b.2.d.3. Cycle time;

Technical Notes:

1. 'Direct-acting hydraulic pressing' is a deformation process which uses a fluid-filled flexible bladder in direct contact with the workpiece.

2. 'Hot isostatic densification' is a process of pressurizing a casting at temperatures exceeding 375 K (102 °C) in a closed cavity through various media (gas, liquid, solid particles, etc.) to create equal force in all directions to reduce or eliminate internal voids in the casting.

c. ''Technology'' for the ''development'' or ''production'' of hydraulic stretch-forming machines and dies therefor, for the manufacture of airframe structures;

d. [Reserved]

e. ''Technology'' for the ''development'' of integration ''software'' for incorporation of expert systems for advanced decision support of shop floor operations into ''numerical control'' units;

f. ''Technology'' for the application of inorganic overlay coatings or inorganic surface modification coatings (specified in column 3 of the following table) to non-electronic substrates (specified in column 2 of the following table), by processes specified in column 1 of the following table and defined in the Technical Note.

N.B.: This table should be read to control the technology of a particular 'Coating Process' only when the resultant coating in column 3 is in a paragraph directly across from the relevant 'Substrate' under column 2. For example, Chemical Vapor Deposition (CVD) 'coating process' control the ''technology'' for a particular application of 'silicides' to 'Carbon-carbon, Ceramic and Metal ''matrix'' ''composites'' substrates, but are not controlled for the application of 'silicides' to 'Cemented tungsten carbide (16), Silicon carbide (18)' substrates. In the second case, the resultant coating is not listed in the paragraph under column 3 directly across from the paragraph under column 2 listing 'Cemented tungsten carbide (16), Silicon carbide (18).'

■ 27. In supplement no. 1 to part 774, Category 3, Product Group A is amended by revising Notes 1 and 2 and N.B. before ECCN 3A001 to read as follows:

Category 3—Electronics

A. ''End Items'', ''Equipment'', ''Accessories'', ''Attachments'', ''Parts'', ''Components'', and ''Systems''

Note 1: The control status of equipment and ''components'' described in 3A001 or 3A002, other than those described in 3A001.a.3 to 3A001.a.10, or 3A001.a.12 to 3A001.a.14, which are ''specially designed'' for or which have the same functional characteristics as other equipment is determined by the control status of the other equipment.

Note 2: The control status of integrated circuits described in 3A001.a.3 to 3A001.a.9, or 3A001.a.12 to 3A001.a.14, which are unalterably programmed or designed for a specific function for other equipment is determined by the control status of the other equipment.

N.B.: When the manufacturer or applicant cannot determine the control status of the other equipment, the control status of the integrated circuits is determined in 3A001.a.3 to 3A001.a.9, and 3A001.a.12 to 3A001.a.14.

■ 28. In supplement no. 1 to part 774, Category 3, ECCN 3A001 is revised to read as follows:

3A001 Electronic items as follows (see List of Items Controlled).

Reason for Control: NS, RS, MT, NP, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to "Monolithic Microwave Integrated Circuit" ("MMIC") amplifiers in 3A001.b.2 and discrete microwave transistors in 3A001.b.3, except those 3A001.b.2 and b.3 items being exported or reexported for use in civil telecommunications applications.	NS Column 1
NS applies to entire entry.	NS Column 2
RS applies "Monolithic Microwave Integrated Circuit" ("MMIC") amplifiers in 3A001.b.2 and discrete microwave transistors in 3A001.b.3, except those 3A001.b.2 and b.3 items being exported or reexported for use in civil telecommunications applications.	RS Column 1
MT applies to 3A001.a.1.a when usable in "missiles"; and to 3A001.a.5.a when "designed or modified" for military use, hermetically sealed and rated for operation in the temperature range from below -54°C to above +125°C.	MT Column 1
NP applies to pulse discharge capacitors in 3A001.e.2 and superconducting solenoidal electromagnets in 3A001.e.3 that meet or exceed the technical parameters in 3A201.a and 3A201.b, respectively.	NP Column 1
AT applies to entire entry.	AT Column 1

License Requirements Note: See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating "information security" functionality, and associated "software" and "technology" for the "production" or "development" of such microprocessors.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A for MT or NP; N/A for "Monolithic Microwave Integrated Circuit" ("MMIC") amplifiers in 3A001.b.2 and discrete microwave transistors in 3A001.b.3, except those that are being exported or reexported for use in civil telecommunications applications

Yes for:

$1,500: 3A001.c

$3,000: 3A001.b.1, b.2 (exported or reexported for use in civil telecommunications applications), b.3 (exported or reexported for use in civil telecommunications applications), b.9, .d, .e, .f, and .g.

$5,000: 3A001.a (except a.1.a and a.5.a when controlled for MT), b.4 to b.7, and b.12.

GBS: Yes for 3A001.a.1.b, a.2 to a.14 (except .a.5.a when controlled for MT), b.2 (exported or reexported for use in civil telecommunications applications), b.8 (except for vacuum electronic device amplifiers exceeding 18 GHz), b.9, b.10, .g, .h, and .i.

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in 3A001.b.2 or b.3, except those that are being exported or reexported for use in civil telecommunications applications, to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See Category XV of the USML for certain "space-qualified" electronics and Category XI of the USML for certain ASICs, 'transmit/receive modules,' or 'transmit modules' "subject to the ITAR" (see 22 CFR parts 120 through 130). (2) See also 3A101, 3A201, 3A611, 3A991, and 9A515.

Related Definitions: 'Microcircuit' means a device in which a number of passive or active elements are considered as indivisibly associated on or within a continuous structure to perform the function of a circuit. For the purposes of integrated circuits in 3A001.a.1, 5×10^3 Gy (Si) = 5×10^5 Rads (Si); 5×10^6 Gy (Si)/s = 5×10^8 Rads (Si)/s.

Items:

a. General purpose integrated circuits, as follows:

Note 1: The control status of wafers (finished or unfinished), in which the function has been determined, is to be evaluated against the parameters of 3A001.a.

Note 2: Integrated circuits include the following types:

—"Monolithic integrated circuits"
— "Hybrid integrated circuits";
— "Multichip integrated circuits";
— "Film type integrated circuits", including silicon-on-sapphire integrated circuits;
— "Optical integrated circuits";
— "Three dimensional integrated circuits";
— "Monolithic Microwave Integrated Circuits" ("MMICs").

a.1. Integrated circuits designed or rated as radiation hardened to withstand any of the following:

a.1.a. A total dose of 5×10^3 Gy (Si), or higher;

a.1.b. A dose rate upset of 5×10^6 Gy (Si)/s, or higher; *or*

a.1.c. A fluence (integrated flux) of neutrons (1 MeV equivalent) of 5×10^{13} n/cm^2 or higher on silicon, or its equivalent for other materials;

Note: 3A001.a.1.c does not apply to Metal Insulator Semiconductors (MIS).

a.2. "Microprocessor microcircuits", "microcomputer microcircuits", microcontroller microcircuits, storage integrated circuits manufactured from a compound semiconductor, analog-to-digital converters, integrated circuits that contain analog-to-digital converters and store or process the digitized data, digital-to-analog converters, electro-optical or "optical integrated circuits" designed for "signal processing", field programmable logic devices, custom integrated circuits for which either the function is unknown or the control status of the equipment in which the integrated circuit will be used in unknown, Fast Fourier Transform (FFT) processors, Static Random-Access Memories (SRAMs), or 'non-volatile memories,' having any of the following:

Technical Note: 'Non-volatile memories' are memories with data retention over a period of time after a power shutdown.

a.2.a. Rated for operation at an ambient temperature above 398 K (+125 °C);

a.2.b. Rated for operation at an ambient temperature below 218 K (−55 °C); *or*

a.2.c. Rated for operation over the entire ambient temperature range from 218 K (−55 °C) to 398 K (125 °C);

Note: 3A001.a.2 does not apply to integrated circuits for civil automobile or railway train applications.

a.3. "Microprocessor microcircuits", "microcomputer microcircuits" and microcontroller microcircuits, manufactured from a compound semiconductor and operating at a clock frequency exceeding 40 MHz;

Note: 3A001.a.3 includes digital signal processors, digital array processors and digital coprocessors.

a.4. [Reserved]

a.5. Analog-to-Digital Converter (ADC) and Digital-to-Analog Converter (DAC) integrated circuits, as follows:

a.5.a. ADCs having any of the following:

a.5.a.1. A resolution of 8 bit or more, but less than 10 bit, with a "sample rate" greater than 1.3 Giga Samples Per Second (GSPS);

a.5.a.2. A resolution of 10 bit or more, but less than 12 bit, with a "sample rate" rate greater than 600 Mega Samples Per Second (MSPS);

a.5.a.3. A resolution of 12 bit or more, but less than 14 bit, with a "sample rate" rate greater than 400 MSPS;

a.5.a.4. A resolution of 14 bit or more, but less than 16 bit, with a "sample rate" rate greater than 250 MSPS; *or*

a.5.a.5. A resolution of 16 bit or more with a "sample rate" rate greater than 65 MSPS;

N.B.: For integrated circuits that contain analog-to-digital converters and store or process the digitized data see 3A001.a.14.

Technical Notes:

1. A resolution of n bit corresponds to a quantization of 2^n levels.

2. The resolution of the ADC is the number of bits of the digital output that represents the measured analog input. Effective Number of Bits (ENOB) is not used to determine the resolution of the ADC.

3. For ''multiple channel ADCs'', the ''sample rate'' is not aggregated and the ''sample rate'' is the maximum rate of any single channel.

4. For ''interleaved ADCs'' or for ''multiple channel ADCs'' that are specified to have an interleaved mode of operation, the ''sample rates'' are aggregated and the ''sample rate'' is the maximum combined total rate of all of the interleaved channels.

a.5.b. Digital-to-Analog Converters (DAC) having any of the following:

a.5.b.1. A resolution of 10 bit or more with an 'adjusted update rate' of greater than 3,500 MSPS; *or*

a.5.b.2. A resolution of 12-bit or more with an 'adjusted update rate' of greater than 1,250 MSPS and having any of the following:

a.5.b.2.a. A settling time less than 9 ns to arrive at or within 0.024% of full scale from a full scale step; *or*

a.5.b.2.b. A 'Spurious Free Dynamic Range' (SFDR) greater than 68 dBc (carrier) when synthesizing a full scale analog signal of 100 MHz or the highest full scale analog signal frequency specified below 100 MHz.

Technical Notes:

1. 'Spurious Free Dynamic Range' (SFDR) is defined as the ratio of the RMS value of the carrier frequency (maximum signal component) at the input of the DAC to the RMS value of the next largest noise or harmonic distortion component at its output.

2. SFDR is determined directly from the specification table or from the characterization plots of SFDR versus frequency.

3. A signal is defined to be full scale when its amplitude is greater than −3 dBfs (full scale).

4. 'Adjusted update rate' for DACs is:

a. For conventional (non-interpolating) DACs, the 'adjusted update rate' is the rate at which the digital signal is converted to an analog signal and the output analog values are changed by the DAC. For DACs where the interpolation mode may be bypassed (interpolation factor of one), the DAC should be considered as a conventional (non-interpolating) DAC.

b. For interpolating DACs (oversampling DACs), the 'adjusted update rate' is defined as the DAC update rate divided by the smallest interpolating factor. For interpolating DACs, the 'adjusted update rate' may be referred to by different terms including:

- Input data rate.
- input word rate.
- input sample rate.
- maximum total input bus rate.
- maximum DAC clock rate for DAC clock input.

a.6. Electro-optical and ''optical integrated circuits'', designed for ''signal processing'' and having all of the following:

a.6.a. One or more than one internal ''laser'' diode;

a.6.b. One or more than one internal light detecting element; *and*

a.6.c. Optical waveguides;

a.7. 'Field programmable logic devices' having any of the following:

a.7.a. A maximum number of single-ended digital input/outputs of greater than 700; *or*

a.7.b. An 'aggregate one-way peak serial transceiver data rate' of 500 Gb/s or greater;

Note: 3A001.a.7 includes:

—Complex Programmable Logic Devices (CPLDs)
—Field Programmable Gate Arrays (FPGAs)
—Field Programmable Logic Arrays (FPLAs)
—Field Programmable Interconnects (FPICs)

N.B.: For integrated circuits having field programmable logic devices that are combined with an analog-to-digital converter, see 3A001.a.14.

Technical Notes:

1. Maximum number of digital input/outputs in 3A001.a.7.a is also referred to as maximum user input/outputs or maximum available input/outputs, whether the integrated circuit is packaged or bare die.

2. 'Aggregate one-way peak serial transceiver data rate' is the product of the peak serial one-way transceiver data rate times the number of transceivers on the FPGA.

a.8. [Reserved]

a.9. Neural network integrated circuits;

a.10. Custom integrated circuits for which the function is unknown, or the control status of the equipment in which the integrated circuits will be used is unknown to the manufacturer, having any of the following:

a.10.a. More than 1,500 terminals;

a.10.b. A typical ''basic gate propagation delay time'' of less than 0.02 ns; *or*

a.10.c. An operating frequency exceeding 3 GHz;

a.11. Digital integrated circuits, other than those described in 3A001.a.3 to 3A001.a.10 and 3A001.a.12, based upon any compound semiconductor and having any of the following:

a.11.a. An equivalent gate count of more than 3,000 (2 input gates); *or*

a.11.b. A toggle frequency exceeding 1.2 GHz;

a.12. Fast Fourier Transform (FFT) processors having a rated execution time for an N-point complex FFT of less than ($N \log_2 N$)/20,480 ms, where N is the number of points;

Technical Note: When N is equal to 1,024 points, the formula in 3A001.a.12 gives an execution time of 500 μs.

a.13. Direct Digital Synthesizer (DDS) integrated circuits having any of the following:

a.13.a. A Digital-to-Analog Converter (DAC) clock frequency of 3.5 GHz or more and a DAC resolution of 10 bit or more, but less than 12 bit; *or*

a.13.b. A DAC clock frequency of 1.25 GHz or more and a DAC resolution of 12 bit or more;

Technical Note: The DAC clock frequency may be specified as the master clock frequency or the input clock frequency.

a.14. Integrated circuits that perform or are programmable to perform all of the following:

a.14.a. Analog-to-digital conversions meeting any of the following:

a.14.a.1. A resolution of 8 bit or more, but less than 10 bit, with a ''sample rate'' greater than 1.3 Giga Samples Per Second (GSPS);

a.14.a.2. A resolution of 10 bit or more, but less than 12 bit, with a ''sample rate'' greater than 1.0 GSPS;

a.14.a.3. A resolution of 12 bit or more, but less than 14 bit, with a ''sample rate'' greater than 1.0 GSPS;

a.14.a.4. A resolution of 14 bit or more, but less than 16 bit, with a ''sample rate'' greater than 400 Mega Samples Per Second (MSPS); *or*

a.14.a.5. A resolution of 16 bit or more with a ''sample rate'' greater than 180 MSPS; *and*

a.14.b. Any of the following:

a.14.b.1. Storage of digitized data; *or*

a.14.b.2. Processing of digitized data;

N.B. 1: For analog-to-digital converter integrated circuits see 3A001.a.5.a.

N.B. 2: For field programmable logic devices see 3A001.a.7.

Technical Notes:

1. A resolution of n bit corresponds to a quantization of 2^n levels.

2. The resolution of the ADC is the number of bits of the digital output of the ADC that represents the measured analog input. Effective Number of Bits (ENOB) is not used to determine the resolution of the ADC.

3. For integrated circuits with non-interleaving ''multiple channel ADCs'', the ''sample rate'' is not aggregated and the ''sample rate'' is the maximum rate of any single channel.

4. For integrated circuits with ''interleaved ADCs'' or with ''multiple channel ADCs'' that are specified to have an interleaved mode of operation, the ''sample rates'' are aggregated and the ''sample rate'' is the maximum combined total rate of all of the interleaved channels.

b. Microwave or millimeter wave items, as follows:

Technical Note:

1. For purposes of 3A001.b, the parameter peak saturated power output may also be referred to on product data sheets as output power, saturated power output, maximum power output, peak power output, or peak envelope power output.

2. For purposes of 3A001.b.1, 'vacuum electronic devices' are electronic devices based on the interaction of an electron beam with an electromagnetic wave propagating in a vacuum circuit or interacting with radio-frequency vacuum cavity resonators. 'Vacuum electronic devices' include klystrons, traveling-wave tubes, and their derivatives.

b.1. 'Vacuum electronic devices' and cathodes, as follows:

Note 1: 3A001.b.1 does not control 'vacuum electronic devices' designed or rated for operation in any frequency band and having all of the following:

a. Does not exceed 31.8 GHz; and

b. Is ''allocated by the ITU'' for radio-communications services, but not for radio-determination.

Note 2: 3A001.b.1 does not control non-''space-qualified'' 'vacuum electronic devices' having all the following:

a. An average output power equal to or less than 50 W; and

b. Designed or rated for operation in any frequency band and having all of the following:

1. Exceeds 31.8 GHz but does not exceed 43.5 GHz; and

2. Is ''allocated by the ITU'' for radio-communications services, but not for radio-determination.

b.1.a. Traveling-wave 'vacuum electronic devices,' pulsed or continuous wave, as follows:

b.1.a.1. Devices operating at frequencies exceeding 31.8 GHz;

b.1.a.2. Devices having a cathode heater with a turn on time to rated RF power of less than 3 seconds;

b.1.a.3. Coupled cavity devices, or derivatives thereof, with a ''fractional bandwidth'' of more than 7% or a peak power exceeding 2.5 kW;

b.1.a.4. Devices based on helix, folded waveguide, or serpentine waveguide circuits, or derivatives thereof, having any of the following:

b.1.a.4.a. An ''instantaneous bandwidth'' of more than one octave, and average power (expressed in kW) times frequency (expressed in GHz) of more than 0.5;

b.1.a.4.b. An ''instantaneous bandwidth'' of one octave or less, and average power (expressed in kW) times frequency (expressed in GHz) of more than 1;

b.1.a.4.c. Being ''space-qualified''; *or*

b.1.a.4.d. Having a gridded electron gun;

b.1.a.5. Devices with a ''fractional bandwidth'' greater than or equal to 10%, with any of the following:

b.1.a.5.a. An annular electron beam;

b.1.a.5.b. A non-axisymmetric electron beam; *or*

b.1.a.5.c. Multiple electron beams;

b.1.b. Crossed-field amplifier 'vacuum electronic devices' with a gain of more than 17 dB;

b.1.c. Thermionic cathodes, designed for 'vacuum electronic devices,' producing an emission current density at rated operating conditions exceeding 5 A/cm^2 or a pulsed (non-continuous) current density at rated operating conditions exceeding 10 A/cm^2;

b.1.d. 'Vacuum electronic devices' with the capability to operate in a 'dual mode.'

Technical Note: 'Dual mode' means the 'vacuum electronic device' beam current can be intentionally changed between continuous-wave and pulsed mode operation by use of a grid and produces a peak pulse output power greater than the continuous-wave output power.

b.2. ''Monolithic Microwave Integrated Circuit'' (''MMIC'') amplifiers that are any of the following:

N.B.: For ''MMIC'' amplifiers that have an integrated phase shifter see 3A001.b.12.

b.2.a. Rated for operation at frequencies exceeding 2.7 GHz up to and including 6.8 GHz with a ''fractional bandwidth'' greater than 15%, and having any of the following:

b.2.a.1. A peak saturated power output greater than 75 W (48.75 dBm) at any frequency exceeding 2.7 GHz up to and including 2.9 GHz;

b.2.a.2. A peak saturated power output greater than 55 W (47.4 dBm) at any frequency exceeding 2.9 GHz up to and including 3.2 GHz;

b.2.a.3. A peak saturated power output greater than 40 W (46 dBm) at any frequency exceeding 3.2 GHz up to and including 3.7 GHz; *or*

b.2.a.4. A peak saturated power output greater than 20 W (43 dBm) at any frequency exceeding 3.7 GHz up to and including 6.8 GHz;

b.2.b. Rated for operation at frequencies exceeding 6.8 GHz up to and including 16 GHz with a ''fractional bandwidth'' greater than 10%, and having any of the following:

b.2.b.1. A peak saturated power output greater than 10 W (40 dBm) at any frequency exceeding 6.8 GHz up to and including 8.5 GHz; *or*

b.2.b.2. A peak saturated power output greater than 5 W (37 dBm) at any frequency exceeding 8.5 GHz up to and including 16 GHz;

b.2.c. Rated for operation with a peak saturated power output greater than 3 W (34.77 dBm) at any frequency exceeding 16 GHz up to and including 31.8 GHz, and with a ''fractional bandwidth'' of greater than 10%;

b.2.d. Rated for operation with a peak saturated power output greater than 0.1n W (-70 dBm) at any frequency exceeding 31.8 GHz up to and including 37 GHz;

b.2.e. Rated for operation with a peak saturated power output greater than 1 W (30 dBm) at any frequency exceeding 37 GHz up to and including 43.5 GHz, and with a ''fractional bandwidth'' of greater than 10%;

b.2.f. Rated for operation with a peak saturated power output greater than 31.62 mW (15 dBm) at any frequency exceeding 43.5 GHz up to and including 75 GHz, and with a ''fractional bandwidth'' of greater than 10%;

b.2.g. Rated for operation with a peak saturated power output greater than 10 mW (10 dBm) at any frequency exceeding 75 GHz up to and including 90 GHz, and with a ''fractional bandwidth'' of greater than 5%; *or*

b.2.h. Rated for operation with a peak saturated power output greater than 0.1 nW (-70 dBm) at any frequency exceeding 90 GHz;

Note 1: [Reserved]

Note 2: The control status of the ''MMIC'' whose rated operating frequency includes frequencies listed in more than one frequency range, as defined by 3A001.b.2.a through 3A001.b.2.h, is determined by the lowest peak saturated power output control threshold.

Note 3: Notes 1 and 2 following the Category 3 heading for product group A. Systems, Equipment, and Components mean that 3A001.b.2 does not control ''MMICs'' if they are ''specially designed'' for other applications, *e.g.,* telecommunications, radar, automobiles.

b.3. Discrete microwave transistors that are any of the following:

b.3.a. Rated for operation at frequencies exceeding 2.7 GHz up to and including 6.8 GHz and having any of the following:

b.3.a.1. A peak saturated power output greater than 400 W (56 dBm) at any frequency exceeding 2.7 GHz up to and including 2.9 GHz;

b.3.a.2. A peak saturated power output greater than 205 W (53.12 dBm) at any frequency exceeding 2.9 GHz up to and including 3.2 GHz;

b.3.a.3. A peak saturated power output greater than 115 W (50.61 dBm) at any frequency exceeding 3.2 GHz up to and including 3.7 GHz; *or*

b.3.a.4. A peak saturated power output greater than 60 W (47.78 dBm) at any frequency exceeding 3.7 GHz up to and including 6.8 GHz;

b.3.b. Rated for operation at frequencies exceeding 6.8 GHz up to and including 31.8 GHz and having any of the following:

b.3.b.1. A peak saturated power output greater than 50 W (47 dBm) at any frequency exceeding 6.8 GHz up to and including 8.5 GHz;

b.3.b.2. A peak saturated power output greater than 15 W (41.76 dBm) at any frequency exceeding 8.5 GHz up to and including 12 GHz;

b.3.b.3. A peak saturated power output greater than 40 W (46 dBm) at any frequency exceeding 12 GHz up to and including 16 GHz; *or*

b.3.b.4. A peak saturated power output greater than 7 W (38.45 dBm) at any frequency exceeding 16 GHz up to and including 31.8 GHz;

b.3.c. Rated for operation with a peak saturated power output greater than 0.5 W (27 dBm) at any frequency exceeding 31.8 GHz up to and including 37 GHz;

b.3.d. Rated for operation with a peak saturated power output greater than 1 W (30 dBm) at any frequency exceeding 37 GHz up to and including 43.5 GHz; *or*

b.3.e. Rated for operation with a peak saturated power output greater than 0.1 nW (−70 dBm) at any frequency exceeding 43.5 GHz;

Note 1: The control status of a transistor, whose rated operating frequency includes frequencies listed in more than one frequency range, as defined by 3A001.b.3.a through 3A001.b.3.e, is determined by the lowest peak saturated power output control threshold.

Note 2: 3A001.b.3 includes bare dice, dice mounted on carriers, or dice mounted in packages. Some discrete transistors may also be referred to as power amplifiers, but the status of these discrete transistors is determined by 3A001.b.3.

b.4. Microwave solid state amplifiers and microwave assemblies/modules containing microwave solid state amplifiers, that are any of the following:

b.4.a. Rated for operation at frequencies exceeding 2.7 GHz up to and including 6.8 GHz with a ''fractional bandwidth'' greater than 15%, and having any of the following:

b.4.a.1. A peak saturated power output greater than 500 W (57 dBm) at any

frequency exceeding 2.7 GHz up to and including 2.9 GHz;

b.4.a.2. A peak saturated power output greater than 270 W (54.3 dBm) at any frequency exceeding 2.9 GHz up to and including 3.2 GHz;

b.4.a.3. A peak saturated power output greater than 200 W (53 dBm) at any frequency exceeding 3.2 GHz up to and including 3.7 GHz; *or*

b.4.a.4. A peak saturated power output greater than 90 W (49.54 dBm) at any frequency exceeding 3.7 GHz up to and including 6.8 GHz;

b.4.b. Rated for operation at frequencies exceeding 6.8 GHz up to and including 31.8 GHz with a ''fractional bandwidth'' greater than 10%, and having any of the following:

b.4.b.1. A peak saturated power output greater than 70 W (48.54 dBm) at any frequency exceeding 6.8 GHz up to and including 8.5 GHz;

b.4.b.2. A peak saturated power output greater than 50 W (47 dBm) at any frequency exceeding 8.5 GHz up to and including 12 GHz;

b.4.b.3. A peak saturated power output greater than 30 W (44.77 dBm) at any frequency exceeding 12 GHz up to and including 16 GHz; *or*

b.4.b.4. A peak saturated power output greater than 20 W (43 dBm) at any frequency exceeding 16 GHz up to and including 31.8 GHz;

b.4.c. Rated for operation with a peak saturated power output greater than 0.5 W (27 dBm) at any frequency exceeding 31.8 GHz up to and including 37 GHz;

b.4.d. Rated for operation with a peak saturated power output greater than 2 W (33 dBm) at any frequency exceeding 37 GHz up to and including 43.5 GHz, and with a ''fractional bandwidth'' of greater than 10%;

b.4.e. Rated for operation at frequencies exceeding 43.5 GHz and having any of the following:

b.4.e.1. A peak saturated power output greater than 0.2 W (23 dBm) at any frequency exceeding 43.5 GHz up to and including 75 GHz, and with a ''fractional bandwidth'' of greater than 10%;

b.4.e.2. A peak saturated power output greater than 20 mW (13 dBm) at any frequency exceeding 75 GHz up to and including 90 GHz, and with a ''fractional bandwidth'' of greater than 5%; *or*

b.4.e.3. A peak saturated power output greater than 0.1 nW (−70 dBm) at any frequency exceeding 90 GHz; *or*

b.4.f. [Reserved]

N.B.:

1. For ''MMIC'' amplifiers see 3A001.b.2.

2. For 'transmit/receive modules' and 'transmit modules' see 3A001.b.12.

3. For converters and harmonic mixers, designed to extend the operating or frequency range of signal analyzers, signal generators, network analyzers or microwave test receivers, see 3A001.b.7.

Note 1: [Reserved]

Note 2: The control status of an item whose rated operating frequency includes frequencies listed in more than one frequency range, as defined by 3A001.b.4.a through 3A001.b.4.e, is determined by the lowest peak saturated power output control threshold.

b.5. Electronically or magnetically tunable band-pass or band-stop filters, having more than 5 tunable resonators capable of tuning across a 1.5:1 frequency band (f_{max}/f_{min}) in less than 10 μs and having any of the following:

b.5.a. A band-pass bandwidth of more than 0.5% of center frequency; *or*

b.5.b. A band-stop bandwidth of less than 0.5% of center frequency;

b.6. [Reserved]

b.7. Converters and harmonic mixers, that are any of the following:

b.7.a. Designed to extend the frequency range of ''signal analyzers'' beyond 90 GHz;

b.7.b. Designed to extend the operating range of signal generators as follows:

b.7.b.1. Beyond 90 GHz;

b.7.b.2. To an output power greater than 100 mW (20 dBm) anywhere within the frequency range exceeding 43.5 GHz but not exceeding 90 GHz;

b.7.c. Designed to extend the operating range of network analyzers as follows:

b.7.c.1. Beyond 110 GHz;

b.7.c.2. To an output power greater than 31.62 mW (15 dBm) anywhere within the frequency range exceeding 43.5 GHz but not exceeding 90 GHz;

b.7.c.3. To an output power greater than 1 mW (0 dBm) anywhere within the frequency range exceeding 90 GHz but not exceeding 110 GHz; *or*

b.7.d. Designed to extend the frequency range of microwave test receivers beyond 110 GHz;

b.8. Microwave power amplifiers containing 'vacuum electronic devices' controlled by 3A001.b.1 and having all of the following:

b.8.a. Operating frequencies above 3 GHz;

b.8.b. An average output power to mass ratio exceeding 80 W/kg; *and*

b.8.c. A volume of less than 400 cm^3;

Note: 3A001.b.8 does not control equipment designed or rated for operation in any frequency band which is ''allocated by the ITU'' for radio-communications services, but not for radio-determination.

b.9. Microwave Power Modules (MPM) consisting of, at least, a traveling-wave 'vacuum electronic device,' a ''Monolithic Microwave Integrated Circuit'' (''MMIC'') and an integrated electronic power conditioner and having all of the following:

b.9.a. A 'turn-on time' from off to fully operational in less than 10 seconds;

b.9.b. A volume less than the maximum rated power in Watts multiplied by 10 cm^3/W; *and*

b.9.c. An ''instantaneous bandwidth'' greater than 1 octave ($f_{max}. > 2f_{min}$,) and having any of the following:

b.9.c.1. For frequencies equal to or less than 18 GHz, an RF output power greater than 100 W; *or*

b.9.c.2. A frequency greater than 18 GHz;

Technical Notes: 1. To calculate the volume in 3A001.b.9.b., the following example is provided: For a maximum rated power of 20 W, the volume would be: 20 W × 10 cm^3/W = 200 cm^3.

2. The 'turn-on time' in 3A001.b.9.a. refers to the time from fully-off to fully operational, *i.e.,* it includes the warm-up time of the MPM.

b.10. Oscillators or oscillator assemblies, specified to operate with a single sideband (SSB) phase noise, in dBc/Hz, less (better) than $-(126 + 20\log10F - 20\log10f)$ anywhere within the range of 10 Hz ≤ F ≤ 10 kHz;

Technical Note: In 3A001.b.10, F is the offset from the operating frequency in Hz and f is the operating frequency in MHz.

b.11. 'Frequency synthesizer' ''electronic assemblies'' having a ''frequency switching time'' as specified by any of the following:

b.11.a. Less than 143 ps;

b.11.b. Less than 100 μs for any frequency change exceeding 2.2 GHz within the synthesized frequency range exceeding 4.8 GHz but not exceeding 31.8 GHz;

b.11.c. [Reserved]

b.11.d. Less than 500 μs for any frequency change exceeding 550 MHz within the synthesized frequency range exceeding 31.8 GHz but not exceeding 37 GHz; *or*

b.11.e. Less than 100 μs for any frequency change exceeding 2.2 GHz within the synthesized frequency range exceeding 37 GHz but not exceeding 90 GHz; *or*

b.11.f. [Reserved]

b.11.g. Less than 1 ms within the synthesized frequency range exceeding 90 GHz;

Technical Note: A 'frequency synthesizer' is any kind of frequency source, regardless of the actual technique used, providing a multiplicity of simultaneous or alternative output frequencies, from one or more outputs, controlled by, derived from or disciplined by a lesser number of standard (or master) frequencies.

N.B.: For general purpose ''signal analyzers'', signal generators, network analyzers and microwave test receivers, see 3A002.c, 3A002.d, 3A002.e and 3A002.f, respectively.

b.12. 'Transmit/receive modules,' 'transmit/receive MMICs,' 'transmit modules,' and 'transmit MMICs,' rated for operation at frequencies above 2.7 GHz and having all of the following:

b.12.a. A peak saturated power output (in watts), P_{sat}, greater than 505.62 divided by the maximum operating frequency (in GHz) squared [$P_{sat} > 505.62$ W * GHz^2/f_{GHz}^2] for any channel;

b.12.b. A ''fractional bandwidth'' of 5% or greater for any channel;

b.12.c. Any planar side with length d (in cm) equal to or less than 15 divided by the lowest operating frequency in GHz [d ≤ 15cm * GHz * N/f_{GHz}] where N is the number of transmit or transmit/receive channels; *and*

b.12.d. An electronically variable phase shifter per channel.

Technical Notes: 1. A 'transmit/receive module' is a multifunction ''electronic assembly'' that provides bi-directional amplitude and phase control for transmission and reception of signals.

2. A 'transmit module' is an ''electronic assembly'' that provides amplitude and phase control for transmission of signals.

3. A 'transmit/receive MMIC' is a multifunction ''MMIC'' that provides bi-directional amplitude and phase control for transmission and reception of signals.

4. A 'transmit MMIC' is a ''MMIC'' that provides amplitude and phase control for transmission of signals.

5. 2.7 GHz should be used as the lowest operating frequency (f_{GHz}) in the formula in 3A001.b.12.c for transmit/receive or transmit modules that have a rated operation range extending downward to 2.7 GHz and below [d ≤ 15cm * GHz * N/2.7 GHz].

6. 3A001.b.12 applies to 'transmit/receive modules' or 'transmit modules' with or without a heat sink. The value of d in 3A001.b.12.c does not include any portion of the 'transmit/receive module' or 'transmit module' that functions as a heat sink.

7. 'Transmit/receive modules' or 'transmit modules,' 'transmit/receive MMICs' or 'transmit MMICs' may or may not have N integrated radiating antenna elements where N is the number of transmit or transmit/receive channels.

c. Acoustic wave devices as follows and ''specially designed'' ''components'' therefor:

c.1. Surface acoustic wave and surface skimming (shallow bulk) acoustic wave devices, having any of the following:

c.1.a. A carrier frequency exceeding 6 GHz;

c.1.b. A carrier frequency exceeding 1 GHz, but not exceeding 6 GHz and having any of the following:

c.1.b.1. A 'frequency side-lobe rejection' exceeding 65 dB;

c.1.b.2. A product of the maximum delay time and the bandwidth (time in µs and bandwidth in MHz) of more than 100;

c.1.b.3. A bandwidth greater than 250 MHz; *or*

c.1.b.4. A dispersive delay of more than 10 µs; *or*

c.1.c. A carrier frequency of 1 GHz or less and having any of the following:

c.1.c.1. A product of the maximum delay time and the bandwidth (time in µs and bandwidth in MHz) of more than 100;

c.1.c.2. A dispersive delay of more than 10 µs; *or*

c.1.c.3. A 'frequency side-lobe rejection' exceeding 65 dB and a bandwidth greater than 100 MHz;

Technical Note: 'Frequency side-lobe rejection' is the maximum rejection value specified in data sheet.

c.2. Bulk (volume) acoustic wave devices that permit the direct processing of signals at frequencies exceeding 6 GHz;

c.3. Acoustic-optic ''signal processing'' devices employing interaction between acoustic waves (bulk wave or surface wave) and light waves that permit the direct processing of signals or images, including spectral analysis, correlation or convolution;

Note: 3A001.c does not control acoustic wave devices that are limited to a single band pass, low pass, high pass or notch filtering, or resonating function.

d. Electronic devices and circuits containing ''components'', manufactured from ''superconductive'' materials, ''specially designed'' for operation at temperatures below the ''critical temperature'' of at least one of the ''superconductive'' constituents and having any of the following:

d.1. Current switching for digital circuits using ''superconductive'' gates with a product of delay time per gate (in seconds) and power dissipation per gate (in watts) of less than 10^{-14} J; *or*

d.2. Frequency selection at all frequencies using resonant circuits with Q-values exceeding 10,000;

e. High energy devices as follows:

e.1. 'Cells' as follows:

e.1.a. 'Primary cells' having any of the following at 20 °C:

e.1.a.1. 'Energy density' exceeding 550 Wh/kg and a 'continuous power density' exceeding 50 W/kg; *or*

e.1.a.2. 'Energy density' exceeding 50 Wh/kg and a 'continuous power density' exceeding 350 W/kg;

e.1.b. 'Secondary cells' having an 'energy density' exceeding 350 Wh/kg at 293 K (20 °C);

Technical Notes: 1. For the purpose of 3A001.e.1, 'energy density' (Wh/kg) is calculated from the nominal voltage multiplied by the nominal capacity in ampere-hours (Ah) divided by the mass in kilograms. If the nominal capacity is not stated, energy density is calculated from the nominal voltage squared then multiplied by the discharge duration in hours divided by the discharge load in Ohms and the mass in kilograms.

2. For the purpose of 3A001.e.1, a 'cell' is defined as an electrochemical device, which has positive and negative electrodes, an electrolyte, and is a source of electrical energy. It is the basic building block of a battery.

3. For the purpose of 3A001.e.1.a, a 'primary cell' is a 'cell' that is not designed to be charged by any other source.

4. For the purpose of 3A001.e.1.b, a 'secondary cell' is a 'cell' that is designed to be charged by an external electrical source.

5. For the purpose of 3A001.e.1.a, 'continuous power density' (W/kg) is calculated from the nominal voltage multiplied by the specified maximum continuous discharge current in ampere (A) divided by the mass in kilograms. 'Continuous power density' is also referred to as specific power.

Note: 3A001.e does not control batteries, including single-cell batteries.

e.2. High energy storage capacitors as follows:

e.2.a. Capacitors with a repetition rate of less than 10 Hz (single shot capacitors) and having all of the following:

e.2.a.1. A voltage rating equal to or more than 5 kV;

e.2.a.2. An energy density equal to or more than 250 J/kg; *and*

e.2.a.3. A total energy equal to or more than 25 kJ;

e.2.b. Capacitors with a repetition rate of 10 Hz or more (repetition rated capacitors) and having all of the following:

e.2.b.1. A voltage rating equal to or more than 5 kV;

e.2.b.2. An energy density equal to or more than 50 J/kg;

e.2.b.3. A total energy equal to or more than 100 J; *and*

e.2.b.4. A charge/discharge cycle life equal to or more than 10,000;

e.3. ''Superconductive'' electromagnets and solenoids, ''specially designed'' to be fully charged or discharged in less than one second and having all of the following:

Note: 3A001.e.3 does not control ''superconductive'' electromagnets or solenoids ''specially designed'' for Magnetic Resonance Imaging (MRI) medical equipment.

e.3.a. Energy delivered during the discharge exceeding 10 kJ in the first second;

e.3.b. Inner diameter of the current carrying windings of more than 250 mm; *and*

e.3.c. Rated for a magnetic induction of more than 8 T or ''overall current density'' in the winding of more than 300 A/mm^2;

e.4. Solar cells, cell-interconnect-coverglass (CIC) assemblies, solar panels, and solar arrays, which are ''space-qualified'', having a minimum average efficiency exceeding 20% at an operating temperature of 301 K (28 °C) under simulated 'AM0' illumination with an irradiance of 1,367 Watts per square meter (W/m^2);

Technical Note: 'AM0,' or 'Air Mass Zero,' refers to the spectral irradiance of sun light in the earth's outer atmosphere when the distance between the earth and sun is one astronomical unit (AU).

f. Rotary input type absolute position encoders having an ''accuracy'' equal to or less (better) than ±1.0 second of arc and ''specially designed'' encoder rings, discs or scales therefor;

g. Solid-state pulsed power switching thyristor devices and 'thyristor modules,' using either electrically, optically, or electron radiation controlled switch methods and having any of the following:

g.1. A maximum turn-on current rate of rise (di/dt) greater than 30,000 A/µs and off-state voltage greater than 1,100 V; *or*

g.2. A maximum turn-on current rate of rise (di/dt) greater than 2,000 A/µs and having all of the following:

g.2.a. An off-state peak voltage equal to or greater than 3,000 V; *and*

g.2.b. A peak (surge) current equal to or greater than 3,000 A;

Note: 3A001.g. includes:

—Silicon Controlled Rectifiers (SCRs)
—Electrical Triggering Thyristors (ETTs)
—Light Triggering Thyristors (LTTs)
—Integrated Gate Commutated Thyristors (IGCTs)
—Gate Turn-off Thyristors (GTOs)
—MOS Controlled Thyristors (MCTs)
—Solidtrons

Note 2: 3A001.g. does not control thyristor devices and 'thyristor modules' incorporated into equipment designed for civil railway or ''civil aircraft'' applications.

Technical Note: For the purposes of 3A001.g, a 'thyristor module' contains one or more thyristor devices.

h. Solid-state power semiconductor switches, diodes, or 'modules,' having all of the following:

h.1. Rated for a maximum operating junction temperature greater than 488 K (215 °C);

h.2. Repetitive peak off-state voltage (blocking voltage) exceeding 300 V; *and*

h.3. Continuous current greater than 1 A.

Technical Note: For the purposes of 3A001.h, 'modules' contain one or more

solid-state power semiconductor switches or diodes.

Note 1: Repetitive peak off-state voltage in 3A001.h includes drain to source voltage, collector to emitter voltage, repetitive peak reverse voltage and peak repetitive off-state blocking voltage.

Note: 3A001.h includes:

—Junction Field Effect Transistors (JFETs)
—Vertical Junction Field Effect Transistors (VJFETs)
—Metal Oxide Semiconductor Field Effect Transistors (MOSFETs)
—Double Diffused Metal Oxide Semiconductor Field Effect Transistor (DMOSFET)
—Insulated Gate Bipolar Transistor (IGBT)
—High Electron Mobility Transistors (HEMTs)
—Bipolar Junction Transistors (BJTs)
—Thyristors and Silicon Controlled Rectifiers (SCRs)
—Gate Turn-Off Thyristors (GTOs)
—Emitter Turn-Off Thyristors (ETOs)
—PiN Diodes
—Schottky Diodes

Note 3: 3A001.h does not apply to switches, diodes, or 'modules,' incorporated into equipment designed for civil automobile, civil railway, or ''civil aircraft'' applications.

i. Intensity, amplitude, or phase electro-optic modulators, designed for analog signals and having any of the following:

i.1. A maximum operating frequency of more than 10 GHz but less than 20 GHz, an optical insertion loss equal to or less than 3 dB and having any of the following:

i.1.a. A 'half-wave voltage' ('Vπ') less than 2.7 V when measured at a frequency of 1 GHz or below; *or*

i.1.b. A 'Vπ' of less than 4 V when measured at a frequency of more than 1 GHz; *or*

i.2. A maximum operating frequency equal to or greater than 20 GHz, an optical insertion loss equal to or less than 3 dB and having any of the following:

i.2.a. A 'Vπ' less than 3.3 V when measured at a frequency of 1 GHz or below; *or*

i.2.b. A 'Vπ' less than 5 V when measured at a frequency of more than 1 GHz.

Note: 3A001.i includes electro-optic modulators having optical input and output connectors (*e.g.,* fiber-optic pigtails).

Technical Note: For the purposes of 3A001.i, a 'half-wave voltage' ('Vπ') is the applied voltage necessary to make a phase change of 180 degrees in the wavelength of light propagating through the optical modulator.

■ 29. In supplement no. 1 to part 774, Category 3, ECCN 3A002 is revised to read as follows:

3A002 General purpose ''electronic assemblies'', modules and equipment, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
MT applies to 3A002.h when the parameters in 3A101.a.2.b are met or exceeded.	MT Column 1
AT applies to entire entry.	AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $3,000: 3A002.a, .e, .f, and .g
$5,000: 3A002.c to .d, and .h (unless controlled for MT);
GBS: Yes, for 3A002.h (unless controlled for MT)
CIV: Yes, for 3A002.h (unless controlled for MT)

Special Conditions for STA

STA: License Exception STA may not be used to ship any item in 3A002.g.1 to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See Category XV(e)(9) of the USML for certain ''space-qualified'' atomic frequency standards ''subject to the ITAR'' (see 22 CFR parts 120 through 130). See also 3A101, 3A992 and 9A515.x.
Related Definitions: Constant percentage bandwidth filters are also known as octave or fractional octave filters.
Items:

a. Recording equipment and oscilloscopes, as follows:

a.1. to a.5. [Reserved]

N.B.: For waveform digitizers and transient recorders, see 3A002.h.

a.6. Digital data recorders having all of the following:

a.6.a. A sustained 'continuous throughput' of more than 6.4 Gbit/s to disk or solid-state drive memory; *and*

a.6.b. A processor that performs analysis of radio frequency signal data while it is being recorded;

Technical Notes:

1. For recorders with a parallel bus architecture, the 'continuous throughput' rate is the highest word rate multiplied by the number of bits in a word.

2. 'Continuous throughput' is the fastest data rate the instrument can record to disk or solid-state drive memory without the loss of any information while sustaining the input digital data rate or digitizer conversion rate.

a.7. Real-time oscilloscopes having a vertical root-mean-square (rms) noise voltage of less than 2% of full-scale at the vertical scale setting that provides the lowest noise value for any input 3 dB bandwidth of 60 GHz or greater per channel;

Note: 3A002.a.7 does not apply to equivalent-time sampling oscilloscopes.

b. [Reserved]

c. ''Signal analyzers'' as follows:

c.1. ''Signal analyzers'' having a 3 dB resolution bandwidth (RBW) exceeding 40 MHz anywhere within the frequency range exceeding 31.8 GHz but not exceeding 37 GHz;

c.2. ''Signal analyzers'' having Displayed Average Noise Level (DANL) less (better) than −150 dBm/Hz anywhere within the frequency range exceeding 43.5 GHz but not exceeding 90 GHz;

c.3. ''Signal analyzers'' having a frequency exceeding 90 GHz;

c.4. ''Signal analyzers'' having all of the following:

c.4.a. 'Real-time bandwidth' exceeding 170 MHz; *and*

c.4.b. Having any of the following:

c.4.b.1. 100% probability of discovery, with less than a 3 dB reduction from full amplitude due to gaps or windowing effects, of signals having a duration of 15 μs or less; *or*

c.4.b.2. A 'frequency mask trigger' function, with 100% probability of trigger (capture) for signals having a duration of 15 μs or less;

Technical Notes:

1. 'Real-time bandwidth' is the widest frequency range for which the analyzer can continuously transform time-domain data entirely into frequency-domain results, using a Fourier or other discrete time transform that processes every incoming time point, without a reduction of measured amplitude of more than 3 dB below the actual signal amplitude caused by gaps or windowing effects, while outputting or displaying the transformed data.

2. Probability of discovery in 3A002.c.4.b.1 is also referred to as probability of intercept or probability of capture.

3. For the purposes of 3A002.c.4.b.1, the duration for 100% probability of discovery is equivalent to the minimum signal duration necessary for the specified level measurement uncertainty.

4. A 'frequency mask trigger' is a mechanism where the trigger function is able to select a frequency range to be triggered on as a subset of the acquisition bandwidth while ignoring other signals that may also be present within the same acquisition bandwidth. A 'frequency mask trigger' may contain more than one independent set of limits.

Note: 3A002.c.4 does not apply to those ''signal analyzers'' using only constant percentage bandwidth filters (also known as octave or fractional octave filters).

c.5. [Reserved]

d. Signal generators having any of the following:

d.1. Specified to generate pulse-modulated signals having all of the following, anywhere within the frequency range exceeding 31.8 GHz but not exceeding 37 GHz:

d.1.a. 'Pulse duration' of less than 25 ns; *and*

d.1.b. On/off ratio equal to or exceeding 65 dB;

d.2. An output power exceeding 100 mW (20 dBm) anywhere within the frequency

range exceeding 43.5 GHz but not exceeding 90 GHz;

d.3. A ''frequency switching time'' as specified by any of the following:

d.3.a. [Reserved]

d.3.b. Less than 100 μs for any frequency change exceeding 2.2 GHz within the frequency range exceeding 4.8 GHz but not exceeding 31.8 GHz;

d.3.c. [Reserved]

d.3.d. Less than 500 μs for any frequency change exceeding 550 MHz within the frequency range exceeding 31.8 GHz but not exceeding 37 GHz; *or*

d.3.e. Less than 100 μs for any frequency change exceeding 2.2 GHz within the frequency range exceeding 37 GHz but not exceeding 90 GHz;

d.3.f. [Reserved]

d.4. Single sideband (SSB) phase noise, in dBc/Hz, specified as being any of the following:

d.4.a. Less (better) than $-(126 + 20\log_{10} F - 20\log_{10} f)$ for anywhere within the range of $10\ Hz \leq F \leq 10\ kHz$ anywhere within the frequency range exceeding 3.2 GHz but not exceeding 90 GHz; *or*

d.4.b. Less (better) than $-(206 - 20\log_{10} f)$ for anywhere within the range of $10\ kHz < F \leq 100\ kHz$ anywhere within the frequency range exceeding 3.2 GHz but not exceeding 90 GHz; *or*

Technical Note: In 3A002.d.4, F is the offset from the operating frequency in Hz and f is the operating frequency in MHz.

d.5. A maximum frequency exceeding 90 GHz;

Note 1: For the purpose of 3A002.d, signal generators include arbitrary waveform and function generators.

Note 2: 3A002.d does not control equipment in which the output frequency is either produced by the addition or subtraction of two or more crystal oscillator frequencies, or by an addition or subtraction followed by a multiplication of the result.

Technical Notes:

1. The maximum frequency of an arbitrary waveform or function generator is calculated by dividing the sample rate, in samples/second, by a factor of 2.5.

2. For the purposes of 3A002.d.1.a, 'pulse duration' is defined as the time interval from the point on the leading edge that is 50% of the pulse amplitude to the point on the trailing edge that is 50% of the pulse amplitude.

e. Network analyzers having any of the following:

e.1. An output power exceeding 31.62 mW (15 dBm) anywhere within the operating frequency range exceeding 43.5 GHz but not exceeding 90 GHz;

e.2. An output power exceeding 1 mW (0 dBm) anywhere within the operating frequency range exceeding 90 GHz but not exceeding 110 GHz;

e.3. 'Nonlinear vector measurement functionality' at frequencies exceeding 50 GHz but not exceeding 110 GHz; *or*

Technical Note: 'Nonlinear vector measurement functionality' is an instrument's ability to analyze the test results of devices driven into the large-signal domain or the non-linear distortion range.

e.4. A maximum operating frequency exceeding 110 GHz;

f. Microwave test receivers having all of the following:

f.1. Maximum operating frequency exceeding 110 GHz; *and*

f.2. Being capable of measuring amplitude and phase simultaneously;

g. Atomic frequency standards being any of the following:

g.1. ''Space-qualified'';

g.2. Non-rubidium and having a long-term stability less (better) than 1×10^{-11}/month; *or*

g.3. Non-''space-qualified'' and having all of the following:

g.3.a. Being a rubidium standard;

g.3.b. Long-term stability less (better) than 1×10^{-11}/month; *and*

g.3.c. Total power consumption of less than 1 Watt.

h. ''Electronic assemblies'', modules or equipment, specified to perform all of the following:

h.1. Analog-to-digital conversions meeting any of the following:

h.1.a. A resolution of 8 bit or more, but less than 10 bit, with an input sample rate greater than 1.3 Giga Samples Per Second (GSPS);

h.1.b. A resolution of 10 bit or more, but less than 12 bit, with an input sample rate greater than 1.0 GSPS;

h.1.c. A resolution of 12 bit or more, but less than 14 bit, with an input sample rate greater than 1.0 GSPS;

h.1.d. A resolution of 14 bit or more but less than 16 bit, with an input sample rate greater than 400 Mega Samples Per Second (MSPS); *or*

h.1.e. A resolution of 16 bit or more with an input sample rate greater than 180 MSPS; *and*

h.2. Any of the following:

h.2.a. Output of digitized data;

h.2.b. Storage of digitized data; *or*

h.2.c. Processing of digitized data;

N.B.: Digital data recorders, oscilloscopes, ''signal analyzers'', signal generators, network analyzers and microwave test receivers, are specified by 3A002.a.6, 3A002.a.7, 3A002.c, 3A002.d, 3A002.e and 3A002.f, respectively.

Technical Notes:

1. A resolution of n bit corresponds to a quantization of 2^n levels.

2. The resolution of the ADC is the number of bits in of the digital output of the ADC that represents the measured analog input word. Effective Number of Bits (ENOB) is not used to determine the resolution of the ADC.

3. For non-interleaved multiple-channel ''electronic assemblies'', modules, or equipment, the ''sample rate'' is not aggregated and the ''sample rate'' is the maximum rate of any single channel.

4. For interleaved channels on multiple-channel ''electronic assemblies'', modules, or equipment, the ''sample rates'' are aggregated and the ''sample rate'' is the maximum combined total rate of all the interleaved channels.

Note: 3A002.h includes ADC cards, waveform digitizers, data acquisition cards, signal acquisition boards and transient recorders.

■ 30. In supplement no. 1 to part 774, Category 3, ECCN 3A991 is revised to read as follows:

3A991 Electronic devices, and ''components'' not controlled by 3A001.

License Requirements

Reason for Control: AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
AT applies to entire entry.	AT Column 1

License Requirements Note: See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating ''information security'' functionality, and associated ''software'' and ''technology'' for the ''production'' or ''development'' of such microprocessors.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items:

a. ''Microprocessor microcircuits'', ''microcomputer microcircuits'', and microcontroller microcircuits having any of the following:

a.1. A performance speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more;

a.2. A clock frequency rate exceeding 25 MHz; *or*

a.3. More than one data or instruction bus or serial communication port that provides a direct external interconnection between parallel ''microprocessor microcircuits'' with a transfer rate of 2.5 Mbyte/s.

b. Storage integrated circuits, as follows:

b.1. Electrical erasable programmable read-only memories (EEPROMs) with a storage capacity;

b.1.a. Exceeding 16 Mbits per package for flash memory types; *or*

b.1.b. Exceeding either of the following limits for all other EEPROM types:

b.1.b.1. Exceeding 1 Mbit per package; *or*

b.1.b.2. Exceeding 256 kbit per package and a maximum access time of less than 80 ns;

b.2. Static random access memories (SRAMs) with a storage capacity:

b.2.a. Exceeding 1 Mbit per package; *or*

b.2.b. Exceeding 256 kbit per package and a maximum access time of less than 25 ns;

c. Analog-to-digital converters having any of the following:

c.1. A resolution of 8 bit or more, but less than 12 bit, with an output rate greater than 200 million words per second;

c.2. A resolution of 12 bit with an output rate greater than 105 million words per second;

c.3. A resolution of more than 12 bit but equal to or less than 14 bit with an output rate greater than 10 million words per second; *or*

c.4. A resolution of more than 14 bit with an output rate greater than 2.5 million words per second.

d. Field programmable logic devices having a maximum number of single-ended digital input/outputs between 200 and 700;

e. Fast Fourier Transform (FFT) processors having a rated execution time for a 1,024 point complex FFT of less than 1 ms.

f. Custom integrated circuits for which either the function is unknown, or the control status of the equipment in which the integrated circuits will be used is unknown to the manufacturer, having any of the following:

f.1. More than 144 terminals; *or*

f.2. A typical ''basic propagation delay time'' of less than 0.4 ns.

g. Traveling-wave 'vacuum electronic devices', pulsed or continuous wave, as follows:

g.1. Coupled cavity devices, or derivatives thereof;

g.2. Helix devices based on helix, folded waveguide, or serpentine waveguide circuits, *or* derivatives thereof, with any of the following:

g.2.a. An ''instantaneous bandwidth'' of half an octave or more; *and*

g.2.b. The product of the rated average output power (expressed in kW) and the maximum operating frequency (expressed in GHz) of more than 0.2;

g.2.c. An ''instantaneous bandwidth'' of less than half an octave; *and*

g.2.d. The product of the rated average output power (expressed in kW) and the maximum operating frequency (expressed in GHz) of more than 0.4;

h. Flexible waveguides designed for use at frequencies exceeding 40 GHz;

i. Surface acoustic wave and surface skimming (shallow bulk) acoustic wave devices (*i.e.,* ''signal processing'' devices employing elastic waves in materials), having either of the following:

i.1. A carrier frequency exceeding 1 GHz; *or*

i.2. A carrier frequency of 1 GHz or less; *and*

i.2.a. A frequency side-lobe rejection exceeding 55 Db;

i.2.b. A product of the maximum delay time and bandwidth (time in microseconds and bandwidth in MHz) of more than 100; *or*

i.2.c. A dispersive delay of more than 10 microseconds.

j. Cells as follows:

j.1. Primary cells having an energy density of 550 Wh/kg or less at 293 K (20 °C);

j.2. Secondary cells having an energy density of 350 Wh/kg or less at 293 K (20 °C).

Note: 3A991.j. does not control batteries, including single cell batteries.

Technical Notes:

1. For the purpose of 3A991.j energy density (Wh/kg) is calculated from the nominal voltage multiplied by the nominal capacity in ampere-hours divided by the mass in kilograms. If the nominal capacity is not stated, energy density is calculated from the nominal voltage squared then multiplied by the discharge duration in hours divided by the discharge load in Ohms and the mass in kilograms.

2. For the purpose of 3A991.j, a 'cell' is defined as an electrochemical device, which has positive and negative electrodes, and electrolyte, and is a source of electrical energy. It is the basic building block of a battery.

3. For the purpose of 3A991.j.1, a 'primary cell' is a 'cell' that is not designed to be charged by any other source.

4. For the purpose of 3A991.j.2., a 'secondary cell' is a 'cell' that is designed to be charged by an external electrical source.

k. ''Superconductive'' electromagnets or solenoids ''specially designed'' to be fully charged or discharged in less than one minute, having all of the following:

Note: 3A991.k does not control ''superconductive'' electromagnets or solenoids designed for Magnetic Resonance Imaging (MRI) medical equipment.

k.1. Maximum energy delivered during the discharge divided by the duration of the discharge of more than 500 kJ per minute;

k.2. Inner diameter of the current carrying windings of more than 250 mm; *and*

k.3. Rated for a magnetic induction of more than 8T or ''overall current density'' in the winding of more than 300 A/mm^2.

l. Circuits or systems for electromagnetic energy storage, containing ''components'' manufactured from ''superconductive'' materials ''specially designed'' for operation at temperatures below the ''critical temperature'' of at least one of their ''superconductive'' constituents, having all of the following:

l.1. Resonant operating frequencies exceeding 1 MHz;

l.2. A stored energy density of 1 MJ/M^3 or more; *and*

l.3. A discharge time of less than 1 ms;

m. Hydrogen/hydrogen-isotope thyratrons of ceramic-metal construction and rate for a peak current of 500 A or more;

n. Digital integrated circuits based on any compound semiconductor having an equivalent gate count of more than 300 (2 input gates).

o. Solar cells, cell-interconnect-coverglass (CIC) assemblies, solar panels, and solar arrays, which are ''space qualified'' and not controlled by 3A001.e.4.

■ 31. In supplement no. 1 to part 774, Category 3, ECCN 3B001 is revised to read as follows:

3B001 Equipment for the manufacturing of semiconductor devices or materials, as follows (see List of Items Controlled) and ''specially designed'' ''components'' and ''accessories'' therefor.

License Requirements

Reason for Control: NS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $500

GBS: Yes, except a.3 (molecular beam epitaxial growth equipment using gas sources), .e (automatic loading multi-chamber central wafer handling systems *only* if connected to equipment controlled by 3B001. a.3, or .f), and .f (lithography equipment).

CIV: Yes for equipment controlled by 3B001.a.1 and a.2.

List of Items Controlled

Related Controls: See also 3B991

Related Definitions: N/A

Items:

a. Equipment designed for epitaxial growth as follows:

a.1. Equipment designed or modified to produce a layer of any material other than silicon with a thickness uniform to less than ±2.5% across a distance of 75 mm or more;

Note: 3B001.a.1 includes atomic layer epitaxy (ALE) equipment.

a.2. Metal Organic Chemical Vapor Deposition (MOCVD) reactors designed for compound semiconductor epitaxial growth of material having two or more of the following elements: aluminum, gallium, indium, arsenic, phosphorus, antimony, or nitrogen;

a.3. Molecular beam epitaxial growth equipment using gas or solid sources;

b. Equipment designed for ion implantation and having any of the following:

b.1. [Reserved]

b.2. Being designed and optimized to operate at a beam energy of 20 keV or more and a beam current of 10 mA or more for hydrogen, deuterium, or helium implant;

b.3. Direct write capability;

b.4. A beam energy of 65 keV or more and a beam current of 45 mA or more for high energy oxygen implant into a heated semiconductor material ''substrate''; *or*

b.5. Being designed and optimized to operate at beam energy of 20keV or more and a beam current of 10mA or more for silicon implant into a semiconductor material ''substrate'' heated to 600 °C or greater;

c. [Reserved]

d. [Reserved]

e. Automatic loading multi-chamber central wafer handling systems having all of the following:

e.1. Interfaces for wafer input and output, to which more than two functionally different 'semiconductor process tools' controlled by 3B001.a.1, 3B001.a.2, 3B001.a.3 or 3B001.b are designed to be connected; *and*

e.2. Designed to form an integrated system in a vacuum environment for 'sequential multiple wafer processing';

Note: 3B001.e does not control automatic robotic wafer handling systems ''specially designed'' for parallel wafer processing.

Technical Notes: 1. For the purpose of 3B001.e, 'semiconductor process tools' refers to modular tools that provide physical processes for semiconductor production that are functionally different, such as deposition, implant or thermal processing.

2. For the purpose of 3B001.e, 'sequential multiple wafer processing' means the

capability to process each wafer in different 'semiconductor process tools,' such as by transferring each wafer from one tool to a second tool and on to a third tool with the automatic loading multi-chamber central wafer handling systems.

f. Lithography equipment as follows:

f.1. Align and expose step and repeat (direct step on wafer) or step and scan (scanner) equipment for wafer processing using photo-optical or X-ray methods and having any of the following:

f.1.a. A light source wavelength shorter than 193 nm; *or*

f.1.b. Capable of producing a pattern with a ''Minimum Resolvable Feature size'' (MRF) of 45 nm or less;

Technical Note: The 'Minimum Resolvable Feature size' (MRF) is calculated by the following formula:

$$MRF = \frac{\text{(an exposure light source wavelength in nm) x (K factor)}}{\text{numerical aperture}}$$

where the K factor = 0.35

f.2 Imprint lithography equipment capable of production features of 45 nm or less;

Note: 3B001.f.2 includes:

—Micro contact printing tools

—Hot embossing tools

—Nano-imprint lithography tools

—Step and flash imprint lithography (S–FIL) tools

f.3. Equipment ''specially designed'' for mask making having all of the following:

f.3.a. A deflected focused electron beam, ion beam or ''laser'' beam; *and*

f.3.b. Having any of the following:

f.3.b.1. A Full-Width Half-Maximum (FWHM) spot size smaller than 65 nm and an image placement less than 17 nm (mean + 3 sigma); *or*

f.3.b.2. [Reserved]

f.3.b.3. A second-layer overlay error of less than 23 nm (mean + 3 sigma) on the mask;

f.4. Equipment designed for device processing using direct writing methods, having all of the following:

f.4.a. A deflected focused electron beam; *and*

f.4.b. Having any of the following:

f.4.b.1. A minimum beam size equal to or smaller than 15 nm; *or*

f.4.b.2. An overlay error less than 27 nm (mean + 3 sigma);

g. Masks and reticles, designed for integrated circuits controlled by 3A001;

h. Multi-layer masks with a phase shift layer not specified by 3B001.g and having any of the following:

h.1. Made on a mask ''substrate blank'' from glass specified as having less than 7 nm/cm birefringence; *or*

h.2. Designed to be used by lithography equipment having a light source wavelength less than 245 nm;

Note: 3B001.h. does not control multi-layer masks with a phase shift layer designed for the fabrication of memory devices not controlled by 3A001.

i. Imprint lithography templates designed for integrated circuits by 3A001;

j. Mask ''substrate blanks'' with multilayer reflector structure consisting of molybdenum and silicon, and having all of the following:

j.1. ''Specially designed'' for 'Extreme Ultraviolet (EUV)' lithography; *and*

j.2. Compliant with SEMI Standard P37.

Technical Note: 'Extreme Ultraviolet (EUV)' refers to electromagnetic spectrum wavelengths greater than 5 nm and less than 124 nm.

■ 32. In supplement no. 1 to part 774, Category 3, ECCN 3B002 is revised to read as follows:

3B002 Test equipment ''specially designed'' for testing finished or unfinished semiconductor devices as follows (see List of Items Controlled) and ''specially designed'' ''components'' and ''accessories'' therefor.

License Requirements

Reason for Control: NS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $500
GBS: Yes
CIV: N/A

List of Items Controlled

Related Controls: See also 3A999.a and 3B992
Related Definitions: N/A
Items:

a. For testing S-parameters of items specified by 3A001.b.3;

b. [Reserved]

c. For testing microwave integrated circuits controlled by 3A001.b.2.

■ 33. In supplement no. 1 to part 774, Category 3, ECCN 3C002 is revised to read as follows:

3C002 Resist materials as follows (see List of Items Controlled) and ''substrates'' coated with the following resists.

License Requirements

Reason for Control: NS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $3,000
GBS: Yes for 3C002.a provided that they are not also controlled by 3C002.b through .e.
CIV: Yes for 3C002.a provided that they are not also controlled by 3C002.b through .e.

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items:

a. Resists designed for semiconductor lithography as follows:

a.1. Positive resists adjusted (optimized) for use at wavelengths less than 193 nm but equal to or greater than 15 nm;

a.2. Resists adjusted (optimized) for use at wavelengths less than 15 nm but greater than 1 nm;

b. All resists designed for use with electron beams or ion beams, with a sensitivity of 0.01 μcoulomb/mm^2 or better;

c. [Reserved]

d. All resists optimized for surface imaging technologies;

e. All resists designed or optimized for use with imprint lithography equipment specified by 3B001.f.2 that use either a thermal or photo-curable process.

■ 34. In supplement no. 1 to part 774, Category 3, ECCN 3C005 is revised to read as follows:

3C005 High resistivity materials as follows (See List of Items Controlled).

License Requirements

Reason for Control: NS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $3,000
GBS: Yes
CIV: Yes

List of Items Controlled

Related Controls: See ECCN 3E001 for related development and production technology, and ECCN 3B991.b.1.b for related production equipment.
Related Definition: N/A
Items:

a. Silicon carbide (SiC), gallium nitride (GaN), aluminum nitride (AlN) or aluminum gallium nitride (AlGaN) semiconductor ''substrates'', or ingots, boules, or other preforms of those materials, having resistivities greater than 10,000 ohm-cm at 20 °C;

b. Polycrystalline ''substrates'' or polycrystalline ceramic ''substrates'', having resistivities greater than 10,000 ohm-cm at 20 °C and having at least one non-epitaxial single-crystal layer of silicon (Si), silicon carbide (SiC), gallium nitride (GaN), aluminum nitride (AlN), or aluminum gallium nitride (AlGaN) on the surface of the ''substrate''.

■ 35. In supplement no. 1 to part 774, Category 3, ECCN 3C006 is revised to read as follows:

3C006 Materials, not specified by 3C001, consisting of a ''substrate'' specified by 3C005 with at least one epitaxial layer of silicon carbide, gallium nitride, aluminum nitride or aluminum gallium nitride.

License Requirements

Reason for Control: NS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $3,000
GBS: Yes
CIV: Yes

List of Items Controlled

Related Controls: See ECCN 3D001 for related ''development'' or ''production'' ''software'', ECCN 3E001 for related ''development'' and ''production'' ''technology'', and ECCN 3B991.b.1.b for related ''production'' equipment.
Related Definition: N/A
Items:

The list of items controlled is contained in the ECCN heading.

■ 36. In supplement no. 1 to part 774, Category 3, ECCN 3C992 is revised to read as follows:

3C992 Positive resists designed for semiconductor lithography specially adjusted (optimized) for use at wavelengths between 370 and 193 nm.

License Requirements

Reason for Control: AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items:

The list of items controlled is contained in the ECCN heading.

■ 37. In supplement no. 1 to part 774, Category 3, ECCN 3E001 is revised to read as follows:

3E001 ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of equipment or materials controlled by 3A (except 3A980, 3A981, 3A991, 3A992, or 3A999), 3B (except 3B991 or 3B992) or 3C (except 3C992).

License Requirements

Reason for Control: NS, MT, NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to ''technology'' for items controlled by 3A001, 3A002, 3A003, 3B001, 3B002, or 3C001 to 3C006.	NS Column 1
MT applies to ''technology'' for equipment controlled by 3A001 or 3A101 for MT reasons.	MT Column 1
NP applies to ''technology'' for equipment controlled by 3A001, 3A201, or 3A225 to 3A234 for NP reasons.	NP Column 1
AT applies to entire entry.	AT Column 1

License Requirements Note: See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating ''information security'' functionality, and associated ''software'' and ''technology'' for the ''production'' or ''development'' of such microprocessors.

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, Special Comprehensive Licenses, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A.
TSR: Yes, except N/A for MT, and ''technology'' for the ''development'' or ''production'' of: (a) Vacuum electronic device amplifiers described in 3A001.b.8, having operating frequencies exceeding 19 GHz; (b) solar cells, coverglass-interconnect-cells or covered-interconnect-cells (CIC) ''assemblies'', solar arrays and/or solar panels described in 3A001.e.4; (c) ''Monolithic Microwave Integrated Circuit'' (''MMIC'') amplifiers in 3A001.b.2; and (d) discrete microwave transistors in 3A001.b.3.

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit ''technology'' according to the General Technology Note for the ''development'' or ''production'' of equipment specified by ECCNs 3A002.g.1 or 3B001.a.2 to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR). License Exception STA may not be used to ship or transmit ''technology'' according to the General Technology Note for the ''development'' or ''production'' of components specified by ECCN 3A001.b.2 or b.3 to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of certain ''space-qualified'' atomic frequency standards described in Category XV(e)(9), MMICs described in Category XV(e)(14), and oscillators described in Category XV(e)(15) of the USML are ''subject to the ITAR'' (see 22 CFR parts 120 through 130). See also 3E101, 3E201 and 9E515. (2) ''Technology'' for ''development'' or ''production'' of ''Microwave Monolithic Integrated Circuits'' (''MMIC'') amplifiers in 3A001.b.2 is controlled in this ECCN 3E001; 5E001.d refers only to that additional ''technology'' ''required'' for telecommunications.
Related Definition: N/A
Items:

The list of items controlled is contained in the ECCN heading.

Note 1: 3E001 does not control ''technology'' for equipment or ''components'' controlled by 3A003.

Note 2: 3E001 does not control ''technology'' for integrated circuits controlled by 3A001.a.3 to a.14, having all of the following:

(a) Using ''technology'' at or above 0.130 μm; and

(b) Incorporating multi-layer structures with three or fewer metal layers.

Note 3: 3E001 does not apply to 'Process Design Kits' ('PDKs') unless they include libraries implementing functions or technologies for items specified by 3A001.

Technical Note: A 'Process Design Kit' ('PDK') is a software tool provided by a semiconductor manufacturer to ensure that the required design practices and rules are taken into account in order to successfully produce a specific integrated circuit design in a specific semiconductor process, in accordance with technological and manufacturing constraints (each semiconductor manufacturing process has its particular 'PDK').

■ 38. In supplement no. 1 to part 774, the notes at the beginning of Category 4 are revised to read as follows:

Category 4—Computers

Note 1: Computers, related equipment and ''software'' performing telecommunications or ''local area network'' functions must also be evaluated against the performance characteristics of Category 5, Part 1 (Telecommunications).

Note 2: Control units that directly interconnect the buses or channels of central processing units, 'main storage' or disk controllers are not regarded as

telecommunications equipment described in Category 5, Part 1 (Telecommunications).

N.B.: For the control status of ''software'' ''specially designed'' for packet switching, see ECCN 5D001. (Telecommunications).

Technical Note: 'Main storage' is the primary storage for data or instructions for rapid access by a central processing unit. It consists of the internal storage of a ''digital computer'' and any hierarchical extension thereto, such as cache storage or non-sequentially accessed extended storage.

■ 39. In supplement no. 1 to part 774, Category 4, ECCN 4A003 is revised to read as follows:

4A003 ''Digital computers'', ''electronic assemblies'', and related equipment therefor, as follows (see List of Items Controlled) and ''specially designed'' ''components'' therefor.

License Requirements

Reason for Control: NS, CC, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to 4A003.b and .c.	NS Column 1
NS applies to 4A003.e and .g.	NS Column 2
CC applies to ''digital computers'' for computerized finger-print equipment.	CC Column 1
AT applies to entire entry (refer to 4A994 for controls on ''digital computers'' with a APP > 0.0128 but ≤ 29 WT).	AT Column 1

Note: For all destinations, except those countries in Country Group E:1 or E:2 of Supplement No. 1 to part 740 of the EAR, no license is required (NLR) for computers with an ''Adjusted Peak Performance'' (''APP'') not exceeding 29 Weighted TeraFLOPS (WT) and for ''electronic assemblies'' described in 4A003.c that are not capable of exceeding an ''Adjusted Peak Performance'' (''APP'') exceeding 29 Weighted TeraFLOPS (WT) in aggregation, except certain transfers as set forth in § 746.3 of the EAR (Iraq).

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $5000; N/A for 4A003.b and .c.
GBS: Yes, for 4A003.g and ''specially designed'' ''parts'' and ''components'' therefor, exported separately or as part of a system.
APP: Yes, for computers controlled by 4A003.b, and ''electronic assemblies'' controlled by 4A003.c, to the exclusion of other technical parameters. See § 740.7 of the EAR.
CIV: Yes, for 4A003.g.

List of Items Controlled

Related Controls: See also 4A994 and 4A980
Related Definitions: N/A
Items:

Note 1: 4A003 includes the following:
—'Vector processors' (as defined in Note 7 of the ''Technical Note on ''Adjusted Peak Performance'' (''APP'')'');
—Array processors;
— Digital signal processors;
— Logic processors;
— Equipment designed for ''image enhancement''.

Note 2: The control status of the ''digital computers'' and related equipment described in 4A003 is determined by the control status of other equipment or systems provided:

a. The ''digital computers'' or related equipment are essential for the operation of the other equipment or systems;

b. The ''digital computers'' or related equipment are not a ''principal element'' of the other equipment or systems; and

N.B. 1: The control status of ''signal processing'' or ''image enhancement'' equipment ''specially designed'' for other equipment with functions limited to those required for the other equipment is determined by the control status of the other equipment even if it exceeds the ''principal element'' criterion.

N.B. 2: For the control status of ''digital computers'' or related equipment for telecommunications equipment, see Category 5, Part 1 (Telecommunications).

c. The ''technology'' for the ''digital computers'' and related equipment is determined by 4E.

a. [Reserved]

b. ''Digital computers'' having an ''Adjusted Peak Performance'' (''APP'') exceeding 29 Weighted TeraFLOPS (WT);

c. ''Electronic assemblies'' ''specially designed'' or modified to be capable of enhancing performance by aggregation of processors so that the ''APP'' of the aggregation exceeds the limit in 4A003.b.;

Note 1: 4A003.c applies only to ''electronic assemblies'' and programmable interconnections not exceeding the limit in 4A003.b when shipped as unintegrated ''electronic assemblies''.

Note 2: 4A003.c does not control ''electronic assemblies'' ''specially designed'' for a product or family of products whose maximum configuration does not exceed the limit of 4A003.b.

d. to f. [Reserved]

N.B.: For ''electronic assemblies'', modules or equipment, performing analog-to-digital conversions, see 3A002.h.

g. Equipment ''specially designed'' for aggregating the performance of ''digital computers'' by providing external interconnections which allow communications at unidirectonal data rates exceeding 2.0 Gbyte/s per link.

Note: 4A003.g does not control internal interconnection equipment (*e.g.,* backplanes, buses) passive interconnection equipment, ''network access controllers'' or ''communication channel controllers''.

■ 40. In supplement no. 1 to part 774, Category 4, ECCN 4A004 is revised to read as follows:

4A004 Computers as follows (see List of Items Controlled) and ''specially designed'' related equipment, ''electronic assemblies'' and ''components'' therefor.

License Requirements

Reason for Control: NS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $5,000
GBS: N/A
*CIV:*N/A

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items:

a. 'Systolic array computers';
b. 'Neural computers';
c. 'Optical computers'.

Technical Notes:

1. 'Systolic array computers' are computers where the flow and modification of the data is dynamically controllable at the logic gate level by the user.

2. 'Neural computers' are computational devices designed or modified to mimic the behaviour of a neuron or a collection of neurons, *i.e.,* computational devices which are distinguished by their hardware capability to modulate the weights and numbers of the interconnections of a multiplicity of computational components based on previous data.

3. 'Optical computers' are computers designed or modified to use light to represent data and whose computational logic elements are based on directly coupled optical devices.

■ 41. In supplement no. 1 to part 774, Category 4, ECCN 4D001 is revised to read as follows:

4D001 ''Software'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, CC, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 1
CC applies to ''software'' for computerized finger-print equipment controlled by 4A003 for CC reasons.	CC Column 1
AT applies to entire entry.	AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A

TSR: Yes, except for ''software'' for the ''development'' or ''production'' of commodities with an ''Adjusted Peak Performance'' (''APP'') exceeding 29 WT.

APP: Yes to specific countries (see § 740.7 of the EAR for eligibility criteria)

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit ''software'' ''specially designed'' for the ''development'' or ''production'' of equipment specified by ECCN 4A001.a.2 or for the ''development'' or ''production'' of ''digital computers'' having an 'Adjusted Peak Performance' ('APP') exceeding 29 Weighted TeraFLOPS (WT) to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items:

a. ''Software'' ''specially designed'' or modified for the ''development'' or ''production'' of equipment or ''software'' controlled by 4A001, 4A003, 4A004, or 4D (except 4D980, 4D993 or 4D994).

b. ''Software'', other than that controlled by 4D001.a, ''specially designed'' or modified for the ''development'' or ''production'' of equipment as follows:

b.1. ''Digital computers'' having an ''Adjusted Peak Performance'' (''APP'') exceeding 15 Weighted TeraFLOPS (WT);

b.2. ''Electronic assemblies'' ''specially designed'' or modified for enhancing performance by aggregation of processors so that the ''APP'' of the aggregation exceeds the limit in 4D001.b.1.

■ 42. In supplement no. 1 to part 774, Category 4, ECCN 4E001 is revised to read as follows:

4E001 ''Technology'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, CC, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 1
MT applies to ''technology'' for items controlled by 4A001.a and 4A101 for MT reasons.	MT Column 1
CC applies to ''software'' for computerized finger-print equipment controlled by 4A003 for CC reasons.	CC Column 1
AT applies to entire entry.	AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A

TSR: Yes, except for ''technology'' for the ''development'' or ''production'' of commodities with an ''Adjusted Peak Performance'' (''APP'') exceeding 29 WT.

APP: Yes to specific countries (see § 740.7 of the EAR for eligibility criteria).

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit ''technology'' according to the General Technology Note for the ''development'' or ''production'' of any of the following equipment or ''software'': a. Equipment specified by ECCN 4A001.a.2; b. ''Digital computers'' having an 'Adjusted Peak Performance' ('APP') exceeding 29 Weighted TeraFLOPS (WT); or c. ''software'' specified in the License Exception STA paragraph found in the License Exception section of ECCN 4D001 to any of the destinations listed in Country Group A:6 (See Supplement No. 1 to part 740 of the EAR).

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items:

a. ''Technology'' according to the General Technology Note, for the ''development'', ''production'', or ''use'' of equipment or ''software'' controlled by 4A (except 4A980 or 4A994) or 4D (except 4D980, 4D993, 4D994).

b. ''Technology'' according to the General Technology Note, other than that controlled by 4E001.a, for the ''development'' or ''production'' of equipment as follows:

b.1. ''Digital computers'' having an ''Adjusted Peak Performance'' (''APP'') exceeding 15 Weighted TeraFLOPS (WT);

b.2. ''Electronic assemblies'' ''specially designed'' or modified for enhancing performance by aggregation of processors so that the ''APP'' of the aggregation exceeds the limit in 4E001.b.1.

■ 43. In supplement no. 1 to part 774, Category 4, the Technical Note on ''Adjusted Peak Performance'' (''APP'') is revised to read as follows:

Technical Note on ''Adjusted Peak Performance'' (''APP'')

''APP'' is an adjusted peak rate at which ''digital computers'' perform 64-bit or larger floating point additions and multiplications.

Abbreviations used in this Technical Note

n number of processors in the ''digital computer''

I processor number (i . . . . n)

t_i processor cycle time ($t_i = 1/F_i$)

F_i processor frequency

R_i peak floating point calculating rate

W_i architecture adjustment factor

''APP'' is expressed in Weighted TeraFLOPS (WT), in units of 10^{12} adjusted floating point operations per second.

Outline of ''APP'' calculation method

1. For each processor i, determine the peak number of 64-bit or larger floating-point operations, FPO_i, performed per cycle for each processor in the ''digital computer''.

Note: In determining FPO, include only 64-bit or larger floating point additions or multiplications. All floating point operations must be expressed in operations per processor cycle; operations requiring multiple cycles may be expressed in fractional results per cycle. For processors not capable of performing calculations on floating-point operands of 64-bits or more the effective calculating rate R is zero.

2. Calculate the floating point rate R for each processor

$R_i = FPO_i/t_i$.

3. Calculate ''APP'' as

''APP'' $= W_1 \times R_1 + W_2 \times R_2 + . . . + W_n \times R_n$.

4. For 'vector processors'', $W_i = 0.9$. For non-'vector processors', $W_i = 0.3$.

Note 1: For processors that perform compound operations in a cycle, such as an addition and multiplication, each operation is counted.

Note 2: For a pipelined processor the effective calculating rate R is the faster of the pipelined rate, once the pipeline is full, or the non-pipelined rate.

Note 3: The calculating rate R of each contributing processor is to be calculated at its maximum value theoretically possible before the ''APP'' of the combination is derived. Simultaneous operations are assumed to exist when the computer manufacturer claims concurrent, parallel, or simultaneous operation or execution in a manual or brochure for the computer.

Note 4: Do not include processors that are limited to input/output and peripheral functions (*e.g.,* disk drive, communication and video display) when calculating ''APP''.

Note 5: ''APP'' values are not to be calculated for processor combinations(inter)connected by ''Local Area Networks'', Wide Area Networks, I/O shared connections/devices, I/O controllers and any communication interconnection implemented by ''software''.

Note 6: ''APP'' values must be calculated for processor combinations containing processors ''specially designed'' to enhance performance by aggregation, operating simultaneously and sharing memory.

Technical Notes

1. Aggregate all processors and accelerators operating simultaneously and located on the same die.

2. Processor combinations share memory when any processor is capable of accessing any memory location in the system through the hardware transmission of cache lines or memory words, without the involvement of any software mechanism, which may be achieved using ''electronic assemblies'' specified in 4A003.c.

Note 7: A 'vector processor' is defined as a processor with built-in instructions that perform multiple calculations on floating-point vectors (one-dimensional arrays of 64-

bit or larger numbers) simultaneously, having at least 2 vector functional units and at least 8 vector registers of at least 64 elements each.

■ 44. In supplement no. 1 to part 774, Category 5, part 1, ECCN 5A001 is revised to read as follows:

5A001 Telecommunications systems, equipment, ''components'' and ''accessories'', as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, SL, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738).*
NS applies to 5A001.a, .b.5, .e, f.3 and .h.	NS Column 1
NS applies to 5A001.b (except .b.5), .c, .d, .f (except f.3), and .g.	NS Column 2
SL applies to 5A001.f.1.	A license is required for all destinations, as specified in § 742.13 of the EAR. Accordingly, a column specific to this control does not appear on the Commerce Country Chart (Supplement No. 1 to part 738 of the EAR). **Note to SL paragraph:** This licensing requirement does not supersede, nor does it implement, construe or limit the scope of any criminal statute, including, but not limited to the Omnibus Safe Streets Act of 1968, as amended.
AT applies to entire entry.	AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A for 5A001.a, b.5, .e, f.3 and .h; $5,000 for 5A001.b.1, .b.2, .b.3, .b.6, .d, f.2, f.4, and .g; $3,000 for 5A001.c.

GBS: Yes, except 5A001.a, b.5, e, and h.

CIV: Yes, except 5A001.a, b.3, b.5, e, and h.

Special Conditions for STA

STA: License Exception STA may not be used to ship any commodity in 5A001.b.3, .b.5 or .h to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See USML Category XI for controls on direction-finding ''equipment'' including types of ''equipment'' in ECCN 5A001.e and any other military or intelligence electronic ''equipment'' that is ''subject to the ITAR''. (2) See USML Category XI(a)(4)(iii) for controls on electronic attack and jamming ''equipment'' defined in 5A001.f and .h that are subject to the ITAR. (3) See also ECCNs 5A101, 5A980, and 5A991.

Related Definitions: N/A

Items:

a. Any type of telecommunications equipment having any of the following characteristics, functions or features:

a.1. ''Specially designed'' to withstand transitory electronic effects or electromagnetic pulse effects, both arising from a nuclear explosion;

a.2. Specially hardened to withstand gamma, neutron or ion radiation;

a.3. ''Specially designed'' to operate below 218 K (−55 °C); *or*

a.4. ''Specially designed'' to operate above 397 K (124 °C);

Note: 5A001.a.3 and 5A001.a.4 apply only to electronic equipment.

b. Telecommunication systems and equipment, and ''specially designed'' ''components'' and ''accessories'' therefor, having any of the following characteristics, functions or features:

b.1. Being underwater untethered communications systems having any of the following:

b.1.a. An acoustic carrier frequency outside the range from 20 kHz to 60 kHz;

b.1.b. Using an electromagnetic carrier frequency below 30 kHz; *or*

b.1.c. Using electronic beam steering techniques; *or*

b.1.d. Using ''lasers'' or light-emitting diodes (LEDs), with an output wavelength greater than 400 nm and less than 700 nm, in a ''local area network'';

b.2. Being radio equipment operating in the 1.5 MHz to 87.5 MHz band and having all of the following:

b.2.a. Automatically predicting and selecting frequencies and ''total digital transfer rates'' per channel to optimize the transmission; *and*

b.2.b. Incorporating a linear power amplifier configuration having a capability to support multiple signals simultaneously at an output power of 1 kW or more in the frequency range of 1.5 MHz or more but less than 30 MHz, or 250 W or more in the frequency range of 30 MHz or more but not exceeding 87.5 MHz, over an ''instantaneous bandwidth'' of one octave or more and with an output harmonic and distortion content of better than −80 dB;

b.3. Being radio equipment employing ''spread spectrum'' techniques, including ''frequency hopping'' techniques, not controlled in 5A001.b.4 and having any of the following:

b.3.a. User programmable spreading codes; *or*

b.3.b. A total transmitted bandwidth which is 100 or more times the bandwidth of any one information channel and in excess of 50 kHz;

Note: 5A001.b.3.b does not control radio equipment ''specially designed'' for use with any of the following:

a. Civil cellular radio-communications systems; or

b. Fixed or mobile satellite Earth stations for commercial civil telecommunications.

Note: 5A001.b.3 does not control equipment operating at an output power of 1 W or less.

b.4. Being radio equipment employing ultra-wideband modulation techniques, having user programmable channelizing codes, scrambling codes, or network identification codes and having any of the following:

b.4.a. A bandwidth exceeding 500 MHz; *or*

b.4.b. A ''fractional bandwidth'' of 20% or more;

b.5. Being digitally controlled radio receivers having all of the following:

b.5.a. More than 1,000 channels;

b.5.b. A 'channel switching time' of less than 1 ms;

b.5.c. Automatic searching or scanning of a part of the electromagnetic spectrum; *and*

b.5.d. Identification of the received signals or the type of transmitter; *or*

Note: 5A001.b.5 does not control radio equipment ''specially designed'' for use with civil cellular radio-communications systems.

Technical Note: 'Channel switching time': The time (*i.e.,* delay) to change from one receiving frequency to another, to arrive at or within ±0.05% of the final specified receiving frequency. Items having a specified frequency range of less than ±0.05% around their center frequency are defined to be incapable of channel frequency switching.

b.6. Employing functions of digital ''signal processing'' to provide 'voice coding' output at rates of less than 700 bit/s.

Technical Notes:

1. For variable rate 'voice coding', 5A001.b.6 applies to the 'voice coding' output of continuous speech.

2. For the purpose of 5A001.b.6, 'voice coding' is defined as the technique to take samples of human voice and then convert these samples of human voice into a digital signal taking into account specific characteristics of human speech.

c. Optical fibers of more than 500 m in length and specified by the manufacturer as being capable of withstanding a 'proof test' tensile stress of 2×10^9 N/m^2 or more;

N.B.: For underwater umbilical cables, see 8A002.a.3.

Technical Note: 'Proof Test:' On-line or off-line production screen testing that dynamically applies a prescribed tensile stress over a 0.5 to 3 m length of fiber at a running rate of 2 to 5 m/s while passing between capstans approximately 150 mm in diameter. The ambient temperature is a nominal 293 K (20 °C) and relative humidity 40%. Equivalent national standards may be used for executing the proof test.

d. 'Electronically steerable phased array antennae' as follows:

d.1. Rated for operation above 31.8 GHz, but not exceeding 57 GHz, and having an Effective Radiated Power (ERP) equal to or

greater than +20 dBm (22.15 dBm Effective Isotropic Radiated Power (EIRP));

d.2. Rated for operation above 57 GHz, but not exceeding 66 GHz, and having an ERP equal to or greater than +24 dBm (26.15 dBm EIRP);

d.3. Rated for operation above 66 GHz, but not exceeding 90 GHz, and having an ERP equal to or greater than +20 dBm (22.15 dBm EIRP);

d.4. Rated for operation above 90 GHz;

Note 1: 5A001.d does not control 'electronically steerable phased array antennae' for landing systems with instruments meeting ICAO standards covering Microwave Landing Systems (MLS).

Note 2: 5A001.d does not apply to antennae specially designed for any of the following:

a. Civil cellular or WLAN radio-communications systems;

b. IEEE 802.15 or wireless HDMI; or

c. Fixed or mobile satellite earth stations for commercial civil telecommunications.

Technical Note: For the purposes of 5A001.d 'electronically steerable phased array antenna' is an antenna which forms a beam by means of phase coupling, (*i.e.,* the beam direction is controlled by the complex excitation coefficients of the radiating elements) and the direction of that beam can be varied (both in transmission and reception) in azimuth or in elevation, or both, by application of an electrical signal.

e. Radio direction finding equipment operating at frequencies above 30 MHz and having all of the following, and ''specially designed'' ''components'' therefor:

e.1. ''Instantaneous bandwidth'' of 10 MHz or more; and

e.2. Capable of finding a Line Of Bearing (LOB) to non-cooperating radio transmitters with a signal duration of less than 1 ms;

f. Mobile telecommunications interception or jamming equipment, and monitoring equipment therefor, as follows, and ''specially designed'' ''components'' therefor:

f.1. Interception equipment designed for the extraction of voice or data, transmitted over the air interface;

f.2. Interception equipment not specified in 5A001.f.1, designed for the extraction of client device or subscriber identifiers (*e.g.,* IMSI, TIMSI or IMEI), signaling, or other metadata transmitted over the air interface;

f.3. Jamming equipment ''specially designed'' or modified to intentionally and selectively interfere with, deny, inhibit, degrade or seduce mobile telecommunication services and performing any of the following:

f.3.a. Simulate the functions of Radio Access Network (RAN) equipment;

f.3.b. Detect and exploit specific characteristics of the mobile telecommunications protocol employed (*e.g.,* GSM); *or*

f.3.c. Exploit specific characteristics of the mobile telecommunications protocol employed (*e.g.,* GSM);

f.4. Radio Frequency (RF) monitoring equipment designed or modified to identify the operation of items specified in 5A001.f.1, 5A001.f.2 or 5A001.f.3.

Note: 5A001.f.1 and 5A001.f.2 do not apply to any of the following:

a. Equipment ''specially designed'' for the interception of analog Private Mobile Radio (PMR), IEEE 802.11 WLAN;

b. Equipment designed for mobile telecommunications network operators; or

c. Equipment designed for the ''development'' or ''production'' of mobile telecommunications equipment or systems.

N.B. 1: See also the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120 through 130). For items specified by 5A001.f.1 (including as previously specified by 5A001.i), see also5A980 and the U.S. Munitions List (22 CFR part 121).

N.B. 2: For radio receivers see 5A001.b.5.

g. Passive Coherent Location (PCL) systems or equipment, ''specially designed'' for detecting and tracking moving objects by measuring reflections of ambient radio frequency emissions, supplied by non-radar transmitters.

Technical Note: Non-radar transmitters may include commercial radio, television or cellular telecommunications base stations.

Note: 5A001.g. does not control:

a. Radio-astronomical equipment; *or*

b. Systems or equipment, that require any radio transmission from the target.

h. Counter Improvised Explosive Device (IED) equipment and related equipment, as follows:

h.1. Radio Frequency (RF) transmitting equipment, not specified by 5A001.f, designed or modified for prematurely activating or preventing the initiation of Improvised Explosive Devices (IEDs);

h.2. Equipment using techniques designed to enable radio communications in the same frequency channels on which co-located equipment specified by 5A001.h.1 is transmitting.

N.B.: See also Category XI of the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120 through 130).

i. [Reserved]

N.B.: See 5A001.f.1 for items previously specified by 5A001.i.

■ 45. In supplement no. 1 to part 774, Category 5, part 2, ECCN 5A002 is revised to read as follows:

5A002 ''Information security'' systems, equipment and ''components'', as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT, EI

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 1
AT applies to entire entry.	AT Column 1
EI applies to entire entry.	Refer to § 742.15 of the EAR

License Requirements Note: See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating ''information security'' functionality, and associated ''software'' and ''technology'' for the ''production'' or ''development'' of such microprocessors.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: Yes: $500 for ''components''. N/A for systems and equipment.

GBS: N/A

CIV: N/A

ENC: Yes for certain EI controlled commodities, see § 740.17 of the EAR for eligibility.

List of Items Controlled

Related Controls: (1) ECCN 5A002.a controls ''components'' providing the means or functions necessary for ''information security''. All such ''components'' are presumptively ''specially designed'' and controlled by 5A002.a. (2) See USML Categories XI (including XI(b)) and XIII(b) (including XIII(b)(2)) for controls on systems, equipment, and components described in 5A002.d or .e that are subject to the ITAR. (3) For Global Navigation Satellite Systems (GNSS) receiving equipment containing or employing decryption see 7A005, and for related decryption ''software'' and ''technology'' see 7D005 and 7E001. (4) Noting that items may be controlled elsewhere on the CCL, examples of items not controlled by ECCN 5A002.a.4 include the following: (a) An automobile where the only 'cryptography for data confidentiality' 'in excess of 56 bits of symmetric key length, or equivalent' is performed by a Category 5—Part 2 Note 3 eligible mobile telephone that is built into the car. In this case, secure phone communications support a non-primary function of the automobile but the mobile telephone (equipment), as a standalone item, is not controlled by ECCN 5A002 because it is excluded by the Cryptography Note (Note 3) (See ECCN 5A992.c). (b) An exercise bike with an embedded Category 5—Part 2 Note 3 eligible web browser, where the only controlled cryptography is performed by the web browser. In this case, secure web browsing supports a non-primary function of the exercise bike but the web browser (''software''), as a standalone item, is not controlled by ECCN 5D002 because it is excluded by the Cryptography Note (Note 3) (See ECCN 5D992.c). (5) After classification or self-classification in accordance with § 740.17(b) of the EAR, mass market encryption commodities that meet eligibility requirements are released from ''EI'' and ''NS'' controls. These commodities are designated 5A992.c.

Related Definitions: N/A

Items:

a. Designed or modified to use 'cryptography for data confidentiality' 'having in excess of 56 bits of symmetric key length, or equivalent,' where that cryptographic capability is usable, has been activated, or can be activated by means of ''cryptographic activation'' not employing a secure mechanism, as follows:

a.1. Items having ''information security'' as a primary function;

a.2. Digital communication or networking systems, equipment or components, not specified in paragraph 5A002.a.1;

a.3. Computers, other items having information storage or processing as a primary function, and components therefor, not specified in paragraphs 5A002.a.1 or .a.2;

N.B.: For operating systems see also 5D002.a.1 and .c.1.

a.4. Items, not specified in paragraphs 5A002.a.1 to a.3, where the 'cryptography for data confidentiality' 'having in excess of 56 bits of symmetric key length, or equivalent' meets all of the following:

a.4.a. It supports a non-primary function of the item; *and*

a.4.b. It is performed by incorporated equipment or ''software'' that would, as a standalone item, be specified by ECCNs 5A002, 5A003, 5A004, 5B002 or 5D002.

N.B. to paragraph a.4: See Related Control Paragraph (4) of this ECCN 5A002 for examples of items not controlled by 5A002.a.4.

Technical Notes:

1. For the purposes of 5A002.a, 'cryptography for data confidentiality' means ''cryptography'' that employs digital techniques and performs any cryptographic function other than any of the following:

1.a. ''Authentication'';

1.b. Digital signature;

1.c. Data integrity;

1.d. Non-repudiation;

1.e. Digital rights management, including the execution of copy-protected ''software'';

1.f. Encryption or decryption in support of entertainment, mass commercial broadcasts or medical records management; *or*

1.g. Key management in support of any function described in paragraphs 1.a to 1.f of this Technical Note paragraph 1.

2. For the purposes of 5A002.a, 'in excess of 56 bits of symmetric key length, or equivalent' means any of the following:

2.a. A ''symmetric algorithm'' employing a key length in excess of 56 bits, not including parity bits; or

2.b. An ''asymmetric algorithm'' where the security of the algorithm is based on any of the following:

2.b.1. Factorization of integers in excess of 512 bits (*e.g.,* RSA);

2.b.2. Computation of discrete logarithms in a multiplicative group of a finite field of size greater than 512 bits (*e.g.,* Diffie-Hellman over Z/pZ); or

2.b.3. Discrete logarithms in a group other than mentioned in paragraph 2.b.2 of this Technical Note in excess of 112 bits (*e.g.,* Diffie-Hellman over an elliptic curve).

Note 1: Details of items must be accessible and provided upon request, in order to establish any of the following:

a. Whether the item meets the criteria of 5A002.a.1 to a.4; or

b. Whether the cryptographic capability for data confidentiality specified by 5A002.a is usable without ''cryptographic activation''.

Note 2: 5A002.a does not control any of the following items, or specially designed ''information security'' components therefor:

a. Smart cards and smart card 'readers/writers' as follows:

a.1. A smart card or an electronically readable personal document (*e.g.,* token coin, e-passport) that meets any of the following:

a.1.a. The cryptographic capability meets all of the following:

a.1.a.1. It is restricted for use in any of the following:

a.1.a.1.a. Equipment or systems, not described by 5A002.a.1 to a.4;

a.1.a.1.b. Equipment or systems, not using 'cryptography for data confidentiality' having 'in excess of 56 bits of symmetric key length, or equivalent'; *or*

a.1.a.1.c. Equipment or systems, excluded from 5A002.a by entries b. to f. of this Note; *and*

a.1.a.2. It cannot be reprogrammed for any other use; or

a.1.b. Having all of the following:

a.1.b.1. It is specially designed and limited to allow protection of 'personal data' stored within;

a.1.b.2. Has been, or can only be, personalized for public or commercial transactions or individual identification; and

a.1.b.3. Where the cryptographic capability is not user-accessible;

Technical Note to paragraph a.1.b of Note 2: 'Personal data' includes any data specific to a particular person or entity, such as the amount of money stored and data necessary for ''authentication''.

a.2. 'Readers/writers' specially designed or modified, and limited, for items specified by paragraph a.1 of this Note;

Technical Note to paragraph a.2 of Note 2: 'Readers/writers' include equipment that communicates with smart cards or electronically readable documents through a network.

b. Cryptographic equipment specially designed and limited for banking use or 'money transactions';

Technical Note to paragraph b. of Note 2: 'Money transactions' in 5A002 Note 2 paragraph b. includes the collection and settlement of fares or credit functions.

c. Portable or mobile radiotelephones for civil use (*e.g.,* for use with commercial civil cellular radio communication systems) that are not capable of transmitting encrypted data directly to another radiotelephone or equipment (other than Radio Access Network (RAN) equipment), nor of passing encrypted data through RAN equipment (*e.g.,* Radio Network Controller (RNC) or Base Station Controller (BSC));

d. Cordless telephone equipment not capable of end-to-end encryption where the maximum effective range of unboosted cordless operation (*i.e.,* a single, unrelayed hop between terminal and home base station) is less than 400 meters according to the manufacturer's specifications;

e. Portable or mobile radiotelephones and similar client wireless devices for civil use, that implement only published or commercial cryptographic standards (except for anti-piracy functions, which may be non-published) and also meet the provisions of paragraphs a.2 to a.4 of the Cryptography Note (Note 3 in Category 5—Part 2), that have been customized for a specific civil industry application with features that do not affect the cryptographic functionality of these original non-customized devices;

f. Items, where the ''information security'' functionality is limited to wireless ''personal area network'' functionality, meeting all of the following:

f.1. Implement only published or commercial cryptographic standards; and

f.2. The cryptographic capability is limited to a nominal operating range not exceeding 30 meters according to the manufacturer's specifications, or not exceeding 100 meters according to the manufacturer's specifications for equipment that cannot interconnect with more than seven devices;

g. Mobile telecommunications Radio Access Network (RAN) equipment designed for civil use, which also meet the provisions of paragraphs a.2 to a.4 of the Cryptography Note (Note 3 in Category 5—Part 2), having an RF output power limited to 0.1W (20 dBm) or less, and supporting 16 or fewer concurrent users;

h. Routers, switches or relays, where the ''information security'' functionality is limited to the tasks of ''Operations, Administration or Maintenance'' (''OAM'') implementing only published or commercial cryptographic standards; *or*

i. General purpose computing equipment or servers, where the ''information security'' functionality meets all of the following:

i.1. Uses only published or commercial cryptographic standards; and

i.2. Is any of the following:

i.2.a. Integral to a CPU that meets the provisions of Note 3 in Category 5—Part 2;

i.2.b. Integral to an operating system that is not specified by 5D002; *or*

i.2.c. Limited to ''OAM'' of the equipment.

b. Designed or modified for converting, by means of ''cryptographic activation'', an item not specified by Category 5—Part 2 into an item specified by 5A002.a or 5D002.c.1, and not released by the Cryptography Note (Note 3 in Category 5—Part 2), or for enabling, by means of ''cryptographic activation'', additional functionality specified by 5A002.a of an item already specified by Category 5—Part 2;

c. Designed or modified to use or perform ''quantum cryptography'';

Technical Note: ''Quantum cryptography'' is also known as Quantum Key Distribution (QKD).

d. Designed or modified to use cryptographic techniques to generate channelizing codes, scrambling codes or network identification codes, for systems using ultra-wideband modulation techniques and having any of the following:

d.1. A bandwidth exceeding 500 MHz; *or*

d.2. A ''fractional bandwidth'' of 20% or more;

e. Designed or modified to use cryptographic techniques to generate the spreading code for ''spread spectrum'' systems, not specified by 5A002.d, including the hopping code for ''frequency hopping'' systems.

■ 46. In supplement no. 1 to part 774, Category 5, part 2, ECCN 5D002 is revised to read as follows:

5D002 ''Software'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT, EI

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 1
AT applies to entire entry.	AT Column 1
EI applies to ''software'' in 5D002.a.1, a.3, .b, c.1 and c.3, for commodities or ''software'' controlled for EI reasons in ECCNs 5A002, 5A004 or 5D002.	Refer to § 742.15 of the EAR ***Note:*** Encryption software is controlled because of its functional capacity, and not because of any informational value of such software; such software is not accorded the same treatment under the EAR as other ''software'; and for export licensing purposes, encryption software is treated under the EAR in the same manner as a commodity included in ECCN 5A002

License Requirements Note: See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating ''information security'' functionality, and associated ''software'' and ''technology'' for the ''production'' or ''development'' of such microprocessors.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: N/A
ENC: Yes for certain EI controlled software, see § 740.17 of the EAR for eligibility.

List of Items Controlled

Related Controls: After classification or self-classification in accordance with § 740.17(b) of the EAR, mass market encryption software that meet eligibility requirements are released from ''EI'' and ''NS'' controls. This software is designated as 5D992.c.
Related Definitions: 5D002.a controls ''software'' designed or modified to use ''cryptography'' employing digital or analog techniques to ensure ''information security''.
Items:

a. ''Software'' ''specially designed'' or modified for the ''development'', ''production'' or ''use'' of any of the following:

a.1. Equipment specified by 5A002 or ''software'' specified by 5D002.c.1;

a.2. Equipment specified by 5A003 or ''software'' specified by 5D002.c.2; *or*

a.3. Equipment specified by 5A004 or ''software'' specified by 5D002.c.3;

b. ''Software'' designed or modified for converting, by means of ''cryptographic activation'', an item not specified by Category 5—Part 2 into an item specified by 5A002.a or 5D002.c.1, and not released by the Cryptography Note (Note 3 in Category 5—Part 2), or for enabling, by means of ''cryptographic activation'', additional functionality specified by 5A002.a of an item already specified by Category 5—Part 2;

c. ''Software'' having the characteristics of, or performing or simulating the functions of, any of the following:

c.1.Equipment specified by 5A002.a, .c, .d or .e;

Note: 5D002.c.1 does not apply to ''software'' limited to the tasks of ''OAM'' implementing only published or commercial cryptographic standards.

c.2. Equipment specified by 5A003; *or*

c.3. Equipment specified by 5A004.

d. [Reserved]

N.B.: See 5D002.b for items formerly specified in 5D002.d.

■ 47. In supplement no. 1 to part 774, Category 5, part 2, ECCN 5E002 is revised to read as follows:

5E002 ''Technology'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT, EI

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 1
AT applies to entire entry.	AT Column 1
EI applies to ''technology'' in 5E002.a for commodities or ''software'' controlled for EI reasons in ECCNs 5A002, 5A004 or 5D002, and to ''technology'' in 5E002.b.	Refer to § 742.15 of the EAR

License Requirements Notes: (1) See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating ''information security'' functionality, and associated ''software'' and ''technology'' for the ''production'' or ''development'' of such microprocessors.

(2) When a person performs or provides technical assistance that incorporates, or otherwise draws upon, ''technology'' that was either obtained in the United States or is of US-origin, then a release of the ''technology'' takes place. Such technical assistance, when rendered with the intent to aid in the ''development'' or ''production'' of encryption commodities or software that would be controlled for ''EI'' reasons under ECCN 5A002, 5A004 or 5D002, may require authorization under the EAR even if the underlying encryption algorithm to be implemented is from the public domain or is not of U.S.-origin.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: N/A
ENC: Yes for certain EI controlled technology, see § 740.17 of the EAR for eligibility.

List of Items Controlled

Related Controls: See also 5E992. This entry does not control ''technology'' ''required'' for the ''use'' of equipment excluded from control under the Related Controls paragraph or the Technical Notes in ECCN 5A002 or ''technology'' related to equipment excluded from control under ECCN 5A002.
Related Definitions: N/A
Items:

a. ''Technology'' according to the General Technology Note for the ''development'', ''production'' or ''use'' of equipment controlled by 5A002, 5A003, 5A004 or 5B002, or of ''software'' controlled by 5D002.a or 5D002.c.

b. ''Technology'' for converting, by means of ''cryptographic activation'', an item not specified by Category 5—Part 2 into an item specified by 5A002.a or 5D002.c.1, and not released by the Cryptography Note (Note 3 in Category 5—Part 2), or for enabling, by means of ''cryptographic activation'', additional functionality specified by 5A002.a of an item already specified by Category 5—Part 2.

Note: 5E002 includes ''information security'' technical data resulting from procedures carried out to evaluate or determine the implementation of functions, features or techniques specified in Category 5 Part 2.

■ 48. In supplement no. 1 to part 774, Category 6, ECCN 6A002 is revised to read as follows:

6A002 Optical sensors and equipment, and ''components'' therefor, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, CC, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738).*
NS applies to entire entry.	NS Column 2

Control(s)	Country chart (see Supp. No. 1 to part 738).
MT applies to optical detectors in 6A002.a.1, or a.3 that are "specially designed" or modified to protect "missiles" against nuclear effects (*e.g.,* Electromagnetic Pulse (EMP), X-rays, combined blast and thermal effects), and usable for "missiles".	MT Column 1
RS applies to 6A002.a.1, a.2, a.3 (except a.3.d.2.a and a.3.e for lead selenide based focal plane arrays (FPAs)), .c, and .f.	RS Column 1
CC applies to police-model infrared viewers in 6A002.c.	CC Column 1
AT applies to entire entry.	AT Column 1
UN applies to 6A002.a.1, a.2, a.3 and .c.	See § 746.1(b) of the EAR for UN controls.

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $500 for 6A002.f.
$3,000; except N/A for MT and for 6A002.a.1, a.2, a.3, .c, and .f.
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: (1) See USML Category XII(e) for infrared focal plane arrays, image intensifier tubes, and related parts and components, subject to the ITAR. (2) See USML Category XV(e) for space-qualified focal plane arrays subject to the ITAR. (3) See also ECCNs 6A102, 6A202, and 6A992. (4) See ECCN 0A919 for foreign-made military commodities that incorporate commodities described in 6A002. (5) Section 744.9 of the EAR imposes a license requirement on commodities described in ECCN 6A002 if being exported, reexported, or transferred (in-country) for use by a military end-user or for incorporation into an item controlled by ECCN 0A919. (6) See USML Categories XII(e) and XV(e)(3) for read-out integrated circuits "subject to the ITAR."
Related Definitions: N/A
Items:

a. Optical detectors as follows:

a.1. "Space-qualified" solid-state detectors as follows:

Note: For the purpose of 6A002.a.1, solid-state detectors include "focal plane arrays".

a.1.a. "Space-qualified" solid-state detectors having all of the following:

a.1.a.1. A peak response in the wavelength range exceeding 10 nm but not exceeding 300 nm; and

a.1.a.2. A response of less than 0.1% relative to the peak response at a wavelength exceeding 400 nm;

a.1.b. "Space-qualified" solid-state detectors having all of the following:

a.1.b.1. A peak response in the wavelength range exceeding 900 nm but not exceeding 1,200 nm; and

a.1.b.2. A response "time constant" of 95 ns or less;

a.1.c. "Space-qualified" solid-state detectors having a peak response in the wavelength range exceeding 1,200 nm but not exceeding 30,000 nm;

a.1.d. "Space-qualified" "focal plane arrays" having more than 2,048 elements per array and having a peak response in the wavelength range exceeding 300 nm but not exceeding 900 nm;

a.2. Image intensifier tubes and "specially designed" "components" therefor, as follows:

Note: 6A002.a.2 does not control non-imaging photomultiplier tubes having an electron sensing device in the vacuum space limited solely to any of the following:

a. A single metal anode; or

b. Metal anodes with a center to center spacing greater than 500 µm.

Technical Note: 'Charge multiplication' is a form of electronic image amplification and is defined as the generation of charge carriers as a result of an impact ionization gain process. 'Charge multiplication' sensors may take the form of an image intensifier tube, solid state detector or "focal plane array".

a.2.a. Image intensifier tubes having all of the following:

a.2.a.1. A peak response in the wavelength range exceeding 400 nm but not exceeding 1,050 nm;

a.2.a.2. Electron image amplification using any of the following:

a.2.a.2.a. A microchannel plate with a hole pitch (center-to-center spacing) of 12 µm or less; *or*

a.2.a.2.b. An electron sensing device with a non-binned pixel pitch of 500 µm or less, "specially designed" or modified to achieve 'charge multiplication' other than by a microchannel plate; and

a.2.a.3. Any of the following photocathodes:

a.2.a.3.a. Multialkali photocathodes (*e.g.,* S–20 and S–25) having a luminous sensitivity exceeding 350 µA/lm;

a.2.a.3.b. GaAs or GaInAs photocathodes; or

a.2.a.3.c. Other "III–V compound" semiconductor photocathodes having a maximum "radiant sensitivity" exceeding 10 mA/W;

a.2.b. Image intensifier tubes having all of the following:

a.2.b.1. A peak response in the wavelength range exceeding 1,050 nm but not exceeding 1,800 nm;

a.2.b.2. Electron image amplification using any of the following:

a.2.b.2.a. A microchannel plate with a hole pitch (center-to-center spacing) of 12 µm or less; or

a.2.b.2.b. An electron sensing device with a non-binned pixel pitch of 500 µm or less, "specially designed" or modified to achieve 'charge multiplication' other than by a microchannel plate; and

a.2.b.3. "III/V compound" semiconductor (*e.g.,* GaAs or GaInAs) photocathodes and transferred electron photocathodes, having a maximum "radiant sensitivity" exceeding 15 mA/W;

a.2.c. "Specially designed" "components" as follows:

a.2.c.1. Microchannel plates having a hole pitch (center-to-center spacing) of 12 µm or less;

a.2.c.2. An electron sensing device with a non-binned pixel pitch of 500 µm or less, "specially designed" or modified to achieve 'charge multiplication' other than by a microchannel plate;

a.2.c.3. "III–V compound" semiconductor (*e.g.,* GaAs or GaInAs) photocathodes and transferred electron photocathodes;

Note: 6A002.a.2.c.3 does not control compound semiconductor photocathodes designed to achieve a maximum "radiant sensitivity" of any of the following:

a. 10 mA/W or less at the peak response in the wavelength range exceeding 400 nm but not exceeding 1,050 nm; *or*

b. 15 mA/W or less at the peak response in the wavelength range exceeding 1,050 nm but not exceeding 1,800 nm.

a.3. Non-"space-qualified" "focal plane arrays" as follows:

N.B.: 'Microbolometer' non-"space-qualified" "focal plane arrays" are only specified by 6A002.a.3.f.

Technical Note: Linear or two-dimensional multi-element detector arrays are referred to as "focal plane arrays";

Note 1: 6A002.a.3 includes photoconductive arrays and photovoltaic arrays.

Note 2: 6A002.a.3 does not control:

a. Multi-element (not to exceed 16 elements) encapsulated photoconductive cells using either lead sulphide or lead selenide;

b. Pyroelectric detectors using any of the following:

b.1. Triglycine sulphate and variants;

b.2. Lead-lanthanum-zirconium titanate and variants;

b.3. Lithium tantalate;

b.4. Polyvinylidene fluoride and variants; *or*

b.5. Strontium barium niobate and variants.

c. "Focal plane arrays" "specially designed" or modified to achieve 'charge multiplication' and limited by design to have a maximum "radiant sensitivity" of 10 mA/W or less for wavelengths exceeding 760 nm, having all of the following:

c.1. Incorporating a response limiting mechanism designed not to be removed or modified; and

c.2. Any of the following:

c.2.a. The response limiting mechanism is integral to or combined with the detector element; *or*

c.2.b. The "focal plane array" is only operable with the response limiting mechanism in place.

d. Thermopile arrays having less than 5,130 elements;

Technical Note: A response limiting mechanism integral to the detector element is designed not to be removed or modified without rendering the detector inoperable.

a.3.a. Non-''space-qualified'' ''focal plane arrays'' having all of the following:

a.3.a.1. Individual elements with a peak response within the wavelength range exceeding 900 nm but not exceeding 1,050 nm; and

a.3.a.2. Any of the following:

a.3.a.2.a. A response ''time constant'' of less than 0.5 ns; *or*

a.3.a.2.b. ''Specially designed'' or modified to achieve 'charge multiplication' and having a maximum ''radiant sensitivity'' exceeding 10 mA/W;

a.3.b. Non-''space-qualified'' ''focal plane arrays'' having all of the following:

a.3.b.1. Individual elements with a peak response in the wavelength range exceeding 1,050 nm but not exceeding 1,200 nm; and

a.3.b.2. Any of the following:

a.3.b.2.a. A response ''time constant'' of 95 ns or less; *or*

a.3.b.2.b. ''Specially designed'' or modified to achieve 'charge multiplication' and having a maximum ''radiant sensitivity'' exceeding 10 mA/W;

a.3.c. Non-''space-qualified'' non-linear (2-dimensional) ''focal plane arrays'' having individual elements with a peak response in the wavelength range exceeding 1,200 nm but not exceeding 30,000 nm;

N.B.: Silicon and other material based 'microbolometer' non-''space-qualified'' ''focal plane arrays'' are only specified by 6A002.a.3.f.

a.3.d. Non-''space-qualified'' linear (1-dimensional) ''focal plane arrays'' having all of the following:

a.3.d.1. Individual elements with a peak response in the wavelength range exceeding 1,200 nm but not exceeding 3,000 nm; and

a.3.d.2. Any of the following:

a.3.d.2.a. A ratio of 'scan direction' dimension of the detector element to the 'cross-scan direction' dimension of the detector element of less than 3.8; *or*

a.3.d.2.b. Signal processing in the detector elements;

Note: 6A002.a.3.d does not control ''focal plane arrays'' (not to exceed 32 elements) having detector elements limited solely to germanium material.

Technical Note: For the purposes of 6A002.a.3.d, 'cross-scan direction' is defined as the axis parallel to the linear array of detector elements and the 'scan direction' is defined as the axis perpendicular to the linear array of detector elements.

a.3.e. Non-''space-qualified'' linear (1-dimensional) ''focal plane arrays'' having individual elements with a peak response in the wavelength range exceeding 3,000 nm but not exceeding 30,000 nm;

a.3.f. Non-''space-qualified'' non-linear (2-dimensional) infrared ''focal plane arrays'' based on 'microbolometer' material having individual elements with an unfiltered response in the wavelength range equal to or exceeding 8,000 nm but not exceeding 14,000 nm;

Technical Note: For the purposes of 6A002.a.3.f, 'microbolometer' is defined as a thermal imaging detector that, as a result of a temperature change in the detector caused by the absorption of infrared radiation, is used to generate any usable signal.

a.3.g. Non-''space-qualified'' ''focal plane arrays'' having all of the following:

a.3.g.1. Individual detector elements with a peak response in the wavelength range exceeding 400 nm but not exceeding 900 nm;

a.3.g.2. ''Specially designed'' or modified to achieve 'charge multiplication' and having a maximum ''radiant sensitivity'' exceeding 10 mA/W for wavelengths exceeding 760 nm; and

a.3.g.3. Greater than 32 elements;

b. ''Monospectral imaging sensors'' and ''multispectral imaging sensors'', designed for remote sensing applications and having any of the following:

b.1. An Instantaneous-Field-Of-View (IFOV) of less than 200 μrad (microradians); *or*

b.2. Specified for operation in the wavelength range exceeding 400 nm but not exceeding 30,000 nm and having all the following:

b.2.a. Providing output imaging data in digital format; and

b.2.b. Having any of the following characteristics:

b.2.b.1. ''Space-qualified''; or

b.2.b.2. Designed for airborne operation, using other than silicon detectors, and having an IFOV of less than 2.5 mrad (milliradians);

Note: 6A002.b.1 does not control ''monospectral imaging sensors'' with a peak response in the wavelength range exceeding 300 nm but not exceeding 900 nm and only incorporating any of the following non-''space-qualified'' detectors or non-''space-qualified'' ''focal plane arrays'':

a. Charge Coupled Devices (CCD) not designed or modified to achieve 'charge multiplication'; or

b. Complementary Metal Oxide Semiconductor (CMOS) devices not designed or modified to achieve 'charge multiplication'.

c. 'Direct view' imaging equipment incorporating any of the following:

c.1. Image intensifier tubes having the characteristics listed in 6A002.a.2.a or 6A002.a.2.b;

c.2. ''Focal plane arrays'' having the characteristics listed in 6A002.a.3; or

c.3. Solid state detectors specified by 6A002.a.1;

Technical Note: 'Direct view' refers to imaging equipment that presents a visual image to a human observer without converting the image into an electronic signal for television display, and that cannot record or store the image photographically, electronically or by any other means.

Note: 6A002.c does not control equipment as follows, when incorporating other than GaAs or GaInAs photocathodes:

a. Industrial or civilian intrusion alarm, traffic or industrial movement control or counting systems;

b. Medical equipment;

c. Industrial equipment used for inspection, sorting or analysis of the properties of materials;

d. Flame detectors for industrial furnaces;

e. Equipment ''specially designed'' for laboratory use.

d. Special support ''components'' for optical sensors, as follows:

d.1. ''Space-qualified'' cryocoolers;

d.2. Non-''space-qualified'' cryocoolers having a cooling source temperature below 218K (−55° C), as follows:

d.2.a. Closed cycle type with a specified Mean-Time-To-Failure (MTTF) or Mean-Time-Between-Failures (MTBF), exceeding 2,500 hours;

d.2.b. Joule-Thomson (JT) self-regulating minicoolers having bore (outside) diameters of less than 8 mm;

d.3. Optical sensing fibers specially fabricated either compositionally or structurally, or modified by coating, to be acoustically, thermally, inertially, electromagnetically or nuclear radiation sensitive.

Note: 6A002.d.3 does not apply to encapsulated optical sensing fibers ''specially designed'' for bore hole sensing applications.

e. [Reserved]

f. 'Read-Out Integrated Circuits' ('ROIC') ''specially designed'' for ''focal plane arrays'' specified by 6A002.a.3.

Note: 6A002.f does not apply to read-out integrated circuits ''specially designed'' for civil automotive applications.

Technical Note: A 'Read-Out Integrated Circuit' ('ROIC') is an integrated circuit designed to underlie or be bonded to a ''focal plane array'' (''FPA'') and used to read-out (*i.e.,* extract and register) signals produced by the detector elements. At a minimum the 'ROIC' reads the charge from the detector elements by extracting the charge and applying a multiplexing function in a manner that retains the relative spatial position and orientation information of the detector elements for processing inside or outside the 'ROIC'.

■ 49. In supplement no. 1 to part 774, Category 6, ECCN 6A003 is revised to read as follows:

6A003 Cameras, systems or equipment, and ''components'' therefor, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, NP, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
NP applies to cameras controlled by 6A003.a.3 or a.4 and to plug-ins in 6A003.a.6 for cameras controlled by 6A003.a.3 or a.4.	NP Column 1

Control(s)	Country chart (see Supp. No. 1 to part 738)
RS applies to 6A003.b.3, 6A003.b.4.a, 6A003.b.4.c and to items controlled in 6A003.b.4.b that have a frame rate greater than 60 Hz or that incorporate a focal plane array with more than 111,000 elements, or to items in 6A003.b.4.b when being exported or reexported to be embedded in a civil product. (But see § 742.6(a)(2)(iii) and (v) of the EAR for certain exemptions).	RS Column 1
RS applies to items controlled in 6A003.b.4.b that have a frame rate of 60 Hz or less and that incorporate a focal plane array with not more than 111,000 elements if not being exported or reexported to be embedded in a civil product.	RS Column 2
AT applies to entire entry.	AT Column 1
UN applies to 6A003.b.3 and b.4.	See § 746.1(b) of the EAR for UN controls

License Requirement Note: Commodities that are not subject to the ITAR but are of the type described in USML Category XII(c) are controlled as cameras in ECCN 6A003 when they incorporate a camera controlled in this ECCN.

Reporting Requirements

See § 743.3 of the EAR for thermal camera reporting for exports that are not authorized by an individually validated license of thermal imaging cameras controlled by ECCN 6A003.b.4.b to destinations in Country Group A:1 (see Supplement No. 1 to part 740 of the EAR), must be reported to BIS.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500, except N/A for 6A003.a.3 through a.6, b.1, b.3 and b.4
GBS: N/A
CIV: N/A

Special Conditions for STA

STA: License Exception STA may not be used to ship any commodity in 6A003.b.3 or b.4 to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See ECCNs 6E001 (''development''), 6E002 (''production''), and 6E201 (''use'') for technology for items controlled under this entry. (2) Also see ECCN 6A203. (3) See ECCN 0A919 for foreign made military commodities that incorporate cameras described in 6A003. (4) Section 744.9 of the EAR imposes a license requirement on cameras described in 6A003 if being exported, reexported, or transferred (in-country) for use by a military end-user or for incorporation into a commodity controlled by ECCN 0A919. (5) See USML Category XII(c) and (e) for cameras subject to the ITAR.
Related Definitions: N/A
Items:

a. Instrumentation cameras and ''specially designed'' ''components'' therefor, as follows:

Note: Instrumentation cameras, controlled by 6A003.a.3 to 6A003.a.5, with modular structures should be evaluated by their maximum capability, using plug-ins available according to the camera manufacturer's specifications.

a.1. [Reserved]
a.2. [Reserved]
a.3. Electronic streak cameras having temporal resolution better than 50 ns;
a.4. Electronic framing cameras having a speed exceeding 1,000,000 frames/s;
a.5. Electronic cameras having all of the following:
a.5.a. An electronic shutter speed (gating capability) of less than 1μs per full frame; *and*
a.5.b. A read out time allowing a framing rate of more than 125 full frames per second;
a.6. Plug-ins having all of the following characteristics:
a.6.a. ''Specially designed'' for instrumentation cameras which have modular structures and that are controlled by 6A003.a; *and*
a.6.b. Enabling these cameras to meet the characteristics specified by 6A003.a.3, 6A003.a.4 or 6A003.a.5, according to the manufacturer's specifications;
b. Imaging cameras as follows:

Note: 6A003.b does not control television or video cameras ''specially designed'' for television broadcasting.

b.1. Video cameras incorporating solid state sensors, having a peak response in the wavelength range exceeding 10 nm, but not exceeding 30,000 nm and having all of the following:
b.1.a. Having any of the following:
b.1.a.1. More than 4×10^6 ''active pixels'' per solid state array for monochrome (black and white) cameras;
b.1.a.2. More than 4×10^6 ''active pixels'' per solid state array for color cameras incorporating three solid state arrays; *or*
b.1.a.3. More than 12×10^6 ''active pixels'' for solid state array color cameras incorporating one solid state array; *and*
b.1.b. Having any of the following:
b.1.b.1. Optical mirrors controlled by 6A004.a.;
b.1.b.2. Optical control equipment controlled by 6A004.d.; *or*
b.1.b.3. The capability for annotating internally generated 'camera tracking data;'

Technical Notes:

1. For the purposes of this entry, digital video cameras should be evaluated by the maximum number of ''active pixels'' used for capturing moving images.

2. For the purpose of this entry, 'camera tracking data' is the information necessary to define camera line of sight orientation with respect to the earth. This includes: (1) The horizontal angle the camera line of sight makes with respect to the earth's magnetic field direction and; (2) the vertical angle between the camera line of sight and the earth's horizon.

b.2. Scanning cameras and scanning camera systems, having all of the following:
b.2.a. A peak response in the wavelength range exceeding 10 nm, but not exceeding 30,000 nm;
b.2.b. Linear detector arrays with more than 8,192 elements per array; *and*
b.2.c. Mechanical scanning in one direction;

Note: 6A003.b.2 does not apply to scanning cameras and scanning camera systems, ''specially designed'' for any of the following:
a. Industrial or civilian photocopiers;
b. Image scanners ''specially designed'' for civil, stationary, close proximity scanning applications (*e.g.,* reproduction of images or print contained in documents, artwork or photographs); *or*
c. Medical equipment.

b.3. Imaging cameras incorporating image intensifier tubes having the characteristics listed in 6A002.a.2.a or 6A002.a.2.b;
b.4. Imaging cameras incorporating ''focal plane arrays'' having any of the following:
b.4.a. Incorporating ''focal plane arrays'' controlled by 6A002.a.3.a to 6A002.a.3.e;
b.4.b. Incorporating ''focal plane arrays'' controlled by 6A002.a.3.f; *or*
b.4.c. Incorporating ''focal plane arrays'' controlled by 6A002.a.3.g;

Note 1: Imaging cameras described in 6A003.b.4 include ''focal plane arrays'' combined with sufficient ''signal processing'' electronics, beyond the read out integrated circuit, to enable as a minimum the output of an analog or digital signal once power is supplied.

Note 2: 6A003.b.4.a does not control imaging cameras incorporating linear ''focal plane arrays'' with 12 elements or fewer, not employing time-delay-and-integration within the element and designed for any of the following:
a. Industrial or civilian intrusion alarm, traffic or industrial movement control or counting systems;
b. Industrial equipment used for inspection or monitoring of heat flows in buildings, equipment or industrial processes;
c. Industrial equipment used for inspection, sorting or analysis of the properties of materials;
d. Equipment ''specially designed'' for laboratory use; *or*
e. Medical equipment.

Note 3: 6A003.b.4.b does not control imaging cameras having any of the following:
a. A maximum frame rate equal to or less than 9 Hz;
b. Having all of the following:

1. Having a minimum horizontal or vertical 'Instantaneous-Field -of-View (IFOV)' of at least 10 mrad (milliradians);

2. Incorporating a fixed focal-length lens that is not designed to be removed;

3. Not incorporating a 'direct view' display; *and*

Technical Note: 'Direct view' refers to an imaging camera operating in the infrared spectrum that presents a visual image to a human observer using a near-to-eye micro display incorporating any light-security mechanism.

4. Having any of the following:

a. No facility to obtain a viewable image of the detected field-of-view; *or*

b. The camera is designed for a single kind of application and designed not to be user modified; or

Technical Note:

'Instantaneous Field of View (IFOV)' specified in Note 3.b is the lesser figure of the 'Horizontal FOV' or the 'Vertical FOV.'

'Horizontal IFOV' = horizontal Field of View (FOV)/number of horizontal detector elements

'Vertical IFOV' = vertical Field of View (FOV)/number of vertical detector elements.

c. The camera is ''specially designed'' for installation into a civilian passenger land vehicle and having all of the following:

1. The placement and configuration of the camera within the vehicle are solely to assist the driver in the safe operation of the vehicle;

2. Is operable only when installed in any of the following:

a. The civilian passenger land vehicle for which it was intended and the vehicle weighs less than 4,500 kg (gross vehicle weight); *or*

b. A ''specially designed'', authorized maintenance test facility; *and*

3. Incorporates an active mechanism that forces the camera not to function when it is removed from the vehicle for which it was intended.

Note: When necessary, details of the items will be provided, upon request, to the Bureau of Industry and Security in order to ascertain compliance with the conditions described in Note 3.b.4 and Note 3.c in this Note to 6A003.b.4.b.

Note 4: 6A003.b.4.c does not apply to 'imaging cameras' having any of the following characteristics:

a. Having all of the following:

1. Where the camera is ''specially designed'' for installation as an integrated component into indoor and wall-plug-operated systems or equipment, limited by design for a single kind of application, as follows:

a. Industrial process monitoring, quality control, or analysis of the properties of materials;

b. Laboratory equipment ''specially designed'' for scientific research;

c. Medical equipment;

d. Financial fraud detection equipment; and

2. Is only operable when installed in any of the following:

a. The system(s) or equipment for which it was intended; *or*

b. A ''specially designed'', authorized maintenance facility; *and*

3. Incorporates an active mechanism that forces the camera not to function when it is removed from the system(s) or equipment for which it was intended;

b. Where the camera is ''specially designed'' for installation into a civilian passenger land vehicle or passenger and vehicle ferries and having all of the following:

1. The placement and configuration of the camera within the vehicle or ferry are solely to assist the driver or operator in the safe operation of the vehicle or ferry;

2. Is only operable when installed in any of the following:

a. The civilian passenger land vehicle for which it was intended and the vehicle weighs less than 4,500 kg (gross vehicle weight);

b. The passenger and vehicle ferry for which it was intended and having a length overall (LOA) 65 m or greater; *or*

c. A ''specially designed'', authorized maintenance test facility; *and*

3. Incorporates an active mechanism that forces the camera not to function when it is removed from the vehicle for which it was intended;

c. Limited by design to have a maximum ''radiant sensitivity'' of 10 mA/W or less for wavelengths exceeding 760 nm, having all of the following:

1. Incorporating a response limiting mechanism designed not to be removed or modified; and

2. Incorporates an active mechanism that forces the camera not to function when the response limiting mechanism is removed; and

3. Not ''specially designed'' or modified for underwater use; or

d. Having all of the following:

1. Not incorporating a 'direct view' or electronic image display;

2. Has no facility to output a viewable image of the detected field of view;

3. The ''focal plane array'' is only operable when installed in the camera for which it was intended; and

4. The ''focal plane array'' incorporates an active mechanism that forces it to be permanently inoperable when removed from the camera for which it was intended.

Note: When necessary, details of the item will be provided, upon request, to the Bureau of Industry and Security in order to ascertain compliance with the conditions described in Note 4 above.

b.5. Imaging cameras incorporating solid-state detectors specified by 6A002.a.1.

■ 50. In supplement no. 1 to part 774, Category 6, ECCN 6A004 is revised to read as follows:

6A004 Optical equipment and ''components'', as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
AT applies to entire entry.	AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $3,000

GBS: Yes for 6A004.a.1, a.2, a.4, .b, d.2, and .f.

CIV: Yes for 6A004.a.1, a.2, a.4, .b, d.2, and .f.

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA may not be used to ship any commodity in 6A004.c or .d to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) For optical mirrors or 'aspheric optical elements' ''specially designed'' for lithography ''equipment'', see ECCN 3B001. (2) See USML Category XII(e) for gimbals ''subject to the ITAR''. (3) See also 6A994.

Related Definitions: An 'aspheric optical element' is any element used in an optical system whose imaging surface or surfaces are designed to depart from the shape of an ideal sphere.

Items:

a. Optical mirrors (reflectors) as follows:

Technical Note: For the purpose of 6A004.a, Laser Induced Damage Threshold (LIDT) is measured according to ISO 21254–1:2011.

a.1. 'Deformable mirrors' having an active optical aperture greater than 10 mm and having any of the following, and specially designed components therefor:

a.1.a. Having all the following:

a.1.a.1. A mechanical resonant frequency of 750 Hz or more; *and*

a.1.a.2. More than 200 actuators; *or*

a.1.b. A Laser Induced Damage Threshold (LIDT) being any of the following:

a.1.b.1. Greater than 1 kW/cm^2 using a ''CW laser''; *or*

a.1.b.2. Greater than 2 J/cm^2 using 20 ns ''laser'' pulses at 20 Hz repetition rate;

Technical Note: 'Deformable mirrors' are mirrors having any of the following:

a. A single continuous optical reflecting surface which is dynamically deformed by the application of individual torques or forces to compensate for distortions in the optical waveform incident upon the mirror; or

b. Multiple optical reflecting elements that can be individually and dynamically repositioned by the application of torques or forces to compensate for distortions in the optical waveform incident upon the mirror.

'Deformable mirrors' are also known as adaptive optic mirrors.

a.2. Lightweight monolithic mirrors having an average ''equivalent density'' of less than 30 kg/m^2 and a total mass exceeding 10 kg;

a.3. Lightweight ''composite'' or foam mirror structures having an average ''equivalent density'' of less than 30 kg/m^2 and a total mass exceeding 2 kg;

Note: 6A004.a.2 and 6A004.a.3 do not apply to mirrors ''specially designed'' to direct solar radiation for terrestrial heliostat installations.

a.4. Mirrors specially designed for beam steering mirror stages specified in 6A004.d.2.a with a flatness of λ/10 or better (λ is equal to 633 nm) and having any of the following:

a.4.a. Diameter or major axis length greater than or equal to 100 mm; *or*

a.4.b. Having all of the following:

a.4.b.1. Diameter or major axis length greater than 50 mm but less than 100 mm; *and*

a.4.b.2. A Laser Induced Damage Threshold (LIDT) being any of the following:

a.4.b.2.a. Greater than 10 kW/cm2 using a ''CW laser''; *or*

a.4.b.2.b. Greater than 20 J/cm2 using 20 ns ''laser'' pulses at 20 Hz repetition rate;

N.B. For optical mirrors specially designed for lithography equipment, see 3B001.

b. Optical ''components'' made from zinc selenide (ZnSe) or zinc sulphide (ZnS) with transmission in the wavelength range exceeding 3,000 nm but not exceeding 25,000 nm and having any of the following:

b.1. Exceeding 100 cm^3 in volume; *or*

b.2. Exceeding 80 mm in diameter or length of major axis and 20 mm in thickness (depth);

c. ''Space-qualified'' ''components'' for optical systems, as follows:

c.1. ''Components'' lightweighted to less than 20% ''equivalent density'' compared with a solid blank of the same aperture and thickness;

c.2. Raw substrates, processed substrates having surface coatings (single-layer or multi-layer, metallic or dielectric, conducting, semiconducting or insulating) or having protective films;

c.3. Segments or assemblies of mirrors designed to be assembled in space into an optical system with a collecting aperture equivalent to or larger than a single optic 1 m in diameter;

c.4. ''Components'' manufactured from ''composite'' materials having a coefficient of linear thermal expansion equal to or less than 5×10^{-6} in any coordinate direction;

d. Optical control equipment as follows:

d.1. Equipment ''specially designed'' to maintain the surface figure or orientation of the ''space-qualified'' ''components'' controlled by 6A004.c.1 or 6A004.c.3;

d.2. Steering, tracking, stabilisation and resonator alignment equipment as follows:

d.2.a. Beam steering mirror stages designed to carry mirrors having diameter or major axis length greater than 50 mm and having all of the following, and specially designed electronic control equipment therefor:

d.2.a.1. A maximum angular travel of ±26 mrad or more;

d.2.a.2. A mechanical resonant frequency of 500 Hz or more; *and*

d.2.a.3. An angular ''accuracy'' of 10 μrad (microradians) or less (better);

d.2.b. Resonator alignment equipment having bandwidths equal to or more than 100 Hz and an ''accuracy'' of 10 μrad or less (better);

d.3. Gimbals having all of the following:

d.3.a. A maximum slew exceeding 5°;

d.3.b. A bandwidth of 100 Hz or more;

d.3.c. Angular pointing errors of 200 μrad (microradians) or less; *and*

d.3.d. Having any of the following:

d.3.d.1. Exceeding 0.15 m but not exceeding 1 m in diameter or major axis length and capable of angular accelerations exceeding 2 rad (radians)/s^2; *or*

d.3.d.2. Exceeding 1 m in diameter or major axis length and capable of angular accelerations exceeding 0.5 rad (radians)/s^2;

d.4. [Reserved]

e. 'Aspheric optical elements' having all of the following:

e.1. Largest dimension of the optical-aperture greater than 400 mm;

e.2. Surface roughness less than 1 nm (rms) for sampling lengths equal to or greater than 1 mm; *and*

e.3. Coefficient of linear thermal expansion's absolute magnitude less than 3 x 10^{-6}/K at 25 °C;

Technical Note:

1. [See Related Definitions section of this ECCN]

2. Manufacturers are not required to measure the surface roughness listed in 6A004.e.2 unless the optical element was designed or manufactured with the intent to meet, or exceed, the control parameter.

Note: 6A004.e does not control 'aspheric optical elements' having any of the following:

a. Largest optical-aperture dimension less than 1 m and focal length to aperture ratio equal to or greater than 4.5:1;

b. Largest optical-aperture dimension equal to or greater than 1 m and focal length to aperture ratio equal to or greater than 7:1;

c. Designed as Fresnel, flyeye, stripe, prism or diffractive optical elements;

d. Fabricated from borosilicate glass having a coefficient of linear thermal expansion greater than 2.5 x 10^{-6}/K at 25 °C; or

e. An x-ray optical element having inner mirror capabilities (*e.g.,* tube-type mirrors).

f. Dynamic wavefront measuring equipment having all of the following:

f.1. 'Frame rates' equal to or more than 1 kHz; *and*

f.2. A wavefront accuracy equal to or less (better) than λ/20 at the designed wavelength.

Technical Note: For the purposes of 6A004.f, 'frame rate' is a frequency at which all ''active pixels'' in the ''focal plane array'' are integrated for recording images projected by the wavefront sensor optics.

■ 51. In supplement no. 1 to part 774, Category 6, ECCN 6A005 is revised to read as follows:

6A005 ''Lasers'', ''components'' and optical equipment, as follows (see List of Items Controlled), excluding items that are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

License Requirements

Reason for Control: NS, NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
NP applies to lasers controlled by 6A005.a.2, a.3, a.4, b.2.b, b.3, b.4, b.6.c, c.1.b, c.2.b, d.2, d.3.c, or d.4.c that meet or exceed the technical parameters described in 6A205.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A for NP items; $3,000 for all other items

GBS: Neodymium-doped (other than glass) ''lasers'' controlled by 6A005.b.6.d.2 (except 6A005.b.6.d.2.b) that have an output wavelength exceeding 1,000 nm, but not exceeding 1,100 nm, and an average or CW output power not exceeding 2kW, and operate in a pulse-excited, non-''Q-switched'' multiple-transverse mode, or in a continuously excited, multiple-transverse mode; Dye and Liquid Lasers controlled by 6A005.c.1, c.2 and c.3, except for a pulsed single longitudinal mode oscillator having an average output power exceeding 1 W and a repetition rate exceeding 1 kHz if the ''pulse duration'' is less than 100 ns; CO ''lasers'' controlled by 6A005.d.2 having a CW maximum rated single or multimode output power not exceeding 10 kW; CO_2 or CO/CO_2 ''lasers'' controlled by 6A005.d.3 having an output wavelength in the range from 9,000 to 11,000 nm and having a pulsed output not exceeding 2 J per pulse and a maximum rated average single or multimode output power not exceeding 5 kW; CO_2 ''lasers'' controlled by 6A005.d.3 that operate in CW multiple-transverse mode, and having a CW output power not exceeding 15kW.

CIV: Neodymium-doped (other than glass) ''lasers'' controlled by 6A005.b.6.d.2 (except 6A005.b.6.d.2.b) that have an output wavelength exceeding 1,000 nm, but not exceeding 1,100 nm, and an average or CW output power not exceeding 2kW, and operate in a pulse-excited, non-''Q-switched'' multiple-transverse mode, or in a continuously excited, multiple-transverse mode; Dye and Liquid Lasers controlled by 6A005.c.1, c.2 and c.3, except for a pulsed single longitudinal mode oscillator having an average output power exceeding 1 W and a repetition rate exceeding 1 kHz if the ''pulse duration'' is less than 100 ns; CO ''lasers'' controlled by 6A005.d.2 having a CW maximum rated single or multimode output power not exceeding 10 kW; CO_2 or CO/CO_2 ''lasers'' controlled by 6A005.d.3 having an output wavelength in the range from 9,000 to 11,000 nm and having a pulsed output not

exceeding 2 J per pulse and a maximum rated average single or multimode output power not exceeding 5 kW; CO_2 ''lasers'' controlled by 6A005.d.3 that operate in CW multiple-transverse mode, and having a CW output power not exceeding 15kW.

List of Items Controlled

Related Controls: (1) See ECCN 6D001 for ''software'' for items controlled under this entry. (2) See ECCNs 6E001 (''development''), 6E002 (''production''), and 6E201 (''use'') for technology for items controlled under this entry. (3) Also see ECCNs 6A205 and 6A995. (4) See ECCN 3B001 for excimer ''lasers'' ''specially designed'' for lithography equipment. (5) ''Lasers'' ''specially designed'' or prepared for use in isotope separation are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110). (6) See USML Category XII(b) and (e) for laser systems or lasers subject to the ITAR. (7) See USML Category XVIII for certain laser-based directed energy weapon systems, equipment, and components subject to the ITAR.

Related Definitions: (1) 'Wall-plug efficiency' is defined as the ratio of ''laser'' output power (or ''average output power'') to total electrical input power required to operate the ''laser'', including the power supply/conditioning and thermal conditioning/heat exchanger, see 6A005.a.6.b.1 and 6A005.b.6; (2) 'Non-repetitive pulsed' refers to ''lasers'' that produce either a single output pulse or that have a time interval between pulses exceeding one minute, see Note 2 of 6A005 and 6A005.d.6.

Items:

Note:

1. Pulsed ''lasers'' include those that run in a continuous wave (CW) mode with pulses superimposed.

2. Excimer, semiconductor, chemical, CO, CO_2, and 'non-repetitive pulsed' Nd:glass ''lasers'' are only specified by 6A005.d.

Technical Note: 'Non-repetitive pulsed' refers to ''lasers'' that produce either a single output pulse or that have a time interval between pulses exceeding one minute.

3. 6A005 includes fiber ''lasers''.

4. The control status of ''lasers'' incorporating frequency conversion (*i.e.,* wavelength change) by means other than one ''laser'' pumping another ''laser'' is determined by applying the control parameters for both the output of the source ''laser'' and the frequency-converted optical output.

5. 6A005 does not control ''lasers'' as follows:

a. Ruby with output energy below 20 J;

b. Nitrogen;

c. Krypton.

a. Non-''tunable'' continuous wave ''(CW) lasers'' having any of the following:

a.1. Output wavelength less than 150 nm and output power exceeding 1W;

a.2. Output wavelength of 150 nm or more but not exceeding 510 nm and output power exceeding 30 W;

Note: 6A005.a.2 does not control Argon ''lasers'' having an output power equal to or less than 50 W.

a.3. Output wavelength exceeding 510 nm but not exceeding 540 nm and any of the following:

a.3.a. Single transverse mode output and output power exceeding 50 W; *or*

a.3.b. Multiple transverse mode output and output power exceeding 150 W;

a.4. Output wavelength exceeding 540 nm but not exceeding 800 nm and output power exceeding 30 W;

a.5. Output wavelength exceeding 800 nm but not exceeding 975 nm and any of the following:

a.5.a. Single transverse mode output and output power exceeding 50 W; *or*

a.5.b. Multiple transverse mode output and output power exceeding 80 W;

a.6. Output wavelength exceeding 975 nm but not exceeding 1,150 nm and any of the following;

a.6.a. Single transverse mode output and output power exceeding 500 W; *or*

a.6.b. Multiple transverse mode output and any of the following:

a.6.b.1. 'Wall-plug efficiency' exceeding 18% and output power exceeding 500 W; or

a.6.b.2. Output power exceeding 2 kW;

Note 1: 6A005.a.6.b does not control multiple transverse mode, industrial ''lasers'' with output power exceeding 2kW and not exceeding 6 kW with a total mass greater than 1,200 kg. For the purpose of this note, total mass includes all ''components'' required to operate the ''laser'', *e.g.,* ''laser'', power supply, heat exchanger, but excludes external optics for beam conditioning or delivery.

Note 2: 6A005.a.6.b does not apply to multiple transverse mode, industrial ''lasers'' having any of the following:

a. Output power exceeding 500 W but not exceeding 1 kW and having all of the following:

1. Beam Parameter Product (BPP) exceeding 0.7 mm•mrad; and

2. 'Brightness' not exceeding 1024 W/(mm•mrad)^2;

b. Output power exceeding 1 kW but not exceeding 1.6 kW and having a BPP exceeding 1.25 mm•mrad;

c. Output power exceeding 1.6 kW but not exceeding 2.5 kW and having a BPP exceeding 1.7 mm•mrad;

d. Output power exceeding 2.5 kW but not exceeding 3.3 kW and having a BPP exceeding 2.5 mm•mrad;

e. Output power exceeding 3.3 kW but not exceeding 4 kW and having a BPP exceeding 3.5 mm•mrad;

f. Output power exceeding 4 kW but not exceeding 5 kW and having a BPP exceeding 5 mm•mrad;

g. Output power exceeding 5 kW but not exceeding 6 kW and having a BPP exceeding 7.2 mm•mrad;

h. Output power exceeding 6 kW but not exceeding 8 kW and having a BPP exceeding 12 mm•mrad; *or*

i. Output power exceeding 8 kW but not exceeding 10 kW and having a BPP exceeding 24 mm•mrad;

Technical Note: For the purpose of 6A005.a.6.b, Note 2 (a)(2), 'brightness' is defined as the output power of the ''laser'' divided by the squared Beam Parameter Product (BPP), *i.e.,* (output power)/BPP^2.

a.7. Output wavelength exceeding 1,150 nm but not exceeding 1,555 nm and any of the following:

a.7.a. Single transverse mode and output power exceeding 50 W; *or*

a.7.b. Multiple transverse mode and output power exceeding 80 W;

a.8. Output wavelength exceeding 1,555 nm but not exceeding 1,850 nm and output power exceeding 1 W;

a.9. Output wavelength exceeding 1,850 nm but not exceeding 2,100 nm, and any of the following:

a.9.a. Single transverse mode and output power exceeding 1 W; *or*

a.9. b. Multiple transverse mode output and output power exceeding 120 W; *or*

a.10. Output wavelength exceeding 2,100 nm and output power exceeding 1 W;

b. Non-''tunable'' ''pulsed lasers'' having any of the following:

b.1. Output wavelength less than 150 nm and any of the following:

b.1.a. Output energy exceeding 50 mJ per pulse and ''peak power'' exceeding 1 W; *or*

b.1.b. ''Average output power'' exceeding 1 W;

b.2. Output wavelength of 150 nm or more but not exceeding 510 nm and any of the following:

b.2.a. Output energy exceeding 1.5 J per pulse and ''peak power'' exceeding 30 W; *or*

b.2.b. ''Average output power'' exceeding 30 W;

Note: 6A005.b.2.b does not control Argon ''lasers'' having an ''average output power'' equal to or less than 50 W.

b.3. Output wavelength exceeding 510 nm, but not exceeding 540 nm and any of the following:

b.3.a. Single transverse mode output and any of the following:

b.3.a.1. Output energy exceeding 1.5 J per pulse and ''peak power'' exceeding 50 W; *or*

b.3.a.2. ''Average output power'' exceeding 50 W; *or*

b.3.b. Multiple transverse mode output and any of the following:

b.3.b.1. Output energy exceeding 1.5 J per pulse and ''peak power'' exceeding 150 W; or

b.3.b.2. ''Average output power'' exceeding 150 W;

b.4. Output wavelength exceeding 540 nm but not exceeding 800 nm and any of the following:

b.4.a. ''Pulse duration'' less than 1 ps and any of the following:

b.4.a.1. Output energy exceeding 0.005 J per pulse and ''peak power'' exceeding 5 GW; *or*

b.4.a.2. ''Average output power'' exceeding 20 W; *or*

b.4.b. ''Pulse duration'' equal to or exceeding 1 ps and any of the following:

b.4.b.1. Output energy exceeding 1.5 J per pulse and ''peak power'' exceeding 30 W; *or*

b.4.b.2. ''Average output power'' exceeding 30 W;

b.5. Output wavelength exceeding 800 nm but not exceeding 975 nm and any of the following:

b.5.a. ''Pulse duration'' less than 1ps and any of the following:

b.5.a.1. Output energy exceeding 0.005 J per pulse and ''peak power'' exceeding 5 GW; *or*

b.5.a.2. Single transverse mode output and ''average output power'' exceeding 20 W;

b.5.b. ''Pulse duration'' equal to or exceeding 1 ps and not exceeding 1 μs and any of the following:

b.5.b.1. Output energy exceeding 0.5 J per pulse and ''peak power'' exceeding 50 W;

b.5.b.2. Single transverse mode output and ''average output power'' exceeding 20 W; *or*

b.5.b.3. Multiple transverse mode output and ''average output power'' exceeding 50 W; *or*

b.5.c. ''Pulse duration'' exceeding 1 μs and any of the following:

b.5.c.1. Output energy exceeding 2 J per pulse and ''peak power'' exceeding 50 W;

b.5.c.2. Single transverse mode output and ''average output power'' exceeding 50 W; *or*

b.5.c.3. Multiple transverse mode output and ''average output power'' exceeding 80 W.

b.6. Output wavelength exceeding 975 nm but not exceeding 1,150 nm and any of the following:

b.6.a. ''Pulse duration'' of less than 1 ps, and any of the following:

b.6.a.1. Output ''peak power'' exceeding 2 GW per pulse;

b.6.a.2. ''Average output power'' exceeding 30 W; *or*

b.6.a.3. Output energy exceeding 0.002 J per pulse;

b.6.b. ''Pulse duration'' equal to or exceeding 1 ps and less than 1 ns, and any of the following:

b.6.b.1. Output ''peak power'' exceeding 5 GW per pulse;

b.6.b.2. ''Average output power'' exceeding 50 W; *or*

b.6.b.3. Output energy exceeding 0.1 J per pulse;

b.6.c. ''Pulse duration'' equal to or exceeding 1 ns but not exceeding 1 μs and any of the following:

b.6.c.1. Single transverse mode output and any of the following:

b.6.c.1.a. ''Peak power'' exceeding 100 MW;

b.6.c.1.b. ''Average output power'' exceeding 20 W limited by design to a maximum pulse repetition frequency less than or equal to 1 kHz;

b.6.c.1.c. 'Wall-plug efficiency' exceeding 12%, ''average output power'' exceeding 100 W and capable of operating at a pulse repetition frequency greater than 1 kHz;

b.6.c.1.d. ''Average output power'' exceeding 150 W and capable of operating at a pulse repetition frequency greater than 1 kHz; *or*

b.6.c.1.e. Output energy exceeding 2 J per pulse; *or*

b.6.c.2. Multiple transverse mode output and any of the following:

b.6.c.2.a. ''Peak power'' exceeding 400 MW;

b.6.c.2.b. 'Wall-plug efficiency' exceeding 18% and ''average output power'' exceeding 500 W;

b.6.c.2.c. ''Average output power'' exceeding 2 kW; or

b.6.c.2.d. Output energy exceeding 4 J per pulse; *or*

b.6.d. ''Pulse duration'' exceeding 1 μs and any of the following:

b.6.d.1. Single transverse mode output and any of the following:

b.6.d.1.a. ''Peak power'' exceeding 500 kW;

b.6.d.1.b. 'Wall-plug efficiency' exceeding 12% and ''average output power'' exceeding 100 W; *or*

b.6.d.1.c. ''Average output power'' exceeding 150 W; *or*

b.6.d.2. Multiple transverse mode output and any of the following:

b.6.d.2.a. ''Peak power'' exceeding 1 MW;

b.6.d.2.b. 'Wall-plug efficiency' exceeding 18% and ''average output power'' exceeding 500 W; *or*

b.6.d.2.c. ''Average output power'' exceeding 2 kW;

b.7. Output wavelength exceeding 1,150 nm but not exceeding 1,555 nm and any of the following:

b.7.a. ''Pulse duration'' not exceeding 1 μs and any of the following:

b.7.a.1. Output energy exceeding 0.5 J per pulse and ''peak power'' exceeding 50 W;

b.7.a.2. Single transverse mode output and ''average output power'' exceeding 20 W; *or*

b.7.a.3. Multiple transverse mode output and ''average output power'' exceeding 50 W; *or*

b.7.b. ''Pulse duration'' exceeding 1 μs and any of the following:

b.7.b.1. Output energy exceeding 2 J per pulse and ''peak power'' exceeding 50 W;

b.7.b.2. Single transverse mode output and ''average output power'' exceeding 50 W; *or*

b.7.b.3. Multiple transverse mode output and ''average output power'' exceeding 80 W;

b.8. Output wavelength exceeding 1,555 nm but not exceeding 1,850 nm, and any of the following:

b.8.a. Output energy exceeding 100 mJ per pulse and ''peak power'' exceeding 1 W; *or*

b.8.b. ''Average output power'' exceeding 1 W;

b.9. Output wavelength exceeding 1,850 nm but not exceeding 2,100 nm, and any of the following:

b.9.a. Single transverse mode and any of the following:

b.9.a.1. Output energy exceeding 100 mJ per pulse and ''peak power'' exceeding 1 W; *or*

b.9.a.2. ''Average output power'' exceeding 1 W;

b.9.b. Multiple transverse mode and any of the following:

b.9.b.1. Output energy exceeding 100 mJ per pulse and ''peak power'' exceeding 10 kW; *or*

b.9.b.2. ''Average output power'' exceeding 120 W; *or*

b.10. Output wavelength exceeding 2,100 nm and any of the following:

b.10.a. Output energy exceeding 100 mJ per pulse and ''peak power'' exceeding 1 W; *or*

b.10.b. ''Average output power'' exceeding 1 W;

c. ''Tunable'' lasers having any of the following:

c.1. Output wavelength less than 600 nm and any of the following:

c.1.a. Output energy exceeding 50 mJ per pulse and ''peak power'' exceeding 1 W; *or*

c.1.b. Average or CW output power exceeding 1W;

Note: 6A005.c.1 does not apply to dye ''lasers'' or other liquid ''lasers'', having a multimode output and a wavelength of 150 nm or more but not exceeding 600 nm and all of the following:

1. Output energy less than 1.5 J per pulse or a ''peak power'' less than 20 W; *and*

2. Average or CW output power less than 20 W.

c.2. Output wavelength of 600 nm or more but not exceeding 1,400 nm, and any of the following:

c.2.a. Output energy exceeding 1 J per pulse and ''peak power'' exceeding 20 W; *or*

c.2.b. Average or CW output power exceeding 20 W; *or*

c.3. Output wavelength exceeding 1,400 nm and any of the following:

c.3.a. Output energy exceeding 50 mJ per pulse and ''peak power'' exceeding 1 W; *or*

c.3.b. Average or CW output power exceeding 1 W;

d. Other ''lasers'', not controlled by 6A005.a, 6A005.b, or 6A005.c as follows:

d.1. Semiconductor ''lasers'' as follows:

Note:

1. 6A005.d.1 includes semiconductor ''lasers'' having optical output connectors (*e.g.,* fiber optic pigtails).

2. The control status of semiconductor ''lasers'' ''specially designed'' for other equipment is determined by the control status of the other equipment.

d.1.a. Individual single transverse mode semiconductor ''lasers'' having any of the following:

d.1.a.1. Wavelength equal to or less than 1,510 nm and average or CW output power, exceeding 1.5 W; *or*

d.1.a.2. Wavelength greater than 1,510 nm and average or CW output power, exceeding 500 mW;

d.1.b. Individual, multiple-transverse mode semiconductor ''lasers'' having any of the following:

d.1.b.1. Wavelength of less than 1,400 nm and average or CW output power, exceeding 15 W;

d.1.b.2. Wavelength equal to or greater than 1,400 nm and less than 1,900 nm and average or CW output power, exceeding 2.5 W; *or*

d.1.b.3. Wavelength equal to or greater than 1,900 nm and average or CW output power, exceeding 1 W;

d.1.c. Individual semiconductor ''laser'' 'bars' having any of the following:

d.1.c.1. Wavelength of less than 1,400 nm and average or CW output power, exceeding 100 W;

d.1.c.2. Wavelength equal to or greater than 1,400 nm and less than 1,900 nm and average or CW output power, exceeding 25 W; *or*

d.1.c.3. Wavelength equal to or greater than 1,900 nm and average or CW output power, exceeding 10 W;

d.1.d. Semiconductor ''laser'' 'stacked arrays' (two dimensional arrays) having any of the following:

d.1.d.1. Wavelength less than 1,400 nm and having any of the following:

d.1.d.1.a. Average or CW total output power less than 3 kW and having average or CW output 'power density' greater than 500 W/cm^2;

d.1.d.1.b. Average or CW total output power equal to or exceeding 3 kW but less than or equal to 5 kW, and having average or CW output 'power density' greater than 350W/cm^2;

d.1.d.1.c. Average or CW total output power exceeding 5 kW;

d.1.d.1.d. Peak pulsed 'power density' exceeding 2,500 W/cm^2; *or*

Note: 6A005.d.1.d.1.d does not apply to epitaxially-fabricated monolithic devices.

d.1.d.1.e. Spatially coherent average or CW total output power, greater than 150 W;

d.1.d.2. Wavelength greater than or equal to 1,400 nm but less than 1,900 nm, and having any of the following:

d.1.d.2.a. Average or CW total output power less than 250 W and average or CW output 'power density' greater than 150 W/cm^2;

d.1.d.2.b. Average or CW total output power equal to or exceeding 250 W but less than or equal to 500 W, and having average or CW output 'power density' greater than 50W/cm^2;

d.1.d.2.c. Average or CW total output power exceeding 500 W;

d.1.d.2.d. Peak pulsed 'power density' exceeding 500 W/cm^2; *or*

Note: 6A005.d.1.d.2.d does not apply to epitaxially-fabricated monolithic devices.

d.1.d.2.e. Spatially coherent average or CW total output power, exceeding 15 W;

d.1.d.3. Wavelength greater than or equal to 1,900 nm and having any of the following:

d.1.d.3.a. Average or CW output 'power density' greater than 50 W/cm^2;

d.1.d.3.b. Average or CW output power greater than 10 W; *or*

d.1.d.3.c. Spatially coherent average or CW total output power, exceeding 1.5 W; *or*

d.1.d.4. At least one ''laser'' 'bar' specified by 6A005.d.1.c;

Technical Note: For the purposes of 6A005.d.1.d, 'power density' means the total ''laser'' output power divided by the emitter surface area of the 'stacked array.'

d.1.e. Semiconductor ''laser'' 'stacked arrays,' other than those specified by 6.A005.d.1.d., having all of the following:

d.1.e.1. ''Specially designed'' or modified to be combined with other 'stacked arrays' to form a larger 'stacked array;' *and*

d.1.e.2. Integrated connections, common for both electronics and cooling;

Note 1: 'Stacked arrays,' formed by combining semiconductor ''laser'' 'stacked arrays' specified by 6A005.d.1.e, that are not designed to be further combined or modified are specified by 6A005.d.1.d.

Note 2: 'Stacked arrays,' formed by combining semiconductor ''laser'' 'stacked arrays' specified by 6A005.d.1.e, that are designed to be further combined or modified are specified by 6A005.d.1.e.

Note 3: 6A005.d.1.e does not apply to modular assemblies of single 'bars' designed to be fabricated into end to end stacked linear arrays.

Technical Notes:

1. Semiconductor ''lasers'' are commonly called ''laser'' diodes.

2. A 'bar' (also called a semiconductor ''laser'' 'bar,' a ''laser'' diode 'bar' or diode 'bar') consists of multiple semiconductor ''lasers'' in a one dimensional array.

3. A 'stacked array' consists of multiple 'bars' forming a two dimensional array of semiconductor ''lasers''.

d.2. Carbon monoxide (CO) ''lasers'' having any of the following:

d.2.a. Output energy exceeding 2 J per pulse and ''peak power'' exceeding 5 kW; *or*

d.2.b. Average or CW output power, exceeding 5 kW;

d.3. Carbon dioxide (CO_2) ''lasers'' having any of the following:

d.3.a. CW output power exceeding 15 kW;

d.3.b. Pulsed output with ''pulse duration'' exceeding 10 μs and any of the following:

d.3.b.1. ''Average output power'' exceeding 10 kW; *or*

d.3.b.2. ''Peak power'' exceeding 100 kW; *or*

d.3.c. Pulsed output with a ''pulse duration'' equal to or less than 10 μs and any of the following:

d.3.c.1. Pulse energy exceeding 5 J per pulse; *or*

d.3.c.2. ''Average output power'' exceeding 2.5 kW;

d.4. Excimer ''lasers'' having any of the following:

d.4.a. Output wavelength not exceeding 150 nm and any of the following:

d.4.a.1. Output energy exceeding 50 mJ per pulse; *or*

d.4.a.2. ''Average output power'' exceeding 1 W;

d.4.b. Output wavelength exceeding 150 nm but not exceeding 190 nm and any of the following:

d.4.b.1. Output energy exceeding 1.5 J per pulse; *or*

d.4.b.2. ''Average output power'' exceeding 120 W;

d.4.c. Output wavelength exceeding 190 nm but not exceeding 360 nm and any of the following:

d.4.c.1. Output energy exceeding 10 J per pulse; *or*

d.4.c.2. ''Average output power'' exceeding 500 W; *or*

d.4.d. Output wavelength exceeding 360 nm and any of the following:

d.4.d.1. Output energy exceeding 1.5 J per pulse; *or*

d.4.d.2. ''Average output power'' exceeding 30 W;

Note: For excimer ''lasers'' ''specially designed'' for lithography equipment, see 3B001.

d.5. ''Chemical lasers'' as follows:

d.5.a. Hydrogen Fluoride (HF) ''lasers'';

d.5.b. Deuterium Fluoride (DF) ''lasers'';

d.5.c. 'Transfer lasers' as follows:

d.5.c.1. Oxygen Iodine (O_2-I) ''lasers'';

d.5.c.2. Deuterium Fluoride-Carbon dioxide (DF-CO_2) ''lasers'';

Technical Note: 'Transfer lasers' are ''lasers'' in which the lasing species are excited through the transfer of energy by collision of a non-lasing atom or molecule with a lasing atom or molecule species.

d.6. 'Non-repetitive pulsed' Neodymium (Nd) glass ''lasers'' having any of the following:

d.6.a. A ''pulse duration'' not exceeding 1 μs and output energy exceeding 50 J per pulse; *or*

d.6.b. A ''pulse duration'' exceeding 1 μs and output energy exceeding 100 J per pulse;

e. ''Components'' as follows:

e.1. Mirrors cooled either by 'active cooling' or by heat pipe cooling;

Technical Note: 'Active cooling' is a cooling technique for optical ''components'' using flowing fluids within the subsurface (nominally less than 1 mm below the optical surface) of the optical component to remove heat from the optic.

e.2. Optical mirrors or transmissive or partially transmissive optical or electro-optical ''components'', other than fused tapered fiber combiners and Multi-Layer Dielectric gratings (MLDs), ''specially designed'' for use with controlled ''lasers'';

Note to 6A005.e.2: Fiber combiners and MLDs are specified by 6A005.e.3.

e.3. Fiber ''laser'' ''components'' as follows:

e.3.a. Multimode to multimode fused tapered fiber combiners having all of the following:

e.3.a.1. An insertion loss better (less) than or equal to 0.3 dB maintained at a rated total average or CW output power (excluding output power transmitted through the single mode core if present) exceeding 1,000 W; *and*

e.3.a.2. Number of input fibers equal to or greater than 3;

e.3.b. Single mode to multimode fused tapered fiber combiners having all of the following:

e.3.b.1. An insertion loss better (less) than 0.5 dB maintained at a rated total average or CW output power exceeding 4,600 W;

e.3.b.2. Number of input fibers equal to or greater than 3; *and*

e.3.b.3. Having any of the following:

e.3.b.3.a. A Beam Parameter Product (BPP) measured at the output not exceeding 1.5 mm mrad for a number of input fibers less than or equal to 5; *or*

e.3.b.3.b. A BPP measured at the output not exceeding 2.5 mm mrad for a number of input fibers greater than 5;

e.3.c. MLDs having all of the following:

e.3.c.1. Designed for spectral or coherent beam combination of 5 or more fiber ''lasers''; *and*

e.3.c.2. CW ''Laser'' Induced Damage Threshold (LIDT) greater than or equal to 10 kW/cm^2;

f. Optical equipment as follows:

N.B.: For shared aperture optical elements, capable of operating in ''Super-High Power Laser'' (''SHPL'') applications, see the U.S. Munitions List (22 CFR part 121).

f.1. [Reserved]

N.B.: For items previously specified by 6A005.f.1, see 6A004.f.

f.2. ''Laser'' diagnostic equipment ''specially designed'' for dynamic measurement of ''SHPL'' system angular beam steering errors and having an angular ''accuracy'' of 10 μrad (microradians) or less (better);

f.3. Optical equipment and ''components'', ''specially designed'' for coherent beam combination in a phased-array ''SHPL'' system and having any of the following:

f.3.a. An ''accuracy'' of 0.1 μm or less, for wavelengths greater than 1 μm; *or*

f.3.b. An ''accuracy'' of $\lambda/10$ or less (better) at the designed wavelength, for wavelengths equal to or less than 1 μm;

f.4. Projection telescopes ''specially designed'' for use with ''SHPL'' systems;

g. 'Laser acoustic detection equipment' having all of the following:

g.1. CW ''laser'' output power greater than or equal to 20 mW;

g.2. ''Laser'' frequency stability equal to or better (less) than 10 MHz;

g.3. ''Laser'' wavelengths equal to or exceeding 1,000 nm but not exceeding 2,000 nm;

g.4. Optical system resolution better (less) than 1 nm; *and*

g.5. Optical Signal to Noise ratio equal or exceeding to 10^3.

Technical Note: 'Laser acoustic detection equipment' is sometimes referred to as a ''Laser'' Microphone or Particle Flow Detection Microphone.

■ 52. In supplement no. 1 to part 774, Category 6, ECCN 6A008 is revised to read as follows:

6A008 Radar systems, equipment and assemblies, having any of the following (see List of Items Controlled), and ''specially designed'' ''components'' therefor.

License Requirements

Reason for Control: NS, MT, RS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 2
MT applies to items that are designed for airborne applications and that are usable in systems controlled for MT reasons.	MT Column 1
RS applies to 6A008.j.1.	RS Column 1
AT applies to entire entry.	AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of all License Exceptions)

LVS: $5,000; N/A for MT and for 6A008.j.1.
GBS: Yes, for 6A008.b, .c, and l.1 only
CIV: Yes, for 6A008.b, .c, and l.1 only

Special Conditions for STA

STA: License Exception STA may not be used to ship any commodity in 6A008.d, 6A008.h or 6A008.k to any of the destinations listed in Country Group A:6 (See Supplement No. 1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See also ECCNs 6A108 and 6A998. ECCN 6A998 controls, inter alia, the Light Detection and Ranging (LIDAR) equipment excluded by the note to paragraph j. of this ECCN (6A008). (2) See USML Category XII(b) for certain LIDAR, Laser Detection and Ranging (LADAR), or range-gated systems subject to the ITAR.
Related Definitions: N/A
Items:

Note: 6A008 does not control:

—Secondary surveillance radar (SSR);
—Civil Automotive Radar;
—Displays or monitors used for air traffic control (ATC);
—Meteorological (weather) radar;
—Precision Approach Radar (PAR) equipment conforming to ICAO standards and employing electronically steerable linear (1-dimensional) arrays or mechanically positioned passive antennas.

a. Operating at frequencies from 40 GHz to 230 GHz and having any of the following:

a.1. An average output power exceeding 100 mW; *or*

a.2. Locating ''accuracy'' of 1 m or less (better) in range and 0.2 degree or less (better) in azimuth;

b. A tunable bandwidth exceeding ±6.25% of the 'center operating frequency;'

Technical Note: The 'center operating frequency' equals one half of the sum of the highest plus the lowest specified operating frequencies.

c. Capable of operating simultaneously on more than two carrier frequencies;

d. Capable of operating in synthetic aperture (SAR), inverse synthetic aperture (ISAR) radar mode, or sidelooking airborne (SLAR) radar mode;

e. Incorporating electronically scanned array antennae;

Technical Note: Electronically scanned array antennae are also known as electronically steerable array antennae.

f. Capable of heightfinding non-cooperative targets;

g. ''Specially designed'' for airborne (balloon or airframe mounted) operation and having Doppler ''signal processing'' for the detection of moving targets;

h. Employing processing of radar signals and using any of the following:

h.1. ''Radar spread spectrum'' techniques; *or*

h.2. ''Radar frequency agility'' techniques;

i. Providing ground-based operation with a maximum ''instrumented range'' exceeding 185 km;

Note: 6A008.i does not control:

a. Fishing ground surveillance radar;

b. Ground radar equipment ''specially designed'' for en route air traffic control, and having all of the following:

1. A maximum ''instrumented range'' of 500 km or less;

2. Configured so that radar target data can be transmitted only one way from the radar site to one or more civil ATC centers;

3. Contains no provisions for remote control of the radar scan rate from the en route ATC center; and

4. Permanently installed;

c. Weather balloon tracking radars.

j. Being ''laser'' radar or Light Detection and Ranging (LIDAR) equipment and having any of the following:

j.1. ''Space-qualified'';

j.2. Employing coherent heterodyne or homodyne detection techniques and having an angular resolution of less (better) than 20 μrad (microradians); *or*

j.3. Designed for carrying out airborne bathymetric littoral surveys to International Hydrographic Organization (IHO) Order 1a Standard (5th Edition February 2008) for Hydrographic Surveys or better, and using one or more ''lasers'' with a wavelength exceeding 400 nm but not exceeding 600 nm;

Note 1: LIDAR equipment ''specially designed'' for surveying is only specified by 6A008.j.3.

Note 2: 6A008.j does not apply to LIDAR equipment ''specially designed'' for meteorological observation.

Note 3: Parameters in the IHO Order 1a Standard 5th Edition February 2008 are summarized as follows:

Horizontal Accuracy (95% Confidence Level) = 5 m + 5% of depth.

Depth Accuracy for Reduced Depths (95% confidence level) = $\pm\sqrt{(a^2 + (b * d)^2)}$ where:

a = 0.5 m = constant depth error, *i.e.* the sum of all constant depth errors

b = 0.013 = factor of depth dependant error

b * d = depth dependant error, *i.e.* the sum of all depth dependant errors

d = depth

Feature Detection = Cubic features >2 m in depths up to 40 m; 10% of depth beyond 40 m.

k. Having ''signal processing'' sub-systems using ''pulse compression'' and having any of the following:

k.1. A ''pulse compression'' ratio exceeding 150; *or*

k.2. A compressed pulse width of less than 200 ns; *or*

Note: 6A008.k.2 does not apply to two dimensional 'marine radar' or 'vessel traffic service' radar, having all of the following:

a. ''Pulse compression'' ratio not exceeding 150;

b. Compressed pulse width of greater than 30 ns;

c. Single and rotating mechanically scanned antenna;

d. Peak output power not exceeding 250 W; and

e. Not capable of ''frequency hopping''.

l. Having data processing sub-systems and having any of the following:

l.1. 'Automatic target tracking' providing, at any antenna rotation, the predicted target position beyond the time of the next antenna beam passage; or

Note: 6A008.l.1 does not control conflict alert capability in ATC systems, or 'marine radar.'

Technical Note: 'Automatic target tracking' is a processing technique that automatically determines and provides as output an extrapolated value of the most probable position of the target in real time.

l.2. [Reserved]

l.3. [Reserved]

l.4. Configured to provide superposition and correlation, or fusion, of target data within six seconds from two or more 'geographically dispersed' radar sensors to improve the aggregate performance beyond that of any single sensor specified by 6A008.f, or 6A008.i.

Technical Note: Sensors are considered 'geographically dispersed' when each location is distant from any other more than 1,500 m in any direction. Mobile sensors are

always considered 'geographically dispersed'.

N.B.: See also the U.S. Munitions List (22 CFR part 121).

Note: 6A008.l does not apply to systems, equipment and assemblies designed for 'vessel traffic services.'

Technical Notes:

1. For the purposes of 6A008, 'marine radar' is a radar that is used to navigate safely at sea, inland waterways or near-shore environments.

2. For the purposes of 6A008, 'vessel traffic service' is a vessel traffic monitoring and control service similar to air traffic control for ''aircraft''.

■ 53. In supplement no. 1 to part 774, Category 6, ECCN 6A203 is revised to read as follows:

6A203 High-speed cameras, imaging devices and ''components'' therefor, other than those controlled by 6A003 (see List of Items Controlled).

License Requirements

Reason for Control: NP, AT

Control(s)	*Country chart* (see Supp. No. 1 *to part 738)*
NP applies to entire entry.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: (1) See ECCNs *6E001* (''development''), *6E002* (''production''), and *6E201* (''use'') for technology for items controlled under this entry. (2) Also see ECCN *6A003.a.3,* and *a.4.*
Related Definitions: N/A
Items:

a. Streak cameras and ''specially designed'' components therefor, as follows:

a.1. Streak cameras with writing speeds greater than 0.5 mm/μs;

a.2. Electronic streak cameras capable of 50 ns or less time resolution;

a.3. Streak tubes for cameras described in 6A203.a.2;

a.4. Plug-ins, ''specially designed'' for use with streak cameras having modular structures, that enable the performance characteristics described in 6A203.a.1 or .a.2;

a.5. Synchronizing electronics units, and rotor assemblies consisting of turbines, mirrors and bearings, that are ''specially designed'' for cameras described in 6A203.a.1.

b. Framing cameras and ''specially designed'' components therefor, as follows:

b.1. Framing cameras with recording rates greater than 225,000 frames per second;

b.2. Framing cameras capable of 50 ns or less frame exposure time;

b.3. Framing tubes, and solid-state imaging devices, that have a fast image gating (shutter) time of 50 ns or less and are ''specially designed'' for cameras described in 6A203.b.1 or .b.2;

b.4. Plug-ins, ''specially designed'' for use with framing cameras having modular structures, that enable the performance characteristics described in 6A203.b.1 or .b.2;

b.5. Synchronizing electronic units, and rotor assemblies consisting of turbines, mirrors and bearings, that are ''specially designed'' for cameras described in 6A203.b.1 or .b.2.

c. Solid-state or electron tube cameras and ''specially designed'' components therefor, as follows:

c.1. Solid-state cameras, or electron tube cameras, with a fast image gating (shutter) time of 50 ns or less;

c.2. Solid-state imaging devices, and image intensifiers tubes, that have a fast image gating (shutter) time of 50 ns or less and are ''specially designed'' for cameras described in 6A203.c.1;

c.3. Electro-optical shuttering devices (Kerr or Pockels cells) with a fast image gating (shutter) time of 50 ns or less;

c.4. Plug-ins, ''specially designed'' for use with cameras having modular structures, that enable the performance characteristics described in 6A203.c.1.

Technical Note: High speed single frame cameras can be used alone to produce a single image of a dynamic event, or several such cameras can be combined in a sequentially-triggered system to produce multiple images of an event.

d. Radiation-hardened TV cameras, or lenses therefor, ''specially designed'' or rated as radiation hardened to withstand a total radiation dose greater than 5×10^4 Gy (silicon) without operational degradation.

Technical Note: The term Gy (silicon) refers to the energy in Joules per kilogram absorbed by an unshielded silicon sample when exposed to ionizing radiation.

■ 54. In supplement no. 1 to part 774, Category 6, ECCN 6A990 is removed.

■ 55. In supplement no. 1 to part 774, Category 6, ECCN 6D003 is revised to read as follows:

6D003 Other ''software'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT

Control(s)	*Country chart* (see Supp. No. 1 *to part 738)*
NS applies to entire entry.	NS Column 1
RS applies to paragraph c.	RS Column 1
AT applies to entire entry.	AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: Yes for 6D003.h.1
TSR: Yes, except for 6D003.c and exports or reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of ''software'' for items controlled by 6D003.a.

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit software in 6D003.a to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See also ECCNs 6D103, 6D991, and 6D993.
Related Definitions: N/A
Items:

Acoustics

a. ''Software'' as follows:

a.1. ''Software'' ''specially designed'' for acoustic beam forming for the ''real-time processing'' of acoustic data for passive reception using towed hydrophone arrays;

a.2. ''Source code'' for the ''real-time processing'' of acoustic data for passive reception using towed hydrophone arrays;

a.3. ''Software'' ''specially designed'' for acoustic beam forming for the ''real-time processing'' of acoustic data for passive reception using bottom or bay cable systems;

a.4. ''Source code'' for the ''real-time processing'' of acoustic data for passive reception using bottom or bay cable systems;

a.5. ''Software'' or ''source code'', ''specially designed'' for all of the following:

a.5.a. ''Real-time processing'' of acoustic data from sonar systems controlled by 6A001.a.1.e; *and*

a.5.b. Automatically detecting, classifying and determining the location of divers or swimmers;

N.B.: For diver detection ''software'' or ''source code'', ''specially designed'' or modified for military use, see the U.S. Munitions List of the International Traffic in Arms Regulations (ITAR) (22 CFR part 121).

b. Optical sensors. None.

Cameras

c. ''Software'' designed or modified for cameras incorporating ''focal plane arrays'' specified by 6A002.a.3.f and designed or modified to remove a frame rate restriction and allow the camera to exceed the frame rate specified in 6A003.b.4 Note 3.a;

Optics

d. ''Software'' specially designed to maintain the alignment and phasing of segmented mirror systems consisting of mirror segments having a diameter or major axis length equal to or larger than 1 m;

e. Lasers. None.

Magnetic and Electric Field Sensors

f. ''Software'' as follows:

f.1. ''Software'' ''specially designed'' for magnetic and electric field ''compensation systems'' for magnetic sensors designed to operate on mobile platforms;

f.2. ''Software'' ''specially designed'' for magnetic and electric field anomaly detection on mobile platforms;

f.3. ''Software'' ''specially designed'' for ''real-time processing'' of electromagnetic data using underwater electromagnetic receivers specified by 6A006.e;

f.4. ''Source code'' for ''real-time processing'' of electromagnetic data using underwater electromagnetic receivers specified by 6A006.e;

Gravimeters

g. ''Software'' ''specially designed'' to correct motional influences of gravity meters or gravity gradiometers;

Radar

h. ''Software'' as follows:

h.1. Air Traffic Control (ATC) ''software'' application ''programs'' designed to be hosted on general purpose computers located at Air Traffic Control centers and capable of accepting radar target data from more than four primary radars;

h.2. ''Software'' for the design or ''production'' of radomes having all of the following:

h.2.a. ''Specially designed'' to protect the ''electronically scanned array antennae'' specified by 6A008.e; *and*

h.2.b. Resulting in an antenna pattern having an 'average side lobe level' more than 40 dB below the peak of the main beam level.

Technical Note: 'Average side lobe level' in 6D003.h.2.b is measured over the entire array excluding the angular extent of the main beam and the first two side lobes on either side of the main beam.

■ 56. In supplement no. 1 to part 774, Category 6, ECCN 6D991 is revised to read as follows:

6D991 ''Software,'' n.e.s., ''specially designed'' for the ''development'', ''production'', or ''use'' of commodities controlled by 6A002, 6A003, 6A991, 6A996, 6A997, or 6A998.

License Requirements

Reason for Control: RS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
RS applies to ''software'' for commodities controlled by 6A002, 6A003, or 6A998.b.	RS Column 1
RS applies to ''software'' for commodities controlled by 6A998.c.	RS Column 2
AT applies to entire entry, except ''software'' for commodities controlled by 6A991.	AT Column 1
AT applies to ''software'' for commodities controlled by 6A991.	AT Column 2

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A

TSR: N/A

List of Items Controlled

Related Controls: (1) See ECCN 6D002 for ''software'' ''specially designed'' for the ''use'' of commodities controlled under ECCN 6A002.b. (2) See ECCN 6D003.c for ''software'' ''specially designed'' for cameras incorporating ''focal plane arrays'' specified by 6A002.a.3.f and ''specially designed'' to remove a frame rate restriction and allow the camera to exceed the frame rate specified in 6A003.b.4 Note 3.a.

Related Definitions: N/A

Items:

The list of items controlled is contained in the ECCN heading.

■ 57. In supplement no. 1 to part 774, Category 6, ECCN 6E001 is revised to read as follows:

6E001 ''Technology'' according to the General Technology Note for the ''development'' of equipment, materials or ''software'' controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997, 6A998, or 6A999.c), 6B (except 6B995), 6C (except 6C992 or 6C994), or 6D (except 6D991, 6D992, or 6D993).

License Requirements

Reason for Control: NS, MT, NP, RS, CC, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to ''technology'' for items controlled by 6A001 to 6A008, 6B004 to 6B008, 6C002 to 6C005, or 6D001 to 6D003.	NS Column 1
MT applies to ''technology'' for items controlled by 6A002, 6A007, 6A008, 6A102, 6A107, 6A108, 6B008, 6B108, 6D001, 6D002, 6D102 or 6D103 for MT reasons.	MT Column 1
NP applies to ''technology'' for items controlled by 6A003, 6A005, 6A202, 6A203, 6A205, 6A225, 6A226, 6D001, or 6D201 for NP reasons.	NP Column 1
RS applies to ''technology'' for items controlled by 6A002.a.1, .a.2, .a.3, .c, or .f, 6A003.b.3 or .b.4, or 6A008.j.1.	RS Column 1
CC applies to ''technology'' for equipment controlled by 6A002 for CC reasons.	CC Column 1
AT applies to entire entry.	AT Column 1
UN applies to ''technology'' for equipment controlled by 6A002 or 6A003 for UN reasons.	See § 746.1(b) of the EAR for UN controls

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A

TSR: Yes, except for the following: (1) Items controlled for MT reasons; (2) ''Technology'' for commodities controlled by 6A002, 6A004.e or 6A008.j.1; (3) ''Technology'' for 6A003 cameras, unless for ''technology'' for the integration of 6A003 cameras into camera systems ''specially designed'' for civil automotive applications; (4) ''Technology'' for ''software'' ''specially designed'' for ''space qualified'' ''laser'' radar or Light Detection and Ranging (LIDAR) equipment defined in 6A008.j.1 and controlled by 6D001 or 6D002; or (5) Exports or reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of ''technology'' for the ''development'' of the following: (a) Items controlled by 6A001.a.1.b, 6A001.a.1.e, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A001.a.2.d, 6A001.a.2.e, 6A004.c, 6A004.d, 6A006.a.2, 6A006.c.1, 6A006.d, 6A006.e, 6A008.d, 6A008.h, 6A008.k, 6B008, or 6D003.a; (b) Equipment controlled by 6A001.a.2.c or 6A001.a.2.f when ''specially designed'' for real time applications; or (c) ''Software'' controlled by 6D001 and ''specially designed'' for the ''development'' or ''production'' of equipment controlled by 6B008, or 6D003.a.

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit any technology in this entry to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) Technical data directly related to satellites and all other items described in USML Category XV are subject to the ITAR under USML Category XV(f). (2) Technical data directly related to laser systems, infrared imaging systems, and all other items described in USML Category XII are subject to the ITAR under USML Category XII(f). (3) Technical data

directly related to read-out integrated circuits described in USML Categories XII(e) or XV(e)(3) is subject to the ITAR under USML Categories XII(f) or XV(f), respectively. (4) See also 6E101, 6E201, and 6E991.

Related Definitions: N/A

Items:

The list of items controlled is contained in the ECCN heading.

■ 58. In supplement no. 1 to part 774, Category 6, ECCN 6E002 is revised to read as follows:

6E002 ''Technology'' according to the General Technology Note for the ''production'' of equipment or materials controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997, 6A998 or 6A999.c), 6B (except 6B995) or 6C (except 6C992 or 6C994).

License Requirements

Reason for Control: NS, MT, NP, RS, CC, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to ''technology'' for equipment controlled by 6A001 to 6A008, 6B004 to 6B008, or 6C002 to 6C005.	NS Column 1
MT applies to ''technology'' for equipment controlled by 6A002, 6A007, 6A008, 6A102, 6A107, 6A108, 6B008, or 6B108 for MT reasons.	MT Column 1
NP applies to ''technology'' for items controlled by 6A003, 6A005, 6A202, 6A203, 6A205, 6A225 or 6A226 for NP reasons.	NP Column 1
RS applies to ''technology'' for items controlled by 6A002.a.1, .a.2, .a.3, .c, or .f, 6A003.b.3 or .b.4, or 6A008.j.1.	RS Column 1
CC applies to ''technology'' for equipment controlled by 6A002 for CC reasons.	CC Column 1
AT applies to entire entry.	AT Column 1
UN applies to ''technology'' for equipment controlled by 6A002 or 6A003 for UN reasons.	See § 746.1(b) of the EAR for UN controls

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A

TSR: Yes, except for the following:

(1) Items controlled for MT reasons;

(2) ''Technology'' for commodities controlled by 6A002, 6A004.e, or 6A008.j.1;

(3) ''Technology'' for 6A003 cameras, unless for ''technology'' for the integration of 6A003 cameras into camera systems ''specially designed'' for civil automotive applications; or

(4) Exports or reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of ''technology'' for the ''production'' of the following: (a) Items controlled by 6A001.a.1.b, 6A001.a.1.e, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A004.c, 6A004.d, 6A006.a.2, 6A006.c.1, 6A006.d, 6A006.e, 6A008.d, 6A008.h, 6A008.k, or 6B008; and (b) Items controlled by 6A001.a.2.c or 6A001.a.2.f when ''specially designed'' for real time applications.

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit ''technology'' according to the General Technology Note for the ''production'' of equipment specified in the STA exclusion paragraphs found in the License Exception sections of by ECCNs 6A001, 6A002, 6A003, 6A004, 6A006, 6A008, or 6B008 to any of the destinations listed in Country Group A:6 (See Supplement No. 1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) Technical data directly related to satellites and all other items described in USML Category XV are subject to the ITAR under USML Category XV(f). (2) Technical data directly related to laser systems, infrared imaging systems, and all other items described in USML Category XII are subject to the ITAR under USML Category XII(f). (3) Technical data directly related to read-out integrated circuits described in USML Categories XII(e) or XV(e)(3) is subject to the ITAR under USML Categories XII(f) or XV(f), respectively. (4) See also 6E992.

Related Definitions: N/A

Items:

The list of items controlled is contained in the ECCN heading.

■ 59. In supplement no. 1 to part 774, Category 6, ECCN 6E201 is revised to read as follows:

6E201 ''Technology'' according to the General Technology Note for the ''use'' of equipment controlled by 6A003.a.3, 6A003.a.4; 6A005.a.2, 6A005.b.2.b, 6A005.b.3, 6A005.b.4.b.2, 6A005.b.6.c, 6A005.c.1.b, 6A005.c.2.b, 6A005.d.2, 6A005.d.3.c, or 6A005.d.4.c (that meet or exceed the parameters of 6A205); 6A202, 6A203, 6A205, 6A225 or 6A226.

License Requirements

Reason for Control: NP, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NP applies to entire entry.	NP Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A

TSR: N/A

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

ECCN Controls: This entry only controls ''technology'' for ''lasers'' in 6A005 that are controlled for NP reasons.

Items:

The list of items controlled is contained in the ECCN heading.

■ 60. In supplement no. 1 to part 774, Category 6, ECCN 6E990 is removed.

■ 61. In supplement no. 1 to part 774, Category 7, ECCN 7A006 is revised to read as follows:

7A006 Airborne altimeters operating at frequencies other than 4.2 to 4.4 GHz inclusive and having any of the following (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry.	NS Column 1
MT applies to commodities in this entry that meet or exceed the parameters of 7A106.	MT Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A

GBS: N/A

CIV: N/A

List of Items Controlled

Related Controls: See also 7A106, 7A994 and Category 6 for controls on radar.

Related Definitions: N/A

Items:

a. 'Power management'; *or*

Technical Note: 'Power management' is changing the transmitted power of the altimeter signal so that received power at the ''aircraft'' altitude is always at the minimum necessary to determine the altitude.

b. Using phase shift key modulation.

■ 62. In supplement no. 1 to part 774, Category 7, ECCN 7E004 is revised to read as follows:

7E004 Other ''technology'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, AT

Control(s)	*Country chart* (see Supp. No. 1 *to part 738)*
NS applies to entire entry.	NS Column 1
MT applies to ''technology ''for equipment or systems controlled for MT reasons.	MT Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for 7E004, except for 7E004.a.7. (2) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for 7E004, except for 7E004.a.7.

List of Items Controlled

Related Controls: (1) See also 7E001, 7E002, 7E101, and 7E994. (2) In addition to the Related Controls in 7E001, 7E002, and 7E101 that include MT controls, also see the MT controls in 7E104 for design ''technology'' for the integration of the flight control, guidance, and propulsion data into a flight management system, designed or modified for rockets or missiles capable of achieving a ''range'' equal to or greater than 300 km, for optimization of rocket system trajectory; and also see 9E101 for design ''technology'' for integration of air vehicle fuselage, propulsion system and lifting control surfaces, designed or modified for unmanned aerial vehicles capable of achieving a ''range'' equal to or greater than 300 km, to optimize aerodynamic performance throughout the flight regime of an unmanned aerial vehicle.

Related Definitions: ''*Primary flight control*'' means an ''aircraft'' stability or maneuvering control using force/moment generators, *i.e.,* aerodynamic control surfaces or propulsive thrust vectoring.

Items:

a. ''Technology'' for the ''development'' or ''production'' of any of the following:

a.1. [Reserved]

a.2. Air data systems based on surface static data only, *i.e.,* which dispense with conventional air data probes;

a.3. Three dimensional displays for ''aircraft'';

a.4. [Reserved]

a.5. Electric actuators (*i.e.,* electromechanical, electrohydrostatic and integrated actuator package) ''specially designed'' for 'primary flight control';

Technical Note: 'Primary flight control' is ''aircraft'' stability or manoeuvring control using force/moment generators, *i.e.* aerodynamic control surfaces or propulsive thrust vectoring.

a.6. 'Flight control optical sensor array' ''specially designed'' for implementing ''active flight control systems''; *or*

Technical Note: A 'flight control optical sensor array' is a network of distributed optical sensors, using ''laser'' beams, to provide real-time flight control data for on-board processing.

a.7. ''DBRN'' systems designed to navigate underwater, using sonar or gravity databases, that provide a positioning ''accuracy'' equal to or less (better) than 0.4 nautical miles;

b. ''Development'' ''technology'', as follows, for ''active flight control systems'' (including ''fly-by-wire systems'' or ''fly-by-light systems''):

b.1. Photonic-based ''technology'' for sensing ''aircraft'' or flight control component state, transferring flight control data, or commanding actuator movement, ''required'' for ''fly-by-light systems'' ''active flight control systems'';

b.2. [Reserved]

b.3. Real-time algorithms to analyze component sensor information to predict and preemptively mitigate impending degradation and failures of components within an ''active flight control system'';

Note: 7E004.b.3 does not include algorithms for purpose of off-line maintenance.

b.4. Real-time algorithms to identify component failures and reconfigure force and moment controls to mitigate ''active flight control system'' degradations and failures;

Note: 7E004.b.4 does not include algorithms for the elimination of fault effects through comparison of redundant data sources, or off-line pre-planned responses to anticipated failures.

b.5. Integration of digital flight control, navigation and propulsion control data, into a digital flight management system for ''total control of flight'';

Note: 7E004.b.5 does not apply to:

1. ''Technology'' for integration of digital flight control, navigation and propulsion control data, into a digital flight management system for 'flight path optimization';

2. ''Technology'' for ''aircraft'' flight instrument systems integrated solely for VOR, DME, ILS or MLS navigation or approaches.

Technical Note: 'Flight path optimization' is a procedure that minimizes deviations from a four-dimensional (space and time) desired trajectory based on maximizing performance or effectiveness for mission tasks.

b.6. [Reserved]

b.7. ''Technology'' ''required'' for deriving the functional requirements for ''fly-by-wire systems'' having all of the following:

b.7.a. 'Inner-loop' airframe stability controls requiring loop closure rates of 40 Hz or greater; *and*

Technical Note: 'Inner-loop' refers to functions of ''active flight control systems'' that automate airframe stability controls.

b.7.b. Having any of the following:

b.7.b.1. Corrects an aerodynamically unstable airframe, measured at any point in the design flight envelope, that would lose recoverable control if not corrected within 0.5 seconds;

b.7.b.2. Couples controls in two or more axes while compensating for 'abnormal changes in aircraft state;';

Technical Note: 'Abnormal changes in aircraft state' include in-flight structural damage, loss of engine thrust, disabled control surface, or destabilizing shifts in cargo load.

b.7.b.3. Performs the functions specified in 7E004.b.5; *or*

Note: 7E004.b.7.b.3 does not apply to autopilots.

b.7.b.4. Enables ''aircraft'' to have stable controlled flight, other than during take-off or landing, at greater than 18 degrees angle of attack, 15 degrees side slip, 15 degrees/second pitch or yaw rate, or 90 degrees/second roll rate;

b.8. ''Technology'' ''required'' for deriving the functional requirements of ''fly-by-wire systems'' to achieve all of the following:

b.8.a. No loss of control of the ''aircraft'' in the event of a consecutive sequence of any two individual faults within the ''fly-by-wire system''; *and*

b.8.b. Probability of loss of control of the ''aircraft'' being less (better) than 1×10^{9} failures per flight hour;

Note: 7E004.b does not apply to ''technology'' associated with common computer elements and utilities (*e.g.,* input signal acquisition, output signal transmission, computer program and data loading, built-in test, task scheduling mechanisms) not providing a specific flight control system function.

c. ''Technology'' for the ''development'' of helicopter systems, as follows:

c.1. Multi-axis fly-by-wire or fly-by-light controllers, which combine the functions of at least two of the following into one controlling element:

c.1.a. Collective controls;

c.1.b. Cyclic controls;

c.1.c. Yaw controls;

c.2. ''Circulation-controlled anti-torque or circulation-controlled direction control systems'';

c.3. Rotor blades incorporating 'variable geometry airfoils', for use in systems using individual blade control.

Technical Note: 'Variable geometry airfoils' use trailing edge flaps or tabs, or leading edge slats or pivoted nose droop, the position of which can be controlled in flight.

■ 63. In supplement no. 1 to part 774, Category 9, ECCN 9A002 is revised to read as follows:

9A002 'Marine gas turbine engines' designed to use liquid fuel and having all of the following (see List of Items Controlled), and ''specially designed'' assemblies and ''components'' therefor.

License Requirements

Reason for Control: NS, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry.	NS Column 2
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $5,000
GBS: N/A
CIV: N/A

List of Items Controlled:

Related Controls: N/A
Related Definition: N/A
Items:

a. Maximum continuous power when operating in ''steady state mode'' at standard reference conditions specified by ISO 3977–2:1997 (or national equivalent) of 24,245 kW or more; *and*

b. 'Corrected specific fuel consumption' not exceeding 0.219 kg/kWh at 35% of the maximum continuous power when using liquid fuel.

Note: The term 'marine gas turbine engines' includes those industrial, or aero-derivative, gas turbine engines adapted for a ship's electric power generation or propulsion.

Technical Note: For the purposes of 9A002, 'corrected specific fuel consumption' is the specific fuel consumption of the engine corrected to a marine distillate liquid fuel having a net specific energy (*i.e.,* net heating value) of 42 MJ/kg (ISO 3977–2:1997).

■ 64. In supplement no. 1 to part 774, Category 9, ECCN 9A004 is revised to read as follows:

9A004 Space launch vehicles and ''spacecraft'', ''spacecraft buses'', ''spacecraft payloads'', ''spacecraft'' on-board systems or equipment, and terrestrial equipment, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS and AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to 9A004.u, .v, .w and .x.	NS Column 1
AT applies to 9A004.u, .v, .w, .x and .y.	AT Column 1

License Requirements Note: 9A004.b through .f are controlled under ECCN 9A515.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: (1) See also 9A104, 9A515, and 9B515. (2) See ECCNs 9E001 (''development'') and 9E002 (''production'') for technology for items controlled by this entry. (3) See USML Categories IV for the space launch vehicles and XV for other spacecraft that are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).
Related Definition: N/A
Items:

a. Space launch vehicles;
b. ''Spacecraft'';
c. ''Spacecraft buses'';
d. ''Spacecraft payloads'' incorporating items specified by 3A001.b.1.a.4, 3A002.g, 5A001.a.1, 5A001.b.3, 5A002.c, 5A002.e, 6A002.a.1, 6A002.a.2, 6A002.b, 6A002.d, 6A003.b, 6A004.c, 6A004.e, 6A008.d, 6A008.e, 6A008.k, 6A008.l or 9A010.c;
e. On-board systems or equipment, specially designed for ''spacecraft'' and having any of the following functions:
e.1. 'Command and telemetry data handling;';

Note: For the purpose of 9A004.e.1, 'command and telemetry data handling' includes bus data management, storage, and processing.

e.2. 'Payload data handling;' *or*

Note: For the purpose of 9A004.e.2, 'payload data handling' includes payload data management, storage, and processing.

e.3. 'Attitude and orbit control;';

Note: For the purpose of 9A004.e.3, 'attitude and orbit control' includes sensing and actuation to determine and control the position and orientation of a ''spacecraft''.

N.B.: Equipment specially designed for military use is ''subject to the ITAR''. See 22 CFR parts 120 through 130.

f. Terrestrial equipment specially designed for ''spacecraft'', as follows:
f.1. Telemetry and telecommand equipment ''specially designed'' for any of the following data processing functions:
f.1.a. Telemetry data processing of frame synchronization and error corrections, for monitoring of operational status (also known as health and safe status) of the ''spacecraft bus''; *or*
f.1.b. Command data processing for formatting command data being sent to the ''spacecraft'' to control the ''spacecraft bus'';
f.2. Simulators ''specially designed'' for 'verification of operational procedures' of ''spacecraft''.

Technical Note: For the purposes of 9A004.f.2, 'verification of operational procedures' is any of the following:
1. Command sequence confirmation;
2. Operational training;
3. Operational rehearsals; or
4. Operational analysis.

g. through t. [Reserved]
u. The James Webb Space Telescope (JWST) being developed, launched, and operated under the supervision of the U.S. National Aeronautics and Space Administration (NASA).
v. ''Parts'', ''components'', ''accessories'' and ''attachments'' that are ''specially designed'' for the James Webb Space Telescope and that are *not:*
v.1. Enumerated or controlled in the USML;
v.2. Microelectronic circuits;
v.3. Described in ECCNs 7A004 or 7A104; *or*
v.4. Described in an ECCN containing ''space-qualified'' as a control criterion (*See* ECCN 9A515.x.4).
w. The International Space Station being developed, launched, and operated under the supervision of the U.S. National Aeronautics and Space Administration.
x. ''Parts'', ''components'', ''accessories'' and ''attachments'' that are ''specially designed'' for the International Space Station.
y. Items that would otherwise be within the scope of ECCN 9A004.v or .x but that have been identified in an interagency-cleared commodity classification (CCATS) pursuant to § 748.3(e) of the EAR as warranting control in 9A004.y.

■ 65. In supplement no. 1 to part 774, Category 9, ECCN 9D001 is revised to read as follows:

9D001 ''Software'', not specified in 9D003 or 9D004, ''specially designed'' or modified for the ''development'' of equipment or ''technology'' controlled by ECCN 9A001 to 9A004, 9A012, 9A101 (except for items in 9A101.b that are ''subject to the ITAR'', see 22 CFR part 121), 9A106.d. or .e, 9A110, or 9A120, 9B (except for ECCNs 9B604, 9B610, 9B619, 9B990, and 9B991), or ECCN 9E003.

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to ''software'' for equipment controlled by 9A001 to 9A004, 9A012, 9B001 to 9B010, and technology controlled by 9E003.	NS Column 1
MT applies to ''software'' for equipment controlled by 9B116 for MT reasons.	MT Column 1
AT applies to entire entry.	AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: N/A

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit ''software'' ''specially designed'' or modified for the ''development'' of equipment or ''technology'', specified by ECCNs 9B001.b. or 9E003.a.1, 9E003.a.2 to a.5, 9E003.a.8, or 9E003.h to any of the destinations listed in

Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: ''Software'' that is ''required'' for the ''development'' of items specified in ECCNs 9A005 to 9A011, 9A101.b (except for items that are subject to the EAR), 9A103 to 9A105, 9A106.a, .b, and .c, 9A107 to 9A109, 9A110 (for items that are ''specially designed'' for use in missile systems and subsystems), and 9A111 to 9A119 is ''subject to the ITAR''.
Related Definitions: N/A
Items:

The list of items controlled is contained in the ECCN heading.

■ 66. In supplement no. 1 to part 774, Category 9, ECCN 9D002 is revised to read as follows:

9D002 ''Software'', not specified in 9D003 or 9D004, ''specially designed'' or modified for the ''production'' of equipment controlled by ECCN 9A001 to 9A004, 9A012, 9A101 (except for items in 9A101.b that are ''subject to the ITAR'', see 22 CFR part 121), 9A106.d or .e, 9A110, or 9A120, 9B (except for ECCNs 9B604, 9B610, 9B619, 9B990, and 9B991).

License Requirements

Reason for Control: NS, MT, AT

Control(s)	*Country chart* (see Supp. No. 1 *to part 738)*
NS applies to ''software'' for equipment controlled by 9A001 to 9A004, 9A012, 9B001 to 9B010.	NS Column 1
MT applies to ''software'' for equipment controlled by 9B116 for MT reasons.	MT Column 1
AT applies to entire entry.	AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: N/A.

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit ''software'' ''specially designed'' or modified for the ''production'' of equipment specified by 9B001.b to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: ''Software'' that is ''required'' for the ''production'' of items specified in ECCNs 9A005 to 9A011, 9A101.b (except for items that are subject to the EAR), 9A103 to 9A105, 9A106.a, .b, and .c, 9A107 to 9A109, 9A110 (for items that are ''specially designed'' for use in missile systems and subsystems), and 9A111 to 9A119 is ''subject to the ITAR''.
Related Definitions: N/A
Items:

The list of items controlled is contained in the ECCN heading.

■ 67. In supplement no. 1 to part 774, Category 9, ECCN 9D004 is revised to read as follows:

9D004 Other ''software'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT

Control(s)	*Country chart* (see Supp. No. 1 *to part 738)*
NS applies to entire entry.	NS Column 1
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: N/A.

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit software in 9D004.a and 9D004.c to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR)

List of Items Controlled

Related Controls: See also 9D104.
Related Definitions: N/A
Items:

a. 2D or 3D viscous ''software'', validated with wind tunnel or flight test data required for detailed engine flow modelling;

b. ''Software'' for testing aero gas turbine engines, assemblies, ''parts'' or ''components'', having all of the following:

b.1. ''Specially designed'' for testing any of the following:

b.1.a. Aero gas turbine engines, assemblies or components, incorporating ''technology'' specified by 9E003.a, 9E003.h or 9E003.i; *or*

b.1.b. Multi-stage compressors providing either bypass or core flow, specially designed for aero gas turbine engines incorporating ''technology'' specified by 9E003.a or 9E003.h; *and*

b.2. ''Specially designed'' for all of the following:

a. Acquisition and processing of data, in real time; *and*

b. Feedback control of the test article or test conditions (*e.g.,* temperature, pressure, flow rate) while the test is in progress;

Note: 9D004.b does not specify software for operation of the test facility or operator safety (*e.g.,* overspeed shutdown, fire detection and suppression), or production, repair or maintenance acceptance-testing limited to determining if the item has been properly assembled or repaired.

c. ''Software'' ''specially designed'' to control directional solidification or single crystal material growth in equipment specified by 9B001.a or 9B001.c;

d. [Reserved]

e. ''Software'' ''specially designed'' or modified for the operation of items specified by 9A012;

f. ''Software'' ''specially designed'' to design the internal cooling passages of aero gas turbine engine blades, vanes and ''tip shrouds'';

g. ''Software'' having all of the following:

g.1. ''Specially designed'' to predict aero thermal, aeromechanical and combustion conditions in aero gas turbine engines; *and*

g.2. Theoretical modeling predictions of the aero thermal, aeromechanical and combustion conditions, which have been validated with actual turbine engine (experimental or production) performance data.

■ 68. In supplement no. 1 to part 774, Category 9, ECCN 9E003 is revised to read as follows:

9E003 Other ''technology'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, SI, AT

Control(s)	*Country chart* (see Supp. No. 1 *to part 738)*
NS applies to entire entry.	NS Column 1
SI applies to 9E003.a.1 through a.8, .h, .i, and .k.	See § 742.14 of the EAR for additional information.
AT applies to entire entry.	AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: N/A

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit any technology in 9E003.a.1, 9E003.a.2 to a.5, 9E003.a.8, or 9E003.h to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) Hot section ''technology'' specifically designed, modified, or equipped for military uses or purposes, or developed principally with U.S. Department of Defense funding, is ''subject to the ITAR'' (see 22 CFR parts 120 through 130). (2) ''Technology'' is subject to the EAR when actually applied to a commercial ''aircraft'' engine program. Exporters may seek to establish commercial application either on a case-by-case basis through submission of documentation demonstrating application

to a commercial program in requesting an export license from the Department Commerce in respect to a specific export, or in the case of use for broad categories of ''aircraft'', engines, ''parts'' or ''components'', a commodity jurisdiction determination from the Department of State.

Related Definitions: N/A

Items:

a. ''Technology'' ''required'' for the ''development'' or ''production'' of any of the following gas turbine engine ''parts'', ''components'' or systems:

a.1. Gas turbine blades, vanes or ''tip shrouds'', made from directionally solidified (DS) or single crystal (SC) alloys and having (in the 001 Miller Index Direction) a stress-rupture life exceeding 400 hours at 1,273 K (1,000 °C) at a stress of 200 MPa, based on the average property values;

Technical Note: For the purposes of 9E003.a.1, stress-rupture life testing is typically conducted on a test specimen.

a.2. Combustors having any of the following:

a.2.a. 'Thermally decoupled liners' designed to operate at 'combustor exit temperature' exceeding 1,883K (1,610 °C);

a.2.b. Non-metallic liners;

a.2.c. Non-metallic shells; *or*

a.2.d. Liners designed to operate at 'combustor exit temperature' exceeding 1,883K (1,610 °C) and having holes that meet the parameters specified by 9E003.c;

Note: The ''required'' ''technology'' for holes in 9E003.a.2 is limited to the derivation of the geometry and location of the holes.

Technical Notes:

1. 'Thermally decoupled liners' are liners that feature at least a support structure designed to carry mechanical loads and a combustion facing structure designed to protect the support structure from the heat of combustion. The combustion facing structure and support structure have independent thermal displacement (mechanical displacement due to thermal load) with respect to one another, *i.e.* they are thermally decoupled.

2. 'Combustor exit temperature' is the bulk average gas path total (stagnation) temperature between the combustor exit plane and the leading edge of the turbine inlet guide vane (*i.e.,* measured at engine station T40 as defined in SAE ARP 755A) when the engine is running in a ''steady state mode'' of operation at the certificated maximum continuous operating temperature.

N.B.: See 9E003.c for ''technology'' ''required'' for manufacturing cooling holes.

a.3. ''Parts'' or ''components'', that are any of the following:

a.3.a. Manufactured from organic ''composite'' materials designed to operate above 588 K (315 °C);

a.3.b. Manufactured from any of the following:

a.3.b.1. Metal ''matrix'' ''composites'' reinforced by any of the following:

a.3.b.1.a. Materials controlled by 1C007;

a.3.b.1.b. ''Fibrous or filamentary materials'' specified by 1C010; *or*

a.3.b.1.c. Aluminides specified by 1C002.a; *or*

a.3.b.2. Ceramic ''matrix'' ''composites'' specified by 1C007; *or*

a.3.c. Stators, vanes, blades, tip seals (shrouds), rotating blings, rotating blisks or 'splitter ducts,' that are all of the following:

a.3.c.1. Not specified in 9E003.a.3.a;

a.3.c.2. Designed for compressors or fans; *and*

a.3.c.3. Manufactured from material controlled by 1C010.e with resins controlled by 1C008;

Technical Note: A 'splitter duct' performs the initial separation of the air-mass flow between the bypass and core sections of the engine.

a.4. Uncooled turbine blades, vanes or ''tip shrouds'' designed to operate at a 'gas path temperature' of 1,373 K (1,100 °C) or more;

a.5. Cooled turbine blades, vanes or ''tip-shrouds'', other than those described in 9E003.a.1, designed to operate at a 'gas path temperature' of 1,693 K (1,420 °C) or more;

Technical Note: 'Gas path temperature' is the bulk average gas path total (stagnation) temperature at the leading edge plane of the turbine component when the engine is running in a ''steady state mode'' of operation at the certificated or specified maximum continuous operating temperature.

a.6. Airfoil-to-disk blade combinations using solid state joining;

a.7. Gas turbine engine ''parts'' or ''components'' using ''diffusion bonding'' ''technology'' controlled by 2E003.b;

a.8. 'Damage tolerant' gas turbine engine rotor ''parts'' or ''components'' using powder metallurgy materials controlled by 1C002.b; *or*

Technical Note: 'Damage tolerant' ''parts'' and ''components'' are designed using methodology and substantiation to predict and limit crack growth.

a.9. [Reserved]

N.B.: For ''FADEC systems'', see 9E003.h.

a.10. [Reserved]

N.B.: For adjustable flow path geometry, see 9E003.i.

a.11. Hollow fan blades;

b. ''Technology'' ''required'' for the ''development'' or ''production'' of any of the following:

b.1. Wind tunnel aero-models equipped with non-intrusive sensors capable of transmitting data from the sensors to the data acquisition system; *or*

b.2. ''Composite'' propeller blades or propfans, capable of absorbing more than 2,000 kW at flight speeds exceeding Mach 0.55;

c. ''Technology'' ''required'' for manufacturing cooling holes, in gas turbine engine ''parts'' or ''components'' incorporating any of the ''technologies'' specified by 9E003.a.1, 9E003.a.2 or 9E003.a.5, and having any of the following:

c.1. Having all of the following:

c.1.a. Minimum 'cross-sectional area' less than 0.45 mm^2;

c.1.b. 'Hole shape ratio' greater than 4.52; *and*

c.1.c. 'Incidence angle' equal to or less than 25°; *or*

c.2. Having all of the following:

c.2.a. Minimum 'cross-sectional area' less than 0.12 mm^2;

c.2.b. 'Hole shape ratio' greater than 5.65; *and*

c.2.c. 'Incidence angle' more than 25°;

Note: 9E003.c does not apply to ''technology'' for manufacturing constant radius cylindrical holes that are straight through and enter and exit on the external surfaces of the component.

Technical Notes:

1. For the purposes of 9E003.c, the 'cross-sectional area' is the area of the hole in the plane perpendicular to the hole axis.

2. For the purposes of 9E003.c, 'hole shape ratio' is the nominal length of the axis of the hole divided by the square root of its minimum 'cross-sectional area.'

3. For the purposes of 9E003.c, 'incidence angle' is the acute angle measured between the plane tangential to the airfoil surface and the hole axis at the point where the hole axis enters the airfoil surface.

4. Methods for manufacturing holes in 9E003.c include ''laser'' beam machining, water jet machining, Electro-Chemical Machining (ECM) or Electrical Discharge Machining (EDM).

d. ''Technology'' ''required'' for the ''development'' or ''production'' of helicopter power transfer systems or tilt rotor or tilt wing ''aircraft'' power transfer systems;

e. ''Technology'' for the ''development'' or ''production'' of reciprocating diesel engine ground vehicle propulsion systems having all of the following:

e.1. 'Box volume' of 1.2 m^3 or less;

e.2. An overall power output of more than 750 kW based on 80/1269/EEC, ISO 2534 or national equivalents; *and*

e.3. Power density of more than 700 kW/m^3 of 'box volume';

Technical Note: 'Box volume' is the product of three perpendicular dimensions measured in the following way:

Length: The length of the crankshaft from front flange to flywheel face;

Width: The widest of any of the following:

a. The outside dimension from valve cover to valve cover;

b. The dimensions of the outside edges of the cylinder heads; or

c. The diameter of the flywheel housing;

Height: The largest of any of the following:

a. The dimension of the crankshaft center-line to the top plane of the valve cover (or cylinder head) plus twice the stroke; or

b. The diameter of the flywheel housing.

f. ''Technology'' ''required'' for the ''production'' of ''specially designed'' ''parts'' or ''components'' for high output diesel engines, as follows:

f.1. ''Technology'' ''required'' for the ''production'' of engine systems having all of the following ''parts'' and ''components'' employing ceramics materials controlled by 1C007:

f.1.a Cylinder liners;

f.1.b. Pistons;

f.1.c. Cylinder heads; *and*

f.1.d. One or more other ''part'' or ''component'' (including exhaust ports, turbochargers, valve guides, valve assemblies or insulated fuel injectors);

f.2. ''Technology'' ''required'' for the ''production'' of turbocharger systems with single-stage compressors and having all of the following:

f.2.a. Operating at pressure ratios of 4:1 or higher;

f.2.b. Mass flow in the range from 30 to 130 kg per minute; *and*

f.2.c. Variable flow area capability within the compressor or turbine sections;

f.3. ''Technology'' ''required'' for the ''production'' of fuel injection systems with a ''specially designed'' multifuel (*e.g.,* diesel or jet fuel) capability covering a viscosity range from diesel fuel (2.5 cSt at 310.8 K (37.8°C)) down to gasoline fuel (0.5 cSt at 310.8 K (37.8°C)) and having all of the following:

f.3.a. Injection amount in excess of 230 mm^3 per injection per cylinder; *and*

f.3.b. Electronic control features ''specially designed'' for switching governor characteristics automatically depending on fuel property to provide the same torque characteristics by using the appropriate sensors;

g. ''Technology'' ''required'' for the development'' or ''production'' of 'high output diesel engines' for solid, gas phase or liquid film (or combinations thereof) cylinder wall lubrication and permitting operation to temperatures exceeding 723 K (450 °C), measured on the cylinder wall at the top limit of travel of the top ring of the piston;

Technical Note: 'High output diesel engines' are diesel engines with a specified brake mean effective pressure of 1.8 MPa or more at a speed of 2,300 rpm, provided the rated speed is 2,300 rpm or more.

h. ''Technology'' for gas turbine engine ''FADEC systems'' as follows:

h.1. ''Development'' ''technology'' for deriving the functional requirements for the ''parts'' or ''components'' necessary for the ''FADEC system'' to regulate engine thrust or shaft power (*e.g.,* feedback sensor time constants and accuracies, fuel valve slew rate);

h.2. ''Development'' or ''production'' ''technology'' for control and diagnostic ''parts'' or ''components'' unique to the ''FADEC system'' and used to regulate engine thrust or shaft power;

h.3. ''Development'' ''technology'' for the control law algorithms, including ''source code'', unique to the ''FADEC system'' and used to regulate engine thrust or shaft power;

Note: 9E003.h does not apply to technical data related to engine-''aircraft'' integration required by civil aviation authorities of one or more Wassenaar Arrangement Participating States (See Supplement No. 1 to part 743 of the EAR) to be published for general airline use (*e.g.,* installation manuals, operating instructions, instructions for continued airworthiness) or interface functions (*e.g.,* input/output processing, airframe thrust or shaft power demand).

i. ''Technology'' for adjustable flow path systems designed to maintain engine stability for gas generator turbines, fan or power turbines, or propelling nozzles, as follows:

i.1. ''Development'' ''technology'' for deriving the functional requirements for the ''parts'' or ''components'' that maintain engine stability;

i.2. ''Development'' or ''production'' ''technology'' for ''parts'' or ''components'' unique to the adjustable flow path system and that maintain engine stability;

i.3. ''Development'' ''technology'' for the control law algorithms, including ''source code'', unique to the adjustable flow path system and that maintain engine stability;

Note: 9E003.i does not apply to ''technology'' for any of the following:

a. Inlet guide vanes;

b. Variable pitch fans or prop-fans;

c. Variable compressor vanes;

d. Compressor bleed valves; or

e. Adjustable flow path geometry for reverse thrust.

j. ''Technology'' ''required'' for the ''development'' of wing-folding systems designed for fixed-wing ''aircraft'' powered by gas turbine engines.

N.B.: For ''technology'' ''required'' for the ''development'' of wing-folding systems designed for fixed-wing ''aircraft'' specified in USML Category VIII (a), see USML Category VIII (i).

k. ''Technology'' not otherwise controlled in 9E003.a.1 through a.8, a.10, and .h and used in the ''development'', ''production'', or overhaul of hot section ''parts'' or ''components'' of civil derivatives of military engines controlled on the U.S. Munitions List.

■ 69. In supplement no. 6 to part 774, paragraphs (1) and (2) are revised to read as follows:

Supplement No. 6 to Part 774—Sensitive List

* * * * *

(1) Category 1

(i) 1A002.a.1.

(ii) 1C001.

(iii) 1C007.c.

(iv) 1C010.c and .d.

(v) 1C012.

(vi) 1D002—''Software'' for the ''development'' of organic ''matrix'', metal ''matrix'', or carbon ''matrix'' laminates or composites controlled under 1A002, 1C007.c, 1C010.c or 1C010.d.

(vii) 1E001—''Technology'' according to the General Technology Note for the ''development'' or ''production'' of equipment and materials controlled under 1A002, 1C001, 1C007.c, 1C010.c, 1C010.d, or 1C012.

(viii) 1E002.e and .f.

(2) Category 2

(i) 2D001—''Software'', other than that controlled by 2D002, ''specially designed'' for the ''development'' or ''production'' of equipment as follows:

(A) Specified by 2B001.a, 2B001.b.1, or 2B001.b.2, and having a ''unidirectional positioning repeatability'' equal to or less (better) than 0.9 μm along one or more linear axis;

(B) Specified by 2B001.b.3, 2B001.d, 2B001.f or 2B003.

(ii) 2E001—''Technology'' according to the General Technology Note for the ''development'' of equipment or ''software'', as follows:

(A) Equipment specified by 2B001.a, 2B001.b.1 or 2B001.b.2, and having a ''unidirectional positioning repeatability'' equal to or less (better) than 0.9 μm along one or more linear axis;

(B) Equipment specified by 2B001.b.3, 2B001.d, 2B001.f or 2B003.

(C) ''Software'' specified by 2D001 of this Supplement;

(iii) 2E002—''Technology'' according to the General Technology Note for the ''production'' of equipment as follows:

(A) Specified by 2B001.a, 2B001.b.1, or 2B001.b.2, and having a ''unidirectional positioning repeatability'' equal to or less (better) than 0.9 μm along one or more linear axis;

(B) Specified by 2B001.b.3, 2B001.d, 2B001.f or 2B003.

* * * * *

■ 70. Supplement no. 7 to part 774 is amended by:

■ a. Revising paragraph (1)(i); and

■ b. Removing the phrase ''user accessible programmability'' and adding in its place ''user-accessible programmability'' in paragraphs (3)(iv) and (vi).

The revision reads as follows:

Supplement No. 7 to Part 774—Very Sensitive List

* * * * *

(1) * * *

(i) 1A002.a.1.

* * * * *

Dated: October 4, 2018.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2018–22163 Filed 10–23–18; 8:45 am]

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FEDERAL REGISTER

Vol. 83 Wednesday,

No. 206 October 24, 2018

Part III

The President

Proclamation 9808—National Character Counts Week, 2018

Proclamation 9809—National Forest Products Week, 2018

Federal Register
Vol. 83, No. 206
Wednesday, October 24, 2018

Presidential Documents

Title 3—

The President

Proclamation 9808 of October 19, 2018

National Character Counts Week, 2018

By the President of the United States of America

A Proclamation

America is improved every day by men and women of great character and integrity who understand that a responsible citizenry is needed to ensure the independence and prosperity of our Nation. The Founders cherished opportunities to grow, including those that require one to experience, learn from, and overcome hardship. In difficult times, the American spirit is tested and defined by the character of its citizens and leaders. We have withstood this test time and time again. During National Character Counts Week, we recognize that our Nation's continued success depends on the American people's courageous resolve to remain united through times of both triumph and tragedy. We also pledge to foster good character in our communities and encourage children to form constructive habits.

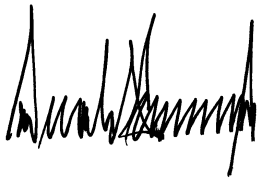
Character is nurtured in our families and communities. Parents and guardians have the unique responsibility to teach young people valuable traits, such as perseverance, courage, respect, and hard work. Teachers as well as civic and church leaders also play an integral role in helping our children adopt habits of good behavior. Good examples set by mentors empower youth to make smart choices that ultimately define them as individuals and us as a Nation. Every American should strive to live by example and never stop improving their character.

Strong families, church communities, and civic organizations have a significant effect on the positive development of our youth. By empowering these strong networks, my Administration is encouraging them to help our youth to do their very best, learn from mistakes, and become leaders. First Lady Melania Trump's BE BEST initiative is improving the lives of young people by championing evidence-based programs that help our communities focus on the emotional, social, and physical well-being of our children. As social media and technology provide more opportunities for children to communicate with each other, their ability to influence others and be a force for good also expands.

This week, especially, we refocus our efforts to be good examples—to our Nation's youth and each other—and to promote acts of service and leadership. We also express our gratitude to parents, guardians, teachers, civic and church leaders, and mentors for their vital work in raising children of strong character and integrity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 21 through October 27, 2018, as National Character Counts Week. I call upon public officials, educators, parents, students, and all Americans to observe this week with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.



[FR Doc. 2018–23415
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Presidential Documents

Proclamation 9809 of October 19, 2018

National Forest Products Week, 2018

By the President of the United States of America

A Proclamation

Each day, Americans use and benefit from high-quality products generated from our Nation's bountiful forests. During National Forest Products Week, we recognize that strong, healthy, and well-managed forests are vital to our Nation's economic prosperity.

Forested lands make up one-third of America's total land base and allow for the production of paper and packaging materials; lumber for our homes, buildings, and bridges; renewable energy materials; and a myriad of goods for domestic and global markets. The forest products industry is one of the top 10 manufacturing sector employers in 45 States, producing more than $200 billion a year in sales and providing approximately $50 billion annually in payroll. Additionally, the industry's sustainable business practices and proper management of resources help us protect our abundant forests.

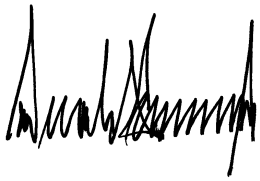
A strong forest products sector stimulates job growth and bolsters our national and rural economies. My Administration is working to support effective, active, science-based forest management to help boost America's competitiveness and success in this modern industry. We support the industry's efforts to develop innovative ways of using wood in modern-day construction and are working alongside States, local communities, private companies, and tribal entities to support wood initiatives in construction markets. These opportunities provide potential pathways to new products, more jobs, and a reemergence of rural timber communities in an industry that is ready to expand.

This week, we acknowledge the many ways our Nation's forests and woodlands contribute to our everyday lives through the raw materials they provide for numerous products, as well as the opportunities they offer for outdoor recreation. We also honor all the dedicated men and women who help to manage America's beautiful forests and ensure they remain among our Nation's greatest natural resources.

Recognizing the economic value of the products yielded in our Nation's forests, the Congress, by Public Law 86–753 (36 U.S.C. 123), as amended, has designated the week beginning on the third Sunday in October of each year as ''National Forest Products Week'' and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 21 through October 27, 2018, as National Forest Products Week. I call upon all Americans to observe this week with appropriate ceremonies and activities and to reaffirm our commitment to our Nation's forests.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.



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