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

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

ELECTION ASSISTANCE COMMISSION

11 CFR Parts 9405, 9407, 9409, 9410, 9420, and 9428

Change of Address

AGENCY: United States Election Assistance Commission (EAC).

ACTION: Final rule; technical amendment.

SUMMARY: The U.S. Election Assistance Commission (EAC) is amending its regulations to reflect a change of address for its headquarters. This technical amendment is a nomenclature change that updates and corrects the address for contacting and submitting requests to EAC headquarters.

DATES: Effective October 25, 2018.

FOR FURTHER INFORMATION CONTACT: Clifford Tatum, General Counsel, U.S. Election Assistance Commission, 1335 East-West Highway, Suite 4300, Silver Spring, MD 20910; Telephone: 301–563–3957.

SUPPLEMENTARY INFORMATION: On October 17, 2013 EAC's Headquarters relocated from 1201 New York Avenue NW, Suite 300, Washington, DC 20005 to 1335 East-West Highway, Suite 4300, Silver Spring, MD 20910. This address appears as EAC's official agency address and serves as the reception point for agency visitors. Telephone numbers for EAC employees have changed to 301 Maryland area codes. The main office dial-in number is 866–747–1471 (toll free) or 301–563–3919. Employee numbers can be accessed via the telephone tree.

I. Statutory Authority

This action is taken under EAC's authority, at 5 U.S.C. 552, to publish regulations in the **Federal Register**. Under the Administrative Procedure Act, at 5 U.S.C. 553(b)(3)(B), statutory procedures for agency rulemaking do not apply ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' EAC finds that such notice and public procedure are impracticable, unnecessary, or contrary to the public interest, on the grounds that: (1) These amendments are technical and non-substantive; and (2) the public benefits from timely notification of a change in the official agency address, and further delay is unnecessary and contrary to the public interest. Similarly, because this final rule makes no substantive changes and merely reflects a change of address in existing regulations, this final rule is not subject to the effective date limitation of 5 U.S.C. 553(d).

II. Regulatory Procedures

A. Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), EAC has determined that this rule would not have a significant economic impact on a substantial number of small entities. The regulation affects only the U.S. Election Assistance Commission. This rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the requirements of the Regulatory Flexibility Act.

B. Collection of Information

This regulation contains no new information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. EAC analyzed this rule under that Executive Order and have determined that it does not have implications for federalism.

D. Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

E. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

F. Protection of Children

EAC analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

G. Indian Tribal Governments

This rule does not have Tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

H. Energy Effects

EAC analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

I. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use

technical standards. Therefore, we did not consider the use of voluntary consensus standards.

J. Environment

EAC analyzed this final rule under Department of Homeland Security Management Directive 023–01 which guides EAC in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4365), and concluded that this rule is part of a category of actions described in item A3 of Table 1 in Appendix A of the Management Directive. This rulemaking does not individually or cumulatively have a significant effect on the human environment and, therefore, neither an environmental assessment nor an environmental impact statement is necessary.

K. Congressional Review Act

EAC will submit this final rule to Congress and the Government Accountability Office pursuant to the Congressional Review Act. The rule is effective upon publication, as permitted by 5 U.S.C. 808. Pursuant to 5 U.S.C. 808(2), EAC finds that good cause exists for making this rule effective upon publication in the **Federal Register**, based on the reasons cited in the preceding paragraph for the 553(b)(3)(B) determination.

List of Subjects

11 CFR Part 9405

Administrative practice and procedure, Confidential business information, Freedom of information.

11 CFR Part 9407

Administrative practice and procedure, Government employees, Sunshine Act.

11 CFR Part 9409

Administrative practice and procedure, Courts, Government employees.

11 CFR Part 9410

Administrative practice and procedure, Government employees, Privacy.

11 CFR Part 9420

Administrative practice and procedure, Civil rights, Grant programs, Individuals with disabilities.

11 CFR Part 9428

Elections, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Election Assistance Commission amends 11 CFR parts 9405, 9407, 9409, 9410, 9420 and 9428 as follows:

PART 9405—PROCEDURES FOR DISCLOSURE OF RECORDS UNDER THE FREEDOM OF INFORMATION ACT

■ 1. The authority citation for part 9405 continues to read as follows:

Authority: 5 U.S.C. 552, as amended.

§ § 9405.5 and 9405.7 [Amended]

■ 2. Amend §§ 9405.5 and 9405.7 by removing the words ''1201 New York Avenue NW, Suite 300, Washington, DC 20005'' and adding in their place the words ''1335 East-West Highway, Suite 4300, Silver Spring, MD 20910'' in the following places:
■ a. Section 9405.5(a)(4)(ii) and (v); and
■ b. Section 9405.7(a).

PART 9407—IMPLEMENTATION OF THE GOVERNMENT IN THE SUNSHINE ACT

■ 3. The authority citation for part 9407 continues to read as follows:

Authority: 5 U.S.C. 552b.

§ 9407.8 [Amended]

■ 4. Amend § 9407.8 by removing the words ''1201 New York Avenue NW, Suite 300, Washington, DC 20005'' and adding in their place the words ''1335 East-West Highway, Suite 4300, Silver Spring, MD 20910.''

PART 9409—TESTIMONY BY COMMISSION EMPLOYEES RELATING TO OFFICIAL INFORMATION AND PRODUCTION OF OFFICIAL RECORDS IN LEGAL PROCEEDINGS

■ 5. The authority citation for part 9409 continues to read as follows:

Authority: 44 U.S.C. 3102.

§ § 9409.5, 9409.6 and 9409.14 [Amended]

■ 6. Amend §§ 9409.5, 9409.6 and 9409.14 by removing the words ''1201 New York Avenue NW, Suite 300, Washington, DC 20005'' and adding in their place the words ''1335 East-West Highway, Suite 4300, Silver Spring, MD 20910'' in the following places:
■ a. Section 9409.5(a);
■ b. Section 9409.6; and
■ c. Section 9409.14(e).

PART 9410—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

■ 7. The authority citation for part 9410 continues to read as follows:

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

§ § 9410.3 and 9410.4 [Amended]

■ 8. Amend §§ 9410.3 and 9410.4 by removing the words ''1201 New York Avenue NW, Suite 300, Washington, DC 20005'' and adding in their place the words ''1335 East-West Highway, Suite 4300, Silver Spring, MD 20910'' in the following places:
■ a. Section 9410.3(b); and
■ b. Section 9410.4(a).

PART 9420—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE U.S. ELECTION ASSISTANCE COMMISSION

■ 9. The authority citation for part 9420 continues to read as follows:

Authority: 29 U.S.C. 794.

§ 9420.8 [Amended]

■ 10. Amend § 9420.8(d)(3) and (i) by removing the words ''1201 New York Avenue NW, Suite 300, Washington, DC 20005'' and adding in their place the words ''1335 East-West Highway, Suite 4300, Silver Spring, MD 20910.''

PART 9428—NATIONAL VOTER REGISTRATION ACT (52 U.S.C. 20503 et seq.)

■ 11. The authority citation for part 9428 continues to read as follows:

Authority: 42 U.S.C. 1973gg–1 *et seq.,* 15532.

■ 12. The heading of part 9428 is revised to read as set forth above.

§ 9428.7 [Amended]

■ 13. Amend § 9428.7(a) by removing the words''1201 New York Avenue NW, Suite 300, Washington, DC 20005'' and adding in their place the words ''1335 East-West Highway, Suite 4300, Silver Spring, MD 20910.''

Dated: October 12, 2018.

Brian D. Newby,

Executive Director, U.S. Election Assistance Commission.

[FR Doc. 2018–23150 Filed 10–24–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1138; Product Identifier 2017–NE–41–AD; Amendment 39–19381; AD 2018–18–02]

RIN 2120–AA64

Airworthiness Directives; Austro Engine GmbH Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Austro Engine GmbH model E4 engines and for all model E4P engines. This AD was prompted by reports of considerable wear on the timing chain on these engines. This AD requires replacement of the timing chain and amending certain airplane flight manuals to limit the use of windmill restarts. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 29, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 29, 2018.

ADDRESSES: For Austro Engine GmbH service information identified in this final rule, contact Austro Engine GmbH, Rudolf-Diesel-Strasse 11, A–2700 Weiner Neustadt, Austria; phone +43 2622 23000; fax: +43 2622 23000–2711; internet: *www.austroengine.at*. For Diamond Aircraft Industries service information in this final rule, contact Diamond Aircraft Industries, N. A., Otto-Straße 5, A–2700 Wiener Neustadt, phone: +43 2622 26700, Fax: +43 2622 26780; internet: *www.diamondaircraft.com*. You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1138.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1138; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information, the regulatory evaluation, any comments received, and other information. The 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: Barbara Caufield, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA, 01803; phone: 781–238–7146; fax: 781–238–7199; email: *Barbara.Caufield@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Austro Engine GmbH model E4 engines and all model E4P engines. The NPRM published in the **Federal Register** on June 1, 2018 (83 FR 25410). The NPRM was prompted by reports of considerable wear on the timing chain on these engines. The NPRM proposed to require replacement of the timing chain and amending certain airplane flight manuals to limit the use of windmill restarts. We are issuing this AD to address the unsafe condition on these products.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2017–0103, dated June 14, 2017 (referred to after this as ''the MCAI''), to address the unsafe condition on these products.

The MCAI states:

> Considerable wear of the timing chain has been detected on some engines. This may have been caused by windmilling restarts, which are known to cause high stress to the timing chain. This condition, if not detected and corrected, could lead to failure of the timing chain and consequent engine power loss, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, Austro Engine included instructions in the engine maintenance manual to periodically inspect the condition of the timing chain and, depending on findings, to replace the timing chain and the chain wheel. The operation manual was updated to allow windmilling restart only as an emergency procedure.
>
> More recently, Austro Engines published Mandatory Service Bulletin (MSB) MSB–E4–017/2, providing instructions to replace the timing chain for engines with known windmilling restarts. For the reason described above, this [EASA] AD requires replacement of the timing chain for engines with known windmilling restarts, and requires amendment of the applicable Aircraft Flight Manual (AFM).

You may obtain further information by examining the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1138.

Revision to Airplane Flight Manual

We revised this AD to allow affected Austro Engine GmbH model E4 engines installed on Diamond Aircraft Industries (DAI) model DA 42 NG and DA 42 M–NG airplanes and Austro Engine GbmH model E4P engines installed on DAI model DA 62 airplanes to comply with paragraph (g)(4) of this AD by adding, respectively, Airplane Flight Manual (AFM) Temporary Revision (TR) TR–MÄM–42–973, and AFM TR TR–MÄM–62–240, both dated August 12, 2016. These actions are equivalent to inserting the information in figure (1) to paragraph (g)(4) of this AD into the respective airplane flight manuals.

Comments

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

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed.

Related Service Information Under 1 CFR Part 51

We reviewed Austro Engine MSB No. MSB–E4–017/2, Revision 2, dated December 2, 2016. The MSB describes procedures for replacement of the timing chain.

We reviewed AFM TR TR–MÄM–42–973, dated August 12, 2016, for DA 42 NG and DA 42 M–NG airplanes, and AFM TR TR- MÄM–62–240, dated August 12, 2016, for DA 62 airplanes. These Temporary Revisions define the removal of the normal operation procedure for windmilling restart for the respective airplanes. 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 211 engines installed on airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS.

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Amend AFM	1 work hour × $85 per hour = $85	$0	$85	$17,935
Remove and replace timing chain	8 work hours × $85 per hour = $680	$775	$1,455	$307,005

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

AD 2018–18–02; Austro Engine GmbH Engines: Amendment 39–19381; Docket No. FAA–2017–1138; Product Identifier 2017–NE–41–AD.

(a) Effective Date

This AD is effective November 29, 2018.

(b) Affected Ads

None.

(c) Applicability

This AD applies to Austro Engine GmbH model E4 engines with serial numbers that have a ''–B'' or ''–C'' configuration and to model E4P engines, all serial numbers.

(d) Subject

Joint Aircraft System Component (JASC) Code 8520, Reciprocating Engine Power Section.

(e) Unsafe Condition

This AD was prompted by reports of considerable wear on the timing chain on these engines. We are issuing this AD to prevent failure of the engine timing chain. The unsafe condition, if not addressed, could result in failure of the engine timing chain, loss of engine thrust control, and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Determine whether the engine is a Group 1 or Group 2 engine as follows.

(i) A Group 1 engine is an engine equipped with a timing chain that was installed on an engine that experienced a windmill restart, or an engine in which it cannot be determined if the engine experienced any windmilling restarts.

(ii) A Group 2 engine is an engine that is equipped with a timing chain that has not experienced any windmilling restarts.

(2) For Group 1 engines: Before the affected timing chain exceeds 945 engine flight hours (EFHs) since installation on an engine, or within 110 EFHs after the effective date of this AD, whichever occurs later, replace the timing chain in accordance with the instructions in Technical Details, paragraph 2, in Austro Engine Mandatory Service Bulletin (MSB) No. MSB–E4–017/2, Revision 2, dated December 2, 2016.

(3) For Group 1 and Group 2 engines: After the effective date of this AD, following each windmill restart of an engine, before the timing chain of that engine exceeds 945 EFHs since first installation on an engine, or within 110 EFHs after that windmilling restart, whichever occurs later, replace the timing chain in accordance with the instructions in Technical Details, paragraph 2, in Austro Engine MSB No. MSB–E4–017/2, Revision 2, dated December 2, 2016.

(4) For Group 1 and Group 2 engines: Within 30 days after the effective date of this AD, amend the applicable airplane flight manual under emergency procedures by adding the information in figure 1 to paragraph (g)(4) of this AD to limit the use of a windmilling restart to only an emergency procedure.

Figure 1 to Paragraph (g)(4) 0f this AD – *Restart In-Flight by Windmilling*

Restart In-Flight by Windmilling

In case of an engine malfunction determine the root cause and only continue in case a safe restart is possible.

1. Max. demonstrated altitude for immediate restart by windmilling: 15,000ft.
2. Max. demonstrated altitude for restart after 10 min. and ambient air temperature higher than ISA by windmilling: 10,000ft.
3. Max. demonstrated altitude for restart after 5 min. and ambient air temperature between ISA and ISA minute 10°C by windmilling: 10,000ft.
4. Max. demonstrated altitude for restart after 2 min. and ambient air temperature below ISA minute 10°C by windmilling: 10,000ft.
5. Airspeed: see applicable Aircraft Flight Manual.
6. Power Levers – "IDLE".
7. Engine Master – "ON".

Move power lever slightly forward to a power rating assuring that the referring engine is delivering thrust as a rotating propeller is not a guarantee for a running engine.

(5) For affected Austro Engine GmbH model E4 engines installed on Diamond Aircraft Industries (DAI) model DA 42 NG and DA 42 M–NG airplanes and for Austro Engine GbmH model E4P engines installed on DAI model DA 62 airplanes, using Airplane Flight Manual (AFM) Temporary Revision (TR) TR–MÄM–42–973, and AFM TR TR–MÄM–62–240, both dated August 12, 2016, respectively, to update the applicable AFM is an acceptable method to comply with paragraph (g)(4) of this AD.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Barbara Caufield, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7146; fax: 781–238–7199; email: *Barbara.Caufield@faa.gov.*

(2) Refer to EASA AD 2017–0103, dated June 14, 2017, for more information. You may examine the EASA AD in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–1138.

(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) Austro Engine Mandatory Service Bulletin No. MSB–E4–017/2, Revision 2, dated December 2, 2016.

(ii) Diamond Aircraft Airplane Flight Manual (AFM) Temporary Revision (TR) TR–MÄM–42–973, dated August 12, 2016.

(iii) Diamond Aircraft AFM TR TR–MÄM–62–240, dated August 12, 2016.

(3) For Austro Engine GmbH service information identified in this AD, contact Austro Engine GmbH, Rudolf-Diesel-Strasse 11, A–2700 Weiner Neustadt, Austria; phone +43 2622 23000; fax: +43 2622 23000–2711; internet: *www.austroengine.at.* For Diamond Aircraft Industries service information in this AD, contact Diamond Aircraft Industries, N. A., Otto-Straße 5, A–2700 Wiener Neustadt, phone: +43 2622 26700, Fax: +43 2622 26780; internet: *www.diamondaircraft.com.*

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

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

Issued in Burlington, Massachusetts, on October 19, 2018.

Karen M. Grant,

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

[FR Doc. 2018–23186 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0126; Airspace Docket No. 18–AAL–6]

RIN 2120–AA66

Establishment of Class E Airspace; Hoonah, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface, at Hoonah Airport, Hoonah, AK, to accommodate area navigation (RNAV) procedures at the airport for the safety and management of instrument flight rules (IFR) operations within the National Airspace System.

DATES: Effective 0901 UTC March 28, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S 216th St., Des Moines, WA 98198–6547; telephone (206) 231–2253.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (83 FR 19655; May 4, 2018) for Docket No. FAA–2018–0126 to establish Class E airspace extending upward from 700 feet above the surface at Hoonah Airport, Hoonah, AK. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 3-mile radius of Hoonah Airport, Hoonah, AK, with a segment 3 miles each side of the 077° bearing from the airport extending from the 3-mile radius to 8.1 miles east of the airport. This airspace area supports IFR operations at Hoonah Airport, and will be unaffected by any proposed changes that occurs at any other airport.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

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

* * * * *

AAL AK E5 Hoonah, AK [New]

Hoonah Airport, AK
(Lat. 58°05′46″ N, long. 135°24′32″ W)

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Hoonah Airport, and within 3 miles each side of the airport 077° bearing extending from the airport 3-mile radius to 8.1 miles east of the airport.

Issued in Seattle, Washington, on October 12, 2018.

Shawn M. Kozica,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–23146 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1034; Airspace Docket No. 17–ANM–23]

RIN 2120–AA66

Amendment of Class D and Class E Airspace; Aurora, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class D airspace, Class E surface area airspace, and Class E airspace extending upward from 700 feet above the surface, at Aurora State Airport, Aurora, OR. Additionally, an editorial change removes the city associated with the airport name in the airspace designations, and replaces the outdated term Airport/Facility Directory with Chart Supplement in Class D airspace. These changes are necessary to accommodate airspace redesign for the safety and management of instrument flight rules (IFR) operations within the National Airspace System.

DATES: Effective 0901 UTC, January 3, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

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

FOR FURTHER INFORMATION CONTACT: Richard Farnsworth, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S 216th Street, Des Moines, WA 98198–6547; telephone (206) 231–2244.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies Class D airspace, Class E surface area airspace, and Class E airspace extending upward from 700 feet above the surface, at Aurora State Airport, Aurora, OR, to support IFR operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (83 FR 7428; February 21, 2018) for Docket No. FAA–2017–1034 to modify Class D airspace, Class E surface area airspace, and Class E airspace extending upward from 700 feet above the surface, at Aurora State Airport, Aurora, OR. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. Twenty-six comments were received, all in support of the changes.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class D airspace, Class E surface area airspace, and Class E airspace extending upward from 700 feet above the surface at Aurora State Airport, Aurora, OR.

Class D airspace is modified to a 4-mile radius of the airport, and within 1.8 miles each side of the 007° bearing from the airport extending from the 4-mile radius to 5.1 miles north of the airport (from a 4.2-mile radius of the airport from the 64° bearing from the airport clockwise to the 142° bearing, extending to a 5-mile radius from the 142° bearing clockwise to the 64° bearing from the airport). Two excluded area cutouts for Lenhardt Airpark and McGee Airport, respectively, (both nearby satellite general aviation airports) are modified by excluding that airspace below 1,500 feet MSL within the area bounded by lat. 45°11′51″ N, long. 122°45′45″ W; to lat. 45°12′50″ N, long. 122°44′34″ W; to the point where the 142° bearing from the airport intersects the 4-mile radius of the airport, thence clockwise along the airport 4-mile radius to the 174° bearing from the airport, thence to the point of beginning; and excluding that airspace below 1,500 feet MSL within the area bounded by lat. 45°15′37″ N, long. 122°51′14″ W; to the point where the 235° bearing from the airport intersects the 4-mile radius of the airport, thence clockwise along the airport 4-mile radius to the airport 281° bearing, thence to the point of beginning (from excluding that airspace below 1,200 feet beyond 3.3 miles from the airport from the 142° bearing clockwise to the 174°

bearing, and that airspace below 1,200 feet beyond 3.3 miles from the airport from the 250° bearing clockwise to the 266° bearing from the airport). The modification of the excluded areas within the Class D provides additional airspace for visual flight rules operations at the satellite airports while maintaining the required airspace to support IFR operations at Aurora State Airport. Also, an editorial change is made to the legal description replacing Airport/Facility Directory with Chart Supplement.

Class E surface area airspace is modified to be coincident with the dimensions of the Class D airspace except no exclusion is provided in the vicinity of Lenhardt Airpark (''excluding that airspace below 1,500 feet MSL within the area bounded by lat. 45°11′51″ N, long. 122°45′45″ W; to lat. 45°12′50″ N, long. 122°44′34″ W; to the point where the 142° bearing from the airport intersects the 4-mile radius of the airport, thence clockwise along the airport 4-mile radius to the 174° bearing from the airport, thence to the point of beginning''). Class E surface area airspace is required within this Class D cutout to ensure Class E weather requirements exist from the surface and protect IFR arrival operations to Aurora State Airport.

Class E airspace extending upward from 700 feet is modified to within a 6.5-mile radius (from a 7-mile radius) from the airport 043° bearing clockwise to the airport 350° bearing and within a 9-mile radius (from a 6.5-mile radius) from the airport 350° bearing clockwise to the airport 043° bearing, and within 1.6 miles each side of a 007° bearing from the airport extending from the 9-mile radius of the airport to 20.6 miles north of the airport (from within 1.6 miles either side of the 007° bearing from airport extending from the 7-mile radius to 20 miles northeast of the airport), and within 1.8 miles each side of a line extending from lat. 45°21′12″ N, long. 122°58′41″ W, to lat. 45°19′20″ N, long. 122°49′07″ W (from within 1.2 miles either side of the 306° bearing from airport extending from the 7-mile radius to 10.9 miles northwest of the airport).

The airport designations for the Class D and E airspace areas are amended by removing the name of the city associated with the airport to be in compliance with a change to FAA Order 7400.2L, Procedures for Handling Airspace Matters.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ANM OR D Aurora, OR [Amended]

Aurora State Airport, OR
(Lat. 45°14′50″ N, long. 122°46′12″ W)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4-mile radius of Aurora State Airport and within 1.8 miles each side of the 007° bearing from the airport extending from the 4-mile radius to 5.1 miles north of the airport, excluding that airspace below 1,500 feet MSL within the area bounded by lat. 45°11′51″ N, long. 122°45′45″ W; to lat. 45°12′50″ N, long. 122°44′34″ W; to the point where the 142° bearing from the airport intersects the 4-mile radius of the airport, thence clockwise along the airport 4-mile radius to the 174° bearing from the airport, thence to the point of beginning, and excluding that airspace below 1,500 feet MSL within the area bounded by lat. 45°15′37″ N, long. 122°51′14″ W; to the point where the 235° bearing from the airport intersects the 4-mile radius of the airport, thence clockwise along the airport 4-mile radius to the airport 281° bearing, thence to the point of beginning. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ANM OR E2 Aurora, OR [Amended]

Aurora State Airport, OR
(Lat. 45°14′50″ N, long. 122°46′12″ W)

That airspace extending upward from the surface within a 4-mile radius of Aurora State Airport and within 1.8 miles each side of the 007° bearing from the airport extending from the 4-mile radius to 5.1 miles north of the airport, excluding that airspace below 1,500 feet MSL within the area bounded by lat. 45°15′37″ N, long. 122°51′14″ W; to the point where the 235° bearing from the airport intersects the 4-mile radius of the airport, thence clockwise along the airport 4-mile radius to the airport 281° bearing, thence to the point of beginning.

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

* * * * *

ANM OR E5 Aurora, OR [Amended]

Aurora State Airport, OR
(Lat. 45°14′50″ N, long. 122°46′12″ W)

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Aurora State Airport from a 350° bearing from the airport clockwise to a 043° bearing from the airport, and within a 6.5-mile radius of the airport from the airport 043° bearing clockwise to the airport 350° bearing, and within 1.6 miles each side of a 007° bearing from the airport extending from the 9-mile radius of the airport to 20.6 miles north of the airport, and within 1.8 miles each side of a line extending from lat. 45°21′12″ N, long. 122°58′41″ W; to lat. 45°19′20″ N, long. 122°49′07″ W.

Issued in Seattle, Washington, on October 11, 2018.

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–23147 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0127; Airspace Docket No. 18–AAL–7]

RIN 2120–AA66

Amendment of Class E Airspace, Gustavus, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface at Gustavus Airport, Gustavus, AK. Airspace redesign is necessary as the FAA transitions from ground-based to satellite-based navigation for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Effective 0901 UTC, February 28, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231–2253.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace extending upward from 700 feet above the surface at Gustavus Airport, Gustavus, AK, to support IFR operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (83 FR 19469; May 03, 2018) for Docket No. FAA–2018–0127 to amend Class E airspace extending upward from 700 feet above the surface at Gustavus Airport, Gustavus, AK. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class E airspace extending upward from 700 feet above the surface at Gustavus Airport, Gustavus, AK. The airspace has been redesigned to approximately 12 miles wide extending to approximately 7 miles northwest and 31 miles southeast of the airport (currently from 4 miles each side of the 229° bearing of the airport extending from the 6.8-mile radius to 16.7 miles southwest of the airport, and within 3 miles northeast and 7 miles southwest of the airport 135° bearing extending from the 6.8-mile radius to 24 miles southeast of the airport).

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

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

* * * * *

AAL AK E5 Gustavus, AK [Amended]

Gustavus Airport, AK
(Lat. 58°25′31″ N, long. 135°42′27″ W)

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at lat. 58°32′19″ N, long. 135°44′54″ W, to lat. 58°11′58″ N, long. 135°02′11″ W, to lat. 58°10′08″ N, long. 135°05′18″ W, to lat. 58°03′38″ N, long. 134°57′10″ W, to lat. 57°59′34″ N, long. 135°10′49″ W, to lat. 57°59′40″ N, long. 135°25′05″ W, to lat. 58°08′36″ N, long. 135°26′55″ W, to lat. 58°25′37″ N, long. 136°00′20″ W, thence to the point of beginning.

Issued in Seattle, Washington, on October 12, 2018.

Shawn M. Kozica,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–23144 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0963]

RIN 1625–AA09

Drawbridge Operation Regulations; Tchefuncta River, Madisonville, LA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating schedule that governs the State Route 22 Bridge (Madisonville (SR 22) swing span bridge) across the Tchefuncta River, mile 2.5, at Madisonville, St. Tammany Parish, Louisiana. This action is necessary to relieve vehicular traffic congestion along SR 22 near Madisonville, LA during peak, afternoon traffic periods on weekdays.

DATES: This rule is effective November 26, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*. Type USCG–2016–0963 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Mr. Doug Blakemore, Eighth Coast Guard District Bridge Administrator; telephone (504) 671–2128, email *Douglas.A.Blakemore@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
LA–DOTD Louisiana Department of Transportation and Development
NPRM Notice of proposed rulemaking
§ Section
SNPRM Supplemental notice of proposed rulemaking

II. Background Information and Regulatory History

This final rule changes the operating schedule that governs the State Route 22 Bridge (Madisonville (SR 22) swing span bridge) across the Tchefuncta River, mile 2.5, at Madisonville.

The Madisonville (SR 22) swing span bridge has a vertical clearance of 6.2 feet above Mean High Water in the closed-to-navigation position and unlimited clearance in the open-to-navigation position. The bridge cycle time for an opening is approximately six minutes. Because the largest commercial facility upstream of the bridge is no longer in service, navigation on the Tchefuncta River consists primarily of recreational traffic. The drawbridge is regulated under 33 CFR 117.500. Currently, on both weekdays and weekends during daytime hours from 6 a.m. through 7 p.m., the draw opens on signal every half hour, and during nighttime hours from 7 p.m. through 6 a.m., it opens on signal. However, the current regulation provides that on weekdays Monday through Friday except federal holidays, the draw only opens once an hour during peak vehicular traffic periods in the morning and afternoon, between 6 a.m. and 9 a.m. and between 4 p.m. and 7 p.m.

In 2016, the bridge owner, Louisiana Department of Transportation and Development (LA–DOTD), requested a change to the bridge's operating schedule to relieve vehicular traffic congestion along SR 22 near Madisonville, LA. LA–DOTD's regulation change request had three components. First, it requested that the Coast Guard extend the daytime openings from half-hour intervals to hourly intervals on both weekdays and on weekends. Second, it requested that the bridge stay closed at 8 a.m. on weekdays. Third, it requested that the bridge stay closed at 5 p.m. and 6 p.m. on weekdays. In other words, generally speaking, LA–DOTD requested that during daytime hours on both weekdays and weekends, the bridge would open hourly, except that during weekday morning and afternoon vehicular commuting times, the bridge would be closed for a two-hour period in the morning and three-hour period in the afternoon.

In November of 2016, the Coast Guard issued a 180-day test deviation allowing the LA–DOTD to adopt the proposed schedule for the purpose of facilitating a study of vehicular traffic flow over the bridge as it related to a four way stop sign and traffic light at the intersection of SR 22 and SR 21 and its proposed schedule.[1] At the same time, the Coast Guard published a notice of proposed rulemaking (NPRM) requesting public comments on adopting the proposed change.[2] We did not receive any comments on the temporary deviation or the NPRM. In 2017, LA–DOTD conducted a traffic study and replaced the four-way stop sign at the intersection of SR 22 and SR 21/SR 1077 with a traffic light. The test deviation expired on May 18, 2017.

On June 14, 2018, the Coast Guard published a supplemental notice of proposed rulemaking (SNPRM) titled Drawbridge Operation Regulation; Tchefuncta River, Madisonville, LA (83 FR 27732). The SNPRM contained a detailed regulatory history of this rule and explained our review of LA–DOTD's request in light of the study. The Coast Guard determined that the study did not support all of LA–DOTD's requested changes, but that there was a potential correlation between traffic congestion and bridge openings on weekday afternoons and that a regulation change may alleviate vehicular traffic while also providing for the reasonable needs of navigation. The SNPRM proposed to change the bridge operating schedule and allow the bridge to remain closed to marine traffic at the scheduled weekday openings at 4 p.m., 4:30 p.m., 5 p.m. and 5:30 p.m. Monday through Friday except federal holidays. The proposed change would allow vehicles to travel along SR 22

[1] Drawbridge Operation Regulations; Tchefuncta River, Madisonville, LA (81 FR 76866).

[2] Drawbridge Operation Regulations; Tchefuncta River, Madisonville, LA (81 FR 76889).

unimpeded by bridge openings for a two and a half-hour period during the weekday afternoon commute. During the comment period that ended on July 16, 2018, we received 300 comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499. The Eighth Coast Guard District Commander has determined that this change to the operating schedule of the Madisonville (SR 22) swing span bridge that allows it to remain closed to marine traffic for a two and a half hour-period, after the 3:30 p.m. opening until the 6 p.m. opening on weekday afternoon commutes, is necessary and reasonable. The purpose of this rule is to alleviate vehicle congestion on SR 22 during peak afternoon traffic hours and meet the reasonable needs of recreational vessels to use the Tchefuncta River.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received 300 comments on our SNPRM published on June 14, 2018. Of the comments we received, 287 were in favor of the proposed rule, 8 were not in favor of the proposed rule, and 5 comments were unclear as to whether or not they were in favor of the proposed rule.

Nearly all the commenters expressed general dissatisfaction with the regular movement of vehicular traffic over the Madisonville (SR 22) swing span bridge. Of the 287 comments in favor of the two and one-half afternoon closure period during weekday afternoon commutes, 120 commenters requested that the Coast Guard also consider a morning weekday closure; another 42 of the 287 commenters requested that the Coast Guard extend the period between all openings from a half hour to an hour; and another 30 requested that the Coast Guard extend the two and one-half hour afternoon closure to accommodate either earlier school traffic patterns or a longer rush hour period into the evening. Although the Coast Guard understands the commenters' well-stated concerns for requiring additional closures and fewer openings, the Coast Guard is in need of data upon which to propose such changes. At this time, the Coast Guard believes that there is insufficient objective evidence that making the schedule more restrictive to vessels would result in a corresponding alleviation in the traffic congestion.

In particular, some commenters in support of the change claimed that recreational vessel use of the Tchefunta River, rather than commercial use, is insufficient use of the waterway to warrant a disproportionate inconvenience to motorists travelling on SR 22. However, a greater number of commenters also acknowledged that the opening of the drawbridge may not be the only factor causing the vehicular congestion, and that even closing the drawbridge entirely may not permanently solve the motorists' delay. The commenters pointed to the recent population increase in the area, the fact that SR 22 is one of only two routes over the Tchefunta River in the area, and the location of a traffic light less than 500 feet from the drawbridge as factors indicating that a land-based traffic management solution may be necessary. Some commenters recommended widening SR 22, replacing the swing-span bridge with a fixed bridge, adjusting the schedule of the nearby traffic light, or creating a circle pattern at the SR 22 and SR 21/SR 1077 intersection. We have forwarded those comments to LA–DOTD.

Of the 8 comments not in favor of the rule, most stated that the current schedule was acceptable and opposed any further restriction on bridge openings for vessels. In particular, some of the 8 commenters stated that waterways should take priority over roadways and echoed the above-mentioned statements that vessel traffic is not the cause of the motorists' delay, citing the increase in vehicular traffic and expressing an unwillingness to accommodate the local population increase. None of the commenters against the proposed afternoon closure presented an alternate closure period or presented any facts or data indicating that the recreational vessels could not adjust their transits according to the new schedule. In particular, one commenter expressed concern that the schedule would unnecessarily restrict tax-paying vessel owners from taking evening sunset cruises from November to February. While the Coast Guard understands that this schedule change will impact evening vessel transits, the impact will only be during weeknights, when vehicular traffic is heaviest, and the weekend schedule will provide flexibility for vessels requiring evening openings.

In addition, some commenters in favor of the rule expressed a misunderstanding as to the way the Coast Guard regulates drawbridges and their operation generally. As a preliminary matter, all drawbridges open ''on signal,'' which means that drawbridges must open promptly and fully for the passage of vessels when a request or signal to open is given in accordance with 33 CFR 117.15. In other words, even at the scheduled times in the regulation, the drawbridge does not open unless a vessel actually signals for an opening. Moreover, vessels may not signal for a drawbridge opening if the vertical clearance is sufficient to allow a vessel, after all lowerable nonstructural vessel appurtenances that are not essential to navigation have been lowered, to safely pass under the drawbridge in the closed position. Accordingly, the Coast Guard may assess penalties for the unnecessary opening of the draw. Finally, at least 6 commenters expressed concern overs delays of emergency medical vehicles. The Coast Guard regulations in 33 CFR 117.31 already address this issue, requiring that the drawtender make all reasonable efforts to close the draw when the emergency vehicle arrives. Nor did the Coast Guard receive comments from any police, fire, or emergency medical service providers that indicated concern with this regulation specific to their needs. In sum, the regulatory framework already provides: (1) That drawbridges do not open unless signaled by a vessel; (2) that vessels may be penalized for requesting unnecessary openings; and (3) that the drawbridge should close for emergency vehicles.

The Coast Guard thanks all commenters for their participation in this rulemaking. After considering all of the 300 comments we received, the Coast Guard believes that the SNPRM's proposed schedule adopting a two and half-hour closure period for weeknight afternoon commutes will meet the reasonable needs of vessel traffic on the Tchefuncta River. Accordingly, there are no changes in the regulatory text of this rule from the proposed rule in the SNPRM.

V. Discussion of Final Rule

This final rule changes the Madisonville (SR 22) swing span bridge operating schedule and allows the bridge to remain closed to marine traffic at the scheduled openings at 4 p.m., 4:30 p.m., 5 p.m., and 5:30 p.m. Monday through Friday except Federal holidays. Vessels may request an opening at 3:30 p.m., and again at 6 p.m. This allows vehicles to travel along SR 22 near Madisonville, LA unimpeded by bridge openings for a two and a half hour period during the afternoon commute. There are no other proposed changes to the operating schedule. The regulatory text appears at the end of this document.

VI. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses

based on these statutes and Executive orders and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

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

This regulatory action determination is based on a reduction of commercial vessel traffic on this waterway, and the recreational powerboats and sailboats that routinely transit the bridge under the schedule. Those vessels with a vertical clearance requirement of less than 6.2 feet above mean high water may transit the bridge at any time, and the bridge will open in case of emergency at any time. This regulatory action takes into account the reasonable needs of vessel and vehicular traffic.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on the November 4, 2016 NPRM. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a change to the operating schedule of a drawbridge. It is categorically excluded from further review under paragraph L49 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.500 to read as follows:

§ 117.500 Tchefuncta River.

The draw of the S22 Bridge, mile 2.5, at Madisonville, LA shall open on signal from 7 p.m. to 6 a.m. From 6 a.m. to 7 p.m. the draw need only open on the hour and half hour, except that:

(a) From 6 a.m. to 9 a.m. Monday through Friday except federal holidays the draw need only open on the hour; and

(b) From 4 p.m. to 5:30 p.m. Monday through Friday except federal holidays the draw need not open.

Dated: October 22, 2018.

Paul F. Thomas,

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

[FR Doc. 2018–23367 Filed 10–24–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0974]

Drawbridge Operation Regulation; Middle River, Between Bacon Island and Lower Jones Tract, 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 San Joaquin County (Bacon Island Road) highway bridge across Middle River, mile 8.6, between Bacon Island and Lower Jones Tract, CA. The deviation is necessary due to a scheduled public utility power outage, resulting in no power to the bridge. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 8 a.m. through 6 p.m. on November 3, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0974, 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 San Joaquin County Department of Public Works has requested a temporary change to the operation of the San Joaquin County (Bacon Island Road) highway bridge, across Middle River, mile 8.6, between Bacon Island and Lower Jones Tract, CA. The drawbridge navigation span provides a vertical clearance of 8 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.171(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 8 a.m. to 6 p.m. on November 3, 2018, to allow Pacific Gas & Electric secure power to the bridge to perform necessary work on a transformer. 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. Old River can be used as an alternate route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: October 22, 2018.

Carl T. Hausner

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2018–23368 Filed 10–24–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0972]

Drawbridge Operation Regulation; Elizabeth River—Eastern Branch, Norfolk, VA

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 Berkley (U.S. 460/S.R. 337) Bridge across the Elizabeth River—Eastern Branch, mile 0.4, at Norfolk, VA. The deviation is necessary to allow the bridge to remain in the closed-to-navigation position to facilitate testing of the emergency drive motors.

DATES: This deviation is effective from 2:30 a.m. to 6 a.m. on October 28, 2018.

ADDRESSES: The docket for this deviation, [USCG–2018–0972], 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 Mr. Mickey Sanders, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6587, email *Mickey.D.Sanders2@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Virginia Department of Transportation, who owns and operates the Berkley (U.S. 460/S.R. 337) Bridge across the Elizabeth River—Eastern Branch, mile 0.4, at Norfolk, VA, has requested a temporary deviation from the current operating regulation set out in 33 CFR 117.1007(b), to facilitate testing of the emergency drive motor on both spans of the bridge.

Under this temporary deviation, the bridge will remain in the closed-to-navigation position from 2:30 a.m. to 6 a.m. on October 28, 2018. The drawbridge has two spans, each with double-leaf bascule draws, and both spans have a vertical clearance in the closed-to-navigation position of 48 feet above mean high water.

The Elizabeth River—Eastern Branch is transited by recreational vessels, tug and barge traffic, fishing vessels, and small commercial vessels. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

Vessels able to pass through the bridges in the closed position may do so at any time. The bridge spans will not be able to open in case of an emergency 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 Notice and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: October 19, 2018.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2018–23319 Filed 10–24–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0986]

RIN 1625–AA00

Safety Zone; Allegheny River, Miles 0.25 to 0.7, Pittsburgh, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters of the Allegheny River from mile 0.25 to mile 0.7. This safety zone is necessary to protect persons, vessels, and the marine environment from potential hazards associated with low flying aircraft over the Allegheny River. Entry of persons or vessels into this zone is prohibited unless authorized by the Captain of the Port Marine Safety Unit Pittsburgh or a designated representative.

DATES: This rule is effective without actual notice from October 25, 2018 through noon on November 5, 2018. For the purposes of enforcement, actual notice will be used from 6 a.m. on October 22, 2018 through October 25, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0986 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Jennifer Haggins, Marine Safety Unit Pittsburgh, U.S. Coast Guard; telephone 412–221–0807, email *Jennifer.L.Haggins@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Marine Safety Unit Pittsburgh
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that it is ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. This safety zone must be established as early as October 22, 2018, and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the safety zone until after the aircraft operation.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest because immediate action is necessary to respond to the potential safety hazards associated with low flying aircraft over the Allegheny River.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Marine Safety Unit Pittsburgh (COTP) has determined that potential hazards associated with low flying aircraft will be a safety hazard for anyone within a one half-mile stretch of the Allegheny River. The rule is needed to protect persons, vessels, and the marine environment on the navigable waters within the safety zone before, during, and after the aircraft operation.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 6 a.m. on October 22, 2018 through noon on November 5, 2018. The safety zone will cover all navigable waters of the Allegheny River, from mile 0.25 to mile 0.7. The safety zone will be enforced only on one day during the effective period, from 6 a.m. through noon. The COTP or a designated representative would inform the public through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), and/or other means of public notice, as appropriate, at least 24 hours in advance of the enforcement period. The duration of the zone is intended to protect persons, vessels, and the marine environment on these navigable waters before, during, and after a low-flying aircraft operation. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Marine Safety Unit Pittsburgh. Persons and vessels seeking entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or by telephone at (412) 221–0807. Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful instructions of the COTP or a designated representative. The COTP or a designated representative will inform the public of the enforcement period for the safety zone as well as any changes in the schedule through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the temporary safety zone. This regulation will impact vessel traffic on a less than one-half mile stretch the Allegheny River for six hours on one morning. Moreover, the Coast Guard

will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0986 to read as follows:

§ 165.T08–0986 Safety Zone; Allegheny River, miles 0.25 to 0.7, Pittsburgh, PA.

(a) *Location.* The following area is a safety zone: All navigable waters of the Allegheny River from mile 0.25 to mile 0.7.

(b) *Effective period.* This section is effective from 6 a.m. on October 22, 2018 through noon on November 5, 2018.

(c) *Enforcement period.* This section will be enforced on one day during the effective period from 6 a.m. through noon. The Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative will inform the public as provided in subsection (e) at least 24 hours in advance of the enforcement period.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into this zone is prohibited unless authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Marine Safety Unit Pittsburgh.

(2) Persons and vessels seeking entry into this safety zone must request permission from the COTP or a designated representative. They may be

contacted on VHF–FM Channel 16 or by telephone at (412) 221–0807.

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

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public of the enforcement period for the safety zone as well as any changes in the schedule through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: October 19, 2018.

A.W. Demo,

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

[FR Doc. 2018–23301 Filed 10–24–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2017–0279; FRL–9985–30–Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; VOC Definition Update and Removal of Obsolete Gasoline Vapor Recovery Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a request submitted by the Wisconsin Department of Natural Resources (WDNR) on May 16, 2017, to revise the Wisconsin State Implementation Plan (SIP). The submission includes amendments to the Wisconsin Administrative Code updating the definition of ''volatile organic compound (VOC)'' to add eight compounds to the list of exempt compounds. In addition, WDNR is also requesting the withdrawal of several previously approved provisions of the Wisconsin Administrative Code from the SIP concerning the State's Stage II vapor recovery (Stage II) program that terminated in 2012. EPA approved the removal of the Stage II program as a component of the Wisconsin SIP in 2013, including the approval of a demonstration under section 110(l) of the Clean Air Act (CAA) that addressed emissions impacts associated with the removal of the program. EPA proposed to approve the State's submittal on May 25, 2018.

DATES: This final rule is effective on November 26, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2017–0279. All documents in the docket are listed in the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information 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 either through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Mobile Source Program Manager, Control Strategies Section, Air Programs Branch (AR 18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061, *acevedo.francisco@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we'', ''us'' or ''our'' is used, we mean EPA.

I. What is being addressed by this document?

On May 25, 2018, at 83 FR 24267, EPA proposed to approve a revision to the Wisconsin SIP that updates the definition of VOC at Wisconsin Administrative Code Chapter NR 400.02(162) to add the following compounds to the list of exclusions at NR 400.02(162): Trans-1,3,3,3-tetrafluoropropene (HFO-1234ze), HCF_2OCF_2H (HFE-134), $HCF_2OCF_2OCF_2H$ (HFE-236cal2), $HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13), $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galaden 1040X or H-Galden ZT 130 (or 150 or 180), Trans-1-chloro-3,3,3-triflouroprop-1-ene (Solstice™ 1233zd(E)), 2,3,3,3-tetraflouropropene (HFO-1234yf), and 2-amino-2-methyl-1-propanol (AMP; CAS number 124–68–5). Wisconsin took this action based on EPA's 2012, 2013, and 2014 rulemakings in which EPA determined that these compounds have a negligible contribution to tropospheric ozone formation and thus should be excluded from the definition of VOC codified at 40 CFR 51.100(s). *See* 77 FR 37610 (June 22, 2012); 78 FR 9823 (February 12, 2013); 78 FR 62451 (October 22, 2013); 78 FR 53029 (August 28, 2013); and 79 FR 17037 (March 27, 2014). This action also approves minor stylistic edits for clarity in NR 420.02(39), NR 420.03(4)(b)3, NR 420.04(1)(b)4, and NR 420.04(3)(c)1.

EPA is also approving the withdrawal of several remaining provisions from the Wisconsin SIP that are related to the Stage II vapor recovery program that was terminated by Wisconsin in 2012. Wisconsin originally submitted a SIP revision to EPA on November 18, 1992, to satisfy the requirement of section 182(b)(3) of the CAA. The revision applied to Kenosha, Kewanee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha counties, and was incorporated into the WDNR's 1993–94 ozone 15% Control Plan. EPA fully approved Wisconsin's Stage II program on August 13, 1993 (53 FR 43080), including the program's legal authority and administrative requirements found in Section 285.31 of the Wisconsin Statutes and Chapter NR 420.045 of the Wisconsin Administrative Code.

On November 12, 2012, WDNR submitted a SIP revision requesting the removal of Stage II requirements under NR 420.045 of the Wisconsin Administrative Code from the Wisconsin SIP. To support the removal of the Stage II requirements, the revision included a section 110(l) demonstration addressing the emissions impacts associated with the removal of the program. On November 4, 2013 (78 FR 65875), EPA approved the removal of the Stage II requirements under NR 420.045 of the Wisconsin Administrative Code from the Wisconsin SIP. In this action EPA approves the removal of the residual Stage II provisions that remained in place after the program was decommissioned. These provisions are NR 420.02(8m), 420.02(26), 420.02(32), 420.02(38m), NR 425.035, NR 439.06(3)(i), NR 484.05(4), NR 484.05(5), and NR 494.04.

II. What comments did we receive on the proposed SIP revision?

Our May 25, 2018 proposed rule provided a 30-day review and comment period. The comment period closed on June 25, 2018. EPA received one comment during the public comment period, but the comment was completely outside of the scope of this approval and, therefore, is not being addressed as part of this final action.

III. What action is EPA taking?

EPA is approving the revision to the Wisconsin SIP submitted by WDNR on May 16, 2017, because the revision is consistent with EPA's prior actions revising the definition of VOC. In addition, the removal of remaining Stage II program provisions from the SIP

meets all applicable requirements, and will not interfere with reasonable further progress or attainment of any of the national ambient air quality standards.

IV. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Wisconsin Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 24, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: September 19, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.2570 is amended by revising paragraphs (c)(69)(i)(A) through (C), (c)(69)(i)(E), (c)(73)(i)(C), and (c)(73)(i)(H) through (J), and by adding paragraph (c)(138) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(69) * * *

(i) * * *

(A) Wisconsin Administrative Code, Chapter NR 420 Control of Organic Compound Emissions from Petroleum and Gasoline Sources; Section 420.02 Definitions, Sections NR 420.02(8m), (24m), (32m), (38m), (39m); Section NR 420.045 Motor Vehicle Refueling; published in Wisc. Admin. Code in January 1993, and took effect on February 1, 1993. Section NR 420.045 was rescinded in 2013 and is removed without replacement; see paragraph (c)(129) of this section. Sections NR 420.02(8m) and NR 420.02(38m) were rescinded in 2016 and are removed without replacement; see paragraph (c)(138) of this section.

(B) Wisconsin Administrative Code, Chapter NR 425 Compliance Schedules, Exceptions, Registration and Deferrals for Organic Compound Emissions Sources in Chapters 419 to 424; Section 425.035 Throughput Reporting and Compliance Schedules for Motor Vehicle Refueling; published in Wisc. Admin. Code in January 1993, and took effect on February 1, 1993. Section NR 425.035 was rescinded in 2016 and is removed without replacement; see paragraph (c)(138) of this section.

(C) Wisconsin Administrative Code, Chapter NR 439 Reporting, Recordkeeping, Testing, Inspection and Determination of Compliance Requirements; Section NR 439.06(3)(c); Section NR 439.06(3)(i); published in the Wisc. Admin. Code in January 1993, and took effect on February 1, 1993. Section NR 439.06(3)(i) was rescinded in 2016 and is removed without

replacement; see paragraph (c)(138) of this section.

* * * * *

(E) Wisconsin Administrative Code, Chapter NR 494 Enforcement and Penalties for Violation of Air Pollution Control Provisions; renumbered Sections NR 494.025 and 494.03 to NR 494.03 and 494.05; Section NR 494.04 Tagging Gasoline Dispensing Equipment; published in the Wisc. Admin. Code in January 1993 and took effect on February 1, 1993. Section NR 494.04 was rescinded in 2016 and is removed without replacement; see paragraph (c)(138) of this section.

* * * * *

(73) * * *

(i) * * *

(C) Chapter NR 420: CONTROL OF ORGANIC COMPOUND EMISSIONS FROM PETROLEUM AND GASOLINE SOURCES. NR 420.01 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March, 1, 1990. NR 420.02 and 420.045 as published in the (Wisconsin) Register, January, 1993, No. 445, effective February 1, 1993. NR 420.03 and 420.04 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994. NR 420.05 as published in the (Wisconsin) Register, May, 1992, No. 437, effective June 1, 1992. Section NR 420.045 was rescinded in 2013 and is removed without replacement; see paragraph (c)(129) of this section. Sections NR 420.02(8m), (26), (32), and (38m) were rescinded in 2016 and are removed without replacement; see paragraph (c)(138) of this section.

* * * * *

(H) Chapter NR 425: COMPLIANCE SCHEDULES, EXCEPTIONS, REGISTRATION AND DEFERRALS FOR ORGANIC COMPOUND EMISSION SOURCES IN CHS. NR 419 TO 424. NR 425.01 and 425.02 as published in the (Wisconsin) Register, February, 1990, No. 410, effective March 1, 1990. NR 425.03, 425.04 and 425.05 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994. NR 425.035 as published in the (Wisconsin) Register, January, 1993, No. 445, effective February 1, 1993. Section NR 425.035 was rescinded in 2016 and is removed without replacement; see paragraph (c)(138) of this section.

(I) Chapter NR 439: REPORTING, RECORDKEEPING, TESTING, INSPECTION AND DETERMINATION OF COMPLIANCE REQUIREMENTS. NR 439.01 and 439.085 as published in the (Wisconsin) Register, May, 1992, No. 437, effective June 1, 1992. NR 439.02, 439.03, 439.04, 439.05, 439.055, 439.06, 439.07, 439.075, 439.09, 439.095 and 439.11 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994. NR 439.08 as published in the (Wisconsin) Register, May, 1993, No. 449, effective June 1, 1993. NR 439.10 as published in the (Wisconsin) Register, September, 1987, No. 381, effective October 1, 1987. Section NR 439.06(3)(i) was rescinded in 2016 and is removed without replacement; see paragraph (c)(138) of this section.

(J) Chapter NR 484: INCORPORATION BY REFERENCE. NR 484.01 as published in the (Wisconsin) Register, May, 1992, No. 437, effective June 1, 1992. NR 484.02 as published in the (Wisconsin) Register, September, 1986, No. 369, effective October 1, 1986. NR 484.03 as published in the (Wisconsin) Register, May, 1993, No. 449, effective June 1, 1993. NR 484.04, 484.05 and 484.06 as published in the (Wisconsin) Register, December, 1993, No. 456, effective January 1, 1994. NR 484.08 and 484.09 as published in the (Wisconsin) Register, October, 1992, No. 442, effective November 1, 1992. Section NR 484.04(3) was repealed in 2011 and is removed without replacement; see paragraph (c)(130) of this section. Sections NR 484.05(4) and NR 484.04(5) were rescinded in 2016 and are removed without replacement; see paragraph (c)(138) of this section.

* * * * *

(138) On May 16, 2017, the Wisconsin Department of Natural Resources submitted a request to remove, from the Wisconsin ozone State Implementation Plan, residual Stage II vapor recovery program provisions that remained in place after the program was decommissioned. The request also updates the definition of VOC at Wisconsin Administrative Code Chapter NR 400.02(162) to add the following compounds to the list of excluded compounds at NR 400.02(162): Trans-1,3,3,3-tetrafluoropropene (HFO-1234ze), HCF2OCF2H (HFE-134), HCF2OCF2OCF2H (HFE-236cal2), HCF2OCF2CF2OCF2H (HFE-338pcc13), HCF2OCF2OCF2CF2OCF2H (H-Galaden 1040X or H-Galden ZT 130 (or 150 or 180), Trans-1-chloro-3,3,3-triflouroprop-1-ene (SolsticeTM 1233zd(E)), 2,3,3,3-tetraflouropropene (HFO-1234yf), and 2-amino-2-methyl-1-propanol (AMP; CAS number 124–68–5). The request also includes minor amendments that contain minor stylistic edits for clarity.

(i) *Incorporation by reference.* NR 400.02(162), NR 420.02(39), NR 420.03(4)(b)3, NR 420.04(1)(b)4, and NR 420.04(3)(c)1 as published in the Wisconsin Register, July 2016, No. 727, effective August 1, 2016.

(ii) *Additional material.* Wisconsin Natural Resources Board January 27, 2016, Board Order AM–15–14 to repeal NR 420.02(8m), (26), (32), and (38m), 425.035, 439.06(3)(i), 484.05(4) and (5), and 494.04; as published in the Wisconsin Register July 2016, No. 727, effective August 1, 2016.

[FR Doc. 2018–23244 Filed 10–24–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 136 and 142

[Docket No. USCG–2017–1060]

RIN 1625–AC43

Harmonization of Fire Protection Equipment Standards for Towing Vessels

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is finalizing an interim final rule that applied the changes made by the 2016 final rule, ''Harmonization of Standards for Fire Protection, Detection, and Extinguishing Equipment,'' to inspected towing vessels. The interim final rule, published February 26, 2018 in the **Federal Register**, aligned fire protection and equipment regulations for inspected towing vessels with other commercial vessel regulations. The Coast Guard received no comments on the interim rule, and adopts the interim final rule with one clarification.

DATES: This final rule is effective November 26, 2018.

ADDRESSES: Documents mentioned in this preamble are available in the public docket by going to *http://www.regulations.gov,* typing USCG–2017–1060 in the ''SEARCH'' box and clicking ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email LT Alexandra Miller, Office of Design and Engineering Standards, Lifesaving and Fire Safety Division (CG–ENG–4), Coast Guard; telephone 202–372–1356, email *Alexandra.S.Miller@uscg.mil.*

SUPPLEMENTARY INFORMATION:

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III. Regulatory Analyses
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I. Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
Fire Protection rule ''Harmonization of Standards for Fire Protection, Detection, and Extinguishing Equipment'' final rule (81 FR 48220, July 22, 2016)
FR Federal Register
NFPA 10 National Fire Protection Association Standard for Portable Fire Extinguishers, 2010 edition
OCMI Officer in Charge, Marine Inspection
OMB Office of Management and Budget
RA Regulatory Analyses
§ Section symbol
Subchapter C 46 CFR subchapter C—Uninspected Vessels
Subchapter M 46 CFR subchapter M—Towing Vessels
U.S.C. United States Code

II. Background Information, Legal Authority, and Discussion of Change

On February 26, 2018, the Coast Guard published an interim final rule with request for comments entitled ''Harmonization of Fire Protection Equipment Standards for Towing Vessels'' in the **Federal Register** (83 FR 8175). We received no comments. This final rule adopts the interim final rule, with one change. For a detailed description of the regulations finalized by this final rule, see the preamble of the interim final rule (83 FR 8175, February 28, 2018).

The Coast Guard may regulate fire protection equipment on inspected towing vessels under the statutory authority found in 46 U.S.C. 3301 and 3306, which was delegated by the Secretary of Homeland Security to the Coast Guard in DHS Delegation Number 0170.1(II)(92). The interim final rule harmonized fire protection equipment requirements regarding portable and semi-portable fire extinguishers on inspected towing vessels with the requirements for other commercial vessels in Title 46 of the Code of Federal Regulations (CFR), including uninspected towing vessels.

Prior to the publication of the interim final rule, inspected towing vessels were subject to older, less modern fire protection regulations for fire extinguishers than uninspected towing vessels and other commercial vessels. The interim final rule corrected the inconsistent situation where a towing vessel transitioning from uninspected to inspected status would be required to comply with the previous standards instead of the newer standards. The interim final rule provided uniformity in fire protection equipment requirements across uninspected and inspected towing vessel fleets.

In this final rule we add clarifying language to 46 CFR 142.215(d) to eliminate possible ambiguity as to whether existing firefighting equipment must meet the requirements of part 142. The additional language in § 142.215(d) clarifies that this paragraph applies only to excess existing firefighting equipment and installations. When the Coast Guard issued a final rule establishing inspected towing vessels as a class of vessel,[1] § 142.215(c) provided the requirements for carriage of both new and existing excess firefighting equipment and installations. In the interim final rule, we attempted to clarify the excess firefighting equipment requirements by breaking § 142.215(c) into two sections: § 142.215(c) for new equipment and § 142.215(d) for existing equipment. In doing so, we inadvertently omitted the statement that § 142.215(d) only applies to excess existing firefighting equipment and installations. Therefore, we are correcting that omission in this final rule.

Section 553(b)(B) of Title 5 U.S.C. provides an exception from notice and comment rulemaking requirements when an agency finds that notice and comment are ''impracticable, unnecessary, or contrary to the public interest.'' In the interim final rule, we separated the excess equipment requirements in 46 CFR 142.215(c) into two sections: One for existing firefighting equipment and one for new firefighting equipment. In doing so, however, the Coast Guard did not intend to change the original requirements of § 142.215(c). In the preamble to the Inspection of Towing Vessels final rule, which initially created § 142.215(c), we said we ''have added a paragraph (c) to this section to address equipment that is installed but not required by this subpart.'' (81 FR 40003, 40057, June 20, 2016). This preamble language makes clear that we intended paragraph (c) to apply to both new and existing excess firefighting equipment on towing vessels.

However, when the Coast Guard created § 142.215(d) in the 2018 interim final rule, the Coast Guard inadvertently omitted the statement that § 142.215(d) only applies to excess existing firefighting equipment and installations. As currently written in the interim final rule, § 142.215(d) could be interpreted as a blanket grandfathering clause for existing equipment and installations to forego some or all of the requirements of part 142. This interpretation was never intended. The Regulatory Analyses in the interim final rule described the creation of § 142.215(d) from the last sentence of previous § 142.215(c) as a change to ''[e]dit and reorganize paragraph for clarity'' and characterized it as a ''non-substantive text edit'' (83 FR 8177). Additionally, the interim final rule referred to the creation of paragraph (d) in its Cost Analysis section as ''Add[ing] a new paragraph to allow equipment beyond the regulatory minimum'' (83 FR 8177).

In this final rule, the Coast Guard is adding clarifying language in paragraph (d) to align with our original intent for this section, to allow excess equipment to remain in use if it does not meet all the requirements of 46 CFR part 142. Public comment on this clarifying language is unnecessary, because the change will not alter the fire equipment and installations requirements already required for the towing vessel population. Since the interim final rule, the Coast Guard has not enforced § 142.215(d) as a blanket grandfathering clause, and no existing inspected or uninspected towing vessels will need to do anything new in order to comply with the amended paragraph (d). Because this change to § 142.215(d) clarifies the original intent of the section and does not alter the expectations and duties of the affected population, prior notice and opportunity to comment on the change is unnecessary. Under 5 U.S.C. 553(b)(B), the Coast Guard finds good cause to forgo notice and comment.

III. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on these statutes or Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic,

[1] *See* 81 FR 40003 (June 20, 2016).

environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs), directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. Because this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum titled ''Guidance Implementing Executive Order 13771, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (April 5, 2017). A regulatory analysis (RA) follows.

This final rule will implement the interim final rule's update to the fire safety rules in subchapter M with one change: The addition of clarifying language to § 142.215(d). This RA presents the costs and benefits of this one change. The costs and the benefits of the interim final rule are located in the RA section of that rule (83 FR 8175; February 26, 2018). The Coast Guard believes this will be a cost neutral rule, as we do not expect the addition of clarifying language to § 142.215(d) to generate any costs or quantifiable benefits to either industry or government. Table 1 presents a summary of the impacts of this rule.

TABLE 1—SUMMARY OF IMPACTS OF THE RULE

Category	Summary
Applicability	Towing vessels required to be inspected under subchapter M.
Affected population	5,509 towing vessels.
Costs	No costs identified.
Benefits	Provides clarifying language on an ambiguously written regulatory section in the interim final rule.

Affected Population

The affected population consists of the U.S.-flagged towing vessels subject to the provisions of subchapter M. The RA performed for the *Inspection of Towing Vessels* final rule identified 5,509 towing vessels that will be affected and concluded that the long-term pattern was a steady-state population. We have no new information to revise that conclusion and will use the population from that rule for this analysis.

Cost Analysis

This rule adapts the interim final rule's alignment of fire protection and equipment regulations for inspected towing vessels with other commercial vessels, with one additional change. The final rule will add text to clarify the wording in § 142.215(d), which allows extra equipment to remain in service on a vessel even if it does not meet the specific requirements of the applicable regulations, as long as it is approved by the local OCMI. Table 2 describes the economic impact of this change.

TABLE 2—ASSESSMENT OF COST IMPACTS OF CHANGES MADE BETWEEN THE INTERIM FINAL RULE AND FINAL RULE

Description of change given in the interim final rule § 142.215(d)	Type of change	Cost impact
Added additional text to § 142.215(d) to clarify that the section only applies to equipment not required or in excess of the regulatory minimum.	Non-substantive text edit only.	No cost, because all existing vessels are already required to be in compliance with the regulatory requirements of part 142 from when they were uninspected, under subchapter C.

Benefits

This final rule will adapt the interim final rule's harmonization of the fire safety rules in subchapter M with the fire safety rules applicable to uninspected towing vessels and commercial vessels. The final rule also provides clarifying language in the regulatory text, ensuring that there is no confusion about the intent of § 142.215(d). This section allows equipment in excess of this part to remain in service on a vessel even if it does not meet the specific requirements of the applicable regulations, as long as it is found acceptable by the local OCMI. Without this additional text, the Coast Guard believes the section could be read as a blanket grandfathering clause, and we would have to issue guidance to all OCMIs to ensure that all required existing equipment meets the requirements of part 142.

B. Small Entities

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

Our economic analysis concluded that this final rule will have no cost impact and will not affect the small entities that own and operate the towing vessels that comprise the affected population, described above. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offered to assist small entities in understanding this rule so that they could better evaluate its effects on them and participate in the rulemaking. The Coast Guard will not retaliate against

small entities that question or complain about this rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

This rule calls for no new collection of information or modification of an existing collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

E. Federalism

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

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 3306, 3703, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as the reporting of casualties and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See* the Supreme Court's decision in *United States* v. *Locke and Intertanko* v. *Locke,* 529 U.S. 89, 120 S.Ct. 1135 (2000). This rule covers foreclosed categories as it establishes regulations covering fire extinguishing equipment for towing vessels subject to inspection under 46 U.S.C. 3301 and 3306. Therefore, because the States may not regulate within these categories, this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

F. Unfunded Mandates Reform Act

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

G. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

K. Energy Effects

We have analyzed this rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards and Incorporation by Reference

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. The interim rule, as adopted by this final rule, uses the following updated voluntary consensus standard: NFPA 10, Standard for Portable Fire Extinguishers, 2010 Edition, effective December 5, 2009. This standard applies to the selection, installation, inspection, maintenance, recharging, and testing of portable fire extinguishers.

Consistent with 1 CFR part 51 incorporation by reference provisions, this material is reasonably available. Interested persons have access to it through their normal course of business, may purchase it from the organization identified in 46 CFR 136.112(h), or may view a copy by means we have identified in that section.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01(series), and Commandant Instruction M16475.lD (COMTINST M16475.1D), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under the ''Public Participation and Request for Comments'' section of this preamble.

This rule makes final updates to 46 CFR subchapter M which harmonized fire safety standards for inspected towing vessels with those of other commercial vessels. These updated regulations are categorically excluded under paragraphs L52, L54, L57, and L58 of Appendix A, Table 1 of DHS Instruction Manual 023–01(series). Paragraph L52 pertains to regulations

concerning vessel operation safety standards; paragraph L54 pertains to regulations which are editorial or procedural; paragraph L57 pertains to regulations involving the inspection and equipping of vessels; and paragraph L58 pertains to regulations concerning equipment approval and carriage requirements.[2]

List of Subjects in 46 CFR Part 142

Fire prevention, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements, Towing vessels.

For the reasons discussed in the preamble, the Coast Guard adopts the interim final rule amending 46 CFR 136 and 142 as final, except it amends 46 CFR part 142 as follows:

PART 142—FIRE PROTECTION

■ 1. The authority citation for part 142 continues to read as follows:

Authority: 46 U.S.C. 3103, 3301, 3306, 3308, 3316, 8104, 8904; 33 CFR 1.05; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 142.215(d) to read as follows:

§ 142.215 Approved equipment.

* * * * *

(d) Existing equipment and installations, of a type not required, or in excess of that required by this part, not meeting the applicable requirements of this part may be continued in service so long as they are in good condition and accepted by the local OCMI or TPO.

Dated: October 18, 2018.

J.P. Nadeau,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2018–23314 Filed 10–24–18; 8:45 am]

BILLING CODE 9110–04–P

[2] Please note that the USCG categorical exclusions used in the NEPA analysis for the interim final rule, published on February 26, 2018, appear as cited in Figure 2 of COMDTINST M16475.1D and under paragraph 6(a) of the ''Appendix to National Environmental Policy Act: Coast Guard Procedures for Categorical Exclusions, Notice of Final Agency Policy'' (67 FR 48243, July 23, 2002). The categorical exclusions that appear in Appendix A, Table 1 of DHS Instruction Manual 023–01 (series) use a different numbering system, but are substantially equivalent to those used for the interim final rule.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WC Docket No. 17–84, WT Docket No. 17–79; Report No. 3105]

Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petitions for reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission's Rulemaking proceeding by Joseph Van Eaton, on behalf of Smart Communities and Special District Coalition, Bruce Regal, on behalf of The City of New York, Michael C. Levine, on behalf of Country Road Association of Michigan and Thomas B. Magee, on behalf of Coalition of Concerned Utilities.

DATES: Oppositions to the Petitions must be filed on or before November 9, 2018. Replies to an opposition must be filed on or before November 19, 2018.

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

FOR FURTHER INFORMATION CONTACT: Adam Copeland, Wireline Competition Bureau, at: (202) 418–1037; email: *Adam.Copeland@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 3105, released October 18, 2018. The full text of the Petitions is available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW, Room CY–A257, Washington, DC 20554. It also may be accessed online via the Commission's Electronic Comment Filing System at: *http://apps.fcc.gov/ecfs/.* The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5.U.S.C. 801(a)(1)(A), because no rules are being adopted by the Commission.

Subject: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, FCC 18–111, published at 83 FR 46812, September 14, 2018, in WC Docket No. 17–84; WT Docket No 17–79. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

Number of Petitions Filed: 4.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–23355 Filed 10–24–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[GN Docket No. 12–268; FCC 14–50]

Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions

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, on an emergency basis, new information collection requirements and FCC Form 1875, Reverse Auction (Auction 1001) Incentive Payment Instructions from Reverse Auction Winning Bidder associated with the Commission's Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions Report and Order (*Incentive Auction Report and Order*), FCC 14–50. This document is consistent with the *Incentive Auction Report and Order,* which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the new information collection requirements.

DATES: The amendment to 47 CFR 1.2209 published at 79 FR 48442 on August 15, 2014, is effective on October 25, 2018.

FOR FURTHER INFORMATION CONTACT: For additional information contact Nicole Ongele, *Nicole.Ongele@fcc.gov,* (202) 418–2991.

SUPPLEMENTARY INFORMATION: This document announces that, on January 17, 2017 OMB approved, on an emergency basis, new information collection requirements and FCC Form 1875, Reverse Auction (Auction 1001) Incentive Payment Instructions from Reverse Auction Winning Bidder, contained in the Commission's *Incentive Auction Report and Order,* FCC 14–50, published at 79 FR 48442, August 15, 2014. The OMB Control Number is 3060–1224. The Commission publishes this document as an announcement of the effective date of the rules and requirements. 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, 3060–1224, 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 emergency approval from OMB on January 17, 2017, for the information collection requirements contained in 47 CFR 1.2209.

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 3060–1224.

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: 3060–1224.

OMB Approval Date: January 17, 2017.

OMB Expiration Date: July 31, 2017.

Title: Reverse Auction (Auction 1001) Incentive Payment Instructions from Reverse Auction Winning Bidder.

Form Number: FCC Form 1875.

Respondents: Business or other for-profit, Not-for-profit institutions and State, Local or Tribal government.

Number of Respondents and Responses: 750 respondents; 1,500 responses.

Estimated Time per Response: 2.5 hours.

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96 (Spectrum Act) § 6403(a)(1).

Total Annual Burden: 3,750 hours.

Total Annual Cost: No Cost.

Nature and Extent of Confidentiality: The information collection includes information identifying bank accounts and providing account and routing numbers to access those accounts. FCC considers that information to be records not routinely available for public inspection under 47 CFR 0.457, and exempt from disclosure under FOIA exemption 4 (5 U.S.C. 552(b)(4)).

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The collection was submitted to OMB and approved, on an emergency basis, for the information collection requirements contained in the Commission's *Incentive Auction Order,* FCC 14–50, which adopted rules for holding an Incentive Auction as required by the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act).

The Spectrum Act mandates ''a reverse auction to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its broadcast television spectrum usage rights in order to make spectrum available for assignment through a system of competitive bidding''.[1]

The Commission conducted notice-and-comment rulemaking to implement the Spectrum Act, and ruled in the Incentive Auction Report and Order that:

''we adopt the Commission's proposal to require successful bidders in the reverse auction to submit additional information to facilitate incentive payments. As mentioned in the NPRM, we envision that the information would be submitted on standardized incentive payment forms similar to the Automated Clearing House (''ACH'') forms unsuccessful bidders in typical spectrum license auctions use to request refunds of their deposits and upfront payments. This information collection is necessary to facilitate incentive payments and should not be burdensome to successful bidders. Specifically, without further instruction and bank account information from successful bidders, the Commission would not know where to send the incentive payments.'' [footnotes omitted][2]

The information collection for which we are requesting approval is the standardized incentive payment form referred to in the paragraph above.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–23349 Filed 10–24–18; 8:45 am]

BILLING CODE 6712–01–P

[1] Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96 (Spectrum Act) § 6403(a)(1).

[2] Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12–268, Report and Order, 29 FCC Rcd 6567 (2014) (''Incentive Auction R&O'') at 537.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130312235–3658–02]

RIN 0648–XG569

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; Vermilion Snapper Trip Limit Reduction

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

ACTION: Temporary rule; trip limit reduction.

SUMMARY: NMFS reduces the commercial trip limit for vermilion snapper in or from the exclusive economic zone (EEZ) of the South Atlantic to 500 lb (227 kg), gutted weight, 555 lb (252 kg), round weight. This trip limit reduction is necessary to protect the South Atlantic vermilion snapper resource.

DATES: This rule is effective 12:01 a.m., local time, October 26, 2018, until 12:01 a.m., local time, January 1, 2019.

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

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

The commercial ACL (commercial quota) for vermilion snapper in the South Atlantic is divided into two 6-month time periods, January through June, and July through December. For the July 1 through December 31, 2018, fishing season, the commercial quota is 388,703 lb (176,313 kg), gutted weight, 431,460 lb (195,707 kg), round weight (50 CFR 622.190(a)(4)(ii)(D)). As specified in 50 CFR 622.190(a)(4)(iii), any unused portion of the commercial quota from the January through June 2018, fishing season would be added to the commercial quota for the July through December 2018, fishing season. The unused portion of the quota that was not harvested during the January through June fishing season, totaled 32,534 lb (14,757 kg) gutted weight, 36,113 lb (16,381 kg), round weight, and was added to the July through December 2018 quota. This resulted in a 2018 adjusted commercial quota, for the July through December fishing season of 421,237 lb (191,070 kg), gutted weight, 467,573 lb (212,088 kg), round weight.

Under 50 CFR 622.191(a)(6)(ii), NMFS is required to reduce the commercial trip limit for vermilion snapper from 1,000 lb (454 kg), gutted weight, 1,110 lb (503 kg), round weight, when 75 percent of the fishing season commercial quota is reached or projected to be reached, by filing a notification to that effect with the Office of the Federal Register. The reduced commercial trip limit is 500 lb (227 kg), gutted weight, 555 lb (252 kg), round weight. Based on current information, NMFS has determined that 75 percent of the available commercial quota for the July through December 2018 fishing season for vermilion snapper will be reached by October 26, 2018. Accordingly, NMFS is reducing the commercial trip limit for vermilion snapper to 500 lb (227 kg), gutted weight, 555 lb (252 kg), round weight, in or from the South Atlantic EEZ at 12:01 a.m., local time, on October 26, 2018. This reduced commercial trip limit will remain in effect until the start of the next commercial fishing season on January 1, 2019, or until the commercial quota is reached and the commercial sector closes, whichever occurs first.

Classification

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

This action is taken under 50 CFR 622.191(a)(6)(ii) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this commercial trip limit reduction constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because prior notice and opportunity for public comment on this temporary rule is unnecessary and contrary to the public interest. Such procedures are unnecessary, because the rule establishing the trip limit has already been subject to notice and comment, and all that remains is to notify the public of the trip limit reduction. Prior notice and opportunity for public comment is contrary to the public interest, because any delay in reducing the commercial trip limit could result in the commercial quota being exceeded. There is a need to immediately implement this action to protect the vermilion snapper resource, since the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment on this action would require time and increase the probability that the commercial sector could exceed its quota.

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

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

Dated: October 19, 2018.

Karen H. Abrams,

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

[FR Doc. 2018–23271 Filed 10–24–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No: 151215999–6960–02]

RIN 0648–XG512

Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2018 Management Area 1B Directed Fishery Closure

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

ACTION: Temporary rule; directed fishery closure.

SUMMARY: Effective October 24, 2018, NMFS is closing the directed herring fishery in management Area 1B, based on a projection that a prescribed trigger for that area has been reached. Federally permitted vessels may not fish for, possess, transfer, receive, land, or sell more than 2,000 lb (907.2 kg) of Atlantic herring per trip or calendar day in or from Area 1B through December 31, 2018. Federally permitted dealers may not purchase more than 2,000 lb (907.2 kg) of herring from federally permitted vessels for the duration of this action. This action is necessary to comply with the regulations implementing the Atlantic Herring Fishery Management Plan and is intended to prevent overharvest of herring in Area 1B.

DATES: Effective 0001 hr local time, October 24, 2018, through December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Daniel Luers, Fishery Management Specialist, (978) 282–8457.

SUPPLEMENTARY INFORMATION: The reader can find regulations governing the herring fishery at 50 CFR part 648.

NMFS originally set the 2018 Area 1B sub-annual catch limit (ACL) at 3,552 mt, based on an initial 2018 sub-ACL allocation of 4,500 mt, minus a deduction for research set-aside catch and a reduction due to an overage of the Area 1B sub-ACL in 2016. In August, 2018, NMFS further reduced the Area 1B sub-ACL from 3,552 mt to 2,639 mt (83 FR 42450, August 22, 2018). This reduction (along with reductions in herring Management Areas 1A, 2, and 3) was based on the findings of the 2018 Atlantic Herring Stock Assessment Report, which concluded that herring stocks have suffered historic lows in recruitment of juveniles into the population since 2013. The Stock Assessment Review Committee Panel

predicted that sharp cuts in future ACLs would be necessary to reduce the risk of overfishing, and recommended cuts be made in the 2018 catch. These cuts are intended to provide some conservation benefits for herring in 2018 and mitigate some of the impacts of estimated 2019 reductions on the herring industry.

The Regional Administrator of NMFS for the Greater Atlantic Region monitors the herring fishery catch in each of the management areas based on vessel and dealer reports, state data, and other available information. The regulations at § 648.201 require that when the Regional Administrator projects herring catch will reach 92 percent of the sub-ACL allocated in the Area 1B seasonal management area designated in the Atlantic Herring Fishery Management Plan (FMP), NMFS must prohibit, through notification in the **Federal Register**, herring vessel permit holders from fishing for, possessing, transferring, receiving, landing, or selling more than 2,000 lb (907.2 kg) of herring per trip or calendar day in or from that area for the remainder of the fishing year.

The Regional Administrator has determined, based on dealer reports and other available information, that the herring fleet will catch 92 percent of the total herring sub-ACL allocated to Area 1B by October 24, 2018. Therefore, effective 0001 hr local time on October 24, 2018, through December 31, 2018, federally permitted vessels may not fish for, catch, possess, transfer, land, or sell more than 2,000 lb (907.2 kg) of herring per trip and calendar day, in or from Area 1B. Vessels that have entered port before 0001 hr on October 24, 2018, may offload and sell more than 2,000 lb (907.2 kg) of herring from Area 1B from that trip. A vessel may transit through Area 1B with more than 2,000 lb (907.2 kg) of herring on board, provided the vessel did not catch more than 2,000 lb (907.2 kg) of herring in Area 1B and its fishing gear is not available for immediate use as defined by 50 CFR 648.2.

Effective 0001 hr, October 24, 2018, federally permitted dealers may not receive herring from federally permitted herring vessels that harvest more than 2,000 lb (907.2 kg) of herring from Area 1B through 2400 hr local time, December 31, 2018, unless it is from a trip landed by a vessel that entered port before 0001 hr on October 24, 2018.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866. NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. Further, in accordance with 5 U.S.C. 553(d)(3), NMFS finds good cause to waive the 30-day delayed effectiveness. NMFS is required by Federal regulation to immediately put in place a 2,000-lb (907.2-kg) herring trip limit for Area 1B through December 31, 2018. The 2018 herring fishing year opened on January 1, 2018, and Management Area 1B opened on May 1, 2018. Data indicating the herring fleet will have landed at least 92 percent of the 2018 sub-ACL allocated to Area 1B have only recently become available. Once these data become available projecting 92 percent of the sub-ACL will be caught, regulations at § 648.201(a) require NMFS to close the directed fishery and impose a trip limit to ensure that herring vessels do not exceed the 2018 sub-ACL allocated to Area 1B. High-volume catch and landings in this fishery increase total catch relative to the sub-ACL quickly. If implementation of this closure is delayed to solicit prior public comment, the sub-ACL for Area 1B for this fishing year may be exceeded, thereby undermining the conservation objectives of the FMP. If sub-ACLs are exceeded, the excess must be deducted from a future sub-ACL and would reduce future fishing opportunities. In addition, the public had prior notice and full opportunity to comment on this process when these provisions were put in place. The public expects these actions to occur in a timely way consistent with the fishery management plan's objectives.

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

Dated: October 22, 2018.

Karen H. Abrams,

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

[FR Doc. 2018–23350 Filed 10–22–18; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180220191–8945–02]

RIN 0648–BH80

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Commercial Accountability Measures Framework Adjustment

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

ACTION: Final rule.

SUMMARY: NMFS is implementing a commercial framework adjustment to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan that modifies the accountability measures required for overages not caused by directed landings (*i.e.,* discards) in the summer flounder, scup, and black sea bass fisheries. This adjustment incorporates the status of the stocks into the accountability measures. This action is intended to provide additional flexibility in determining when accountability measures are appropriate, similar to the method already used in the recreational fisheries for these species.

DATES: Effective November 26, 2018.

ADDRESSES: Copies of this framework adjustment, including the Environmental Assessment (EA) and other supporting documents for the action, are available upon request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the internet at *http://www.mafmc.org/actions/sfsbsb-commercial-am-framework.*

FOR FURTHER INFORMATION CONTACT: Cynthia Ferrio, Fishery Management Specialist, (978) 281–9180.

SUPPLEMENTARY INFORMATION:

General Background

The summer flounder, scup, and black sea bass fisheries are managed cooperatively under the provisions of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) developed by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission. This action implements a modification to the Federal accountability measures (AM) that are enacted when the commercial annual catch limit (ACL) is exceeded due to discards for any of these three species.

There are two types of commercial fishery AMs outlined in the summer flounder, scup, and black sea bass regulations. The first is a pound-for-pound overage repayment that is applied when the commercial quota is exceeded as a result of landings. This landings-based AM is not adjusted by this action. The second is a non-landings based AM that is applied to the commercial annual catch target (ACT) if the ACL has been exceeded, and the overage is not caused by landings, but

rather by higher discards than those estimated prior to the fishing year. This action adjusts this non-landings-based AM for the summer flounder, scup, and black sea bass fisheries to account for the variability in commercial discard estimates. This approach also provides additional flexibility to these AMs based on stock status and the biological consequences, if any, of estimated discard overages.

The proposed rule for this action published in the **Federal Register** on August 9, 2018 (83 FR 39398), and comments were accepted through September 10, 2018. We received nine comments from the public, but no changes to the final rule are necessary as a result of those comments. Additional background information regarding the development of this action can be found in the proposed rule, and is not repeated here.

Final Action

This action incorporates stock status into non-landings AMs determinations, as described in the proposed rule. When discards cause the commercial ACL to be exceeded, the following system will now be used to determine AMs:

(1) If the current biomass is above the biomass target, no overage payback is required.

(2) If the current biomass is above the biomass threshold (*i.e.,* the stock is not overfished), but below the biomass target, and the stock is not under a rebuilding plan, then one of the following non-landings paybacks are applied:

a. If discards cause the commercial ACL, but not the acceptable biological catch (ABC), to be exceeded, no overage repayment is required; or

b. If discards cause both the commercial ACL and ABC to be exceeded, a scaled, single-year adjustment to the commercial ACT will be made. The adjustment would be scaled based on stock biomass, so that the adjustment is larger the closer the biomass is to the threshold.

(3) If the stock is overfished, under a rebuilding plan, or the biological reference points (*i.e.,* stock status) are unknown, then a pound-for-pound payback is required for any non-landings overage.

The scaled payback required in scenario 2b above would be calculated as the product of the difference between the total catch and the ACL (*i.e.,* the overage amount) and a payback coefficient. The payback coefficient is the difference between the most recent estimate of biomass target and the current biomass, divided by one half of the biomass target. This scaling is intended to minimize impacts of a payback for healthy stocks, while still accounting for the biological consequences of the overage. For more description of the scaled payback calculation, see the proposed rule for this action.

Comments and Responses

The public comment period for the proposed rule ended on September 10, 2018, and a total of nine comments were received from the public. Three comments from different industry groups all expressed support for the action as described in the proposed rule. Two comments outlined different perceptions of the current stock status, quotas, and commercial state-by-state allocations in the summer flounder fishery. These issues are not responsive to the specific measures in this action, but are currently under consideration by the Council in its ongoing development of summer flounder specifications and the commercial summer flounder amendment. The other four comments received were not relevant to this action or these fisheries in general, and did not warrant a response in the context of the current rulemaking. No changes to the proposed rule will be made as a result of these comments.

Changes From the Proposed Rule

There are no substantive changes from the proposed rule.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the NMFS Assistant Administrator has determined that this final rule is consistent with the Summer Flounder, Scup, and Black Sea Bass FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule does not duplicate, conflict, or overlap with any existing Federal rules.

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification, and the initial certification remains unchanged. As a result, a final regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 19, 2018.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.103, paragraph (b)(3) is revised to read as follows:

§ 648.103 Summer flounder accountability measures.

* * * * *

(b) * * *

(3) *Non-landing accountability measure.* In the event that the commercial ACL is exceeded and that the overage has not been accommodated through the landings-based AM, then the following procedure will be followed:

(i) *Overfishing, rebuilding, or unknown stock status.* If the most recent estimate of biomass is below the B_{MSY} threshold (*i.e.,* B/B_{MSY} is less than 0.5), the stock is under a rebuilding plan, or the biological reference points (B or B_{MSY}) are unknown, and the commercial ACL has been exceeded, then the exact amount, in pounds, by which the most recent year's commercial catch estimate exceeded the most recent year's commercial ACL will be deducted, in the following fishing year from the commercial ACT, as a single-year adjustment.

(ii) *If biomass is above the threshold, but below the target, and the stock is not under rebuilding.* If the most recent estimate of biomass is above the biomass threshold (B/B_{MSY} is greater than 0.5), but below the biomass target (B/B_{MSY} is less than 1.0), and the stock is not under a rebuilding plan, then the following AMs will apply:

(A) If the Commercial ACL has been exceeded, but not the overall ABC, then no single-year AM payback is required.

(B) If the Commercial ACL and ABC have been exceeded, then a scaled

single-year adjustment to the commercial ACT will be made, in the following fishing year. The ACT will be reduced by the exact amount, in pounds, of the product of the overage, defined as the difference between the commercial catch and the commercial ACT, and the payback coefficient. The payback coefficient is the difference between the most recent estimate of biomass and B_{MSY} (*i.e.,* $B_{MSY} - B$) divided by one-half of B_{MSY}.

(iii) *If biomass is above* B_{MSY}. If the most recent estimate of biomass is above B_{MSY} (*i.e.,* B/B_{MSY} is greater than 1.0), then no single-year AM payback is required.

* * * * *

■ 3. In § 648.123, paragraph (b) is revised to read as follows:

§ 648.123 Scup accountability measures.

* * * * *

(b) *Non-landing accountability measure.* In the event that the commercial ACL has been exceeded and the overage has not been accommodated through the landings-based AM, then the following procedure will be followed:

(1) *Overfishing, rebuilding, or unknown stock status.* If the most recent estimate of biomass is below the B_{MSY} threshold (*i.e.,* B/B_{MSY} is less than 0.5), the stock is under a rebuilding plan, or the biological reference points (B or B_{MSY}) are unknown, and the commercial ACL has been exceeded, then the exact amount, in pounds, by which the most recent year's commercial catch estimate exceeded the most recent year's commercial ACL will be deducted, in the following fishing year from the commercial ACT, as a single-year adjustment.

(2) *If biomass is above the threshold, but below the target, and the stock is not under rebuilding.* If the most recent estimate of biomass is above the biomass threshold (B/B_{MSY} is greater than 0.5), but below the biomass target (B/B_{MSY} is less than 1.0), and the stock is not under a rebuilding plan, then the following AMs will apply:

(i) If the Commercial ACL has been exceeded, but not the overall ABC, then no single-year AM payback is required.

(ii) If the Commercial ACL and ABC have been exceeded, then a scaled single-year adjustment to the commercial ACT will be made, in the following fishing year. The ACT will be reduced by the exact amount, in pounds, of the product of the overage, defined as the difference between the commercial catch and the commercial ACT, and the payback coefficient. The payback coefficient is the difference between the most recent estimate of biomass and B_{MSY} (*i.e.,* $B_{MSY} - B$) divided by one-half of B_{MSY}.

(3) *If biomass is above* B_{MSY}. If the most recent estimate of biomass is above B_{MSY} (*i.e.,* B/B_{MSY} is greater than 1.0), then no single-year AM payback is required.

* * * * *

■ 4. In § 648.143, paragraph (b) is revised to read as follows:

§ 648.143 Black sea bass accountability measures

* * * * *

(b) *Non-landing accountability measure.* In the event that the commercial ACL has been exceeded and the overage has not been accommodated through the landings-based AM, then the following procedure will be followed:

(1) *Overfishing, rebuilding, or unknown stock status.* If the most recent estimate of biomass is below the B_{MSY} threshold (*i.e.,* B/B_{MSY} is less than 0.5), the stock is under a rebuilding plan, or the biological reference points (B or B_{MSY}) are unknown, and the commercial ACL has been exceeded, then the exact amount, in pounds, by which the most recent year's commercial catch estimate exceeded the most recent year's commercial ACL will be deducted, in the following fishing year from the commercial ACT, as a single-year adjustment.

(2) *If biomass is above the threshold, but below the target, and the stock is not under rebuilding.* If the most recent estimate of biomass is above the biomass threshold (B/B_{MSY} is greater than 0.5), but below the biomass target (B/B_{MSY} is less than 1.0), and the stock is not under a rebuilding plan, then the following AMs will apply:

(i) If the Commercial ACL has been exceeded, but not the overall ABC, then no single-year AM payback is required.

(ii) If the Commercial ACL and ABC have been exceeded, then a scaled single-year adjustment to the commercial ACT will be made, in the following fishing year. The ACT will be reduced by the exact amount, in pounds, of the product of the overage, defined as the difference between the commercial catch and the commercial ACT, and the payback coefficient. The payback coefficient is the difference between the most recent estimate of biomass and B_{MSY} (*i.e.,* $B_{MSY} - B$) divided by one-half of B_{MSY}.

(3) *If biomass is above* B_{MSY}. If the most recent estimate of biomass is above B_{MSY} (*i.e.,* B/B_{MSY} is greater than 1.0), then no single-year AM payback is required.

* * * * *

[FR Doc. 2018–23289 Filed 10–24–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 180531512–8512–01]

RIN 0648–BH97

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Tribal Usual and Accustomed Fishing Areas

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

ACTION: Final rule.

SUMMARY: This final rule implements the decision in *United States* v. *Washington,* 2:09–sp–00001–RSM, (W.D. Wash. March 5, 2018) (Order Regarding Boundaries of Quinault and Quileute U&As), which revised the western boundaries of the usual and accustomed (U&A) fishing areas of the Quileute Indian Tribe and Quinault Indian Nation.

DATES: This final rule is effective October 25, 2018.

ADDRESSES: Information relevant to this final rule is available from Aja Szumylo, West Coast Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070.

Electronic Access

This rule is accessible via the internet at the Office of the Federal Register website at *https://www.federalregister.gov.* Background information and documents are available at the NMFS West Coast Region website at *http://www.westcoast.fisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Kathryn Blair, phone: 503–231–6858, fax: 503–231–6893, or email: *kathryn.blair@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

Regulations at 50 CFR 660.4 describe the usual and accustomed fishing areas of Indian tribes with treaty fishing rights to species managed under the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act). Those regulations explain that boundaries of a tribe's fishing area may be revised as

ordered by a Federal Court. 50 CFR 660.4(a).

On March 5, 2018, the United States District Court for the Western District of Washington revised the western boundaries of the U&A fishing areas for the Quileute Indian Tribe and the Quinault Indian Nation. *United States* v. *Washington,* 2:09–sp–00001–RSM, (W.D. Wash. March 5, 2018) (Order Regarding Boundaries of Quinault and Quileute U&As). These revised boundaries mirror the coast of the Washington shoreline at a distance of 40 miles for the Quileute Indian Tribe and 30 miles for the Quinault Indian Nation. Other boundaries and their supporting rationale described in previous rulemakings on the U&A fishing areas are not affected by this rulemaking.

Classification

The Regional Administrator, West Coast Region, NMFS, determined that the regulatory amendments associated with the court-ordered changes to tribal U&A fishing areas, which this final rule implements, are necessary for conservation and management and are consistent with the Magnuson-Stevens Act and other applicable laws.

NMFS finds good cause to waive prior public notice and comment on the revisions to regulations in this final rule under 5 U.S.C. 553(b)(B) because notice and comment would be impracticable and contrary to the public interest. Affording the time necessary for notice and comment rulemaking for these changes to regulations is impracticable and contrary to the public interest because the U.S. District Court has issued its final judgment and the boundaries adjudicated by the court are controlling. NMFS regulations must be modified consistent with the court order as quickly as possible to bring them into compliance with the legal requirements. It is further necessary to act quickly to modify the tribal U&A fishing area boundaries in Title 50, part 660, to prevent the confusion that arises out of conflicting boundaries, which adds complexity to the management regime and creates problems for state and Federal management and enforcement. Furthermore, NMFS is not exercising any discretion in issuing this rule, but only making the changes necessary to comply with the court order. For the same reasons, NMFS also finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(3).

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

This final rule is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable.

This final rule does not contain policies with federalism or ''takings'' implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indian Fisheries.

Dated: October 19, 2018.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.4, revise paragraphs (a)(2) and (4) to read as follows:

§ 660.4 Usual and accustomed fishing areas for Pacific Coast treaty Indian tribes.

(a) * * *

(2) *Quileute.* The area commencing at Cape Alava, located at 48°10′00″ N lat., 124°43′56.9″ W long.; then proceeding west approximately forty nautical miles at that latitude to a northwestern point located at 48°10′00″ N lat., 125°44′00″ W long.; then proceeding in a southeasterly direction mirroring the coastline at a distance no farther than forty nautical miles from the mainland Pacific coast shoreline at any line of latitude, to a southwestern point at 47°31′42″ N lat., 125°20′26″ W long.; then proceeding east along that line of latitude to the Pacific coast shoreline at 47°31′42″ N lat., 124°21′9.0″ W long.

* * * * *

(4) *Quinault.* The area commencing at the Pacific coast shoreline near Destruction Island, located at 47°40′06″ N lat., 124°23′51.362″ W long.; then proceeding west approximately thirty nautical miles at that latitude to a northwestern point located at 47°40′06″ N lat., 125°08′30″ W long.; then proceeding in a southeasterly direction mirroring the coastline no farther than thirty nautical miles from the mainland Pacific coast shoreline at any line of latitude, to a southwestern point at 46°53′18″ N lat., 124°53′53″ W long.; then proceeding east along that line of latitude to the Pacific coast shoreline at 46°53′18″ N lat., 124°7′36.6″ W long.

* * * * *

[FR Doc. 2018–23290 Filed 10–24–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 207
Thursday, October 25, 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.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 350

RIN 3064–AE65

Disclosure of Financial and Other Information by FDIC-Insured State Nonmember Banks

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) proposes to rescind and remove its regulations relating to the disclosure of financial and other information by FDIC-insured state nonmember banks. Upon the removal of the regulations, all insured state nonmember banks and insured state-licensed branches of foreign banks (collectively, ''banks'') would no longer be subject to the annual disclosure statement requirement found in those regulations. The financial and other information that has been subject to disclosure by individual banks pursuant to these regulations is publicly available through the FDIC's website.

DATES: Comments must be received on or before November 26, 2018.

ADDRESSES: You may submit comments, identified by RIN 3064–AE65, by any of the following methods:

- *Agency Website: https://www.fdic.gov/regulations/laws/federal.* Follow instructions for submitting comments on the Agency website.
- *Email: Comments@fdic.gov.* Include the RIN 3064–AE65 on the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street NW, building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received will be posted without change to *https://www.fdic.gov/regulations/laws/federal,* including any personal information provided. Paper copies of public comments may be ordered from the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226 by telephone at (877) 275–3342 or (703) 562–2200.

FOR FURTHER INFORMATION CONTACT: Robert Storch, Chief Accountant, Division of Risk Management Supervision, (202) 898–8906 or *rstorch@fdic.gov;* Andrew Overton, Examination Specialist (Bank Accounting), Division of Risk Management Supervision, (202) 898–8922 or *aoverton@fdic.gov;* Michael Condon, Counsel, Legal Division, (202) 898–6536 or *mcondon@fdic.gov.*

SUPPLEMENTARY INFORMATION:

I. Policy Objectives

The policy objective of the proposed rule is to simplify the FDIC's regulations by removing unnecessary or redundant regulations. The proposed rulemaking rescinds and removes part 350 from the Code of Federal Regulations. Technological advancements over the past 30 years provide the public with ready access to more extensive and timely information on the condition and performance of individual banks, obviating the need for the annual disclosure statement requirements in part 350.

II. Background

Part 350 was adopted by the FDIC Board of Directors on December 17, 1987, and took effect February 1, 1988.[1] In general, part 350 requires FDIC-insured state nonmember banks and FDIC-insured state-licensed branches of foreign banks (collectively, ''banks'') to prepare, and make available on request, annual disclosure statements consisting of: (1) Required financial data comparable to specified schedules in the Consolidated Reports of Condition and Income (Call Report) filed for the previous two year-ends; (2) information that the FDIC may require of particular banks, which could include disclosure of enforcement actions; and (3) other information at a bank's option. Part 350 also permits the use of certain alternatives to the Call Report as a disclosure statement. Part 350 does not apply to the insured state savings associations that are supervised by the FDIC.

The annual disclosure statement for a particular year must be prepared, and made available to the public, by March 31 of the following year, or the fifth day after an organization's annual report covering the year is sent to shareholders, whichever occurs first. Banks are required to announce the availability of the disclosure statements in lobby notices in each of their offices and in notices of annual meetings sent to shareholders.

In adopting part 350, the FDIC's intent was to improve public awareness and understanding of the financial condition of individual banks. In the preamble to the December 1987 final rule, the FDIC stated that ''improved financial disclosure should reduce the likelihood of the market or bank customers overreacting to incomplete information.'' The FDIC also said it believed the disclosure requirement ''will complement its supervisory efforts and enhance public confidence in the banking system.'' With limited resources available for the public to gather, analyze, and understand information about the financial condition of individual banks before and during the 1980s, the FDIC's adoption of part 350 provided the public with an opportunity to obtain certain basic bank financial information.

After the FDIC adopted part 350, the Office of the Comptroller of the Currency (OCC) and the Federal Reserve Board (FRB) adopted similar disclosure regulations. When initially adopted, the disclosure regulations adopted by the FDIC (12 CFR part 350), the FRB (12 CFR 208.17), and the OCC (12 CFR part 18) were substantially uniform. These regulations required institutions to make almost identical information available to the public upon request. The former Office of Thrift Supervision (OTS) had a similar, but not identical, disclosure regulation (12 CFR 562.3). As a result of its review of regulations pursuant to Section 303(a) of the Riegle Community Development and Regulatory Improvement Act of 1994, the OTS repealed 12 CFR 562.3 as unnecessary in 1995.[2] In 1998, the FRB eliminated 12 CFR 208.17, Disclosure of Financial Information by State Member Banks, from its regulations on the basis

[1] See 52 FR 49379 (December 31, 1987).

[2] See 60 FR 66866 (December 27, 1995).

that Call Report information for banks had become available through the internet.[3] In 2017, the OCC removed 12 CFR part 18 from its regulations, noting that the information it required national banks to disclose is contained in other publicly available documents, which meant that 12 CFR part 18 is duplicative and unnecessary.[4]

With advancements in information technology since part 350 was adopted, including widespread public access to the internet (including through public libraries for individuals without their own direct personal access to the internet), information about the financial condition of individual insured depository institutions is now reliably and directly offered to the public through the FDIC's and the Federal Financial Institutions Examination Council's (FFIEC) websites. For example, information about the financial condition and performance of all insured depository institutions is publicly available each quarter through the Call Report and the Uniform Bank Performance Report (UBPR). In addition, enforcement actions taken by the FDIC are readily available to the public from the FDIC's website.

The Call Report contains an institution's balance sheet, income statement, and supplemental schedules that disclose additional details about the major categories of assets and liabilities, regulatory capital, and other financial information. Since the successful deployment of the FFIEC's Central Data Repository (CDR) Public Data Distribution (PDD) website,[5] the public has had ready access to financial information for each insured depository institution. The public is able to obtain more current Call Report data for individual institutions in various formats from the FFIEC's CDR PDD website than the financial information available in the annual disclosure statement required by part 350. The quarterly Call Report data currently provided on this website goes back to the March 31, 2001, report date. Individual institution Call Report data generally are posted on this website within 24 hours after the data have been submitted to and accepted by the CDR.

The UBPR is an analytical tool created for bank supervisory, examination, and management purposes that shows the impact of management decisions and economic conditions on a bank's performance and balance-sheet composition. The content of the UBPR is calculated each quarter primarily from Call Report data. UBPRs for individual institutions are available to the public via the CDR PDD website. The website provides UBPRs from March 31, 2005, to date. An institution's UBPR is usually published online within a day after its Call Report has been filed with and accepted by the CDR. Online access to an institution's UBPR each quarter complements the public's use of the institution's Call Report and further expands upon the amount of publicly available financial data for an institution beyond the limited financial information provided in the annual disclosure statement required by part 350. The public is able to easily locate the Call Report and the UBPR for a bank through the FDIC BankFind tool, which is available on the FDIC's website.[6]

In addition, on a monthly basis, the FDIC publishes a press release listing the administrative enforcement actions it has taken against banks and individuals during the preceding month. Enforcement actions taken by the FDIC since 1990 are available to the public on the FDIC's website.[7] Interested parties may also obtain administrative orders through the FDIC's Public Information Center.

III. The Proposal

Under section 2222 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA),[8] the FDIC is required to conduct a review at least once every 10 years to identify any outdated or otherwise unnecessary regulations. As part of the EGRPRA review completed in 2017, part 350 was included in the third EGRPRA **Federal Register** notice.[9] The FDIC did not receive any comments on this regulation in response to that notice. Nevertheless, upon review, the FDIC has determined that part 350 is outdated and no longer necessary and therefore should be eliminated. Part 350 places a burden on insured state nonmember banks and insured state-licensed branches of foreign banks by requiring them to prepare an annual disclosure statement and make available to the public a potentially unlimited number of copies of these statements. This burden was justified in the past because disclosure statements were an effective means for the public to obtain information concerning a bank's financial condition. However, with widespread public access to the internet where more extensive and timely financial information about individual banks, as well as administrative enforcement actions, can be readily obtained, the incremental burden on banks of providing an annual disclosure statement in accordance with a regulation that has become outdated is no longer justified. Furthermore, because part 350 does not apply to insured state savings associations, for which the FDIC became the primary federal regulatory agency in 2011, the proposal would eliminate a difference in the regulatory requirements and resulting regulatory burden imposed on insured state nonmember banks and insured state-licensed branches of foreign banks compared to insured state savings associations. Finally, because regulations similar to part 350 have been rescinded by the FRB and the OCC (as well as the former OTS), the preparation and availability of annual disclosure statements are no longer required by the other federal banking agencies for the institutions under their supervision. Consistent with the objectives of section 2222 of EGRPRA, the FDIC is requesting public comment on the proposed removal of part 350 from the Code of Federal Regulations.

IV. Expected Effects

The proposed removal of the requirement that each FDIC-insured state nonmember bank and insured state-licensed branch of a foreign bank prepare, and make available on request, annual disclosure statements will lessen the burden the FDIC imposes on these institutions. As of June 30, 2018, there were 3,534 FDIC-insured state nonmember banks and insured state-licensed branches of foreign banks that would be affected by this proposal.

The proposed rule is expected to reduce recordkeeping, reporting, and disclosure requirements for FDIC-insured state nonmember banks and insured state-licensed branches of foreign banks. As discussed in Section III: The Proposal, part 350 requires institutions to prepare an annual disclosure statement and make it available to the public. By removing part 350, the proposed rule will remove this disclosure burden. The FDIC assumes that 15 percent of the institutions covered by part 350 provide a management discussion and analysis in their annual disclosure statement, and estimates that preparing this material takes each institution 1.5 hours. Assuming the time spent preparing the material is divided equally between a financial analyst and

[3] See 63 FR 37630 (July 13, 1998).

[4] See 82 FR 8082 (January 23, 2017).

[5] *https://cdr.ffiec.gov/public/ManageFacsimiles.aspx.*

[6] *https://research.fdic.gov/bankfind/.*

[7] *https://www5.fdic.gov/EDO/index.html.*

[8] Public Law 104–208 (1996), codified at 12 U.S.C. 3311.

[9] See 80 FR 32046 (June 5, 2015).

a manager, each earning the 75th percentile wage for their occupation, the estimated annual cost per institution to prepare the material is $156.45.[10] Based on the FDIC's estimation that 15 percent of institutions prepare this material, the total annual cost is estimated to be $82,919, or approximately 0.0001 percent of noninterest expenses for covered institutions.[11]

In addition to the directly measurable cost savings, another potential benefit of the proposed rule is that it frees up institution staff time that would otherwise have been spent complying with part 350. Theoretically, time previously spent complying with part 350 may now be spent on another task of higher value to the institution. This potential effect is difficult to accurately estimate with available information, but it is likely to be small given that the disclosure burden imposed by part 350 is a relatively small percentage of noninterest expenses.

The proposed rule does remove a disclosure requirement for affected institutions; however, the FDIC believes that the reduction will not have material effects for customers, investors, or counterparties. As discussed in Section III: The Proposal, extensive and timely financial information about individual banks, as well as administrative enforcement actions, can be readily obtained by the public on the internet. Therefore, the FDIC believes that removal of this disclosure requirement will not have substantive effects on financial market participants.

[10] The annual cost per institution is estimated using the 75th percentile hourly wage for financial analysts and management occupations in the depository credit intermediation industry as of May 2017. This hourly wage is adjusted for inflation, and grossed-up to include benefits, through March 2018. The 75th percentile inflation and benefit-adjusted hourly wage of management occupations as of March 2018 is $124.13, and for financial analysts is $84.47. Assuming the 1.5 hours are equally divided between a manager and an analyst, this yields a total cost of (0.75 * $124.13) + (0.75 * $84.47) = $156.45.

Hourly wages are from the Bureau of Labor Statistics (BLS) May 2017 National Industry-Specific Occupational Employment and Wage Estimates, *https://www.bls.gov/oes/current/oessrci.htm.* Wages are adjusted for inflation through March 2018 using the Seasonally Adjusted All-items Consumer Price Index for All Urban Consumers, *https://data.bls.gov/PDQWeb/cu.* The hourly wages are grossed-up to include benefits based on Employer Cost for Employee Compensation data as of March 2018, *https://www.bls.gov/news.release/pdf/ecec.pdf.* March 2018 is the latest available period of Employer Cost for Employee Compensation data. The data on hourly wages, inflation, and employer cost for employee compensation was extracted on June 15, 2018.

[11] This equals 530 * $156.45, *i.e.,* (3,534 * 0.15) * $156.45, rounded to the nearest dollar. Noninterest expenses are calculated from data reported in the June 30, 2018, Call Report, and annualized.

V. Alternatives

The FDIC considered alternatives to the proposed rule, but believes that the proposed rescission and removal of part 350 represents the most appropriate option. In particular, the FDIC considered whether to (1) retain the existing disclosure statement requirement, but to extend it to the insured state savings associations now supervised by the FDIC, (2) require that disclosure statements be updated quarterly instead of annually, and/or (3) require the inclusion in disclosure statements of either the entire Call Report (excluding a limited number of items accorded confidential treatment) or financial data comparable to a greater number of specified Call Report schedules. However, with the timely public availability of each institution's quarterly Call Report and UBPR via the FDIC's and the FFIEC's websites, and with the public disclosure of information about enforcement actions taken by the FDIC routinely made available on the FDIC's website, the FDIC believes any extension of part 350 to other institutions, increase in the frequency of disclosure, increase in the scope of disclosure, or combination of these alternatives, imposes additional cost without any corresponding public benefit in terms of access to financial and other information on institutions. Moreover, the FDIC is not aware of any difficulties encountered by the public in obtaining current financial and enforcement action information on institutions supervised by the FRB and the OCC (and those institutions previously supervised by the OTS) via public websites since these agencies eliminated their respective disclosure statement requirements.

VI. Request for Comments

The FDIC invites comments on all aspects of this proposed rulemaking. In particular, the FDIC requests comments on the following questions:

1. Should part 350 be retained in whole or in part? Please substantiate your response.

2. What negative impacts, if any, can you foresee in the FDIC's proposal to rescind part 350 and remove it from the Code of Federal Regulations?

VII. Regulatory Analysis and Procedure

A. The Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521), the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. Part 350 is currently an approved information collection with OMB Control No. 3064–0090. Removing part 350 will obviate the need for this collection of information pursuant to the PRA, and FDIC would seek to discontinue its use.

B. The Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that, in connection with a rulemaking, an agency prepare and make available for public comment an initial regulatory flexibility analysis describing the impact of the proposed rule on small entities.[12] A regulatory flexibility analysis is not required; however, if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration (SBA) has defined ''small entities'' to include banking organizations with total assets less than or equal to $550 million.[13]

As of June 30, 2018, there are 3,534 FDIC-insured state nonmember banks and FDIC-insured state-licensed branches of foreign banks.[14] Of these, 2,725 are considered small entities for the purposes of RFA.[15] Thus, the FDIC concludes the proposed rule will affect a substantial number of small entities.

The proposed rule is expected to reduce recordkeeping, reporting, and disclosure requirements for small FDIC-supervised banks. As discussed in Section III: The Proposal, part 350 requires institutions to prepare an annual disclosure statement and make it available to the public. By removing part 350, the proposed rule will remove this disclosure burden. As discussed in Section IV: Expected Effects, the FDIC estimates the annual cost per institution to prepare the material is $156.45.[16]

[12] 5 U.S.C. 601 *et seq.*

[13] 13 CFR 121.201 (as amended, effective December 2, 2014).

[14] Data from the June 2018 Call Report and FFIEC 002 report.

[15] The SBA defines a small banking organization as having $550 million or less in assets, where an organization's ''assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' See 13 CFR 121.201 (as amended, effective December 2, 2014). In its determination, the ''SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates.'' See 13 CFR 121.103. Following these regulations, the FDIC uses a covered entity's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the covered entity is ''small'' for the purposes of RFA.

[16] The annual cost per institution is estimated using the 75th percentile hourly wage for financial analysts and management occupations in the depository credit intermediation industry as of May 2017. This hourly wage is adjusted for inflation,

Continued

Based on the FDIC's estimation that 15 percent of institutions prepare this material, the total annual cost for small FDIC-supervised institutions is estimated to be $63,988, or less than 0.0005 percent of noninterest expenses for such institutions.[17]

Also as described in Section IV above, in addition to the directly measurable cost savings, another potential benefit of the proposed rule is that it frees up institution staff time that would otherwise have been spent complying with part 350. While this potential effect is difficult to accurately estimate with available information, it is likely to be small given that the disclosure burden imposed by part 350 is a relatively small percentage of noninterest expenses for small FDIC-supervised institutions.

The proposed rule does remove a disclosure requirement for affected institutions; however, the FDIC believes that the reduction will not have material effects for customers, investors, or counterparties. As discussed in Section III: The Proposal, extensive and timely financial information about individual banks, as well as administrative enforcement actions, can be readily obtained by the public on the internet. Therefore, the FDIC believes that removal of this disclosure requirement with have not substantive effects on financial market participants.

Based on the information above, the FDIC certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities.

The FDIC invites comments on all aspects of the supporting information provided in this RFA section. In particular, would this proposal have any significant effects on small entities that the FDIC has not identified?

C. Plain Language

Section 722 of the Gramm-Leach-Bliley Act, Public Law 106–102, 113 Stat. 1338, 1471, 12 U.S.C. 4809, requires each Federal banking agency to use plain language in all of its proposed and final rules published after January 1, 2000. As a Federal banking agency subject to the provisions of this section, the FDIC has sought to present the proposed rule to rescind part 350 in a simple and straightforward manner. The FDIC invites comments on whether the proposal is clearly stated and effectively organized, and how the FDIC might make the proposal easier to understand.

D. The Economic Growth and Regulatory Paperwork Reduction Act

Under section 2222 of EGRPRA, the FDIC is required to conduct a review at least once every 10 years to identify any outdated or otherwise unnecessary regulations. The FDIC completed its most recent comprehensive review of its regulations under EGRPRA in 2017 and did not receive any comments from the public concerning part 350. The burden reduction evidenced in this notice of proposed rulemaking is consistent with the objectives of the EGRPRA review process.

List of Subjects in 12 CFR Part 350

Accounting, Banks, banking, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, and under the authority of 12 U.S.C. 1817(a)(1), 1819 ''Seventh'' and ''Tenth,'' the Board of Directors of the Federal Deposit Insurance Corporation proposes to remove 12 CFR part 350.

PART 350—DISCLOSURE OF FINANCIAL AND OTHER INFORMATION BY FDIC-INSURED STATE NONMEMBER BANKS

■ 1. Part 350—[Removed and Reserved]

Remove and reserve part 350 consisting of §§ 350.1 through 350.12.

Dated at Washington, DC, on October 17, 2018.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–23042 Filed 10–24–18; 8:45 am]

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and grossed-up to include benefits, through March 2018. The 75th percentile inflation and benefit-adjusted hourly wage of management occupations as of March 2018 is $124.13, and for financial analysts is $84.47. Assuming the 1.5 hours are equally divided between a manager and an analyst, this yields a total cost of (0.75 * $124.13) + (0.75 * $84.47) = $156.45.

Hourly wages are from the Bureau of Labor Statistics (BLS) May 2017 National Industry-Specific Occupational Employment and Wage Estimates, *https://www.bls.gov/oes/current/oessrci.htm.* Wages are adjusted for inflation through March 2018 using the Seasonally Adjusted All-items Consumer Price Index for All Urban Consumers, *https://data.bls.gov/PDQWeb/cu.* The hourly wages are grossed-up to include benefits based on Employer Cost for Employee Compensation data as of March 2018, *https://www.bls.gov/news.release/pdf/ecec.pdf.* March 2018 is the latest available period of Employer Cost for Employee Compensation data. The data on hourly wages, inflation, and employer cost for employee compensation was extracted on June 15, 2018.

[17] This equals 409 * $156.45, *i.e.,* (2,725 * 0.15) * $156.45, rounded to the nearest dollar. Noninterest expenses are calculated from data reported in the June 30, 2018, Call Report, and annualized.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2018–0121; FRL–9985–85–Region 5]

Air Plan Approval; Ohio; Ohio Permit Rules Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to Ohio air permitting rules at Ohio Administrative Code (OAC) 3745–31 into the State Implementation Plan (SIP) under the Clean Air Act (CAA). These revisions represent minor changes to the air permitting rules the Ohio Environmental Protection Agency (OEPA) adopted on April 21, 2016, which became effective at the state level on May 1, 2016.

DATES: Comments must be received on or before November 26, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2018–0121 at *http://www.regulations.gov,* or via email to *damico.genevieve@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Sam Portanova, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection

Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3189, *portanova.sam@epa.gov.*

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

I. Background
II. Review of State Submittal
III. What action is EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background

On January 2, 2018, OEPA submitted to EPA revisions to rules in OAC chapters 3745–31–01, 3745–31–03, 3745–31–05, 3745–31–06, 3745–31–11, 3745–31–13, and 3745–31–14. These revisions pertain to air permitting rules which update definitions, provisions for exemptions and permits-by-rule, criteria for permits-to-install (PTI) and permits-to-install-and-operate (PTIO), and attainment provisions. Ohio adopted revisions to these rules on April 21, 2016.

After the April 21, 2016 rule revisions, OEPA submitted revisions to OAC 3745–31–01 to EPA on March 10, 2017, which became effective at the state level on March 20, 2017. These revisions determined that volatile organic compounds (VOCs) and ammonia are an insignificant source of particulate matter smaller than 2.5 micrometers ($PM_{2.5}$). EPA published a final approval of this rule revision on July 18, 2018 (83 FR 33844).

In the January 2, 2018 submittal, OEPA requested that the following paragraphs be excluded from approval into the SIP: OAC 3745–31–01(I), (NN)(2)(b) and (c), (SSS)(1)(b), (CCCC)(2)(d) through (h), (QQQQ), (JJJJJ), and (BBBBBB); 3745–31–03(B)(1)(p) and (C)(2)(c)(iii); 3745–31–05(A)(3)(a)(ii) and (E); and 3745–31–13(H)(1)(c).

II. Review of State Submittal

The following discussion summarizes the rule revisions and EPA's analysis of them under the CAA.

3745–31–01 Revisions

The definition of ''emergency'' at OAC 3745–31–01(MM)(4) adds a paragraph to include instances where a regional transmission organization implements emergency procedures for voluntary load curtailments. This addition is consistent with the existing language in this definition which accounts for power outage instances.

The definition of ''emergency engine'' has been revised to add examples of emergencies in OAC 3745–31–01(NN)(1). The definition also adds a paragraph at OAC 3745–31–01(NN)(2)(f) to include non-emergency situations other than those already listed in the rule. Such usage is limited to 50 hours per year. This language is consistent with 40 CFR 60.4211(f), 40 CFR 60.4243(d)(2)(ii), and 40 CFR 63.6640(f)(4).

The definition of ''major modification'' has been modified to add the following language at OAC 3745–31–01(LLL)(6): ''different pollutants, including individual precursors, are not summed to determine applicability of a major modification.'' This new language is consistent with the existing method for summing emissions to determine whether a modification will be considered major for new source review (NSR) or prevention of significant deterioration (PSD).

The definition of ''major stationary source'' (OAC 3745–31–01(NNN)) has been modified to add lower emission thresholds for VOCs, carbon monoxide (CO), particulate matter smaller than 10 micrometers (PM_{10}), and $PM_{2.5}$ consistent with title I, part D, subparts 2, 3, and 4 of the CAA. The modification to this definition also adds the following language ''different pollutants, including individual precursors, are not summed to determine applicability of a major modification,'' which is consistent with the revision to the definition of ''major modification'' discussed above.

The definition of ''$PM_{2.5}$ precursor'' (OAC 3745–31–01(WWWW)) has been modified to state that VOC and ammonia are determined to be insignificant contributors to $PM_{2.5}$ formation. EPA approved this precursor determination for VOC and ammonia on July 18, 2018 (83 FR 33844).

The definition of ''regulated NSR pollutant'' has been modified at OAC 3745–31–01(NNNNN)(2)(a)(ii)(d) to add a paragraph stating that VOCs are presumed not to be precursors to $PM_{2.5}$ unless demonstrated otherwise. This addition is consistent with the final rule that EPA published on August 24, 2016 (81 FR 58010).

The definition of ''significant'' (OAC 3745–31–01(VVVVV)) has been modified to add an emission rate threshold of 40 tons per year for VOC emissions as a precursor to $PM_{2.5}$ emissions. This is consistent with 40 CFR 51.165(a)(1)(x)(A).

The list of reference materials in OAC 3745–31–01(LLLLL) has been modified to add new reference materials and update **Federal Register** and Code of Federal Regulations citations. The updates to this section do not change any requirements under this rule and are for reference purposes only.

OAC 3745–31–03 Revisions

OAC 3745–31–03 contains provisions for sources that qualify for exemptions or permits-by-rule. OAC 3745–31–03(A) has been revised to add a list of CAA requirements that sources qualifying for an exemption to obtain a PTI or PTIO still must comply with. OAC 3745–31–03(B)(1) has been modified to remove language that excludes exemptions for emissions sources subject to 40 CFR part 60, part 61, or part 63 standards. Although this language has been removed, these units are still obligated to meet all CAA requirements as stated in OAC 3745–31–03(A).

OAC 3745–31–03(B)(1)(a), (c), and (nn) and 3745–31–03(C)(2) have been revised to remove ''(with less than or equal to 0.5 percent by weight sulfur)'' from the term ''distillate oil.'' The definition of ''distillate oil'' in OAC 3745–31–01(KK) already includes the phrase ''(with less than or equal to 0.5 percent by weight sulfur).'' Therefore, these revisions remove redundant wording and do not change the definition of ''distillate oil.''

OAC 3745–31–03(B)(1)(q) adds an exemption for dry cleaning facilities that do not use perchloroethylene solvent, use petroleum solvents, and meet a list of other qualifications. On July 27, 2018, OEPA submitted a supplement to the January 2, 2018 SIP submittal to address requirements of Section 110(l) of the CAA. In this supplement, OEPA stated that sources meeting the criteria for this new exemption are low-emitting sources which would not have been permitted prior to the rule change. This explicit exemption is meant to provide clarity to small businesses that already would have been exempt from permitting requirements.

OAC 3745–31–03(B)(1)(r) adds an exemption for dry cleaning facilities that employ wet cleaning processes, liquid carbon dioxide processes, or equipment that utilizes volatile methyl siloxane solvent. In the July 27, 2018 supplement, OEPA stated that sources meeting the criteria this new exemption are low-emitting sources which would not have been permitted prior to the rule change. This explicit exemption is meant to provide clarity to small businesses that already would have been exempt from permitting requirements.

The paragraph in OAC 3745–31–03(B)(1)(jj) replaces ''arc welding'' with ''brazing, soldering, welding, or plasma cutting operations.'' This revision applies to deminimis operations and

will not impact which sources are required to obtain a PTI or PTIO.

OAC 3745–31–03(B)(1)(ll) is the existing exemption for coating applicators. The paragraph that says ''not located at a facility with actual emissions of twenty-five or more tons of volatile organic materials per year'' has been revised to remove the following language: ''and are not subject to a standard under Section 112 of the Clean Air Act.'' Despite this language removal, sources are still obligated to comply with any 40 CFR part 63 maximum achievable control technology standard pursuant to OAC 3745–31–03(A)(5).

OAC 3745–31–03(B)(1)(nn) and (oo) and OAC 3745–31–03(C)(a) add language to the existing exemptions which state that such sources shall comply with 40 CFR part 60 subpart IIII, 40 CFR part 60 subpart JJJJ, and 40 CFR part 63 subpart ZZZZ, as applicable. This is a clarification of existing requirements for sources that qualify for these exemptions.

OAC 3745–31–03(B)(1)(uu) through (jjj) adds exemptions to a several activities. In its supplement to the request dated July 27, 2018 discussing CAA Section 110(l), OEPA indicated that sources meeting the criteria for these new exemptions are low-emitting sources which would not have been permitted prior to the rule change. These exemptions are meant to provide clarity to small businesses that already would have been exempt from permitting requirements.

The rule revisions add a sentence on deminimis exemptions at OAC 3745–31–03(B)(4) which says that sources meeting rule OAC 3745–15–05 are exempt from this chapter. OAC 3745–15–05 is an existing rule which provides an exemption to sources that meet the definition of deminimis in that rule. This new addition provides a clarification for sources that are already exempt under existing rule provisions.

OAC 3745–31–03(C), which is the section for permits-by-rule, removes a paragraph that included definitions for ''emergency;'' ''emergency electrical generator,'' ''emergency water pump,'' or ''emergency air compressor;'' and ''emergency internal combustion engine.'' These definitions are addressed elsewhere in OEPA's rules.

OAC 3745–31–03(C)(2)(a) lists source specific permit-by-rule provisions for emergency equipment. The rule revisions add a statement at OAC 3745–31–03(C)(2)(iii) that says, ''there is no time limit on the use of emergency electrical generators in emergency situations.'' This language is consistent with 40 CFR 60.4211(f)(1), 40 CFR 60.4243(d)(1), and 40 CFR 63.6640(f)(1).

The permit-by-rule provisions for auto body refinishing facilities (OAC 3745–31–03(C)(2)(f)) have been revised to include several minor changes to deminimis operations. Ohio conducted modeling to confirm that the change in the stack height limit will not impact air quality above the state's maximum acceptable ground level concentration (MAGLC). EPA agrees that the change in stack height limit will not impact air quality above the MAGLC.

The permit-by-rule provisions for gasoline dispensing facilities with Stage I controls (OAC 3745–31–03(C)(2)(g)) have been revised to include a requirement that facilities comply with 40 CFR part 63, subpart CCCCCC, when applicable.

The permit-by-rule provisions for gasoline dispensing facilities with Stage I and Stage II controls (OAC 3745–31–03(C)(2)(h)) have been revised to add the following: (1) A requirement that facilities comply with 40 CFR part 63, subpart CCCCCC, when applicable; (2) sources that have decommissioned the Stage II vapor control system to the list of eligible conditions; and (3) a requirement for low permeation hoses pursuant to OAC 3745–31–09(DDD). These revisions update the rule language to be consistent with other regulatory requirements and do not make this provision less stringent.

The permit-by-rule provisions for small printing facilities (OAC 3745–31–03(C)(2)(j)) have been revised to add OAC 3745–22–22(A) through (I) to the list of applicable requirements. This was added to provide clarity regarding existing requirements for sources subject to this provision.

The rule revisions add a new source-specific permit-by-rule for unpaved roadways and parking areas and paved roadways and parking areas at OAC 3745–31–03(C)(2)(l) and (m), respectively. OEPA states in its July 27, 2018, Section 110(l) supplement, that these new provisions maintain operational, monitoring, recordkeeping, and reporting requirements that would have applied to affected sources that obtained a permit. As such, the addition of a permit-by-rule for these source categories will not impact emissions or air quality pursuant to Section 110(l) of the CAA.

OAC 3745–31–05, 3745–31–13, and 3745–31–14 Revisions

OAC 3745–31–05(A)(3)(a)(iv) has been added to Ohio's rules which says that Best Available Technology (BAT) is not required for sources subject to a plant-wide applicability limit (PAL). This addition is consistent with the expectation that a PAL established pursuant to OAC 3745–31–32 will supersede other applicable permitting requirements for that pollutant at a source.

OAC 3745–31–05(A)(3)(f) and (g) have been added to Ohio's rules which establish minimum equivalent limits for BAT.

OAC 3745–31–05(F) has been revised to add clarifying language regarding voluntary limits on allowable emissions.

The rule revisions remove a section about site approval for portable sources, which was formerly at OAC 3745–31–05(H). Site approvals for portable sources are already addressed in OAC 3745–31–03(B)(1)(p).

The rule revisions include changes to OAC–3745–31–05(I), which addresses inter-divisional coordination within the Office of Enforcement and Compliance Assurance. The provisions in this section do not impact CAA requirements.

OAC 3745–31–13(H)(1)(f) and OAC 3745–31–14(D) have been revised to add nitrogen oxides as an ozone pollutant. This revision is consistent with Federal rules.

Grammatical Changes

The rule revisions include a number of changes that are grammatical in nature which do not change the meaning of the rule requirements. For example, some changes remove the phrase ''the following'' ahead of a series of subparagraphs and remove the word ''or'' after each subparagraph. Another example is replacing the pronoun ''it'' with more specific wording to promote clarity. These changes are applied throughout the rule revisions and are too numerous to individually itemize, but are all minor and do not change the meaning of the rules.

III. What action is EPA taking?

EPA is proposing approval of the rule revisions to 3745–31–01, 3745–31–03, 3745–31–05, 3745–31–06, 3745–31–11, 3745–31–13, and 3745–31–14 that OEPA submitted on January 2, 2018, into the SIP. EPA finds that the revisions are consistent with Federal requirements. As requested by OEPA, the following provisions are not included in this proposed approval: OAC 3745–31–01(I), (NN)(2)(b) and (c), (SSS)(1)(b), (CCCC)(2)(d) through (h), (QQQQ), (JJJJJ), and (BBBBBB); 3745–31–03(B)(1)(p) and (C)(2)(c)(iii); 3745–31–05(A)(3)(a)(ii) and (E); and 3745–31–13(H)(1)(c).

IV. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by

reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference revisions to OAC 3745–31–01 [with the exception of OAC 3745–31–01(I), (NN)(2)(b) and (c), (SSS)(1)(b), (CCCC)(2)(d) through (h), (QQQQ), (JJJJJ), and (BBBBBB)], as effective on March 20, 2017; and OAC 3745–31–03 [with the exception of OAC 3745–31–03(B)(1)(p) and (C)(2)(c)(iii)], OAC 3745–31–05 [with the exception of OAC 3745–31–05(A)(3)(a)(ii) and (E)], OAC 3745–31–06, OAC 3745–31–11, OAC 3745–31–13 [with the exception of OAC 3745–31–13(H)(1)(c)], and OAC 3745–31–14, as effective on May 1, 2017. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

Dated: October 11, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

[FR Doc. 2018–23363 Filed 10–24–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 84

[Docket No. CDC–2018–0068; NIOSH–318]

RIN 0920–AA67

Removal of Compliance Deadline for Closed-Circuit Escape Respirators

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: With this deregulatory action, the Department of Health and Human Services (HHS) proposes to revise regulatory language which establishes a deadline by which respirator manufacturers must discontinue the manufacturing, labeling, and sale of certain self-contained self-rescuer models. The National Institute for Occupational Safety and Health (NIOSH) within the Centers for Disease Control and Prevention, HHS, has determined that discontinuing the manufacturing, labeling, and sale of certain self-contained self-rescuer models is likely to result in a shortage of person-wearable large capacity escape respirators for underground coal miners who rely on these devices.

DATES: Comments must be received by November 26, 2018.

ADDRESSES:

Written comments: You may submit comments by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments to the docket.
- *Mail:* NIOSH Docket Office, Robert A. Taft Laboratories, MS–C34, 1090 Tusculum Avenue, Cincinnati, OH 45226.

Instructions: All submissions received must include the agency name (Centers for Disease Control and Prevention, HHS) and docket number (CDC–2018–0068; NIOSH–318) or Regulation Identifier Number (0920–AA67) for this rulemaking. All relevant comments, including any personal information provided, will be posted without change to *http://www.regulations.gov.* For detailed instructions on submitting public comments, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Rachel Weiss, Office of the Director, NIOSH; 1090 Tusculum Avenue, MS:C–48, Cincinnati, OH 45226; telephone (855) 818–1629 (this is a toll-free number); email *NIOSHregs@cdc.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested parties may participate in this rulemaking by submitting written views, opinions, recommendations, and data. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you do not wish to be disclosed. You may submit comments on any topic related to this notice of proposed rulemaking.

II. Statutory Authority

Pursuant to the Occupational Safety and Health (OSH) Act of 1970 (Pub. L.

91–596), the Organic Act of 1910 (Pub. L. 179), and the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 842(h), 844, 957; Pub. L. 91–173), NIOSH is authorized to approve respiratory equipment used in mines and other workplaces for the protection of employees potentially exposed to hazardous breathing atmospheres. The Department of Labor's Mine Safety and Health Administration (MSHA) requires U.S. coal mine operators to supply NIOSH-approved respirators to miners whenever the use of respirators is required.

III. Background

The closed-circuit escape respirator (CCER), one of two types of respirator considered ''self-contained breathing apparatus,'' is known in the mining industry as a ''self-contained self-rescuer'' (SCSR). In order to distinguish closed-circuit devices approved under 42 CFR part 84, subpart H from those approved under subpart O, the former will be identified here as SCSRs and the latter will be identified as CCERs. The SCSR approved under subpart H and CCER approved under subpart O reflect two generations of the same respirator type used in certain industrial and other work settings during emergencies to enable users to escape from atmospheres that can be immediately dangerous to life and health. The SCSR and CCER are used by miners and other workers to escape dangerous atmospheres.

Technical requirements for the approval of CCERs were promulgated in a final rule published March 8, 2012, in which HHS codified the new subpart O, intended to eventually take the place of older requirements in 42 CFR part 84, subpart H that were applicable to the SCSR closed-circuit escape respirators.[1] The purpose of these updated requirements is to enable NIOSH and MSHA to more effectively ensure the performance, reliability, and safety of escape respirators used in underground coal mining and in other workplaces, such as the maritime industry, where these devices are used. The March 2012 rulemaking was conducted in response to decades of reports from the field, particularly underground coal mines, documenting user concerns about the inability to check subpart H-approved SCSRs for internal damage and the damage sustained to such devices in harsh underground environments. Furthermore, incidents in which users did not receive the expected duration of breathing air were common. The subpart H performance rating system classifies SCSRs by the duration of breathing air, and is widely known to create confusion among users because performance duration is highly variable, dependent on a variety of factors such as breathing rate and physiology of the user which can result in less protection time than the wearer expects. The need for the rulemaking was discussed in greater detail in the March 2012 final rule; background documents, including public comments, are available in NIOSH Docket 005.

The subpart O CCER standards established a classification system based on the quantity (capacity) of oxygen available in an escape respirator. For the purpose of comparing the SCSR to the CCER, a device classified as a ''10-minute'' SCSR under subpart H may be approximately equivalent to a ''Cap 1'' unit under subpart O, delivering between 20 and 59 liters of oxygen. A ''1-hour'' SCSR under subpart H may be approximately equivalent to a ''Cap 3'' CCER under subpart O, delivering at least 80 liters of oxygen.[2] CCERs of any capacity used in mining are still required to pass the subpart H ''Man Test 4.''[3] This test is used to demonstrate that CCERs used in mining will continue to meet the criteria established by MSHA in 30 CFR part 75 by providing a minimum duration of breathing air.

Because NIOSH determined that the resulting advances in CCER performance and reliability warranted accelerated adoption of the enhanced standards, manufacturers were authorized to continue to manufacture, label, and sell subpart H-approved SCSRs only until April 9, 2015. The three-year period between April 9, 2012 and April 9, 2015, was provided for manufacturers to obtain certificates of approval for CCER designs developed under the subpart O standards. Beginning on April 10, 2012, no new applications for approval of subpart H SCSRs have been accepted.

However, manufacturers were unable to develop Cap 3 CCERs in time to meet this transition deadline and, as a result, NIOSH initiated a rulemaking to extend the deadline. On August 12, 2015, NIOSH issued a final rule extending the concluding date for the transition to the subpart O technical requirements to 1 year after the date that the first approval was granted to certain CCER models.[4] On February 10, 2016, NIOSH issued a **Federal Register** notice announcing the first approval of a Cap 3 CCER on January 4, 2016, issued to Ocenco Incorporated (Ocenco) of Pleasant Prairie, Wisconsin. In accordance with the August 2015 final rule, respirator manufacturers were permitted to continue to manufacture, sell, and label 1-hour Subpart H-approved SCSRs until January 4, 2017. The manufacturing, sale, or labeling of such devices subsequent to this date, however, could result in NIOSH revoking, for cause, the certificate of approval under 42 CFR 84.34 or 84.43(c). The deadline extensions have contributed to the availability of new escape respirator designs which conform to the subpart O requirements, and have addressed the needs of certain broad segments of the market for such devices; however, MSHA has recently expressed concern that a market gap is imminent in the underground coal mining industry.[5]

In November 2016, the NIOSH National Personal Protective Technology Laboratory had a series of communications with representatives from MSHA, the underground coal mine industry, and two respirator manufacturers concerning the current supply of person-wearable escape respirators. Specifically, all but one of the manufacturers expressed concern that, without continued authorization to manufacture, label, and sell 1-hour, person-wearable SCSRs, manufacturers would be unable to fulfill the unmet needs of the underground coal mines that require the use of 1-hour person-wearable devices to satisfy MSHA regulatory requirements.[6]

MSHA regulations require that two ''approved self-rescue device or

[1] 77 FR 14168.

[2] *See* Metzler R, Rehak T, Szalajda J, Berry Ann R, *Understanding the Breathing Gas Capacities (Rating) of Escape Respirators for Mineworker Use,* DHHS (NIOSH) Publication No. 2013–148, May 2013, *https://www.cdc.gov/niosh/docs/2013-148/pdfs/2013-148.pdf.*

[3] *See* NIOSH National Personal Protective Technology Laboratory, *Standard Testing Procedure (STP) to Conduct Man Test 4 for Closed-Circuit Escape Respirators (CCERs) to be Used in Underground Coal Mines, https://www.cdc.gov/niosh/npptl/stps/pdfs/TEB-CCER-STP-0615-508.pdf.*

[4] The regulatory text, promulgated at 42 CFR 84.301(a), reads: ''The continued manufacturing, labeling, and sale of CCERs previously approved under subpart H is authorized for units intended to be used in mining applications with durations comparable to Cap 1 (all CCERs with a rated service time ≤20 minutes), and units intended to be used in mining and non-mining applications with durations comparable to Cap 3 (all CCERs with a rated service time ≥50 minutes), until 1 year after the date of the first NIOSH approval of a respirator model under each respective category specified.'' *See* 80 FR 48268.

[5] Joe Main, Assistant Secretary of Labor, MSHA, letter to John Howard, Director, NIOSH, December 14, 2016. This letter is available in NIOSH docket 285.

[6] NIOSH and MSHA received a letter on December 12, 2016 from Ocenco Incorporated stating its opposition to extension of the January 4, 2017 deadline for the sale of subpart H-approved SCSR devices. Steven K. Berning, Ocenco Incorporated, letter to Mr. Joseph A. Main, Assistant Secretary of Labor, MSHA and [Dr.] John Howard, Director, NIOSH, December 12, 2016.

devices'' each sufficient to provide at least one hour of protection be available to every person underground in a coal mine;[7] at least one escape respirator of any size must be ''worn or carried at all times by each person when underground.''[8] Mine operators are allowed the discretion to determine whether to require miners to carry a 1-hour respirator and cache at least one additional 1-hour respirator per miner, or carry a 10-minute respirator and cache two additional 1-hour units.[9] MSHA and others argue that although both CSE Corporation, of Export, Pennsylvania, and Ocenco hold approvals for Cap 3 CCERs for mining, neither is effectively person-wearable.[10] Ocenco offers an approved Cap 1 mining CCER which is person-wearable, but provides only 10 minutes of oxygen under the current approval requirements.

According to MSHA,[11] in many underground coal mines, miners traveling to multiple stations underground during their shift may not presently have access to caches with 1-hour respirators (as required by MSHA regulations), and therefore must be provided with a 1-hour or Cap 3 person-wearable escape respirator to be in compliance and ensure their safety. MSHA also indicates that miners may have to search for a cache of escape respirators during an emergency, and if so, the lack of a person-worn, 1-hour SCSR or Cap 3 CCER would constitute a reduction in protection since they would have less time to find a cache. Accordingly, although the newly-approved subpart O CCERs meet the higher performance requirements of the new standard, MSHA is concerned that the protection offered to miners currently wearing a subpart H-approved, 1-hour device called the ''SRLD,'' the only 1-hour, belt-wearable escape respirator currently available on the market, would be diminished if they were required to switch to a 10-minute person-wearable subpart O CCER. MSHA further asserts that data on escape respirators deployed in underground coal mines indicate that in mines that rely on 1-hour person-wearable respirators, a substantial portion of their respirator inventory was expected to reach the end of its service life in 2017 and 2018. According to MSHA, these would need to be replaced with additional belt-wearable 1-hour SRLDs since the Cap 3 CCERs approved by NIOSH that are belt or person-wearable are heavier and bulkier than their subpart H counterparts. Accordingly, MSHA asked that NIOSH extend the deadline.

In a letter to the NIOSH National Personal Protective Technology Laboratory, CSE Corporation, manufacturer of the 1-hour belt-wearable SCSR model named ''SRLD,'' reported similar concerns among its mining industry customers.[12] On behalf of its customers, CSE expressed two primary concerns: (1) ''how to implement the new Cap 3 CCER technology under the current budgetary constraints,'' and (2) ''the Cap 3 CCER technology is so new that many in the mining industry have not had the opportunity to evaluate it as related to their operational needs let alone even see a new Cap 3 CCER.'' CSE concluded that, ''[a]s a result of these concerns, many in the mining industry have not fully issued purchase orders for either technology SCSR or Cap 3 CCER to replace the expiring SCSRs.'' CSE received NIOSH approval for its Cap 3 mining CCER on March 28, 2016,[13] and planned to be in full production in May 2017. CSE informed NIOSH that it had a backlog of orders for subpart H SCSRs, which it was unable to fill before the January 4, 2017 manufacturing deadline.

Finally, a mining industry representative communicated with NIOSH National Personal Protective Technology Laboratory to register similar concern about the availability of the 60-minute belt-wearable CSE model SRLD.[14]

In response to the requests from MSHA, the mine industry, and respirator manufacturers, NIOSH announced an interim guidance document and requested public comment in a **Federal Register** document published on December 28, 2016.[15] In a final guidance document published on April 14, 2017, NIOSH announced our intent not to revoke any certificate of approval for 1-hour escape respirators, approved under subpart H, that are manufactured, labeled, or sold prior to June 1, 2019, provided that no cause for revocation exists under NIOSH regulations.[16]

Since the publication of the guidance document, no new CCER approvals have been issued by the NIOSH National Personal Protective Technology Laboratory. Accordingly, NIOSH has determined that removing further restrictions on manufacturers' abilities to manufacture, label, or sell subpart H SCSRs is necessary for the safety of underground coal miners who rely on these devices. Therefore, HHS proposes to allow the continued manufacturing, labeling, and sale of subpart H SCSRs with current certificates of approval, indefinitely. No new approvals under subpart H will be issued.

IV. Summary of Proposed Rule

In order to remove administrative barriers to an adequate market supply of SCSRs and CCERs, HHS proposes to make revisions to part 84, including revising §§ 84.70 and 84.301. Section 84.70 would be revised by removing paragraph (a), which was added in 2012 to limit the scope of subpart H to open-circuit escape respirators and those closed-circuit escape respirators approved under subpart H. Removing this paragraph will alleviate any confusion about the applicability of subpart H. The remainder of the section would be unchanged but for the remaining paragraphs being redesignated (a) through (d).

Paragraph § 84.301(c) would be redesignated as paragraph (a) and revised to state plainly that any CCER approvals issued after April 9, 2012, the original effective date for the subpart O standards, must comply with the technical requirements of subpart O. Paragraph § 84.301(a) would be redesignated as paragraph (b) and would be revised to indicate that the manufacturing, labeling, and sale of SCSRs already holding a subpart H approval for units intended to be used in mining may continue indefinitely. Finally, paragraph § 84.301(b) would be redesignated as paragraph (c) and revised to strike the word ''former,'' to indicate that the subpart H technical requirements would still be used for maintenance of subpart H approvals. The paragraph would continue to state that major modifications to a design approved under subpart H must meet the technical requirements of subpart O and be issued a new approval accordingly.

[7] 30 CFR 75.1714(a), 75.1714–4.

[8] 30 CFR 75.1714–2(b).

[9] 30 CFR 75.1714–1(a) and (b).

[10] Although the CSE respirator, the SR2000, is designed to be person-wearable, MSHA has asserted that the size and weight prevent them from being worn in underground coal mines.

[11] *Supra* note 5.

[12] Scott Shearer, CSE Corporation, letter to Maryann D'Alessandro, Director, NIOSH National Personal Protective Technology Laboratory, Subject: Cap 3 Closed-Circuit Escape Respirators Transition Plan, November 4, 2016. This letter is available in NIOSH docket 285.

[13] *See* NIOSH National Personal Protective Technology Laboratory Certified Equipment List, *https://www2a.cdc.gov/drds/cel/cel_form_code.asp*.

[14] Allen Dupree, Contura Energy, letter to Maryann D'Alessandro, November 23, 2016, Subject: Concerns regarding SCSR Rule. This letter is available in NIOSH docket 285.

[15] 81 FR 95623.

[16] 82 FR 18002.

V. Regulatory Assessment Requirements

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

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This proposed rule has been determined not to be a ''significant regulatory action'' under section 3(f) of E.O. 12866. The revision proposed in this notice would allow respirator manufacturers to continue the indefinite manufacturing, labeling, and sale of SCSRs approved under subpart H of 42 CFR part 84 and co-approved by MSHA pursuant to 30 CFR 75.1714–1. In accordance with current NIOSH guidance, manufacturers are currently expected to discontinue the manufacturing, labeling, and sale of subpart H SCSRs after June 2019.

Because this proposed rule is intended to remove a restriction on the future sale of subpart H SCSRs, HHS expects that manufacturers holding approvals under subpart H will continue making and selling these devices without the uncertainty caused by the sunset clause in 42 CFR 84.301 and the NIOSH guidance document. Manufacturers will not be forced to stop making and selling previously approved subpart H devices, nor will they need to develop new respirators under subpart O. Mine operators will be able to choose between purchasing subpart H devices, some of which are belt-wearable, and subpart O devices, some of which are also belt-wearable but may be larger, heavier, and more expensive.

This deregulatory action will not impose costs on either manufacturers or mine operators. Accordingly, HHS has not prepared an economic analysis and the Office of Management and Budget (OMB) has not reviewed this rulemaking.

B. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs)

Executive Order 13771 requires executive departments and agencies to eliminate at least two existing regulations for every new significant regulation that imposes costs. HHS has determined that this rulemaking is cost-neutral because it does not require any new action by stakeholders. The rulemaking ensures that mine operators who rely on subpart H respirators can continue to purchase them as needed, which is likely to be more economical than switching to the subpart O devices. Because OMB has determined that this rulemaking is not significant, pursuant to E.O. 12866, and because it is both a deregulatory action and does not impose costs, OMB has determined that this rulemaking is exempt from the requirements of E.O. 13771. Thus it has not been reviewed by OMB.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* requires each agency to consider the potential impact of its regulations on small entities including small businesses, small governmental units, and small not-for-profit organizations. HHS certifies that this proposed rule has ''no significant economic impact upon a substantial number of small entities'' within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

D. Paperwork Reduction Act

The Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* requires an agency to invite public comment on, and to obtain OMB approval of, any regulation that requires 10 or more people to report information to the agency or to keep certain records. In accordance with section 3507(d) of the PRA, HHS has determined that the Paperwork Reduction Act does apply to information collection and recordkeeping requirements included in this rulemaking. The Office of Management and Budget (OMB) has already approved the information collection and recordkeeping requirements under OMB Control Number 0920–0109, *Information Collection Provisions in 42 CFR part 84—Tests and Requirements for Certification and Approval of Respiratory Protective Devices* (expiration date 4/30/2021). The proposed amendments in this rulemaking would not impact the collection of data.

E. Small Business Regulatory Enforcement Fairness Act

As required by Congress under the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), HHS will report the promulgation of this rule to Congress prior to its effective date.

F. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531 *et seq.*) directs agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector ''other than to the extent that such regulations incorporate requirements specifically set forth in law.'' For purposes of the Unfunded Mandates Reform Act, this proposed rule does not include any Federal mandate that may result in increased annual expenditures in excess of $100 million by State, local, or Tribal governments in the aggregate, or by the private sector.

G. Executive Order 12988 (Civil Justice Reform)

This proposed rule has been drafted and reviewed in accordance with Executive Order 12988 and will not unduly burden the Federal court system. This rule has been reviewed carefully to eliminate drafting errors and ambiguities.

H. Executive Order 13132 (Federalism)

HHS has reviewed this proposed rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have ''federalism implications.'' The rule would 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.''

I. Executive Order 13045 (Protection of Children From Environmental Health Risks and Safety Risks)

In accordance with Executive Order 13045, HHS has evaluated the environmental health and safety effects of this proposed rule on children. HHS has determined that the rule would have no environmental health and safety effect on children.

J. Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use)

In accordance with Executive Order 13211, HHS has evaluated the effects of this proposed rule on energy supply, distribution or use, and has determined that the rule would not have a significant adverse effect.

K. Plain Writing Act of 2010

Under Public Law 111–274 (October 13, 2010), executive Departments and Agencies are required to use plain language in documents that explain to

the public how to comply with a requirement the Federal government administers or enforces. HHS has attempted to use plain language in promulgating the proposed rule consistent with the Federal Plain Writing Act guidelines.

List of Subjects in 42 CFR Part 84

Mine safety and health, Occupational safety and health, Personal protective equipment, Respirators.

Proposed Rule

For the reasons discussed in the preamble, the Department of Health and Human Services proposes to amend 42 CFR 84.70 and 84.301 as follows:

PART 84—APPROVAL OF RESPIRATORY PROTECTIVE DEVICES

■ 1. The authority citation for part 84 continues to read as follows:

Authority: 29 U.S.C. 651 *et seq.;* 30 U.S.C. 3, 5, 7, 811, 842(h), 844.

§ 84.70 [Amended]

■ 2. Amend § 84.70 by removing paragraph (a) and redesignating paragraphs (b) through (e) as (a) through (d).

■ 3. Revise § 84.301 to read as follows:

§ 84.301 Applicability to new and previously approved CCERs.

(a) Any CCER approval issued after April 9, 2012 must comply with the technical requirements of subpart O.

(b) The continued manufacturing, labeling, and sale of closed-circuit apparatus previously approved under subpart H is authorized for units required for use in underground coal mines pursuant to 30 CFR 75.1714–1.

(c) Any manufacturer-requested modification to a device approved under the subpart H technical requirements must comply with the subpart H technical requirements and address an identified worker safety or health concern to be granted an extension of the NIOSH approval. Major modifications to the configuration that will result in a new approval must meet and be issued approvals under the requirements of this subpart O.

Dated: October 9, 2018.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

[FR Doc. 2018–22494 Filed 10–24–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 180427420–8420–01]

RIN 0648–BH92

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Revisions to Sea Turtle Release Gear; Amendment 49

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in Amendment 49 to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Gulf) (Amendment 49), as prepared by the Gulf of Mexico Fishery Management Council (Council). This proposed rule would add three new devices to the Federal regulations as options for fishermen to meet requirements for sea turtle release gear and would update the regulations to simplify and clarify the requirements for other sea turtle release gear. The new devices would provide additional options to fulfill existing requirements for carrying sea turtle release gear on board vessels with Federal Gulf commercial or charter vessel/headboat reef fish permits. This proposed rule would also modify the FMP framework procedure to allow for future changes to release gear and handling requirements for sea turtles and other protected resources. The purpose of Amendment 49 is to allow the use of new devices to safely handle and release incidentally captured sea turtles, clarify existing requirements, and streamline the process for making changes to the release devices and handling procedures for sea turtles and other protected species.

DATES: Written comments must be received by November 26, 2018.

ADDRESSES: You may submit comments on the proposed rule identified by ''NOAA–NMFS–2018–0087'' by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0087,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit all written comments to Susan Gerhart, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

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

Electronic copies of Amendment 49 may be obtained *www.regulations.gov* or from the Southeast Regional Office website at *https://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/index.html.* Amendment 49 includes an environmental assessment, a fishery impact statement, a regulatory impact review, and a Regulatory Flexibility Act (RFA) analysis.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, NMFS Southeast Regional Office, telephone: 727–824–5305; email: *susan.gerhart@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Gulf reef fish fishery under the FMP. The FMP was prepared by the Council and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*).

Background

The Endangered Species Act (ESA) directs all Federal agencies to insure that any action they authorize, fund, or carry-out is not likely to jeopardize the continued existence of endangered or threatened species, or destroy or adversely modify designated critical habitat. The ESA requires that any Federal agency proposing an action that may adversely affect ESA-listed species or critical habitat formally consult with the U.S. Fish and Wildlife Service or NMFS (*i.e.,* consulting agencies).

In February 2005, NMFS issued a biological opinion (2005 BiOp), in accordance with section 7 of the ESA, that evaluated the impact of the Gulf reef fish fishery on ESA-listed sea turtles and smalltooth sawfish. The

2005 BiOp concluded that the anticipated incidental take of sea turtles and smalltooth sawfish by the Gulf reef fish fishery is not likely to jeopardize their continued existence, or destroy or adversely modify designated critical habitat; however, the 2005 BiOp required that reasonable and prudent measures be taken to minimize stress and increase the survival rates of any sea turtles and smalltooth sawfish taken in the fishery.

In response to the 2005 BiOp, the Council developed measures in Amendment 18A to the FMP to increase the likelihood of survival of released sea turtles and smalltooth sawfish caught incidentally in the Gulf reef fish fishery. The final rule implementing Amendment 18A required fishermen on vessels with Federal commercial or charter vessel/headboat permits for Gulf reef fish to possess a specific set of release gear, and comply with sea turtle and smalltooth sawfish handling and release protocols and guidelines (71 FR 45428, August 9, 2006). The final rule also required fishermen on these same federally permitted vessels to maintain a reference copy of the NMFS sea turtle handling and release protocols document titled, ''Careful Release Protocols for Sea Turtle Release with Minimal Injury'' (Release Protocols), in the event a sea turtle is incidentally captured. These Gulf reef fish permit holders are also required to post a NMFS placard of sea turtle handling and release guidelines inside the wheelhouse, or in an easily viewable area on the vessel if there is no wheelhouse.

Since implementation of Amendment 18A in 2006, the Release Protocols have been revised twice, once in 2008, and again in 2010. Currently, NMFS is drafting a revision to the Release Protocols and would include the recently approved sea turtle release devices if NMFS implements this proposed rule. However, fishermen participating in the reef fish fishery cannot use these devices to meet sea turtle release gear requirements until they are implemented via regulations.

Management Measures Contained in This Proposed Rule

This proposed rule would add three new sea turtle handling and release devices to the Federal regulations, clarify the requirements for other currently required gear, and modify the FMP framework procedure to include future changes to release gear and handling requirements for sea turtles and other protected resources. NMFS and the Council are proposing these changes to provide additional flexibility to fishermen in complying with sea turtle release gear requirements, to aid fishermen and law enforcement with compliance and enforcement efforts by clarifying existing requirements, and to allow for more rapid implementation of regulatory changes to release gear and handling requirements.

New Sea Turtle Release Gear

The final rule for Amendment 18A established the requirement for sea turtle release gear to be carried aboard vessels with Federal commercial and charter vessel/headboat reef fish permits, and specified the devices allowed to meet this requirement. This proposed rule would add three new sea turtle release and handling devices to the Federal regulations that have been approved for use by the NMFS Southeast Fisheries Science Center (SEFSC), providing more options for fishermen to fulfill the sea turtle gear requirements. Details of the construction requirements for these new devices can be found in Amendment 49 and in this proposed rule, and would be included in the new Release Protocols, if subsequently approved by NMFS. NMFS expects the proposed new release devices would increase flexibility for fishermen and regulatory compliance within the fishery, which may result in positive benefits to sea turtles.

Two of the new sea turtle handling devices are a collapsible hoop net and a sea turtle hoist (net). Both of these devices are more compact versions of the currently required long-handled dip net, and would be used for bringing an incidentally captured sea turtle on board the fishing vessel to remove fishing gear from the sea turtle. For the collapsible hoop net, the net portion is attached to hoops made of flexible stainless steel cable; when the collapsible hoop net is folded over on itself for storage, its size reduces to about half of its original diameter. Additionally, there are two versions of the sea turtle hoist. One version consists of the net portion securely fastened to a frame, providing a relatively taut platform for the sea turtle to be brought on board. Another version creates a basket with the frame and net that holds the sea turtle as it is brought on board. Both the collapsible hoop net and the sea turtle hoist use rope handles attached to either side of the frame, in place of the rigid handle on the dip net. Generally, the collapsible hoop net or hoist would be used to bring sea turtles on board vessels with a high freeboard when it is not feasible to use a dip net.

The third new device is a dehooker that can be used to remove an externally embedded hook from a sea turtle. This device has a squeeze handle that secures the hook into notches at the end of the shaft of the dehooker, so the hook can be twisted out. This new device would provide another option for fishermen to comply with the regulations for a short-handled dehooker for external hooks.

Requirements for Existing Sea Turtle Release Gear

This proposed rule also would update the requirements of some currently approved devices for clarity and simplicity, and to aid fishermen and law enforcement with compliance and enforcement efforts. Existing regulations use the word ''approximately'' to define some gear specifications, and this proposed rule would replace ''approximately'' in the applicable regulations where precise specifications would clarify requirements for the dimensions or lengths of several devices. The revisions would provide for either a minimum size dimension or a size range for the short-handled dehookers for external and internal hooks, bite block on the short-handled internal use dehooker, long-nose or needle-nose pliers, bolt cutters, and the block of hard wood and hank of rope when used as mouth openers and gags. In general, these clarifications would either establish the currently approximate dimensions as a minimum, or establish the smaller end of the current size range for the required dimensions as a minimum. Other proposed changes are listed below.

Current regulations specify that short and long-handled dehookers must be constructed of 316L stainless steel, which is resistant to corrosion from salt water. The SEFSC has also approved 304L stainless steel for the construction of all short-handled and long-handled dehookers. This proposed additional grade of stainless steel is commonly available and is also corrosion resistant.

Another required device to assist with removing fishing gear from a sea turtle is a pair of monofilament line cutters. Current regulations state that the monofilament line cutters must have cutting blades of 1-inch (2.54 cm) in length (Appendix F to 50 CFR part 622). However, SEFSC has clarified that the blade length must be a minimum of 1 inch (2.54 cm) but could be longer.

Another required gear type is mouth openers and gags, used to hold a sea turtle's mouth open to remove fishing gear. At least two of the seven types of mouth openers and gags are required on board. Current regulations state the canine mouth gags, an option for this gear requirement, must have the ends covered with clear vinyl tubing, friction tape, or similar, to pad the surface.

However, SEFSC determined that this was not necessary and could result in the canine mouth gags not functioning properly. This proposed rule would remove the requirement to cover the ends of the canine mouth gags with these materials from the regulations.

A life-saving device on a vessel, such as a personal flotation device or life ring buoy, may currently be used as the required cushion or support device for sea turtles brought aboard a vessel to remove fishing gear. However, this proposed rule would add language to clarify that any life-saving device used to fulfill the sea turtle safe handling requirements cannot also be used to meet U.S. Coast Guard safety requirements of one flotation device per person on board the vessel.

Lastly, fishermen are currently required to maintain a paper copy of the NMFS document titled, ''Careful Release Protocols for Sea Turtle Release With Minimal Injury'' on each vessel for reference in the event a sea turtle is incidentally captured. This proposed rule would allow fishermen to use an electronic copy of the document to fulfill the requirement, as long as the electronic document is readily available for viewing and reference during a trip.

FMP Framework Procedure

Currently, adding or changing careful release devices and protocols for incidentally caught sea turtles and other protected species requires an amendment to the FMP. This limits the Council and NMFS' ability to implement new release devices and handling requirements in a timely manner. The FMP amendment and rulemaking process generally involves more detailed analyses and a lengthier timeline prior to implementation than rulemaking done through a framework procedure. Thus, the FMP contains a framework procedure to allow the Council to modify certain management measures via an expedited process (see 50 CFR 622.42). The FMP framework procedure was last modified by the final rule implementing Amendment 38 to the FMP (78 FR 6218, January 30, 2013).

Amendment 49 and this proposed rule would allow changes to the sea turtle release gear and handling techniques under the framework procedure. For example, the Council could more quickly add a new release device for sea turtles if approved by the SEFSC. The Council decided that making these changes through an expedited process may have beneficial biological and socio-economic impacts, especially if the changes respond to newer information. The Council concluded that the framework procedure would still allow adequate time for the public to comment on any future proposed regulatory changes.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 49, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Magnuson-Stevens Act provides the statutory basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting and record-keeping requirements are introduced by this proposed rule. Accordingly, the Paperwork Reduction Act does not apply to this proposed rule. A description of this proposed rule, why it is being considered, and the purposes of this proposed rule are contained in the preamble and in the **SUMMARY** section of the preamble.

The objectives of this proposed rule are to provide greater flexibility to vessels in the commercial reef fish fishing industry (*i.e.,* with Federal commercial Gulf reef fish permits) and for-hire reef fish fishing industry (*i.e.,* with Federal charter vessel/headboat Gulf reef fish permits) in complying with release gear regulations, clarify existing requirements of currently required release gear for fishery participants and law enforcement officers, and streamline the process for future revisions to release gear and handling procedures for incidentally captured sea turtles and other protected species after approval by the SEFSC.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. A description of the factual basis for this determination follows. All monetary estimates are in 2016 dollars, consistent with the data and estimates in Amendment 49.

This proposed rule, if implemented, would allow vessels in the commercial and for-hire Gulf reef fish fishing industries to use: A collapsible hoop net or sea turtle hoist rather than a dip net to bring an incidentally captured sea turtle on board, and a new dehooking device to remove an externally embedded hook from a sea turtle.

This proposed rule would also clarify requirements for currently required gear used to remove fishing gear from sea turtles to aid fishermen and law enforcement personnel with compliance and enforcement efforts. Existing regulations use the word ''approximately'' to define some gear specifications, and this proposed rule would replace ''approximately'' in the applicable regulations where precise specifications would clarify requirements for the dimensions or lengths of several devices, including the short-handled dehookers for internal and external hooks, bite block on the short-handled internal use dehooker, long-nose or needle-nose pliers, bolt cutters, and the block of hard wood and hank of rope when used as mouth openers and gags. In general, these clarifications would either establish the currently approximate dimensions as a minimum, or establish the smaller end of the current size range for the required dimensions as a minimum. Specific proposed changes of importance from a cost perspective are: Requiring long-nose or needle-nose pliers with a minimum length of 11 inches (28 cm), rather than ''approximately'' 12 inches (30 cm) in overall length; and changing the required length of monofilament line cutters from ''approximately'' 7.5 inches (19 cm) to a minimum of 6 inches (15 cm).

This proposed rule is expected to directly regulate vessels (businesses) in the commercial and for-hire Gulf reef fish fishing industries. As of November 14, 2017, there were 844 vessels with valid or renewable Federal commercial Gulf reef fish permits. In addition, the number of vessels with a valid or renewable Federal charter vessel/headboat Gulf reef fish permit was 1,278. The number of vessels with both commercial and charter vessel/headboat Gulf reef fish permits was 142, so the total number of vessels with a commercial or charter vessel/headboat Gulf reef fish permit was 1,980. Thus, 1,980 vessels are expected to be directly regulated by this proposed rule.

Although NMFS possesses complete ownership data regarding businesses and vessels that participate in the Gulf red snapper and grouper-tilefish individual fishing quota (IFQ) programs, ownership data regarding businesses that possess commercial or charter vessel/headboat Gulf reef fish permits but do not commercially harvest IFQ species are incomplete. Therefore, it is not currently feasible to accurately determine affiliations between these particular businesses. As a result of the incomplete ownership data, for purposes of this analysis, it is assumed

each of these vessels is independently owned by a single business, which is expected to result in an overestimate of the actual number of businesses directly regulated by this proposed rule. Thus, this proposed rule is estimated to directly regulate 1,980 businesses in the commercial and for-hire Gulf reef fish fishing industries.

For vessels with Federal commercial Gulf reef fish permits that were active in the reef fish fishery in 2014, which is the only year economic profit estimates are available for the commercial reef fish fishing industry, average annual gross revenue was approximately $162,000 per vessel and net revenue from operations (economic profit) was approximately $51,000 per vessel. For federally permitted charter vessels that were active in the for-hire reef fish fishing industry in 2009, which is the most recent year economic profit estimates are available for the for-hire reef fish fishing industry, the average annual gross revenue was $84,500 per vessel and economic profit was $24,985 per vessel. For federally permitted headboats that were active in the for-hire reef fish fishing industry in 2009, the average annual gross revenue was $256,122 per vessel and economic profit was $74,765 per vessel.

The SBA has established size standards for all major industry sectors in the U.S. including for-hire fishing businesses (NAICS code 487210). A business primarily involved in the for-hire fishing industry is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has annual receipts (revenue) not in excess of $7.5 million for all its affiliated operations worldwide. In 2017, the maximum annual gross revenue for a single headboat in the Gulf was about $1.3 million. On average, annual gross revenue for headboats in the Gulf is about three times greater than annual gross revenue for charter vessels. Thus, it is assumed the maximum annual gross revenue for charter vessels is less than $1.3 million.

On December 29, 2015, NMFS issued a final rule establishing a small business size standard of $11 million in annual gross receipts (revenue) for all businesses primarily engaged in the commercial fishing industry (NAICS code 11411) for RFA compliance purposes only (80 FR 81194, December 29, 2015). In addition to this gross revenue standard, a business primarily involved in commercial fishing is classified as a small business if it is independently owned and operated, and is not dominant in its field of operations (including its affiliates). For the vessels with commercial Gulf reef fish permits, the maximum annual gross revenue earned by a single vessel in any year from 2012 through 2016 was approximately $4.65 million, while the maximum average annual gross revenue per vessel was approximately $3.1 million during this time.

This proposed rule, if implemented, would be expected to directly regulate all 1,980 vessels with commercial or charter vessel/headboat permits in the Gulf reef fish fishery. All directly regulated businesses have been determined, for the purpose of this analysis, to be small entities. Based on this information, the proposed rule is expected to affect a substantial number of small entities.

Allowing federally permitted vessels in the commercial and for-hire Gulf reef fish fishing industries to use a collapsible hoop net or sea turtle hoist rather than a dip net to handle incidentally captured sea turtles is expected to reduce the cost of complying with the associated regulatory requirement by about $40 per vessel on average. However, when this gear is replaced, typically about once every 7 years, the average cost savings to each vessel is about $6 per year and thus is expected to only minimally increase these vessels' profitability.

Allowing federally permitted vessels in the commercial and for-hire Gulf reef fish fishing industries to use a new dehooking device to remove an externally embedded hook from a sea turtle is not expected to change the cost of complying with the associated regulatory requirement as its cost is within the range of the currently allowed dehooking devices. Thus, NMFS does not expect the profitability of commercial and for-hire vessels to change as a result of allowing this new dehooking device.

Clarifying the dimensions or length requirements for several other sea turtle release devices in cases where the regulations currently use the word ''approximately'' to describe those requirements or are otherwise ambiguous is expected to aid fishermen in the commercial and for-hire Gulf reef fish fishing industries with compliance, as well as aid law enforcement efforts, though some clarifications would slightly reduce flexibility. As such, these clarifications are expected to reduce the risk of these businesses incurring a fine or other penalty for unintentional non-compliance with the requirements, and thus would generally be expected to reduce the costs of complying with those requirements.

For example, allowing federally permitted vessels in the commercial and for-hire Gulf reef fish fishing industries to use long-nose or needle-nose pliers with an overall length of 11 inches (28 cm) or greater, rather than ''approximately'' 12 inches (30 cm), is expected to reduce the cost of complying with the associated regulatory requirement for at least some of these businesses. As a result of the ambiguity of the current length requirement, as well as the limited market availability of pliers with an approximate length of 12 inches (30 cm), it has been difficult for some vessel owners to find pliers that clearly comply with the current regulation. As a result, some of these owners currently use pliers that have an overall length of 11 inches (28 cm). Thus, the proposed regulatory change would eliminate the risk of vessel owners that currently use pliers with an overall length of 11 inches (28 cm) from potentially being found non-compliant with the current regulation and having to purchase new pliers, which cost around $10, that comply with the current regulation.

In addition, modifying the required length for approved monofilament line cutters from ''approximately'' 7.5 inches (19 cm) in length to a minimum of 6 inches (15 cm) in length would allow federally permitted vessels in the commercial and for-hire Gulf reef fish fishing industries to use monofilament line cutters as small as 6 inches (15 cm) in length. Monofilament line cutters 6 inches (15 cm) in length and longer are commonly available in the market. The cost of monofilament line cutters ranges from $15 to $66, depending on the material and features. Thus, the proposed regulatory change would eliminate the risk of vessel owners currently using monofilament line cutters 6 inches (15 cm) in length from potentially being found non-compliant with the current regulation and having to purchase new monofilament line cutters that comply with the current regulations.

Although federally permitted vessel owners are expected to be able to meet the clarified dimension and length requirements in this proposed rule without purchasing new gear, it is possible that a few may incur costs to replace gear that would be non-compliant. For example, though unlikely, it is possible that some commercial and for-hire fishing vessel owners could be using monofilament line cutters less than 6 inches (15 cm) in length (*e.g.,* 5.5 inches (14 cm) in length) and consider this to be compliant with the current ''approximately'' 7.5-inch (19-cm)

requirement. These vessel owners would have to purchase new monofilament line cutters and incur the associated cost. However, NMFS expects few if any commercial or for-hire fishing vessel owners to consider a length more than 25 percent less than ''approximately'' 7.5 inches (19 cm) in length as compliant with the current requirement. Thus, the potential costs resulting from this remote possibility are expected to be minimal if not zero.

Modifying the FMP framework procedure to include changes to release gear requirements through the abbreviated framework process is an administrative action that does not alter any requirements that directly regulate federally permitted vessels in the commercial and for-hire Gulf reef fish fishing industries. Therefore, this modification is not expected to affect the profitability of any vessels that possess these permits.

Based on the information above, a reduction in profits for a substantial number of small entities is not expected as a result of this proposed rule. Thus, this proposed rule would not have a significant economic impact on a substantial number of small entities and an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Charter vessel, Commercial, Fisheries, Fishing, Gulf of Mexico, Headboat, Sea turtle.

Dated: October 19, 2018.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.29, revise paragraph (a)(1) to read as follows:

§ 622.29 Conservation measures for protected resources.

(a) * * *

(1) *Sea turtle conservation measures.* (i) The owner or operator of a vessel for which a commercial vessel permit for Gulf reef fish or a charter vessel/headboat permit for Gulf reef fish has been issued, as required under §§ 622.20(a)(1) and 622.20(b), respectively, must have the most recent version of the NMFS document titled, ''Careful Release Protocols for Sea Turtle Release With Minimal Injury'' available for reference on board electronically or have a paper copy on board inside the wheelhouse, or within a waterproof case if there is no wheelhouse. In addition, the most recent version of the NMFS sea turtle handling and release guidelines placard must be posted inside the wheelhouse or an easily viewable area on the vessel if there is no wheelhouse.

(ii) Such owner or operator must also comply with the sea turtle interaction mitigation measures, including the release gear and handling requirements specified in paragraphs C and D in Appendix F of this part.

(iii) Those permitted vessels with a freeboard height of 4 ft (1.2 m) or less must have on board a net or hoist, tire or other support device, short-handled dehooker(s) for internal and external hooks, long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least two types of mouth openers or mouth gags. This equipment must meet the specifications described in Appendix F of this part.

(iv) Those permitted vessels with a freeboard height of greater than 4 ft (1.2 m) must have on board a net or hoist, tire or other support device, long-handled line clipper or cutter, short-handled dehooker(s) for internal and external hooks, long-handled dehooker(s) for internal and external hooks, a long-handled device to pull an inverted ''V'' in the fishing line, long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least two types of mouth openers or mouth gags. This equipment must meet the specifications described in Appendix F of this part.

* * * * *

■ 3. In § 622.42, revise the introductory text to this section and add paragraph (b) to read as follows:

§ 622.42 Adjustment of management measures.

In accordance with the framework procedures of the FMP for the Reef Fish Resources of the Gulf of Mexico, the RA may establish or modify the items specified in paragraph (a) of this section for Gulf reef fish, or paragraph (b) of this section for sea turtles and other protected species.

* * * * *

(b) Possession, specifications, and use of required release gear and handling requirements for sea turtles and other protected species.

■ 4. Amend Appendix F to Part 622 by:

■ a. Revising the heading of Appendix F;

■ b. Adding introductory text to Appendix F;

■ c. Revising the headings of paragraphs A. and B.; and

■ d. Adding paragraphs C. and D.

The revisions and additions read as follows:

Appendix F to Part 622—Specifications for Sea Turtle Release Gear and Handling Requirements

Sea turtles must be handled, and release gear must be used, in accordance with the NMFS careful handling, resuscitation, and release protocols as specified in the most recent version of the NMFS document titled, ''Careful Release Protocols for Sea Turtle Release With Minimal Injury'' or on the NMFS sea turtle handling and release guidelines placard.

A. *Sea turtle release gear for the snapper-grouper fishery of the South Atlantic.*

* * * * *

B. *Sea turtle handling and release requirements for the snapper-grouper fishery of the South Atlantic.* * * *

* * * * *

C. *Sea turtle release gear for the reef fish fishery of the Gulf of Mexico.*

1. *Long-handled line clipper or cutter.* Line cutters are intended to cut fishing line as close as possible to the hook, and assist in removing line from entangled sea turtles to minimize any remaining gear upon release. One long-handled line clipper or cutter and one set of replacement blades are required to be on board. The minimum design standards are as follows:

(a) *A protected and secured cutting blade.* The cutting blade(s) must be capable of cutting 2.0 to 2.1-mm (0.078 to 0.083-inch) diameter monofilament line (approximately 400 to 450-lb test strength) or polypropylene multistrand material, known as braided or tarred mainline, and the cutting blade must be maintained in working order. The cutting blade must be curved, recessed, contained in a holder, or otherwise designed to facilitate its safe use so that direct contact between the cutting surface and the sea turtle or the user is prevented. The cutting instrument must be securely attached to an extended reach handle and the blade(s) must be easily replaceable during a trip if necessary. The extra set of replacement blades must meet these standards and be carried on board to replace all cutting surfaces on the line cutter or clipper.

(b) *An extended reach handle.* The line cutter blade must be securely fastened to an extended reach handle or pole with a minimum length equal to, or greater than, 150 percent of the freeboard, or a minimum length of 6 ft (1.8 m), whichever is greater. The extended reach handle may break down into sections for storage, but it is not required. There is no restriction on the type of material used to construct this handle as long as it is sturdy and facilitates the secure attachment of the cutting blade.

2. *Long-handled dehooker for internal hooks.* One long-handled dehooker to remove

internal hooks from sea turtles that cannot be brought on board is required on the vessel. It should also be used to engage an unattached hook when a sea turtle is entangled but not hooked, and line is being removed. The design must shield the point of the hook and prevent the hook from re-engaging during the removal process. The minimum design standards are as follows:

(a) *Hook removal device.* The dehooker must be constructed of 3/16-inch (4.8-mm) to 5/16-inch (7.9-mm) diameter 316L or 304L stainless steel and have a dehooking end no larger than 1 7/8 inches (4.8 cm) outside diameter. The dehooker must securely engage and control the leader while shielding the point to prevent the hook from re-engaging during removal. It may not have any unprotected terminal points (including blunt ones), as these could cause injury to the esophagus during hook removal. The dehooker must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

(b) *Extended reach handle.* The dehooking end that secures the fishhook must be securely fastened to an extended reach handle or pole with a minimum length equal to or greater than 150 percent of the freeboard, or a minimum of 6 ft (1.8 m), whichever is greater. The extended reach handle may break down into sections for storage, but it is not required. The handle must be sturdy and strong enough to facilitate the secure attachment of the dehooking end.

3. *Long-handled dehooker for external hooks.* One long-handled dehooker to remove external hooks from sea turtles that cannot be brought on board is required on the vessel. The long-handled dehooker for internal hooks described in paragraph C.2. of this appendix may be used to comply with this requirement. The minimum design standards are as follows:

(a) *Hook removal device.* A long-handled dehooker must be constructed of 3/16-inch (4.8-mm) to 5/16-inch (7.9-mm) diameter 316L or 304L stainless steel and have a dehooking end no larger than 1 7/8 inches (4.8 cm) outside diameter. The dehooking end that secures the fishhook must be blunt with all edges rounded. The dehooker must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

(b) *Extended reach handle.* The handle must be a minimum length equal to the freeboard of the vessel or 6 ft (1.8 m), whichever is greater. The extended reach handle may break down into sections for storage, but it is not required.

4. *Long-handled device to pull an ''inverted V''.* One long-handled device to pull an ''inverted V'' is required on board. This tool is used to pull an ''inverted V'' in the fishing line when implementing the ''inverted V'' dehooking technique, as described in the document titled ''Careful Release Protocols for Sea Turtle Release With Minimal Injury,'' for dehooking and disentangling sea turtles. A long-handled J-style dehooker as described in paragraph A.3. of this appendix may be used to comply with this requirement. The minimum design standards are as follows:

(a) *Hook end.* This device, such as a standard boat hook or gaff must be constructed of stainless steel or aluminum; if a long-handled J-style dehooker is used to comply with this requirement, it must be constructed of 316L or 304L stainless steel. The semicircular or ''J'' shaped hook end must be securely attached to the handle to allow the hook end to engage and pull an ''inverted V'' in the fishing line. A gaff or any other hook with a sharp point is to be used only for holding the fishing line and should never contact the sea turtle.

(b) *Extended reach handle.* The handle must have a minimum length equal to the freeboard of the vessel or must be at least 6 ft (1.8 m) in length, whichever is greater. The extended reach handle may break down into sections for storage, but it is not required. The handle must be sturdy and strong enough to facilitate the secure attachment of the hook end.

5. *Net or hoist.* One approved net or hoist is required on board. These devices are to be used to facilitate safe handling of sea turtles by allowing them to be brought on board for fishing gear removal, without causing further injury to the animal. Sea turtles must not be brought on board without the use of a net or hoist. There must be no sharp edges or burrs on the hoop or frame, or where the hoop or frame attaches to the handle. There is no requirement for the hoop or frame to be circular as long as it meets the applicable minimum specifications. In this appendix, bar measure means the non-stretched distance between a side knot and a bottom knot of a net mesh; also known as the square mesh measurement. The types and minimum design standards for approved nets and hoists are as follows:

(a) *Dip net*—(i) *Size of the net.* The dip net must have a sturdy net hoop or frame of at least 31 inches (78.7 cm) inside diameter and a bag depth of at least 38 inches (96.5 cm) to accommodate sea turtles up to 3 ft (0.9 m) in carapace (shell) length. The bag mesh openings must not exceed 3 inches (7.6 cm), bar measure. The net hoop or frame must be made of a rigid material strong enough to facilitate the sturdy attachment of the net.

(ii) *Extended reach handle.* The dip net hoop or frame must be securely fastened to an extended reach handle or pole with a minimum length equal to or greater than 150 percent of the freeboard, or at least 6 ft (1.8 m) in length, whichever is greater. The handle and net must be able to support a minimum of 100 lb (45.4 kg) without breaking or significant bending or distortion. The extended reach handle may break down into sections for storage, but it is not required.

(b) *Collapsible hoop net*—(i) *Size of the net.* The collapsible hoop net must have a sturdy net hoop of at least 31 inches (78.7 cm) inside diameter and a bag depth of at least 38 inches (96.5 cm) to accommodate sea turtles up to 3 ft (0.9 m) in carapace (shell) length. The bag mesh openings must not exceed 3 inches (7.6 cm), bar measure. The net hoop must be strong enough to facilitate the sturdy attachment of the net.

(ii) *Extended reach handle.* The collapsible hoop net must be securely fastened with rope(s) or other line(s) connected to the hoop with a minimum length equal to or greater than 150 percent of the freeboard, or at least 6 ft (1.8 m) in length, whichever is greater. The rope(s) and net must be able to support a minimum of 100 lb (45.4 kg) without breaking or significant distortion.

(c) *Small hoist*—(i) *Size of the hoist.* The sea turtle hoist must have a sturdy net hoop or frame of at least 31 inches (78.7 cm) inside diameter to accommodate sea turtles up to 3 ft (0.9 m) in carapace (shell) length. The mesh openings must not exceed 3 inches (7.6 cm), bar measure. If polyvinyl chloride, or PVC, pipe is used to construct the hoist, the pipe fittings must be glued together and a minimum strength of Schedule 40 pipe must be used. The hoist hoop or frame must be made of a rigid material strong enough to facilitate the sturdy attachment of the net.

(ii) *Extended reach handle.* The sea turtle hoist must be securely fastened with ropes or other lines connected to the hoop or frame with a minimum length equal to or greater than 150 percent of the freeboard, or at least 6 ft (1.8 m) in length, whichever is greater. The ropes and hoist hoop or frame must be able to support a minimum of 100 lb (45.4 kg) without breaking or significant distortion.

6. *Cushion or support device.* A standard automobile tire free of exposed steel belts, a boat cushion, or any other comparable cushioned and elevated surface, is required for supporting a sea turtle in an upright orientation while the sea turtle is on board. The cushion or support device must be appropriately sized to fully support a range of sea turtle sizes. Any life-saving device that would be used to support a sea turtle on board must be dedicated for that purpose and in addition to all minimum human safety at sea requirements.

7. *Short-handled dehooker for internal hooks.* One short-handled dehooker for removing internal hooks is required on board. This dehooker is designed to remove internal hooks from sea turtles brought on board. This dehooker can also be used on external hooks. The minimum design standards are as follows:

(a) *General.* The dehooker must allow the hook to be secured and the hook point shielded without re-engaging during the removal process. It may not have any unprotected terminal points, including blunt ones, as this could cause injury to the esophagus during hook removal. A sliding plastic bite block must be permanently installed around the shaft to protect the beak and facilitate hook removal in case a sea turtle bites down on the dehooker. The dehooker must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

(b) *Specifications.* The dehooker must be constructed of 316L or 304L stainless steel. The shaft must be 3/16 inch (4.8-mm) to 5/16 inch (7.9-mm) in diameter. The shaft must be 16 to 24 inches (40.6 cm to 60.7 cm) long, with approximately a 4 to 6-inch (10.2 to 15.2-cm) long tube T-handle, wire loop handle, or similar. The bite block must be constructed of a 3/4 to 1-inch (1.9 to 2.5-cm) inside diameter high impact rated, rigid plastic cylinder (*e.g.,* Schedule 80 PVC) that is 4 to 6 inches (10.2 to 15.2 cm) long to allow for 5 inches (12.7 cm) of slide along the shaft. The dehooking end must be no larger than 1 7/8 inches (4.8 cm) outside diameter.

8. *Short-handled dehooker for external hooks.* One short-handled dehooker for external hooks is required on board. This dehooker is designed to remove external hooks from sea turtles brought on board. The short-handled dehooker for internal hooks required to comply with paragraph C.7. of this appendix may be used to comply with this requirement. The minimum design standards are as follows:

(a) *Fixed handle dehooker*—(i) *General.* The dehooking end that secures the fishhook must be blunt and all edges rounded. The dehooker must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

(ii) *Specifications.* The dehooker must be constructed of 316L or 304L stainless steel. The shaft must be 3/16 inch (4.8-mm) to 5/16 inch (7.9-mm) in diameter. The shaft must be 16 to 24 inches (40.6 to 60.7 cm) long with approximately a 4 to 6-inch (10.2 to 15.2-cm) long tube T-handle, wire loop handle, or similar.

(b) *Squeeze handle dehooker*—(i) *General.* The dehooking end that secures the fishhook must be blunt and all edges rounded. The dehooker must be able to secure the range of hook sizes and styles used on the vessel. This dehooker secures a fishhook for removal by squeezing the handles together using one hand to grab and pull the hook into notches at the top of the shaft of the dehooker.

(ii) *Specifications.* The dehooker must be constructed of 316L or 304L stainless steel. The overall length must be a minimum of 11 inches (27.9 cm) long.

9. *Long-nose or needle-nose pliers.* One pair of long-nose or needle-nose pliers is required on board. Required long-nose or needle-nose pliers can be used to remove hooks from the sea turtle's flesh or for removing hooks from the front of the mouth. They can also hold PVC splice couplings in place, when used as mouth gags. The minimum design standards are as follows: The long-nose or needle-nose pliers must be a minimum of 11 inches (27.9 cm) in length. It is recommended that the pliers be constructed of stainless steel or other corrosion resistant metal material.

10. *Bolt cutters.* One pair of bolt cutters is required on board. Required bolt cutters may be used to cut off the eye or barb of a hook to facilitate the hook removal without causing further injury to the sea turtle. They should also be used to cut off as much of the hook as possible, when the remainder of the hook cannot be removed. The minimum design standards are as follows: The bolt cutters must be a minimum of 14 inches (35.6 cm) in total length, with blades that are a minimum of 4 inches (10.2-cm) long and 2¼ inches (5.7 cm) wide, when closed. Required bolt cutters must be able to cut hard metals, such as stainless or carbon steel hooks, up to ¼-inch (6.4-mm) wire diameter, and they must be capable of cutting through the hooks used on the vessel.

11. *Monofilament line cutters.* One pair of monofilament line cutters is required on board. Required monofilament line cutters must be used to remove fishing line entangling a sea turtle, or to cut fishing line as close to the eye of the hook as possible if the hook is swallowed or if the hook cannot be removed. The minimum design standards are as follows: The monofilament line cutters must be a minimum of 6 inches (15.2 cm) in length. The blades must be a minimum of 1 inch (2.5 cm) in length and 5/8 inches (1.6 cm) wide, when closed.

12. *Mouth openers or mouth gags.* Required mouth openers and mouth gags are used to open sea turtle mouths, and to keep them open when removing internal hooks from sea turtles brought on board. They must allow access to the hook or line without causing further injury to the sea turtle. Design standards are included in the item descriptions. At least two of the seven different types of mouth openers or mouth gags described in paragraphs C.12.(a) through (g) of this appendix are required.

(a) *A block of hard wood.* A block of hard wood of a type that does not splinter (*e.g.,* maple) with rounded and smoothed edges, or a wooden-handled brush with the bristles removed. The dimensions must be a minimum of 10 inches (25.4 cm) by ¾ inch (1.9 cm) by ¾ inch (1.9 cm).

(b) *A set of three canine mouth gags.* A set of canine mouth gags must include one of each of the following sizes: Small (5 inches, 12.7 cm), medium (6 inches, 15.2 cm), and large (7 inches, 17.8 cm). They must be constructed of 316L or 304L stainless steel.

(c) *A set of two sturdy dog chew bones.* Required canine chews must be constructed of durable nylon or thermoplastic polymer, and strong enough to withstand biting without splintering. To accommodate a variety of sea turtle beak sizes, a set must include one large (5½ to 8 inches (14 cm to 20.3 cm) in length), and one small (3½ to 4½ inches (8.9 cm to 11.4 cm) in length) canine chew bones.

(d) *A set of two rope loops covered with protective tubing.* A required set consists of two 3-ft (0.9-m) lengths of poly braid rope (3/8-inch (9.5-mm) diameter suggested), each covered with an 8-inch (20.3-cm) long section of ½-inch (1.3-cm) to ¾-inch (1.9-cm) diameter light duty garden hose or similar flexible tubing, and each rope tied into a loop.

(e) *A hank of rope.* A length of soft braided or twisted nylon rope a minimum of 3/16-inch (4.8-mm) diameter must be folded to create a hank, or looped bundle, of rope. The rope must create a hank of 2 to 4 inches (5.1 cm to 10.2 cm) in thickness.

(f) *A set of four PVC splice couplings.* A required set must consist of the following Schedule 40 PVC splice coupling sizes: 1 inch (2.5 cm), 1¼ inch (3.2 cm), 1½ inch (3.8 cm), and 2 inches (5.1 cm). PVC splice couplings are held in a sea turtle's mouth with the needle-nose pliers.

(g) *A large avian oral speculum.* The avian oral speculum must be 9 inches (22.9 cm) long, and constructed of 3/16-inch (4.8-mm) wire diameter 304 stainless steel. The wire must be covered with 8 inches (20.3 cm) of clear vinyl tubing (5/16-inch (7.9-mm) outside diameter, 3/16-inch (4.8-mm) inside diameter), friction tape, or similar to pad the surface.

D. *Sea turtle handling requirements for the reef fish fishery of the Gulf of Mexico.* Sea turtle release gear, as specified in paragraphs C.1. through C.4. of this appendix, must be used to remove fishing gear from sea turtles that cannot be brought on board. For sea turtles that can be brought on board, release gear specified in paragraphs C.5. through C.12. of this appendix must be used to bring sea turtles on board and to remove fishing gear. Sea turtles must be handled, and release gear must be used, in accordance with the NMFS careful handling, resuscitation, and release protocols as specified in the most recent version of the NMFS document titled, ''Careful Release Protocols for Sea Turtle Release With Minimal Injury'' or on the NMFS sea turtle handling and release guidelines placard.

1. *Boated sea turtles.* When practicable, both active and comatose sea turtles must be brought on board the vessel without causing further injury to the animal, using a net or hoist as specified in paragraph C.5. of this appendix. All sea turtles up to 3 ft (0.9 m) carapace (shell) length should be brought on board if sea conditions allow.

(a) A boated sea turtle should be placed on its belly or bottom shell on a cushion or support device, as specified in paragraph C.6. of this appendix, to immobilize it and facilitate gear removal. Then, determine if the fishing gear can be removed without causing further injury. All externally embedded hooks should be removed, unless hook removal would result in further injury to the sea turtle. No attempt to remove a hook should be made if it has been swallowed and the insertion point of the hook is not clearly visible, or if it is determined that removal would result in further injury to the sea turtle. If a hook cannot be removed, remove as much line as possible from the sea turtle and the hook using monofilament cutters as specified in paragraph C.11. of this appendix, and as much of the hook as possible should be removed before releasing the sea turtle, using bolt cutters as specified in paragraph C.10. of this appendix. If a hook can be removed, an effective technique may be to cut off the barb or the eye of the hook using bolt cutters, and then to slide the hook out. When the hook is visible in the mouth, a mouth opener or mouth gag, as specified in paragraph C.12. of this appendix, may facilitate opening the sea turtle's mouth and keeping the mouth open. Short-handled dehookers for internal hooks, or long-nose or needle-nose pliers, as specified in paragraphs C.7. and C.8. of this appendix, respectively, should be used to remove visible hooks from the mouth that have not been swallowed on boated sea turtles, as appropriate. If a sea turtle appears dead or comatose, follow the NMFS resuscitation protocols to attempt revival before its release. As much gear as possible must be removed from the sea turtle without causing further injury prior to its release.

(b) [Reserved]

2. *Non-boated sea turtles.* If a sea turtle is too large, or is hooked or entangled in a manner that prevents bringing the sea turtle on board safely and without causing further injury, release gear specified in paragraphs C.1. through C.4. of this appendix must be used to remove the maximum amount of fishing gear from the sea turtle, or to remove as much line as possible from the sea turtle or from a hook that cannot be removed prior to releasing the sea turtle.

(a) Non-boated sea turtles should be brought close to the boat. Then, determine whether the hook can be removed without causing further injury. All externally embedded hooks should be removed, unless hook removal would result in further injury to the sea turtle. No attempt should be made to remove a hook if it has been swallowed and the insertion point is not clearly visible, or if it is determined that removal would result in further injury. If the hook cannot be removed or if the animal is only entangled, remove as much line as possible prior to release using a long-handled line cutter specified in paragraph C.1. of this appendix. If the hook can be removed, it must be removed using a long-handled dehooker specified in paragraphs C.2. and C.3. of this appendix. Without causing further injury, as much gear as possible must be removed from the sea turtle prior to its release.

(b) [Reserved]

[FR Doc. 2018–23288 Filed 10–24–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 83, No. 207

Thursday, October 25, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0071]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations to prevent the spread of citrus greening and its vector, Asian citrus psyllid, to noninfested areas of the United States.

DATES: We will consider all comments that we receive on or before December 24, 2018.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docket Detail;D=APHIS-2018-0071.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0071, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail; D=APHIS-2018-0071* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call 202–799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the interstate movement of regulated articles to prevent the spread of citrus greening and its vector, Asian citrus psyllid, contact Ms. Angela McMellen-Brannigan, National Policy Manager for Citrus Pest Programs, PHP, PPQ, APHIS, 4700 River Road Unit 52, Riverdale, MD 20737; (301) 851–2314. For more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations.

OMB Control Number: 0579–0363.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of the U.S. Department of Agriculture (USDA), either independently or in cooperation with States, to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests and diseases that are new to or not widely distributed within the United States. Under the PPA, the Secretary may also issue regulations requiring plants and plant products moved in interstate commerce to be subject to remedial measures determined necessary to prevent the spread of the pest or disease, or requiring the objects to be accompanied by a permit prior to movement. The USDA's Animal and Plant Health Inspection Service (APHIS) administers the regulations to implement the PPA.

Citrus greening, also known as Huanglongbing disease of citrus, is considered to be one of the most serious citrus diseases in the world. Citrus greening is a bacterial disease that attacks the vascular system of host plants. This bacterial pathogen can be transmitted by grafting and, under laboratory conditions, by parasitic plants. The pathogen can also be transmitted by two insect vectors in the family Psyllidae, one of which is *Diaphorina citri* Kuwayama, the Asian citrus psyllid (ACP). ACP can also cause economic damage to citrus in groves and nurseries by direct feeding. Both adults and nymphs feed on young foliage, depleting the sap and causing galling or curling of leaves. High populations feeding on a citrus shoot can kill the growing tip.

Under the regulations in ''Subpart—Citrus Greening and Asian Citrus Psyllid'' (7 CFR 301.76 through 301.76–11), APHIS restricts the interstate movement of regulated articles from quarantined areas to control the artificial spread of citrus greening and ACP to noninfested areas of the United States. The regulations contain requirements that involve information collection activities including a compliance agreement, limited permit, Federal certificate, recordkeeping, labeling statement, the application of a tag to the consignee's waybill, 72-hour inspection notification, cancellation of certificates, permits, compliance agreements, and emergency action notification.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.127 hours per response.

Respondents: Commercial nurseries/operations in the United States or U.S.

Territories quarantined for citrus greening or ACP.

Estimated annual number of respondents: 635.

Estimated annual number of responses per respondent: 25.

Estimated annual number of responses: 15,904.

Estimated total annual burden on respondents: 2,013 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 19th day of October 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–23281 Filed 10–24–18; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Utah Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the meeting of the Utah Advisory Committee (Committee) to the Commission will be held at 1 p.m. (Pacific Time) Friday, November 16, 2018. The purpose of this meeting is for the Committee to discuss potential civil rights topics of study.

DATES: These meetings will be held on Friday, November 16, 2018 at 1:00 p.m. PT.

Public Call Information:

Dial: 877–260–1479.

Conference ID: 3860554.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 877–260–1479, conference ID number: 3860554. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://facadatabase.gov/committee/meetings.aspx?cid=277*. Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Member Introductions
III. Discussion Regarding Civil Rights Topics
IV. Public Comment
V. Next Steps
VI. Adjournment

Dated: October 19, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–23295 Filed 10–24–18; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Arizona Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the meeting of the Arizona Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Mountain Time) Friday, October 26, 2018. The purpose of the meeting is to discuss the Committee's op-ed on voting rights.

DATES: These meetings will be held on Friday, October 26, 2018 at 12:00 p.m. MST.

FOR FURTHER INFORMATION CONTACT: Alejandro Ventura (DFO) at *aventura@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION:

Public Call Information: Dial: 877–260–1479, Conference ID: 6758358. This meeting is available to the public through the following toll-free call-in number: 877–260–1479, conference ID number: 6758358. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Alejandro Ventura at *aventura@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://facadatabase.gov/committee/meetings.aspx?cid=235.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work

of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Approve minutes from 10/18 meeting
III. Discussion of op-ed on voting rights
IV. Public Comment
V. Next Steps
VI. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of the timeliness of completing the current activity.

Dated: October 19, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–23292 Filed 10–24–18; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; 2020 Census Post-Enumeration Survey Independent Listing Operation

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before December 24, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *docpra@doc.gov*). You may also submit comments, identified by Docket number USBC–2018–0015, to the Federal e-Rulemaking Portal: *http://www.regulations.gov*. All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Robin A. Pennington, U.S. Census Bureau, 4600 Silver Hill Road, Room 2H465, Washington, DC 20233, 301–763–8132 (or via the internet at *Robin.A.Pennington@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

As in previous censuses, the Post-Enumeration Survey (PES) for the 2020 Census will be conducted to provide estimates of census net coverage error and components of census coverage (such as correct enumerations, omissions, and erroneous enumerations, including duplicates) for housing units and people living in housing units (see Definition of Terms) for the United States and Puerto Rico, excluding remote Alaska. These coverage estimates provide insight into the quality and coverage of census results, which can be used to improve future censuses. The primary sampling unit is the Basic Collection Unit (BCU), which is the smallest unit of collection geography for 2020 Census listing operations. As in the past, the PES operations and activities must be conducted separate from and independent of the other 2020 Census operations.

The Independent Listing operation is the first field operation in the PES process. It will be conducted to obtain a complete inventory of all the housing unit addresses within the PES sample of BCUs in the United States (excluding remote Alaska) and in Puerto Rico before the 2020 Census enumeration commences. Group quarters addresses will not be listed as they are out of scope for PES.

During the Independent Listing operation, field staff, referred to as ''listers,'' will canvass every street, road, or other place where people might live in their assigned BCUs and construct a list of housing units using an automated data collection instrument on a laptop. The laptop will contain the data collection instrument with digital maps of the area that needs to be canvassed. Listers will attempt to contact a member of each housing unit they encounter on their route. If someone answers, the lister will provide a Confidentiality Notice and ask about the address in order to collect the address information, as appropriate. To ensure all units at an address are properly listed, the lister will then ask if there are any additional vacant or occupied units in the structure or on the property. If there are additional units, the lister will collect and update that information. To be classified as a separate unit, they must meet the housing unit definition requirement of having direct access from outside or through a common hallway, and must either have someone living there or be intended for occupancy, even if vacant at the time of the Independent Listing operation. Mobile homes and trailers, both in a park and not in a park, will also be listed, including any empty lots or pads in the parks in the BCU. Finally, any occupied camper, recreational vehicle, van, boat, tent or other location where people are living during the listing operation will also be listed as a housing unit.

If the lister does not find anyone at home after several attempts, he or she will try to collect the information from a proxy or add any found addresses to the address list by observation as a last resort. Listers will also identify the location of each housing unit by collecting map spots (*i.e.,* Global Positioning System (GPS) coordinates). The lister will also collect information on the status of each housing unit, such as occupied, vacant, under construction, empty trailer park, etc. Completed Independent Listing BCUs will be automatically reviewed for abnormal characteristics (such as GPS information indicating that the lister was far from the units they were listing). BCUs with unusual characteristics may be subject to quality control wherein quality control listers return to the field to check a portion of units to ensure that the work performed meets Census Bureau quality standards.

Following the completion of listing for each BCU, the addresses are computer and clerically matched, on a flow basis, against the list of addresses considered valid for the census. Addresses that remain unmatched or have unresolved address status after matching will be sent to the Initial Housing Unit Followup operation, during which listers collect additional information that might allow a resolution of any differences between the Independent Listing and census address list results. Cases will also be sent to the field to resolve potential duplicates and unresolved housing unit

status. The questions and procedures to be used in the Initial Housing Unit Followup phase of the Post-Enumeration Survey in the 2020 Census and all subsequent Post-Enumeration Survey phases will be published in separate **Federal Register** Notices.

The 2020 Census Evaluations and Experiments program will also be using the results of this PES Independent Listing for an evaluation, in conjunction with 2020 Census operations. The specific activities for this evaluation will be described in detail in future **Federal Register** Notices for additional 30-day comment periods for both the 2020 PES Independent Listing and the 2020 Census. These will be considered as substantive changes to both approved OMB packages.

II. Method of Collection

Independent Listing field staff will use the Census Bureau's Listing and Mapping Application (LiMA) software on government furnished laptop devices.

Definition of Terms

Components of Census Coverage—The components of census coverage include correct enumerations, erroneous enumerations, whole-person imputations, and omissions. Correct enumerations are people or housing units that were correctly enumerated in the census. Erroneous enumerations are people or housing units that were enumerated in the census but should not have been. Examples of erroneous enumerations are duplicates, nonexistent housing units or people, and people or housing units that were enumerated in the wrong place. Omissions are people and housing units that were not correctly enumerated in the census but should have been. Lastly, whole-person imputations are census records for which all of the demographic characteristics were imputed. Many of these imputations represent people in housing units where we knew the household count but did not obtain sufficient information about the people residing at the housing unit.

Net Coverage Error—Reflects the difference between the true population and the census count. If the census count was less than the actual number of people or housing units in the population, then we say there was an undercount. If the census count was more than the actual number of people or housing units in the population, then we say there was an overcount.

For more information about the Post-Enumeration Survey Program, please visit the following page of the Census Bureau's website: *https://www.census.gov/coverage_measurement/post-enumeration_surveys/.*

For more information about the Evaluations and Experiments Program, please visit the following document in the Census Bureau's 2020 Census Memo Series: 2020 Census Evaluations and Experiments.

III. Data

OMB Control Number: 0607–XXXX.

Form Number: NA.

Type of Review: Regular submission.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 565,000 Housing Units (HUs) for Independent Listing and 85,000 HUs for Independent Listing Quality Control.

Estimated Time per Response: 5 min.

Estimated Total Annual Burden Hours: 54,167 hours.

Estimated Total Annual Cost: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, U.S. Code, Sections 141 and 193.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

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

[FR Doc. 2018–23268 Filed 10–24–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–173–2018]

Foreign-Trade Zone 84—Houston, Texas; Application for Subzone; BAUER-Pileco Inc.; Conroe, Texas

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Houston Authority, grantee of FTZ 84, requesting subzone status for the facility of BAUER-Pileco Inc. (BAUER-Pileco) located in Conroe, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on October 19, 2018.

The proposed subzone (18.6 acres) is located at 680 Conroe Park West Drive in Conroe, Texas. At the proposed subzone, BAUER-Pileco would be able to conduct the production activity already authorized for the company for its existing facility in Conroe. No additional authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 84.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is December 4, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to December 19, 2018.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: October 19, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–23283 Filed 10–24–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Foreign-Trade Zone Applications

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 24, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *docpra@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Christopher J. Kemp, Office of Foreign-Trade Zones, (202) 482–0862, or *Christopher.Kemp@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Foreign-Trade Zone Application is the vehicle by which individual firms or organizations apply for foreign-trade zone (FTZ) status, for subzone status, production authority, modifications of existing zones, or for waivers. The FTZ Act and Regulations (19 U.S.C. 81b and 81f; 15 CFR 400.21–25, 43(f)) set forth the requirements for applications and other requests to the FTZ Board. The Act and Regulations require that applications for new or modified zones contain information on facilities, financing, operational plans, proposed production operations, need for FTZ authority, and economic impact, where applicable. Any request involving production authority requires specific information on the foreign status components and finished products involved. Applications for production activity can involve issues related to domestic industry and trade policy impact. Such applications must include specific information on the customs-tariff related savings that result from zone procedures and the economic consequences of permitting such savings. The FTZ Board needs complete and accurate information on the proposed operation and its economic effects because the Act and Regulations authorize the Board to restrict or prohibit operations that are detrimental to the public interest. The Regulations (15 CFR 400.43(f)) also require specific information for applications requesting waivers by parties impacted by 400.43(d). This information is necessary to assess the likelihood of the proposed activity resulting in a violation of the uniform treatment provisions of the FTZ Act and Regulations.

II. Method of Collection

U.S. firms or organizations submit applications in paper format along with an electronic copy to the Office of Foreign-Trade Zones.

III. Data

OMB Control Number: 0625–0139.

Form Number: N/A.

Type of Review: Regular submission.

Affected Public: State, local, or tribal governments or not-for-profit institutions applying for foreign-trade zone status, for subzone status, modification of existing zones, production authority or for waivers.

Estimated Number of Respondents: 291.

Estimated Time per Response: 4 to 131 hours (depending on the type of application).

Estimated Total Annual Burden Hours: 3,150.

Estimated Total Annual Cost to Public: $140,021.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Sheleen Dumas,

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

[FR Doc. 2018–23365 Filed 10–24–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG555

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, November 8, 2018 at 8:30 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the DoubleTree by Hilton, 50 Ferncroft Road, Danvers, MA 01923; phone: (978) 777–2500.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Advisory Panel will discuss Framework Adjustment 58: Specifications/Management Measures—specifically discuss draft alternatives and Plan Development Team (PDT) analysis including: (1) Rebuilding plan options for several groundfish stocks, (2) 2019 total allowable catches for U.S./Canada stocks of Eastern Georges Bank (GB) cod, Eastern GB haddock, and GB yellowtail flounder, (3) minimum size exemptions for vessels fishing in Northwest Atlantic Fisheries Organization waters, and (4) temporary change to scallop fishery accountability measure policy for GB yellowtail flounder for fishing years 2019 and

2020, and make recommendations for preferred alternatives. The panel will also hold a discussion of possible priorities for 2019 and develop recommendations. Other business will be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: October 22, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–23361 Filed 10–24–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG556

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, November 8, 2018 at 1:30 p.m.

ADDRESSES:

Meeting address: The meeting will be held at the DoubleTree by Hilton, 50 Ferncroft Road, Danvers, MA 01923; phone: (978) 777–2500.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The committee will discuss Framework Adjustment 58: Specifications/Management Measures—specifically discuss draft alternatives and Plan Development Team (PDT) analysis including: (1) Rebuilding plan options for several groundfish stocks, (2) 2019 total allowable catches for U.S./Canada stocks of Eastern Georges Bank (GB) cod, Eastern GB haddock, and GB yellowtail flounder, (3) minimum size exemptions for vessels fishing in Northwest Atlantic Fisheries Organization waters, and (4) temporary change to scallop fishery accountability measure policy for GB yellowtail flounder for fishing years 2019 and 2020, and make recommendations for preferred alternatives. The committee will also hold a discussion of possible priorities for 2019 and develop recommendations. The committee will review Groundfish PDT, Groundfish Advisory Panel, and Recreational Advisory Panel recommendations and make recommendations to the Council. Other business will be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the date.

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

Dated: October 22, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–23360 Filed 10–24–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Agency Information Collection Activities; Proposed Information Collection; Comment Request; Broadband Availability Data

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice.

SUMMARY: The U.S. Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 24, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, (202) 482–0336, Department of Commerce, Room 6612, 1401 Constitution Avenue NW, Washington, DC 20230 (or via email at *docpra@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments and instructions should be sent to Andrew Spurgeon, Chief of Operations, Office of Telecommunications and Information Applications, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4887, Washington, DC 20230 (or via email at *aspurgeon@ntia.doc.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Consolidated Appropriations Act of 2018 directed NTIA to update the national broadband availability map in coordination with the Federal Communications Commission (FCC)

and the states.[1] Specifically, Congress directed NTIA to acquire and display available third-party data sets to the extent it is able to negotiate its inclusion to augment data from the FCC, other federal government agencies, state government, and the private sector.[2] The objective of these updates is to identify regions of the country with insufficient broadband capacity, particularly in rural areas.

Presently, the only source of nationwide broadband availability data is that collected from broadband service provider responses to the FCC Form 477 Fixed Broadband Deployment data process. Form 477 data are submitted by voice and broadband telecommunications service providers semi-annually and include information on the services each provider offers, at the Census block level.[3] While the Census block system provides a very high level of geographic granularity overall—the United States is divided into over 11 million blocks, 95 percent of which do not exceed 1 square mile in land area—it is possible that broadband availability may vary within a single block, (which is most common in rural areas). Additionally, broadband service providers who wish to share more granular data on broadband availability—including regulated and non-regulated entities—have no mechanism to do so. Further, a broadband service provider offering service to any homes or businesses in a Census block is instructed to report that block as served in its Form 477 filing, even though it may not offer broadband services in most of the block. This can lead to overstatements in the level of broadband availability, especially in rural areas where Census blocks are large or when services are only available near the boundaries of a Census block.

As a result of these constraints, NTIA intends to collect broadband availability data at a more granular level than that available via the FCC Form 477 process. This data will be used to better assess broadband availability across the country and particularly in rural areas. This information collection covers the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Island Areas of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands.

NTIA intends to collect this information from two types of respondents that collect broadband data with more geographic granularity than the Census block level: (1) Owners and operators of broadband networks; and (2) industry associations, data aggregators, and researchers that study or analyze broadband availability. Respondents may include private companies, non-profits, cooperatives, educational institutions, tribal governments, and local, regional, or state governments. This information collection includes the use of both wireline and wireless technologies to deliver broadband services.

The data to be collected includes geographic information on service availability—such as address, address range, road centerline, land-parcel identification, or latitude/longitude—and corresponding broadband availability data (such as technology service type, upload and download speed, etc.). Data in a Geographic Information Systems (GIS) format that describe (a) wireless coverage areas based on a propagation model and (b) network infrastructure (such as fiber optic routes) is also responsive.

NTIA will not require that respondents modify appropriate data sets, with the exception that Personally Identifiable Information (PII) should be removed prior to transmission to NTIA. Data collection operations will result in respondent burden during: (1) Efforts to assemble their data for transmission to NTIA; (2) removal of PII; and (3) NTIA communications with respondent contacts to ensure NTIA correctly understands the data.

II. Method of Collection

The information collection will be administered through an online file transfer tool.

III. Data

OMB Control Number: None.
Form Number(s): None.
Type of Review: Regular submission.
Affected Public: Owners and operators of broadband networks, industry associations, data aggregators, and researchers.
Frequency: Annual.
Number of Respondents: 600.
Average Time per Response: 8 hours.
Estimated Total Annual Burden Hours: 4,800 hours.
Estimated Total Annual Cost to Public: $200,832.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Sheleen Dumas,

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

[FR Doc. 2018–23296 Filed 10–24–18; 8:45 am]

BILLING CODE 3510–60–P

[1] Consolidated Appropriations Act of 2018, Public Law 115–141, Division B, Title I, 132 Stat. 348.

[2] Joint Explanatory Statement, 164 Cong. Rec. No. 50—Book II, at H2084–85 (Mar. 22, 2018).

[3] ''All facilities-based broadband providers are required to file data with the FCC twice a year (Form 477) on where they offer internet access service at speeds exceeding 200 kbps in at least one direction.'' *See https://www.fcc.gov/general/broadband-deployment-data-fcc-form-477.*

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2018–0051]

Access to Relevant Prior Art Initiative

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) is implementing the first phase of the Access to Relevant Prior Art Initiative (''RPA Initiative'') to import citations (*e.g.,* bibliographic data on forms PTO/SB/08 and PTO–892) from the immediate parent application into the continuing application. The citations corresponding to the documents considered by the examiner in the continuing application will be printed on the face of the patent issuing from the continuing application without the applicant having to resubmit the information on an Information Disclosure Statement. Additionally, an applicant's duty to disclose information in the continuing application will continue to be satisfied for information considered in the parent application and will be satisfied for any additional information made of record by the Office in the continuing application. The RPA Initiative is being developed in response to public input following an August 29, 2016, notice and September 28, 2016, roundtable event on leveraging electronic resources to retrieve

information from applicant's other applications. The USPTO plans to implement the RPA Initiative in phases to consider and address public and examiner feedback at each phase and determine how to effectively expand the RPA Initiative in future phases.

DATES: *Applicable Date:* November 1, 2018.

ADDRESSES: The RPA Initiative will be implemented in stages without a comment deadline. Comments will be accepted on an ongoing basis. Written suggestions and comments should be sent by electronic mail to *PriorArtAccess@uspto.gov* or via the IdeaScale tool available at *https://uspto-priorart.ideascale.com.* Comments also may be submitted by postal mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Michael Neas, Deputy Director, International Patent Legal Administration.

FOR FURTHER INFORMATION CONTACT: For questions or comments regarding the RPA Initiative in general, please contact Michael Neas, Deputy Director, International Patent Legal Administration, by telephone at 571–272–3289, or by email to *michael.neas@uspto.gov* or Matthew Sked, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571–272–7627, or by email to *matthew.sked@uspto.gov.* Questions regarding a specific application should be directed to the Technology Center examining the application.

SUPPLEMENTARY INFORMATION:

I. Background

On August 29, 2016, the USPTO issued a notice seeking public feedback regarding how to efficiently utilize information from applicant's other applications having the same or substantially the same disclosure to provide examiners with relevant information at the earliest stage of examination. See *Request for Comments and Notice of Roundtable Event on Leveraging Electronic Resources to Retrieve Information from Applicant's Other Applications and Streamline Patent Issuance,* 81 FR 59197 (August 29, 2016). The notice announced a Roundtable that was held on September 28, 2016 and requested written comments by October 28, 2016. In response, the Office received twenty-six comments from a diverse group of stakeholders including intellectual property organizations, companies, law firms and individuals. Most of the stakeholders supported a program where the USPTO would automatically monitor related applications for relevant information therein for consideration during the examination of a U.S. application. However, stakeholder views varied on the optimal scope of the program and best method for implementation. Accordingly, the USPTO will implement the RPA Initiative in phases to consider and address public and examiner feedback at each phase. This feedback will be used to determine if the first phase needs adjustment, and how to expand the RPA Initiative effectively in future phases.

Applicants and other individuals substantively involved with the preparation and/or prosecution of a U.S. non-provisional application have a duty to submit to the USPTO information which is material to patentability as defined in 37 CFR 1.56. The provisions of 37 CFR 1.97 and 37 CFR 1.98 provide a mechanism by which patent applicants may comply with the duty of disclosure provided in 37 CFR 1.56. An information disclosure statement (IDS) filed in accordance with the provisions of 37 CFR 1.97 and 37 CFR 1.98 will be considered by the examiner assigned to the application. Citations listed in an IDS (*e.g.,* on form PTO/SB/08 and equivalents) and considered by the examiner will be printed on the patent and distinguished from citations that were cited by the examiner and listed on a form PTO–892 (examiner citations will be marked with an asterisk). See *Manual of Patent Examining Procedure,* Rev. 08.2017, Jan. 2018 (referred to herein as ''MPEP'') §§ 609 and 609.06.

Under current practice, when filing a continuing application that claims benefit under 35 U.S.C. 120 to a parent application (other than an international application for patent under the Patent Cooperation Treaty (PCT) that designated the United States), a listing of information which has been considered by the examiner in the parent application need not be resubmitted in the continuing application unless the applicant desires the information to be printed on the patent. Specifically, ''(t)he examiner will consider information which has been considered by the Office in a parent application . . . when examining: (A) A continuation application filed under 37 CFR 1.53(b), (B) a divisional application filed under 37 CFR 1.53(b), or (C) a continuation-in-part application filed under 37 CFR 1.53(b).'' MPEP § 609.02(II)(A)(2).

II. RPA Initiative

After careful consideration of the input from the public and examiners on the prior art initiative announced in the August 29, 2016 notice, the USPTO is implementing the RPA Initiative that will leverage electronic resources to improve examiner's access to relevant information from applicant's other related applications. As indicated previously, the USPTO will be implementing the RPA Initiative in phases to evaluate public and examiner feedback at each phase to address concerns and determine the ideal course for future expansion of the RPA Initiative.

In the first phase of the RPA Initiative, the USPTO will import the citations listed on forms PTO/SB/08 (or equivalents) and PTO–892 in the immediate parent application into the continuing application. If compliant with 37 CFR 1.98 in the parent application, the examiner will consider the documents that correspond to these citations and the citations will be printed on the patent. This will eliminate the need for applicant to submit an IDS in the continuing application for the purpose of having these citations printed on the patent. Additionally, an applicant's duty to disclose information under 37 CFR 1.56 in the continuing application will continue to be satisfied for information considered in the parent application and will be satisfied for any additional information made of record by the Office in the continuing application.

In subsequent phases of the RPA Initiative, the USPTO will consider providing examiners access to citation information from other sources such as other related U.S. applications, international applications under the PCT, and counterpart foreign applications of the same applicant. The selection of these sources and the timetable for expansion will be dictated, at least in part, by evaluating the first phase including feedback on the RPA Initiative from the public and examiners.

This first phase will also begin with a targeted release of a newly developed interface to a subgroup of examiners from a limited number of selected art units. In subsequent phases of the RPA Initiative, the USPTO plans to provide the interface to more examiners when the RPA Initiative proves scalable.

III. Structure of the First Phase of the RPA Initiative

(1) Overview

In the first phase of the RPA Initiative, applicants of a continuing application included in the RPA Initiative will not need to submit an IDS in a continuing application for information cited in the parent application in order for the

corresponding citations to appear on the face of any patent issuing from the continuing application. Instead, IDS citations listed on form PTO/SB/08 (or equivalents) in the parent application, as well as citations listed on form PTO–892 (Notice of References Cited) in the parent application, will be imported into the continuing application. Those citations considered by the examiner in the continuing application will be printed on any patent issuing from the continuing application and distinguished from the other citations of record. This first phase will be targeted to a select group of examiners and limited to continuing applications filed on or after the effective date of November 1, 2018 with a single parent application.

(2) Conditions for Inclusion

An application included in the first phase of the RPA Initiative will meet the following conditions.

i. Types of Applications. The application is a non-reissue, non-provisional application filed under 35 U.S.C. 111(a) with a claim for benefit under 35 U.S.C. 120 or 121 of only a single prior U.S. application (*i.e.,* immediate parent application, referred to herein as ''parent application''). The parent application must have been filed under 35 U.S.C. 111(a) or have entered the national stage pursuant to 35 U.S.C. 371. The parent application can claim priority or benefit of other applications only under 35 U.S.C. 119. For example, it cannot include any claims for benefit under 35 U.S.C. 120, 121, 365(c) or 386(c).

ii. Art Unit Requirement. The application is assigned to one of the art units that will be listed on the RPA Initiative website *https://www.uspto.gov/patents-getting-started/PriorArtAccess.*

iii. Timing. The RPA Initiative will initially apply to a small group of continuing applications filed on or after the effective date of November 1, 2018. The RPA Initiative will then expand to a larger group of applications filed on or after January 1, 2019. This information will be listed on the RPA Initiative website *https://www.uspto.gov/patents-getting-started/PriorArtAccess.* The claim for benefit to a parent application must be made in the continuing application and reflected on the filing receipt before the continuing application completes pre-examination processing.

The USPTO cannot accept requests to have an application entered in the first phase of the RPA Initiative.

(3) Art Units in the First Phase

The first phase will begin with a small group of examiners on November 1, 2018, and increase to a larger group on January 1, 2019. The art units will be listed on the RPA Initiative website *https://www.uspto.gov/patents-getting-started/PriorArtAccess* before the November 1, 2018 effective date.

The art units participating in the first phase of the RPA Initiative will be chosen to ensure that within the first twelve months of the RPA Initiative, data is acquired on approximately 175 applications across the examining corps. Specifically, the USPTO is considering each art unit's current backlog of continuing applications and the projected number of continuing application filings expected in the first year of the RPA Initiative. This targeted selection of art units and the number of applications is designed to provide relevant feedback in a timely manner and allow the RPA Initiative to expand to the next phase in an expeditious manner.

Note, if the application is initially assigned to an art unit within the RPA Initiative and is later transferred to an art unit outside the RPA Initiative, the application will remain in the RPA Initiative and will be treated in accordance with this notice.

(4) Determination of Applications for Inclusion in the RPA Initiative

The USPTO will determine whether an application meets the conditions for inclusion in the first phase of the RPA Initiative after the Office of Patent Application Processing completes pre-examination processing of the continuing application. That is, a filing receipt has been issued, there are no outstanding pre-examination notices (*e.g.,* Notice to File Missing Parts), and the application has completed classification. At this point, the continuing application will be evaluated for inclusion in the RPA Initiative. Once it has been determined that the continuing application meets the conditions for inclusion in the first phase of the RPA Initiative, the citations from the parent application, as specified herein, will be imported into the continuing application. Concurrent with the importation, a Notice of Imported Citations will be generated and provided to the applicant.

The Notice of Imported Citations will indicate that the continuing application has been entered in the first phase of the RPA Initiative and will list the citations that have been imported into the continuing application under examination. There is no requirement for the applicant to reply to the Notice of Imported Citations. However, applicant may inspect the Notice of Imported Citations to determine what citations have been imported into the continuing application under examination.

Applications included in the RPA Initiative will not be expedited or given special status due to inclusion into this RPA Initiative. The continuing application will be taken up for examination in the order it is filed in accordance with MPEP 708. Once the continuing application is taken up for action, the examiner will consider the imported information in due course, similar to the consideration of other IDSs filed in the application. There is no mechanism for removing an application from the RPA Initiative.

(5) Citations Imported

All citations, both considered and unconsidered in the parent application, will be imported into the continuing application. The citations are those corresponding to U.S. patent documents, foreign patent documents, and non-patent literature (NPL) documents, contained on an IDS listing (*e.g.,* PTO/SB/08 or equivalents) or PTO–892 in the file wrapper record of the parent application at the time inclusion into the RPA Initiative is determined. If available in the parent application, the examiner will be provided ready access to copies of the foreign patent documents and NPL documents associated with the imported citations as well as any corresponding translations or explanations of relevance. Though copies of documents corresponding to the imported citations will not be available in the electronic file wrapper of the continuing application to applicants and the public, such copies can be accessed in the electronic file wrapper of the parent application by the applicant of the parent application through the USPTO's Private Patent Application Information Retrieval (PAIR) system (*https://ppair.uspto.gov/TruePassWebStart/AuthenticationChooser.html*), or by the public by obtaining a certified copy of file history of the parent application (*http://ebiz1.uspto.gov/oems25p/index.html*). This is consistent with current practice where a copy of a document considered by the examiner in the parent application (except where the parent is an international application) is not required to be filed in the continuing application for consideration, and, therefore, is not available in the electronic file wrapper of the continuing application. See 37 CFR 1.98(d) and MPEP § 609.02. Any

citations in the parent application not contained on an IDS listing or PTO–892 form will not be imported, including, for example, citations in a third-party submission under 37 CFR 1.290, Office actions, applicant responses, citations listed in the specification, affidavits/declarations, etc.

Note that in the first phase of the RPA Initiative, the Office will perform only a single importation of citations from the parent application. Any citations from IDS listings or PTO–892 forms appearing in the parent application after this single importation occurs will not be imported. To have such later-appearing citations printed on a patent issued from the continuing application, applicant must submit an IDS with the later-appearing citations.

(6) Examiner Consideration

Examiners will consider all documents corresponding to the imported citations that are compliant with 37 CFR 1.98 in the parent application. As explained previously, the imported citations will be listed on the Notice of Imported Citations, which will be given to the applicant at the time of importation and will be viewable in the electronic file wrapper record of the continuing application via the USPTO's PAIR system. The examiner will consider the information corresponding to the imported citations to the same extent as information submitted by the applicant in an IDS. See MPEP § 609.05(b).

The examiner will indicate consideration of the imported citations in a Notice of Consideration. Examiners will strike through each citation whose document was not considered in the continuing application. This includes any citation that was not compliant with 37 CFR 1.98 in the parent application (*e.g.,* no copy was submitted) or the examiner was unable to consider the relevance of the imported citation for some other reason. However, citations that were not compliant under 37 CFR 1.97 in the parent application will be considered by the examiner in the continuing application, if compliant with 37 CFR 1.98. The examiner should inform the applicant in the first Office action of the reason(s) a citation was not considered. Applicant may then file an IDS to correct the deficiency in the imported citations. Note that the date the IDS is filed to correct the deficiency in the continuing application is the date for determining compliance with the timing requirements of 37 CFR 1.97. See MPEP § 609.05(a).

The examiner's signature on the Notice of Consideration will indicate that the documents corresponding to all citations that have not been lined through have been considered. The Notice of Consideration should be provided with the first Office action on the merits in the continuing application.

(7) Publication of Imported Citations

All citations that have been imported from the parent application and indicated as considered on the Notice of Consideration will be printed on the patent issuing from the continuing application. These imported citations will be marked with a double-dagger on the patent to distinguish them from the other citations of record. If an item of information is cited more than once on the record (*e.g.,* in a Notice of Consideration and on an IDS), the citation will be listed only once on the patent and will be distinguished as a citation that has been imported from a related application.

IV. Future Phases

As indicated previously, this RPA Initiative seeks to import relevant information for consideration by the examiner at an early time in prosecution while reducing the need for applicants to submit this same information in later-filed applications. The RPA Initiative will begin with the first phase outlined in section III. The USPTO expects to expand this RPA Initiative in subsequent phases to further enhance examination quality and reduce the need for applicants to resubmit citation lists and references.

The USPTO is evaluating how to expand the RPA Initiative in future phases and will use the data acquired in the first phase in making this determination. Currently, the USPTO is considering a first expansion of the RPA Initiative (second phase) to include the importation of U.S. and foreign patent citation information from related PCT and counterpart foreign applications. However, this could change based on the feedback received from examiners and stakeholders in the first phase. Further, the RPA Initiative may be expanded to increase the number of times information is imported from the parent application, as well as encompass more art units within the USPTO so that it will eventually be applicable in all applications regardless of classification.

The timetable for expansion and the chosen sources of expansion will be determined based upon the feedback obtained in the first phase. Applicants are encouraged to provide their feedback on the RPA Initiative to help the USPTO determine how best to expand the RPA Initiative in the next phase and in any future phases. Comments are preferred using the IdeaScale tool which is available at *https://uspto-priorart.ideascale.com.*

Dated: October 19, 2018.

Andrei Iancu,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2018–23338 Filed 10–24–18; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0083]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice of a modified system of records.

SUMMARY: The Office of the Secretary of Defense proposes to modify a system of records titled, ''Joint Advertising, Market Research & Studies (JAMRS) Survey Database,'' DHRA 05. JAMRS is an official Department of Defense program responsible for joint marketing communications and market research and studies. One of JAMRS' objectives is to explore the perceptions, beliefs, and attitudes of American youth as they relate to joining the Military. Understanding these factors is critical to the success of sustaining an All-Volunteer Force and helps ensure recruiting efforts are directed in the most efficient and beneficial manner.

DATES: Comments will be accepted on or before November 26, 2018. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

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

* *Federal Rulemaking Portal: http://www.regulations.gov.*

Follow the instructions for submitting comments.

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

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these

submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mrs. Luz D. Ortiz, Chief, Records, Privacy and Declassification Division (RPDD), 1155 Defense Pentagon, Washington, DC 20311–1155, or by phone at (571) 372–0478.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) proposes to modify a system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a. This system assists DoD marketing communications programs increase awareness of military service as a career option by compiling names of young adults aged 16 through maximum recruiting age to create a mailing frame from which to conduct surveys. These surveys are conducted multiple times a year and each survey is designed so that appropriate levels of precision can be achieved for inferences to be made at various geographic levels. The system also provides JAMRS with the ability to remove the names of individuals who are current/former members of, or are enlisting in, the Armed Forces and individuals who have asked to be removed from consideration as a participant in any future JAMRS survey. Multiple departments throughout the Federal Government rely on the research conducted by JAMRS, which is frequently reported to Congress. As a result of reviewing this system of records, the modification reformats the system of records notice (SORN), updates the system location, system manager, routine uses, record access procedures, contesting record procedures, and notification procedures.

The OSD notices for systems of records subject to the Privacy Act of 1974, as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy, Civil Liberties, and Transparency Division website at *https://defense.gov/privacy.*

The proposed systems reports, as required by the Privacy Act, as amended, were submitted on July 20, 2018, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to Section 6 to OMB Circular No. A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' revised December 23, 2016 (December 23, 2016, 81 FR 94424).

Dated: October 22, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER

Joint Advertising, Market Research & Studies (JAMRS) Survey Database, DHRA 05.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Epsilon Data Management, LLC, 2425 Busse Road, Elk Grove Village, IL 60007–5737.

SYSTEM MANAGER(S):

Program Manager, Office of People Analytics, Joint Advertising, Market Research & Studies (JAMRS), Suite 06J25, 4800 Mark Center Drive, Alexandria, VA 22350–4000; email: *info@jamrs.org.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503(a), Enlistments: Recruiting campaigns; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; 14 U.S.C. 350, Coast Guard; and 10 U.S.C. 2358, Research and development projects.

PURPOSE(S) OF THE SYSTEM:

To compile names of individuals aged 16 through maximum recruiting age to create a mailing frame from which to conduct surveys. These surveys will be conducted multiple times per year and each survey will be designed so that appropriate levels of precision can be achieved for inferences to be made at various geographic levels. The system also provides JAMRS with the ability to remove the names of individuals who are current/former members of, or are enlisting in, the Armed Forces, and individuals who have asked to be removed from consideration as a participant in any future JAMRS survey.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals aged 16 through maximum recruiting age; Selective Service System registrants; individuals who have taken the Armed Services Vocational Aptitude Battery (ASVAB) test; current military personnel who are on Active Duty or in the Reserves; prior service individuals who still have remaining Military Service Obligation (commonly known as the Individual Ready Reserve or IRR); individuals who are in the process of enlisting or enrolled in ROTC (commonly known as the Military Entrance Program Command (MEPCOM) applicant file); and individuals who have asked to be removed from consideration as a participant in any future JAMRS survey.

Opt-Out Information: Individuals, who are 15½ years old or older, or parents or legal guardians acting on behalf of individuals who are between the ages of 15½ and 18 years old, seeking to have their name or the name of their child or ward, as well as other identifying data, removed from this system of records (or removed in the future when such information is obtained), should address written Opt-Out requests to Joint Advertising, Marketing Research & Studies (JAMRS), ATTN: Survey Project Officer, Suite 06J25, 4800 Mark Center Drive, Alexandria, VA 22350–4000. Such requests must contain the full name, date of birth, and current address of the individual.

Opt-Out requests will be honored until the individual is no longer eligible for recruitment. However, because Opt-Out screening is based, in part, on the current address of the individual, any change in address will require the submission of a new opt-out request with the new address.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, gender, mailing address, date of birth, ethnicity, Armed Services Vocational Aptitude Battery (ASVAB) test results, and information source code.

RECORD SOURCE CATEGORIES:

State Department of Motor Vehicle offices; commercial information brokers/vendors; the Selective Service System; the Defense Manpower Data Center; the United States Military Entrance Processing Command for individuals who have taken the ASVAB test; and individuals who have submitted written ''Opt-Out'' requests.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. To the Department of Homeland Security to support the development of advertising and market research targeted at prospective United States Coast Guard recruits.

b. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government when necessary to accomplish an agency function related to this system of records.

c. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

d. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

e. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

f. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

g. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

h. To appropriate agencies, entities, and persons when (1) the DoD suspects or has confirmed that there has been a breach of the system of records; (2) the DoD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

i. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic storage media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by individual's full name, address, and date of birth.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

System records are destroyed/deleted 1 year after the JAMRS survey contact list has been created.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to information in the database is highly restricted and limited to those that require the records in the performance of their official duties. The database utilizes a layered approach of overlapping controls, monitoring and authentication to ensure overall security of the data, network and system resources. Sophisticated physical security, perimeter security (firewall, intrusion prevention), access control, authentication, encryption, data transfer, and monitoring solutions prevent unauthorized access from internal and external sources.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address inquiries to the Office of the Secretary of Defense/Joint Staff, Freedom of Information Act Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301–1155.

Signed, written requests should contain the full name, date of birth, and current address of the individual as well as the name and number of this System of Records Notice. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

CONTESTING RECORD PROCEDURES:

The Office of the Secretary of Defense (OSD) rules for accessing records, for contesting contents, and for appealing initial agency determinations are contained in OSD Administrative Instruction 81; 32 CFR part 311, or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to the Joint Advertising, Market Research & Studies (JAMRS), Direct Marketing Program Officer, 4800 Mark Center Drive, Suite 06J25, Alexandria, VA 22350–4000.

Signed, written requests must include the name and number of this SORN as well as the requester's name and current address. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

December 22, 2011, 76 FR 795661.

[FR Doc. 2018–23309 Filed 10–24–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Annual Notice of Interest Rates for Variable-Rate Federal Student Loans Made Under the William D. Ford Federal Direct Loan Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Acting Chief Operating Officer for Federal Student Aid announces the interest rates for Federal Direct Stafford/Ford Loans (Direct Subsidized Loans), Federal Direct Unsubsidized Stafford/Ford Loans (Direct Unsubsidized Loans), and

Federal Direct PLUS Loans (Direct PLUS Loan) with first disbursement dates before July 1, 2006, and for Federal Direct Consolidation Loans (Direct Consolidation Loans) for which the application was received before February 1, 1999. The rates announced in this notice are in effect for the period July 1, 2018, through June 30, 2019.

FOR FURTHER INFORMATION CONTACT: Jon Utz, U.S. Department of Education, 830 First Street NE, 11th Floor, Washington, DC 20202. Telephone: (202) 377–4040 or by email: *Jon.Utz@ed.gov.*

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

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

SUPPLEMENTARY INFORMATION: Catalog of Federal Domestic Assistance (CFDA) Number: 84.268.

Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans, and Direct Consolidation Loans (collectively referred to as ''Direct Loans'') may have either fixed or variable interest rates, depending on when the loan was first disbursed or, in the case of a Direct Consolidation Loan, when the application for the loan was received. Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed before July 1, 2006, and Direct Consolidation Loans for which the application was received before February 1, 1999, have variable interest rates. For these loans, a new rate is determined annually and is in effect during the period from July 1 of one year through June 30 of the following year.

Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2006, and Direct Consolidation Loans for which the application was received on or after February 1, 1999, have fixed interest rates that apply for the life of the loan.

This notice announces the interest rates for variable-rate Direct Loans that will apply during the period from July 1, 2018, through June 30, 2019. Interest rate information for fixed-rate Direct Loans is announced in a separate notice published in the **Federal Register**.

Interest rates for variable-rate Direct Loans are determined in accordance with formulas specified in section 455(b) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1087e(b)). The formulas vary depending on loan type and when the loan was first disbursed or, for certain Direct Consolidation Loans, when the application for the loan was received. The HEA specifies a maximum interest rate for these loan types. If the interest rate formula results in a rate that exceeds the statutory maximum rate, the rate is the statutory maximum rate.

Variable-Rate Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans

For Direct Subsidized Loans and Direct Unsubsidized Loans with first disbursement dates before July 1, 2006, and for Direct PLUS Loans with first disbursement dates on or after July 1, 1998, and before July 1, 2006, the interest rate is equal to the lesser of—

(1) The bond equivalent rate of 91-day Treasury bills auctioned at the final auction held before the June 1 immediately preceding the 12-month period to which the interest rate applies, plus a statutory add-on percentage; or

(2) 8.25 percent (for Direct Subsidized Loans and Direct Unsubsidized Loans) or 9.00 percent (for Direct PLUS Loans).

For Direct Subsidized Loans and Direct Unsubsidized Loans with first disbursement dates on or after July 1, 1995, and before July 1, 2006, the statutory add-on percentage varies depending on whether the loan is in an in-school, grace, or deferment status, or in any other status. For all other loans, the statutory add-on percentage is the same during any status.

The bond equivalent rate of 91-day Treasury bills auctioned on May 29, 2018, is 1.931 percent, rounded to 1.93 percent.

For Direct PLUS Loans with first disbursement dates before July 1, 1998, the interest rate is equal to the lesser of—

(1) The weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before the June 26 preceding the 12-month period to which the interest rate applies, plus a statutory add-on percentage; or

(2) 9.00 percent.

The weekly average of the one-year constant maturity Treasury yield published on June 26, 2018, is 2.34 percent.

Variable-Rate Direct Consolidation Loans

A Direct Consolidation Loan may have up to three components, depending on the types of loans that were repaid by the consolidation loan and when the application for the consolidation loan was received. The three components are called Direct Subsidized Consolidation Loans, Direct Unsubsidized Consolidation Loans, and (only for Direct Consolidation Loans made based on applications received before July 1, 2006) Direct PLUS Consolidation Loans. In most cases the interest rates for variable-rate Direct Subsidized Consolidation Loans, Direct Unsubsidized Consolidation Loans, and Direct PLUS Consolidation Loans are determined in accordance with the same formulas that apply to Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans, respectively.

Interest Rate Charts

Charts 1 and 2 show the interest rate formulas used to determine the interest rates for all variable-rate Direct Loans and the rates that are in effect during the 12-month period from July 1, 2018, through June 30, 2019.

Chart 1 shows the interest rates for loans with rates based on the 91-day Treasury bill rate. Chart 2 shows the interest rates for loans with rates based on the weekly average of the one-year constant maturity Treasury yield.

CHART 1—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, DIRECT SUBSIDIZED CONSOLIDATION LOANS, DIRECT UNSUBSIDIZED CONSOLIDATION LOANS, DIRECT PLUS LOANS, AND DIRECT PLUS CONSOLIDATION LOANS

[Interest rates based on 91-day Treasury bill]

Loan type	Cohort	91-day T-bill rate 05/29/18 (%)	Add-on (%)		Maximum rate (%)	Interest rate 07/01/18 through 06/30/19 (%)	
Subsidized Unsubsidized Subsidized Consolidation Unsubsidized Consolidation	First disbursed on/after 07/01/98 and before 07/01/06. First disbursed on/after 07/01/98 and before 10/01/98; or Application received before 10/01/98 and first disbursed on/after 10/01/98	1.93	1.70 (in-school, grace, deferment).	2.30 (any other status).	8.25	3.63 (in-school, grace, deferment).	4.23 (any other status).
PLUS	First disbursed on/after 07/01/98 and before 07/01/06.	1.93	3.10		9.00	5.03	
PLUS Consolidation	First disbursed on/after 07/01/1998 and before 10/01/1998; or Application received before 10/01/98 and first disbursed on/after 10/01/98.						
Subsidized Unsubsidized Subsidized Consolidation Unsubsidized Consolidation	First disbursed on/after 07/01/95 and before 07/01/98.	1.93	2.50 (in-school, grace, deferment).	3.10 (any other status).	8.25	4.43 (in-school, grace, deferment).	5.03 (any other status).
Subsidized Unsubsidized Subsidized Consolidation Unsubsidized Consolidation	First disbursed before 07/01/95.	1.93	3.10		8.25	5.03	
Subsidized Consolidation Unsubsidized Consolidation PLUS Consolidation	Application received on/after 10/01/98 and before 02/01/99.	1.93	2.30		8.25	4.23	

CHART 2—DIRECT PLUS LOANS AND DIRECT PLUS CONSOLIDATION LOANS

[Interest rates based on weekly average of one-year constant maturity treasury yield]

Loan type	Cohort	Weekly average of 1-year constant maturity treasury yield for last calendar week ending on or before 06/26/18 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/18 through 06/30/19 (%)
PLUS PLUS Consolidation	First disbursed before 07/01/98	2.34	3.10	9.00	5.44

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Program Authority: 20 U.S.C. 1087 *et seq.*

Dated: October 22, 2018.

James F. Manning,

Acting Chief Operating Officer, Federal Student Aid.

[FR Doc. 2018–23370 Filed 10–24–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2017–ICCD–0149]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Survey on the Use of Funds Under Title II, Part A: Supporting Effective Instruction Grants—Subgrants to LEAs

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before November 26, 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–2017–ICCD–0149. 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 Bryan Thurmond, 202–205–4914.

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: Survey on the Use of Funds Under Title II, Part A: Supporting Effective Instruction Grants—Subgrants to LEAs.

OMB Control Number: 1810–0618.

Type of Review: A reinstatement of a previously approved information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 4,326.

Total Estimated Number of Annual Burden Hours: 8,577.

Abstract: The Elementary and Secondary Education Act of 1965, as reauthorized by the Every Student Succeeds Act of 2015 (ESSA), provides funds to States to prepare, train, and recruit high-quality teachers, principals, and other school leaders. These funds are provided to districts through Title II, Part A (Supporting Effective Instruction Grants). The purpose of these surveys is to provide the U.S. Department of Education with a better understanding of how local educational agencies (LEAs) utilize these funds. This survey also collects data on teacher salaries funded by Title II, Part A, and professional development provided by LEAs to their teachers.

Similar data have been collected under the Survey on the Use of Funds Under Title II, Part A prior to reauthorization of ESEA. This OMB clearance request is to continue these types of analyses, but using new data collection instruments updated to reflect changes due to the reauthorization of ESEA by the ESSA. The request is to begin data collection and analyses for the 2018–19 school year and subsequent years.

Dated: October 19, 2018.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–23275 Filed 10–24–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Annual Notice of Interest Rates for Variable-Rate Federal Student Loans Made Under the Federal Family Education Loan Program Prior to July 1, 2010

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Acting Chief Operating Officer for Federal Student Aid announces the interest rates for loans made under the Federal Family Education Loan (FFEL) Program that have variable interest rates. The rates announced in this notice are in effect for the period July 1, 2018, through June 30, 2019.

FOR FURTHER INFORMATION CONTACT: Jon Utz, U.S. Department of Education, 830 First Street NE, 11th Floor, Washington, DC 20202. Telephone: (202) 377–4040 or by email: *Jon.Utz@ed.gov.*

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

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

SUPPLEMENTARY INFORMATION: Catalog of Federal Domestic Assistance (CFDA) Number: 84.032.

Section 427A of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1077a), provides formulas for determining the interest rates charged to borrowers on loans made under the FFEL Program, including Federal Subsidized and Unsubsidized Stafford Loans (Stafford Loans), Federal PLUS Loans (PLUS Loans), Federal Consolidation Loans (Consolidation Loans), and Federal Supplemental Loans for Students (SLS Loans). No new loans have been made under the FFEL Program since June 30, 2010.

The FFEL Program includes loans with variable interest rates that change each year and loans with fixed interest rates that remain the same for the life of the loan. For loans with a variable interest rate, the specific interest rate formula that applies to a particular loan depends on the date of the first disbursement of the loan or, in the case of a Consolidation Loan, the date the application for the loan was received. If a loan has a variable interest rate, a new rate is determined annually and is in effect during the period from July 1 of one year through June 30 of the following year.

This notice announces the interest rates for variable-rate FFEL Program loans that will be in effect during the period from July 1, 2018, through June 30, 2019. Interest rates for fixed-rate FFEL Program loans may be found in a **Federal Register** notice published on September 15, 2015 (80 FR 55342).

For the majority of variable-rate FFEL Program loans, the annual interest rate is equal to the lesser of—

(1) The bond equivalent rate of the 91-day Treasury bills auctioned at the final auction held before June 1 of each year, plus a statutory add-on percentage; or

(2) A statutorily established maximum interest rate.

The bond equivalent rate of the 91-day Treasury bills auctioned on May 29, 2018, is 1.931 percent, rounded to 1.93 percent.

For PLUS Loans first disbursed before July 1, 1998, and for all SLS Loans, the annual interest rate is equal to the lesser of—

(1) The weekly average of the one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System for the last day of the calendar week ending on or before June 26 of each year, plus a statutory add-on percentage; or

(2) A statutorily established maximum interest rate.

The weekly average of the one-year constant maturity Treasury yield as published for the week ending on or before June 26, 2018, is 2.34 percent.

For Consolidation Loans that have a variable interest rate, the annual interest rate for the portion of a Consolidation Loan that repaid loans other than loans made under the Health Education Assistance Loans (HEAL) Program is equal to—

(1) The bond equivalent rate of the 91-day Treasury bill auctioned at the final auction held before June 1 of each year, plus a statutory add-on percentage; or

(2) A statutorily established maximum interest rate.

If a Consolidation Loan (whether a variable-rate loan or a fixed-rate loan) repaid loans made under the HEAL Program, the interest rate on the portion of the Consolidation Loan that repaid HEAL loans is a variable rate that is equal to the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the quarter ending June 30, plus a statutory add-on percentage. For the portion of a Consolidation Loan that repaid HEAL loans, there is no maximum interest rate.

The average of the bond equivalent rates of the 91-day Treasury bills auctioned for the quarter ending on June 30, 2018, is 1.88 percent.

The statutory add-on percentages and maximum interest rates vary depending on loan type and when the loan was first disbursed. In addition, the add-on percentage for certain Stafford Loans is different depending on whether the loan is in an in-school, grace, or deferment status, or in any other status. If the interest rate calculated in accordance with the applicable formula exceeds the statutory maximum interest rate, the statutory maximum rate applies.

Charts 1 through 4 show the interest rate formulas that are used to determine the interest rates for all variable-rate FFEL Program loans and the interest rates that are in effect during the 12-month period from July 1, 2018, through June 30, 2019. Unless otherwise indicated, the cohorts shown in each chart include all borrowers, regardless of prior borrowing.

Chart 1 shows the interest rates for loans with rates based on the 91-day Treasury bill, with the exception of ''converted'' variable-rate Federal Stafford Loans and certain Federal Consolidation Loans.

Chart 2 shows the interest rates for loans with rates based on the weekly average of the one-year constant maturity Treasury yield.

Chart 3 shows the interest rates for ''converted'' variable-rate Federal Stafford Loans. These are loans that originally had varying fixed interest rates.

Finally, Chart 4 shows the interest rates for variable-rate Federal Consolidation Loans, and for the portion of any Federal Consolidation Loan that repaid loans made under the HEAL Program.

CHART 1—SUBSIDIZED FEDERAL STAFFORD LOANS, UNSUBSIDIZED FEDERAL STAFFORD LOANS, AND FEDERAL PLUS LOANS

[Interest rate based on 91-day treasury bill]

Loan type	Cohort	91-day T-bill rate 05/29/18 (%)	Add-on (%)		Maximum rate (%)	Interest rate 07/01/18 through 06/30/19 (%)	
Subsidized Stafford Unsubsidized Stafford	First disbursed on/after 07/01/98 and before 07/01/06.	1.93	1.70 (in-school, grace, deferment).	2.30 (any other status).	8.25	3.63 (in-school, grace, deferment).	4.23 (any other status).
PLUS	First disbursed on/after 07/01/98 and before 07/01/06.	1.93	3.10		9.00	5.03	
Subsidized Stafford Unsubsidized Stafford	First disbursed on/after 07/01/95 and before 07/01/98.	1.93	2.50 (in-school, grace, deferment).	3.10 (any other status).	8.25	4.43 (in-school, grace, deferment).	5.03 (any other status).
Subsidized Stafford Unsubsidized Stafford	First disbursed on/after 07/01/94 and before 07/01/95, for a period of enrollment that included or began on or after 07/01/94.	1.93	3.10		8.25	5.03	
Subsidized Stafford Unsubsidized Stafford	First disbursed on/after 10/01/92 and before 07/01/94; and First disbursed on/after 07/01/94, for a period of enrollment ending before 07/01/94 (new borrowers)	1.93	3.10		9.00	5.03	

CHART 2—FEDERAL PLUS LOANS AND SLS LOANS

[Interest rate based on weekly average of one-year constant maturity treasury yield]

Loan type	Cohort	Weekly average of 1-year constant maturity treasury yield for last calendar week ending on or before 06/26/18 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/18 through 06/30/19 (%)
PLUS	First disbursed on/after 07/01/94 and before 07/01/98	2.34	3.10	9.00	5.44
PLUS	First disbursed on/after 10/01/92 and before 07/01/94	2.34	3.10	10.00	5.44
SLS	First disbursed on/after 10/01/92,for a period of enrollment beginning before 07/01/94.	2.34	3.10	11.00	5.44
PLUS SLS	First disbursed before 10/01/92	2.34	3.25	12.00	5.59

CHART 3—"CONVERTED" VARIABLE-RATE SUBSIDIZED AND UNSUBSIDIZED FEDERAL STAFFORD LOANS

[Interest rate based on 91-day treasury bill]

Loan type	Cohort	Original fixed interest rate (later converted to variable rate) (%)	91-day T-bill rate 05/29/18 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/18 through 06/30/19 (%)
Subsidized Stafford Unsubsidized Stafford	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	8.00, increasing to 10.00.	1.93	3.10	10.00	5.03
Subsidized Stafford Unsubsidized Stafford	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	9.00	1.93	3.10	9.00	5.03
Subsidized Stafford Unsubsidized Stafford	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	8.00	1.93	3.10	8.00	5.03
Subsidized Stafford Unsubsidized Stafford	First disbursed on or after 07/23/92 and before 07/01/94 (prior borrowers).	7.00	1.93	3.10	7.00	5.03
Subsidized Stafford Unsubsidized Stafford	First disbursed on or after 07/23/92 and before 10/01/92 (new borrowers).	8.00, increasing to 10.00.	1.93	3.25	10.00	5.18
Subsidized Stafford Unsubsidized Stafford	First disbursed on or after 07/01/88 and before 07/23/92.	8.00, increasing to 10.00.	1.93	3.25	10.00	5.18

CHART 4—FEDERAL CONSOLIDATION LOANS

Consolidation loan component	Cohort	91-day T-bill rate 05/29/18 (%)	Average of the bond equivalent rates of the 91-day T-bills auctioned for the quarter ending 06/30/18 (%)	Add-on (%)	Maximum rate (%)	Interest rate 07/01/18 through 06/30/19 (%)
Portion of loan that repaid loans other than HEAL loans.	Application received on/after 11/13/97 and before 10/01/98.	1.93	N/A	3.10	8.25	5.03
Portion of the loan that repaid HEAL loans.	Application received on/after 11/13/97.	N/A	1.88	3.00	None	4.88

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Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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Program Authority: 20 U.S.C. 1071 *et seq.*

Dated: October 22, 2018.

James F. Manning,

Acting Chief Operating Officer, Federal Student Aid.

[FR Doc. 2018–23371 Filed 10–24–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0111]

Agency Information Collection Activities; Comment Request; Student Assistance General Provisions—Non-Title IV Revenue Requirements (90/10)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before 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–0111. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Student Assistance General Provisions—Non-Title IV Revenue Requirements (90/10).

OMB Control Number: 1845–0096.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 1,872.

Total Estimated Number of Annual Burden Hours: 2,808.

Abstract: As enacted by the Higher Education Opportunity Act (Pub. L. 110–315), the regulations in 34 CFR 668.28 provide that a proprietary institution must derive at least 10% of its annual revenue from sources other than Title IV, HEA funds, sanctions for failing to meet this requirement, and otherwise implement the statute by (1) specifying a Net Present Value (NPV) formula used to establish the revenue for institutional loans, (2) providing an administratively easier alternative to the NPV calculation, and (3) describing more fully the non-Title IV eligible programs from which revenue may be counted for 90/10 purposes. The regulations require an institution to disclose in a footnote to its audited financial statements the amounts of Federal and non-Federal revenues, by category, that it used in calculating its 90/10 ratio (see section 487(d) of the HEA). This is a request to extend the information collection that identifies the reporting burden for this regulation.

Dated: October 22, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–23364 Filed 10–24–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Annual Notice of Interest Rates for Fixed-Rate Federal Student Loans Made Under the William D. Ford Federal Direct Loan Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Acting Chief Operating Officer for Federal Student Aid announces the interest rates for Federal Direct Stafford/Ford Loans (Direct Subsidized Loans), Federal Direct Unsubsidized Stafford/Ford Loans (Direct Unsubsidized Loans), and Federal Direct PLUS Loans (Direct PLUS Loans) made under the William D. Ford Federal Direct Loan (Direct Loan) Program with first disbursement dates on or after July 1, 2018, and before July 1, 2019.

FOR FURTHER INFORMATION CONTACT: Jon Utz, U.S. Department of Education, 830 First Street NE, 11th Floor, Washington, DC 20202. Telephone: (202) 377–4040 or by email: *Jon.Utz@ed.gov.*

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

SUPPLEMENTARY INFORMATION: Catalog of Federal Domestic Assistance (CFDA) Number: 84.268.

Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans, and Direct Consolidation Loans (collectively referred to as ''Direct Loans'') may have either fixed or variable interest rates, depending on when the loan was first disbursed or, in the case of a Direct Consolidation Loan, when the application for the loan was received. Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after

July 1, 2006, and Direct Consolidation Loans for which the application was received on or after February 1, 1999, have fixed interest rates that apply for the life of the loan. Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed before July 1, 2006, and Direct Consolidation Loans for which the application was received before February 1, 1999, have variable interest rates that are determined annually and are in effect during the period from July 1 of one year through June 30 of the following year.

This notice announces the fixed interest rates for Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans with first disbursement dates on or after July 1, 2018, and before July 1, 2019, and provides interest rate information for other fixed-rate Direct Loans. Interest rate information for variable-rate Direct Loans is announced in a separate **Federal Register** Notice.

Fixed-Rate Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans First Disbursed on or After July 1, 2013

Section 455(b) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1087e(b)) includes formulas for determining the interest rates for all Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2013. The interest rate for these loans is a fixed rate that is determined annually for all loans first disbursed during any 12-month period beginning on July 1 and ending on June 30. The rate is equal to the high yield of the 10-year Treasury notes auctioned at the final auction held before June 1 of that 12-month period, plus a statutory add-on percentage that varies depending on the loan type and, for Direct Unsubsidized Loans, whether the loan was made to an undergraduate or graduate student. The calculated interest rate may not exceed a maximum rate specified in the HEA. If the interest rate formula results in a rate that exceeds the statutory maximum rate, the rate is the statutory maximum rate. Loans first disbursed during different 12-month periods that begin on July 1 and end on June 30 may have different interest rates, but the rate determined for any loan is a fixed interest rate for the life of the loan.

On May 9, 2018, the United States Treasury Department held a 10-year Treasury note auction that resulted in a high yield of 2.995 percent.

Chart 1 shows the fixed interest rates for Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2018, and before July 1, 2019.

CHART 1—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, AND DIRECT PLUS LOANS FIRST DISBURSED ON OR AFTER 07/01/2018 AND BEFORE 07/01/2019

Loan type	Borrower type	10-year treasury note high yield 05/09/2018 (%)	Add-on (%)	Maximum rate (%)	Fixed interest rate (%)
Direct Subsidized Loans	Undergraduate students	2.995	2.05	8.25	5.05
Direct Unsubsidized Loans					
Direct Unsubsidized Loans [1]	Graduate and professional students	2.995	3.60	9.50	6.60
Direct PLUS Loans	Parents of dependent undergraduate students.	2.995	4.60	10.50	7.60
	Graduate and professional students.				

For reference, Chart 2 compares the fixed interest rates for Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed during the period July 1, 2018, through June 30, 2019, with the fixed interest rates for loans first disbursed during each previous 12-month period from July 1, 2013, through June 30, 2018.

CHART 2—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, AND DIRECT PLUS LOANS FIRST DISBURSED ON OR AFTER 07/01/2013 AND BEFORE 07/01/2019

First disbursed		Fixed interest rates (%)			**Federal Register** Notice
On/after	Before	Direct subsidized loans Direct unsubsidized loans (undergraduate students)	Direct unsubsidized loans (graduate or professional students)	Direct PLUS loans	
07/01/2018	07/01/2019	5.05	6.60	7.60	N/A.
07/01/2017	07/01/2018	4.45	6.00	7.00	82 FR 29062 (June 27, 2017).
07/01/2016	07/01/2017	3.76	5.31	6.31	81 FR 38159 (June 13, 2016).
07/01/2015	07/01/2016	4.29	5.84	6.84	80 FR 42488 (July 17, 2015).
07/01/2014	07/01/2015	4.66	6.21	7.21	79 FR 37301 (July 1, 2014).
07/01/2013	07/01/2014	3.86	5.41	6.41	78 FR 59011 (September 25, 2013).

[1] Graduate and professional students are not eligible to receive Direct Subsidized Loans.

Fixed-Rate Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans First Disbursed on or After July 1, 2006, and Before July 2, 2013

Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans first disbursed on or after July 1, 2006, and before July 1, 2013, have fixed interest rates that are specified in section 455(b) of the HEA (20 U.S.C. 1087e(b)). Chart 3 shows the interest rates for these loans.

CHART 3—DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, AND DIRECT PLUS LOANS FIRST DISBURSED ON OR AFTER 07/01/2006 AND BEFORE 07/01/2013

Loan type	Borrower type	First disbursed on/after	First disbursed before	Interest rate (%)
Subsidized	Undergraduate students	07/01/2011	07/01/2013	3.40
Subsidized	Undergraduate students	07/01/2010	07/01/2011	4.50
Subsidized	Undergraduate students	07/01/2009	07/01/2010	5.60
Subsidized	Undergraduate students	07/01/2008	07/01/2009	6.00
Subsidized	Undergraduate students	07/01/2006	07/01/2008	6.80
Subsidized	Graduate or professional students	07/01/2006	[2] 07/01/2012	6.80
Unsubsidized	Undergraduate and graduate or professional	07/01/2006	07/01/2013	6.80
PLUS	Graduate or professional students and parents of dependent undergraduate students.	07/01/2006	07/01/2013	7.90

Fixed-Rate Direct Consolidation Loans

Section 455(b) of the HEA specifies that all Direct Consolidation Loans for which the application was received on or after February 1, 1999, have a fixed interest rate that is equal to the weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of one percent. For Direct Consolidation Loans for which the application was received on or after February 1, 1999, and before July 1, 2013, the interest rate may not exceed 8.25 percent. However, under 455(b) of the HEA the 8.25 percent interest rate cap does not apply to Direct Consolidation Loans made based on applications received on or after July 1, 2013. Chart 4 shows the interest rates for fixed-rate Direct Consolidation Loans.

CHART 4—DIRECT CONSOLIDATION LOANS MADE BASED ON APPLICATIONS RECEIVED ON OR AFTER 02/01/1999

Application received	Interest rate (%)	Maximum interest rate (%)
On/after 07/01/2013	Weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of one percent.	None
On/after 02/01/1999 and before 07/01/2013	(same as above)	8.25

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

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

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1087, *et seq.*

Dated: October 22, 2018.

James F. Manning,

Acting Chief Operating Officer, Federal Student Aid.

[FR Doc. 2018–23372 Filed 10–24–18; 8:45 am]

BILLING CODE 4000–01–P

[2] Effective for loan periods beginning on or after July 1, 2012, graduate and professional students are no longer eligible to receive Direct Subsidized Loans.

DEPARTMENT OF ENERGY

Biomass Research and Development Technical Advisory Committee

AGENCY: Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee under Section 9008(d) of the Food, Conservation, and Energy Act of 2008, amended by the Agricultural Act of 2014. The Federal Advisory Committee Act requires that agencies publish these notices in the **Federal Register**.

DATES: November 15, 2018, 8:30 a.m.–5:30 p.m.; November 16, 2018, 8:00 a.m.–12:30 p.m.

ADDRESSES: DoubleTree Crystal City, 300 Army Navy Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Dr. Ian Rowe, Acting Designated Federal Officer, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; at (202) 586–7720 or email: *Ian.Rowe@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To develop advice and guidance that promotes research and development leading to the production of biobased fuels and biobased products.

Tentative Agenda: Agenda will include the following:

- Update on USDA Biomass R&D Activities
- Update on DOE Biomass R&D Activities
- Presentations from government and industry that provide insights on the regulatory barriers impacting bioenergy growth

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, you must contact Dr. Ian Rowe at (202) 586–7720 or email: *Ian.Rowe@ee.doe.gov* at least 5 business days prior to the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Co-chairs of the Committee will make every effort to hear the views of all interested parties. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Co-chairs will conduct the meeting to facilitate the orderly conduct of business.

Minutes: The summary of the meeting will be available for public review and copying at *http://biomassboard.gov/committee/meetings.html.*

Signed in Washington, DC, on October 19, 2018.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–23272 Filed 10–24–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–36–000]

City Water and Light Plant of the City of Jonesboro; Notice of Filing

Take notice that on October 16, 2018, Midcontinent Independent System Operator, Inc. submitted a Compliance Refund Report for City Water and Light of the City of Jonesboro, pursuant to the Federal Energy Regulatory Commission's August 6, 2018 Order.[1]

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 6, 2018.

Dated: October 19, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–23321 Filed 10–24–18; 8:45 am]

BILLING CODE 6717–01–P

[1] *City Water and Light Plant of the City of Jonesboro,* 164 FERC ¶ 61,089 (August 6, 2018).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–46–000]

Notice of Schedule for Environmental Review of the Adelphia Gateway Project: Adelphia Gateway, LLC

On January 12, 2018, Adelphia Gateway, LLC (Adelphia) filed an application in Docket No. CP18–46–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities, as well as acquire and convert an existing oil pipeline (southern segment) and an existing dual-phase oil and natural gas pipeline (northern segment) to natural gas only. On August 31, 2018, Adelphia filed an amendment to the application proposing to increase its proposed capacity on the northern segment, but would not result in any changes to the proposed facilities. The proposed project is located in both Pennsylvania and Delaware and is known as the Adelphia Gateway Project (Project). As amended, the Project would provide about 250 and 350 million standard cubic feet of natural gas per day on the existing 18-inch-diameter and 20-inch-diameter portions of the northern segment, respectively. The Project would also provide 250 million standard cubic feet of natural gas per day on the existing 18-inch-diameter southern segment to the greater Philadelphia industrial region with potential to serve additional markets in the northeast.

On January 23, 2018, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—January 4, 2019
90-day Federal Authorization Decision Deadline—April 4, 2019

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Adelphia Gateway proposes to acquire and convert the above referenced northern and southern segments and four existing meter stations to natural gas only, and construct and operate about 4.7 miles of new 16-inch-diameter natural gas pipeline, five meter stations with eight interconnects, seven blowdown assemblies, two mainline valves, and appurtenant facilities in Delaware, Bucks, Chester, Montgomery, and Northampton Counties, Pennsylvania, and New Castle County, Delaware. Additionally, Adelphia proposes to construct two new 5,625 horsepower compressor stations in Delaware and Bucks Counties, Pennsylvania.

Background

On May 1, 2018, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the proposed Adelphia Gateway Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Sessions* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI and during Project scoping, the Commission received comments from the U.S. Environmental Protection Agency, Pennsylvania Department of Transportation, local and state governments, non-governmental organizations, and more than 360 comment letters from residents. The primary issues raised by the commenters relate to safety and health concerns for residents and nearby communities, as well as concerns related to environmental impacts associated with the repurposing of the existing system to transport natural gas and construction of new natural gas infrastructure. Project stakeholders also generally expressed Project concerns about the following:

- Noise, safety, air quality, and visual impacts of the proposed compressor stations;
- effects on local communities, nearby properties, and property rights and values;
- direct harm to local communities, cultural and historical interests, and open space;
- water quality impacts, including erosion and stormwater runoff, and impacts on drinking water supplies;
- contaminated groundwater and soil;
- traffic impacts;
- impacts on tourism; and
- climate change.

All substantive comments will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP18–46), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: October 19, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–23322 Filed 10–24–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14882–000]

Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications: Tenn-Tom Hydro, LLC

On July 5, 2018, Tenn-Tom Hydro, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Stennis Hydropower Project (Stennis Project or project) to be located at the U.S. Army Corps of Engineers' (Corps) John C. Stennis Lock and Dam on the Tennessee-Tombigbee Waterway, in Lowndes County, Mississippi. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 150-foot-long, 25-foot-high trash screen; (2) a 180-foot-long, 80-foot-wide intake channel, at the east abutment of the Corps' existing spillway; (3) four 10-foot-diameter, 60-foot-long steel siphon penstocks; (4) a 100-foot-long, 50-foot-wide powerhouse containing four generating units with a total combined capacity of 8.0 megawatts; (5) a 120-foot-long, 100-foot-wide tailrace; and (6) a 0.6-mile-long transmission line. The proposed project would have an estimated average annual generation of 52,000 megawatt-hours, and operate run-of-river utilizing surplus water from the John C. Stennis Lock & Dam, as directed by the Corps.

Applicant Contact: Mr. Jeremy Wells, Wells Engineering, LLC, 101 Yearwood Drive, Macon, Georgia 31206; phone: (478) 238–3054.

FERC Contact: Michael Spencer, (202) 502–6093, *michael.spencer@ferc.gov.*

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–14882–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14882) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: October 19, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–23324 Filed 10–24–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13212–005—Alaska]

Notice of Availability of the Draft Environmental Impact Statement for the Kenai Hydro, LLC Proposed Grant Lake Hydroelectric Project

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 license for the proposed Grant Lake Hydroelectric Project (FERC No. 13212) and has prepared a draft environmental impact statement (EIS) for the project. The proposed project would be located on Grant Lake and Grant Creek, near the community of Moose Pass, in Kenai Peninsula Borough, Alaska, and occupy 1,688.7 acres of federal lands within the Chugach National Forest, administered by U.S. Department of Agriculture, Forest Service (Forest Service).

The draft EIS contains staff's evaluations of the applicant's proposal and the alternatives for licensing the proposed Grant Lake Hydroelectric. The draft EIS documents the views of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicant, and Commission staff.

A copy of the draft EIS is available for review in the Commission's Public Reference Branch, Room 2A, located at 888 First Street NE, Washington, DC 20426. The draft EIS also may be viewed on the Commission's website at *http://www.ferc.gov* under 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.

All comments must be filed by December 10, 2018.

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 number P–13212–005.

Anyone may intervene in this proceeding based on this draft EIS (18 CFR 380.10). You must file your request to intervene as specified above.[1] You do not need intervenor status to have your comments considered.

Commission staff will hold two public meetings for the purpose of receiving comments on the draft EIS. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization comments, while the evening meeting is primarily for receiving input from the public. All interested individuals and entities will be invited to attend one or both of the public meetings. The times and locations of the meetings are as follows:

Daytime Meeting

Date and Time: Wednesday, November 28, at 1:00 p.m. (Local Time)

Location: Moose Pass Community Hall, Mile 29.5 Seward Highway, Moose Pass, AK 99631

Evening Meeting

Date and Time: Wednesday, November 28, at 7:00 p.m. (Local Time)

Location: Moose Pass Community Hall, Mile 29.5 Seward Highway, Moose Pass, AK 99631

For further information, please contact Kenneth Hogan at (202) 502–8434 or at *kenneth.hogan@ferc.gov.*

Dated: October 19, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–23323 Filed 10–24–18; 8:45 am]

BILLING CODE 6717–01–P

[1] Interventions may also be filed electronically via the internet in lieu of paper. See the previous discussion on filing comments electronically.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–RO7–OW–2018–0678; FRL–9985–46-Region 7]

Notice of Approval of the Primacy Application for National Primary Drinking Water Regulations for the State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of approval and solicitation of requests for a public hearing.

SUMMARY: The Environmental Protection Agency (EPA) is hereby giving notice that the State of Nebraska is revising its approved Public Water System Supervision Program under the Nebraska Department of Health and Human Services. EPA has determined that these revisions are no less stringent than the corresponding Federal regulations. Therefore, the EPA intends to approve these program revisions. Any interested person, other than Federal Agencies, may request a public hearing. If a substantial request for a public hearing is made within the requested thirty-day time frame, a public hearing will be held and a notice will be given in the **Federal Register** and a newspaper of general circulation. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator.

DATES: This determination shall become final and effective on November 26, 2018, unless a timely and appropriate request for a public hearing is received or the Regional Administrator elects to hold a public hearing on his own motion. A request for a public hearing must be submitted to the Regional Administrator at the address shown below by November 26, 2018. If no timely and appropriate request for a hearing is received, and the Regional Administrator does not elect to hold a hearing on his own motion, this determination will become effective on November 26, 2018.

ADDRESSES: Requests for Public Hearing shall be addressed to: Regional Administrator, Environmental Protection Agency, Region 7, 11201 Renner Blvd., Lenexa, Kansas 66219. Requests for a public hearing shall include the following information: Name, address and telephone number of the individual, organization or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement on information that the requesting person

intends to submit at such hearing; the signature of the individual making the request or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Deason, Environmental Protection Agency Region 7, Drinking Water Management Branch, (913) 551–7585, or by email at *deason.ken@epa.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the EPA has determined to approve an application by the Nebraska Department of Health and Human Services to incorporate the following EPA National Primary Drinking Water Regulations: Revised Total Coliform Rule (February 13, 2013, 78 FR 10270) and minor corrections (February 26, 2014, 79 FR 10665). This determination to approve the Nebraska program revision is made pursuant to 40 CFR 142.12(d) (3).

The application demonstrates that Nebraska has adopted drinking water regulations which satisfy the National Primary Drinking Water Regulations. EPA has determined that Nebraska's regulations are no less stringent than the corresponding Federal regulations and that Nebraska continues to meet all requirements for primary enforcement responsibility as specified in 40 CFR 142.10.

All documents relating to this determination are available for inspection between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday at the following offices: Nebraska Department of Health and Human Services, Drinking Water Division, 1200 N Street, Suite 400, Lincoln Nebraska 68509–8922. Environmental Protection Agency, Region 7, Water Wetlands and Pesticides Division, Drinking Water Management Branch, 11201 Renner Blvd. Lenexa, Kansas 66219.

(Authority: Section 1413 of the Safe Drinking Water Act, as amended, and 40 CFR 142.10, 142.12(d) and 142.13)

Dated: October 19, 2018.

Jim Gulliford,

Regional Administrator, Region 7.

[FR Doc. 2018–23362 Filed 10–24–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9985–51-Region 5]

Public Water System Supervision Program Approval for the State of Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the EPA has tentatively approved the revision to the State of Indiana's Public Water System Supervision (PWSS) Program. Indiana Department of Environmental Management (IDEM) has revised the Total Coliform Rule to comply with the National Primary Drinking Water Regulations. EPA has determined that these revisions are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve these revisions to the State of Indiana's PWSS Program, thereby giving IDEM primary enforcement responsibility for these regulations.

DATES: A request for a public hearing must be submitted by November 26, 2018, to the Regional Administrator at the EPA Region 5 address shown, below.

ADDRESSES: All documents relating to this determination are available for inspection at the following offices: Indiana Department of Environmental Management, Office of Water Quality, Drinking Water Branch, 100 North Senate Avenue, Mailcode 66–34 ICGN 1201, Indianapolis, Indiana 46204–2251, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, and the United States Environmental Protection Agency, Region 5, Ground Water and Drinking Water Branch (WG–15J), 77 West Jackson Boulevard, Chicago, Illinois 60604, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Rita Bair, EPA Region 5, Ground Water and Drinking Water Branch, at the address given above, by telephone at (312) 886–2406, or at *bair.rita@epa.gov.*

SUPPLEMENTARY INFORMATION: IDEM submitted its final application for the Revised Total Coliform Rule (RTCR) on February 28, 2016. In a letter dated March 23, 2017, EPA issued a determination to them that the State's application for the RTCR was complete and final and the State was awarded interim primacy until final primacy could be awarded. In this same letter EPA indicated that there were certain items that needed to be resolved before EPA could award final primacy. IDEM completed its response to EPA's comments and questions on August 21, 2017.

Any interested party may request a public hearing. A request for a public hearing must be submitted by November 26, 2018, to the Regional Administrator at the EPA Region 5 address shown below. The Regional Administrator may deny frivolous or insubstantial requests for a hearing. However, if a substantial request for a public hearing is made by November 26, 2018, EPA Region 5 will hold a public hearing, and a notice of such hearing will be given in the **Federal Register** and a newspaper of general circulation. If EPA Region 5 does not receive a timely and appropriate request for a hearing and the Regional Administrator does not elect to hold a hearing on her own motion, this determination shall become final and effective on November 26, 2018. Any request for a public hearing shall include the following information: The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Authority: Section 1413 of the Safe Drinking Water Act, 42 U.S.C. 300g–2, and the federal regulations implementing Section 1413 of the Act set forth at 40 CFR part 142.

Dated: October 3, 2018.

Catherine Stepp,

Regional Administrator, Region 5.

[FR Doc. 2018–22652 Filed 10–24–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee, Diversity and Digital Empowerment

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) announces the November 19, 2018, meeting and agenda of the Advisory Committee on Diversity and Digital Empowerment (ACDDE).

DATES: November 19, 2018, beginning at 9:30 a.m.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jamila Bess Johnson, Designated Federal Officer (DFO), Federal Communications Commission, Media Bureau, (202) 418–2608, *Jamila-Bess.Johnson@fcc.gov;* or Brenda Villanueva, Deputy Designated Federal Officer (DFO), at *Brenda.Villanueva@fcc.gov.*

SUPPLEMENTARY INFORMATION: This meeting is open to members of the public. The FCC will accommodate as many attendees as possible; however, admittance will be limited to seating availability. The Commission will also provide audio and video coverage of the meeting over the internet at *www.fcc.gov/live.* Oral statements at the meeting by parties or entities not represented on the ACDDE will be permitted to the extent time permits and at the discretion of the ACDDE Chair and the DFO. Members of the public may submit comments to the ACDDE in the FCC's Electronic Comment Filing System, ECFS, at *www.fcc.gov/ecfs.* Comments to the ACDDE should be filed in GN Docket No. 17–208.

Open captioning will be provided for this event. Other reasonable accommodations for persons with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Such requests should include a detailed description of the accommodation needed. In addition, please include a way for the FCC to contact the requester if more information is needed to fulfill the request. Please allow at least five days' notice. Last minute requests will be accepted but may not be possible to accommodate.

Proposed Agenda: The agenda at this meeting will feature a report from each of the ACDDE Working Groups. The *Digital Empowerment and Inclusion Working Group* will report on its assessment of access, adoption, and use of broadband and new technologies by under-resourced communities, and its recent workshop on supplier diversity for small, female- and minority-owned entrepreneurs, which included one-on-one networking opportunities. The *Diversity in Tech Working Group* will report on its examination of issues pertaining to hiring, promotion, and retention of women and minorities in tech industries, and its research to develop a ''best practices'' guide for employers in the tech sector. The *Broadcast Diversity and Development Working Group* will report on the status of the broadcast incubator proceeding and the working group's involvement in that effort to increase broadcast ownership opportunities for small business and new entrants, including those owned by women and minorities. In addition, the working group will provide an update on its ongoing initiatives to examine diversity and inclusion in broadcast employment and management.

The Committee's mission is to provide recommendations to the FCC on how to empower disadvantaged communities and accelerate the entry of small businesses, including those owned by women and minorities, into the media, digital news and information, and audio and video programming industries, including as owners, suppliers, and employees. The Committee will provide recommendations on how to ensure that disadvantaged communities are not denied the wide range of opportunities made possible by next-generation networks and develop best practices regarding training and hiring opportunities for women and minorities to encourage diversity in the tech industry.

This agenda may be modified at the discretion of the ACDDE Chair and the DFO.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

[FR Doc. 2018–23303 Filed 10–24–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0807]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before December 24, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0807.

Title: Section 51.803, Procedures for Commission Notification of a State Commission's Failure to Act; Supplemental Procedures for Petitions Pursuant to Section 252(e)(5) of the Communications Act of 1934, as amended.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities and State, Local or Tribal government.

Number of Respondents and Responses: 60 respondents; 60 responses.

Estimated Time per Response: 40 hours per requirement.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection

is contained in 47 U.S.C. 252(e)(5) as amended by the Communications Act of 1934, as amended.

Total Annual Burden: 1,600 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting petitioners to submit confidential information to the Commission.

Needs and Uses: Any interested party seeking preemption of a state commission's jurisdiction based on the state commission's failure to act shall notify the Commission as follows: (1) File with the Secretary of the Commission a detailed petition, supported by an affidavit, that states with specificity the basis for any claim that it has failed to act; and (2) serve the state commission and other parties to the proceeding on the same day that the party serves the petition on the Commission. Within 15 days of filing the petition, the state commission and parties to the proceeding may file a response to the petition. In an OMB-approved Public Notice, DA 97–2540, released December 4, 1997, the Commission set forth procedures for filing petitions for preemption pursuant to section 252(e)(5). Section 252(e)(5) provides that ''if a state commission fails to act to carry out its responsibility under this section in any proceeding or other matter under this section, then the Commission shall issue an order preempting the state commission's jurisdiction of the proceeding or matter within 90 days after being notified (or taking notice) of such failure, and shall assume the responsibility of the state commission under this section with respect to the proceeding or matter and act for the state commission.'' All of the requirements are used to ensure that petitioners have complied with their obligations under the Communications Act of 1934, as amended.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–23346 Filed 10–24–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Tuesday, October 23, 2018

October 16, 2018.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, October 23, 2018 which is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street SW, Washington, DC.

Because of the unexpected closure of the FCC headquarters on Monday, October 15, the Commission has determined that it is in the public interest to delay for one day the onset of the sunshine period prohibition contained in Section 1.1203 of the Commission's rules, *47 CFR 1.1203.* Accordingly, consistent with Section 1.1200(a) of the Commission's rules, *47 CFR 1.1200(a),* the Commission hereby modifies its rules so that the sunshine period prohibition will begin at 11:59 p.m. on Wednesday, October 17, rather than at 11:59 p.m. on Tuesday, October 16.

Item No.	Bureau	Subject
1	Office of Engineering & Technology.	Title: Unlicensed Use of the 6 GHz Band (ET Docket No. 18–295); Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz (GN Docket No. 17–183).
		Summary: The Commission will consider a Notice of Proposed Rulemaking that promotes the use of mid-band spectrum for broadband by proposing to allow new unlicensed uses of the 5.925–7.125 GHz band while protecting existing and future licensed operations.
2	Wireless Tel-Communications and Office of Engineering & Technology.	Title: Promoting Investment in the 3550–3700 MHz Band (GN Docket No. 17–258).
		Summary: The Commission will consider a Report and Order that would make limited changes to the Citizens Broadband Radio Service in the 3.5 GHz band to increase incentives for innovation and investment, including for mobile 5G services.
3	Wireless Tele-Communications and Public Safety & Homeland Security.	Title: Creation of Interstitial 12.5 Kilohertz Channels in the 800 MHz Band Between 809–817/854–862 MHz (WP Docket No. 15–32, RM–11572); Amendment of Part 90 of the Commission's Rules to Improve Access to Private Land Mobile Radio Spectrum (WP Docket No. 16–261); Land Mobile Communications Council Petition for Rulemaking Regarding Interim Eligibility for 800 MHz Expansion Band and Guard Band Frequencies (RM–11719); Petition for Rulemaking Regarding Conditional Licensing Authority Above 470 MHz (RM–11722).
		Summary: The Commission will consider a Report and Order and Order opening up new channels in the 800 MHz Private Land Mobile Radio (PLMR) band, eliminating outdated rules, and reducing administrative burdens on PLMR licensees.
4	Media	Title: Modernization of Media Regulation Initiative (MB Docket No. 17–105); Revisions to Cable Television Rate Regulations (MB Docket No. 02–144); Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation (MM Docket No. 92–266, MM Docket No. 93–215); Adoption of Uniform Accounting System for the Provision of Regulated Cable Service (CS Docket No. 94–28); Cable Pricing Flexibility (CS Docket No. 96–157).
		Summary: The Commission will consider a Further Notice of Proposed Rulemaking and Report and Order to modernize its cable television rate regulations and update or eliminate outdated rules.
5	Media	Title: Amendment of Section 73.3613 of the Commission's Rules Regarding Filing of Contracts (MB Docket No. 18–4); Modernization of Media Regulation Initiative (MB Docket No. 17–105).
		Summary: The Commission will consider a Report and Order eliminating the requirement that broadcast stations routinely file paper copies of contracts and other documents with the FCC.
6	Wireline Competition	Title: Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers (WC Docket No. 17–144); Business Data Services in an Internet Protocol Environment (WC Docket No. 16–143); Special Access for Price Cap Local Exchange Carriers (WC Docket No. 05–25).

Item No.	Bureau	Subject
	.....	Summary: The Commission will consider a Report and Order that will allow rate-of-return carriers that receive fixed universal service support to elect incentive regulation for their business data services; a Further Notice of Proposed Rulemaking seeking comment on eliminating ex ante pricing regulation for lower capacity TDM services offered by rate-of-return carriers receiving fixed support; and a Second Further Notice of Proposed Rulemaking proposing to eliminate ex ante pricing regulation for TDM transport services offered by price cap carriers.
7	Enforcement	Title: Enforcement Bureau Action.
	.....	Summary: The Commission will consider an enforcement action.

* * * * *

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the internet. To purchase these services, call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2018–23347 Filed 10–24–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 18–09]

Notice of Filing of Complaint and Assignment: Hanlon Sculpture Studio, *Complainant* v SAE Worldtrans Logistics f/k/a Worldtrans, *Respondent*

Served: October 19, 2018.

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by Hanlon Sculpture Studio, hereinafter ''Complainant'', against SAE Worldtrans Logistics f/k/a Worldtrans, hereinafter ''Respondent''. Complainant states that it is a businesses located in New Jersey. Complainant states that Respondent is a common carrier licensed by the Federal Maritime Commission and is located in California.

Complainant states that it ''. . . engaged the services of [Respondent] to ship a steel sculpture from Fujian China to Providence, RI.'' Complainant alleges that ''. . . the sculpture was damaged when it collided with an over pass seven miles from its destination.'' Complainant alleges that Respondent ''. . . has failed to rectify any of the above issues or renumerate [its] losses.''

Complainant alleges that ''Respondent violated Section 41102(b)& (c) in such that Respondent operated without an agreement with HSS, did not enforce reasonable regulations and practices relating to record handling, storage or delivery property and by failing to provide account pricing or explanation of charges.''

Complainant seeks reparations in the amount of $476, 200. The full text of the complaint can be found in the Commission's Electronic Reading Room at *www.fmc.gov/18–09.*

This proceeding has been assigned to Office of Administrative Law Judges. The initial decision of the presiding office in this proceeding shall be issued by October 21, 2019, and the final decision of the Commission shall be issued by May 4, 2020.

Rachel E. Dickon,

Secretary.

[FR Doc. 2018–23316 Filed 10–24–18; 8:45 am]

BILLING CODE 6731–AA–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0079; Docket No. 2018–0003; Sequence No. 14]

Submission for OMB Review; Travel Costs

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

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding travel costs.

DATES: Submit comments on or before November 26, 2018.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov* and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0079, Travel Costs.

Instructions: Please submit comments only and cite Information Collection 9000–0079, Travel Costs, in all correspondence related to this

collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or email *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

This information collection requirement, OMB Control No. 9000–0079, currently titled ''Corporate Aircraft Costs,'' is proposed to be retitled ''Travel Costs,'' due to consolidation with currently approved information collection requirement OMB Control No. 9000–0088, Travel Costs.

This information collection requirement pertains to information that a contractor must submit in response to the requirements in FAR 31.205–46:

1. FAR 31.205–46(a)(3)—In special or unusual situations, costs incurred by a contractor for lodging, meals, and incidental expenses, may exceed on a daily basis the per diem rates in effect as set forth in the Federal Travel Regulation (FTR) for travel in the conterminous 48 United States. The actual costs may be allowed only if the contractor provides the following:

a. FAR 31.205–46(a)(3)(ii)—A written justification for use of the higher amounts approved by an officer of the contractor's organization or designee to ensure that the authority is properly administered and controlled to prevent abuse.

b. FAR 31.205–46(a)(3)(iii)—Advance approval from the contracting officer if it becomes necessary to exercise the authority to use the higher actual expense method repetitively or on a continuing basis in a particular area.

c. FAR 31.205–46(a)(3)(iv)—Documentation to support actual costs incurred including a receipt for each expenditure of $75.00 or more.

2. FAR 31.205–46(c) requires firms to maintain and make available manifest/logs for all flights on company aircraft. As a minimum, the manifest/log must indicate:

a. Date, time, and points of departure;

b. Destination, date, and time of arrival;

c. Name of each passenger and relationship to the contractor;

d. Authorization for trip; and

e. Purpose of trip.

The information required by (a) and (b) and the name of each passenger (required by (c)) are recordkeeping requirements already established by Federal Aviation Administration regulations. This information, plus the additional required information, is needed to ensure that costs of owned, chartered, or leased aircraft are properly charged against Government contracts and that directly associated costs of unallowable activities are not charged to Government contracts.

B. Public Comment

A 60 day notice was published in the **Federal Register** at 83 FR 38312, on August 6, 2018. No comments were received.

C. Annual Reporting Burden

DoD, GSA and NASA analyzed the FY 2017 data from the Federal Procurement Data System (FPDS) to develop the estimated burden hours for this information collection.

1. FAR 31.205–46(a)(3)—Actual travel costs.

Respondents: 3,247.

Responses per Respondent: 10.

Total Annual Responses: 32,470.

Hours per Response: 0.25.

Total Burden Hours: 8,118.

2. FAR 31.205–46(c)—Manifest/logs for flights on company aircraft.

Number of Recordkeepers: 797.

Records per Recordkeeper per Year: 3.

Total Annual Records: 2,391.

Estimated Hours per Record: 2.0.

Total Recordkeeping Burden Hours: 4,782.

3. Total (counting recordkeepers with respondents).

Recordkeepers and Respondents: 4,044.

Responses: 34,861.

Hours (Reporting and Recordkeeping): 12,900.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 9000–0079, Travel Costs, in all correspondence.

Dated: October 18, 2018.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2018–23353 Filed 10–24–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0067; Docket No. 2018–0003; Sequence No. 10]

Submission for OMB Review; Incentive Contracts

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

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning incentive contracts.

DATES: Submit comments on or before November 26, 2018.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 9000–0067, Incentive Contracts''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0067, Incentive Contracts'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0067, Incentive Contracts.

Instructions: Please submit comments only and cite Information Collection 9000–0067, Incentive Contracts, in all correspondence related to this collection. Comments received generally will be posted without change to *regulations.gov,* including any personal and/or business confidential

information provided. To confirm receipt of your comment(s), please check *regulations.gov,* approximately two-to-three business days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, Office of Acquisition Policy, GSA 202–208–4949 or via email *michaelo.jackson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

In accordance with FAR 16.4, incentive contracts are normally used when a firm fixed-price contract is not appropriate and the required supplies or services can be acquired at lower costs, and sometimes with improved delivery or technical performance, by relating the amount of profit or fee payable under the contract to the contractor's performance.

The information required periodically from the contractor, such as cost of work already performed, estimated costs of further performance necessary to complete all work, total contract price for supplies or services accepted by the Government for which final prices have been established, and estimated costs allocable to supplies or services accepted by the Government and for which final prices have not been established, is needed to negotiate the final prices of incentive-related items and services. Contractors are required to submit the information in accordance with several incentive fee FAR clauses: FAR 52.216–16, Incentive Price Revision—Firm Target; FAR 52.216–17, Incentive Price Revision—Successive Targets; and FAR 52.216–10, Incentive Fee.

The contracting officer evaluates the information received to determine the contractor's performance in meeting the incentive target and the appropriate price revision, if any, for the items or services.

B. Annual Reporting Burden

Respondents: 440.
Responses per Respondent: 2.
Annual Responses: 880.
Hours per Response: 1.5.
Total Burden Hours: 1,320.

C. Public Comments

A 60-day notice was published in the **Federal Register** at 83 FR 25457 on June 1, 2018. No comments were received.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 9000–0067, Incentive Contracts, in all correspondence.

Dated: October 18, 2018.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2018–23352 Filed 10–24–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0152; Docket No. 2018–0003; Sequence No. 24]

Information Collection; Service Contracting

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

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning service contracting.

DATES: Submit comments on or before December 24, 2018.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 9000–0152, Service Contracting''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0152, Service Contracting'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0152, Service Contracting.

Instructions: Please submit comments only and cite Information Collection 9000–0152, Service Contracting, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA, 202–501–1448 or via email at *curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The policies implemented at FAR 37.115, Uncompensated Overtime, are based on Section 834 of Public Law 101–510 (10 U.S.C. 2331). The policies require insertion of FAR provision 52.237–10, Identification of Uncompensated Overtime, in all solicitations valued at or above the simplified acquisition threshold, for professional or technical services to be acquired on the basis of the number of hours to be provided.

The provision requires that offerors identify uncompensated overtime hours, in excess of 40 hours per week, and the uncompensated overtime rate for direct charge Fair Labor Standards Act—exempt personnel. This permits Government contracting officers to ascertain cost realism of proposed labor rates for professional employees and discourages the use of uncompensated overtime.

B. Annual Reporting Burden

The burden placed on offerors is the time required to identify and support any hours in excess of 40 hours per week included in their proposal or subcontractor's proposal. It is estimated that there will be 27,546 service contracts awarded annually at $150,000 or more, of which 65 percent, or 17,905, contracts will be competitively awarded. About seven proposals will be received for each contract award. Of the total 125,335 (17,905 × 7) proposals received, only 25 percent, or 31,334, proposals are expected to include uncompensated overtime hours. It is estimated that offerors will take about

30 minutes to identify and support any hours in excess of 40 hours per week included in their proposal or subcontractor's proposal.

Number of Respondents: 31,334.

Responses per Respondent: 1.

Total Annual Responses: 31,334.

Average Burden Hours per Response: .5.

Total Burden Hours: 15,667.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulation (FAR), and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0152, Service Contracting, in all correspondence.

Dated: October 18, 2018.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2018–23354 Filed 10–24–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0066; Docket No. 2018–0003; Sequence No. 21]

Information Collection; Labor-related Requirements

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the FAR Council invites the public to comment upon a renewal concerning labor-related requirements.

DATES: Submit comments on or before December 24, 2018.

ADDRESSES: The FAR Council invites interested persons to submit comments on this collection by either of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov* and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0066, Labor-related Requirements.

Instructions: All items submitted must cite Information Collection 9000–0066, Labor-related Requirements. Comments received in response to this docket generally will be made available for public inspection and posted without change, including any personal and/or business confidential information provided, at *http://www.regulations.gov.*

To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail). This information collection is pending at the FAR Council. The Council will submit it to OMB within 60 days from the date of this notice.

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or email *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Overview of Information Collection

Description of the Information Collection

1. *Type of Information Collection:* Revision/Renewal of a currently approved collection.

2. *Title of the Collection*—Labor-related Requirements.

3. *Agency form number, if any:*—SF 1413, SF 1444.

Solicitation of Public Comment

Written comments and suggestions from the public should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

B. Purpose

This information collection requirement, OMB Control No. 9000–0066, currently titled ''Professional Employee Compensation Plan,'' is proposed to be retitled ''Labor-related Requirements,'' due to consolidation with currently approved information collection requirements OMB Control Nos. 9000–0175, 9000–0089, 9000–0014, and 9000–0155.

This clearance covers the information that offerors and contractors must submit to comply with the following labor requirements in the Federal Acquisition Regulation (FAR):

1. 52.222–2, Payment for Overtime Premiums. Paragraph (b) of this clause requires a contractor requesting overtime premiums that exceed the amount specified in paragraph (a) of the clause to do the following: (1) Identify the work unit; *e.g.,* department or section in which the requested overtime will be used, together with present workload, staffing, and other data of the affected unit sufficient to permit the Contracting Officer to evaluate the necessity for the overtime; (2) Demonstrate the effect that denial of the request will have on the contract delivery or performance schedule; (3) Identify the extent to which approval of overtime would affect the performance or payments in connection with other Government contracts, together with identification of each affected contract; and (4) Provide reasons why the required work cannot be performed by using multishift operations or by employing additional personnel.

2. 52.222–6, Construction Wage Rate Requirements, paragraph (c) requires the contractor to establish additional classifications, if any laborer or mechanic is to be employed in a

classification that is not listed in the wage determination applicable to the contract. The contractor submits to the contracting officer a Standard Form (SF) 1444, Request for Authorization of Additional Classification and Rate, along with other pertinent data, containing the proposed additional classification and minimum wage rate including any fringe benefits payments. OMB control numbers 1235–0023, 1235–0008, and 1235–0018 account for records to be kept by employers under the Fair Labor Standards Act (FLSA), 29 CFR 516, which is the basic recordkeeping regulation for all the laws administered by the Department of Labor (DOL) Wage and Hour Division. 29 CFR 516, prescribes labor standards for federally financed and assisted construction contracts subject to the Davis-Bacon and Related Acts (DBRA), as well as labor standards for non-construction contracts subject to the Contract Work Hours and Safety Standards Act (CWHSSA).

3. 52.222–11, Subcontracts (Labor Standards), requires contractors to submit SF 1413, Statement and Acknowledgment, for each subcontract for construction within the United States, including the subcontractor's signed and dated acknowledgment that the required labor clauses have been included in the subcontract. DOL regulations at 29 CFR Subpart 5.6 require Federal agencies to ascertain compliance with statutes such as the Wage Rate Requirements (Construction) (formerly known as the Davis-Bacon Act) (40 U.S.C. chapter 31), the Copeland Act (Anti-Kickback) (18 U.S.C. 874 and 40 U.S.C. 3145), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701 *et seq.*)

4. 52.222–18, Certification Regarding Knowledge of Child Labor for Listed End Products, requires offerors to certify they will not supply an end product of a type identified on the DOL List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor, or that the offeror will supply such product, but made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any product furnished under the contract and is unaware of any such use of child labor. For solicitations for commercial items, the Certification Regarding Knowledge of Child Labor for Listed End Products is at paragraph (i) of the provision at 52.212–3, Offeror Representations and Certifications—Commercial Items. This requirement is necessary to comply with Executive Order 13126, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor, signed by President Clinton on June 12, 1999.

5. 52.222–33, Notice of Requirement for Project Labor Agreement, and 52.222–34, Project Labor Agreement, require offerors (provision) to submit, and contractors (clause) to maintain, a copy of the project labor agreement (PLA). Agencies have discretion on whether or not to use a PLA in connection with large-scale construction contracts, valued at or above $25M. Agencies may require the PLA be submitted: (1) When offers are due, (2) prior to award (by the apparent successful offeror), or (3) after award.

6. 52.222–46, Evaluation of Compensation for Professional Employees. This provision requires offerors to submit for evaluation a total compensation plan setting forth proposed salaries and fringe benefits for professional employees working on the contract. This is required for negotiated service contracts when the contract amount is expected to exceed $700,000 and the service to be provided will require meaningful numbers of professional employees.

C. Annual Reporting Burden

1. 52.222–2, Payment for Overtime Premiums.

Respondents: 2,098.
Responses per Respondent: 1.
Total annual Responses: 2,098.
Hours per Response: 0.25.
Total Burden Hours: 525.

2. FAR 52.222–6 and SF 1,444 Request for Authorization of Additional Classification and Rate.

Respondents: 3,831.
Responses per Respondent: 2.
Total Annual Responses: 7,662.
Hours per Response: 0.5.
Total Burden Hours: 3,831.

3. FAR 52.222–11, Subcontracts (Labor Standards), and SF 1413, Statement and Acknowledgment.

Respondents: 36,553.
Responses per Respondent: 2.
Total Annual Responses: 73,106.
Hours per Response: 0.05.
Total Burden Hours: 3,655.

4. FAR 52.222–18 Certification Regarding Knowledge of Child Labor for Listed End Products

Respondents: 1,104.
Responses per Respondent: 1.
Total Annual Responses: 1,104.
Hours per Response: 0.18.
Total Burden Hours: 198.

5. FAR 52.222–33 and 52.222–34, Project Labor Agreement

Respondents: 45.
Responses per Respondent: 1.
Total Annual Responses: 45.
Hours per Response: 1.
Total Burden Hours: 45.

6. FAR 52.222–46 Evaluation of Compensation for Professional Employees

Respondents: 3,136.
Responses per Respondent: 3.
Total Annual Responses: 9,408.
Hours per Response: 1.3333.
Total Burden Hours: 12,544.

7. Summary

Respondents: 46,767.
Total annual Responses: 93,423.
Total Burden Hours: 20,798.
Affected Public: Businesses or other for-profit and not-for-profit institutions.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0066, Labor-related Requirements, in all correspondence.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2018–23351 Filed 10–24–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–19–1046]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled National Breast and Cervical Cancer Early Detection Program (NBCCEDP) Monitoring Activities to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on January 26, 2018 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project.

The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

National Breast and Cervical Cancer Early Detection Program (NBCCEDP) Monitoring Activities (OMB No. 0920–1046, Exp. 01/31/2018)—Reinstatement with Change—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC requests a Reinstatement with Change, of an information collection previously approved under OMB Control Number 0920–1046. Information collection within the previous OMB approval period consisted of an annual grantee survey. Information collection within the next OMB approval period will consist of a redesigned survey and a new clinic-level data collection. The number of respondents will increase from 67 to 70, and the total estimated annualized burden will increase from 45 hours to 683 hours.

In 2014, more than 236,000 women were diagnosed with breast cancer, and more than 12,000 women were diagnosed with cervical cancer. Evidence shows that deaths from both breast and cervical cancers can be avoided by increasing screening services among women. However, screening is typically underutilized among women who are under- or uninsured, have no regular source of healthcare, or who recently immigrated to the U.S.

To improve access to cancer screening, Congress passed the Breast and Cervical Cancer Mortality Prevention Act of 1990 (Pub. L. 101–354), which directed CDC to create the National Breast and Cervical Cancer Early Detection Program (NBCCEDP). The NBCCEDP currently provides funding to 70 grantees under ''Cancer Prevention and Control Programs for State, Territorial, and Tribal Organizations (DP17–1701).'' The purpose of NBCCEDP is to increase breast and cervical cancer screening rates among women residing within defined geographical locations (as determined by the funded program) who are at or below 250% of the federal poverty level; aged 40–64 years for breast cancer services, and aged 21–64 years for cervical cancer services; and under- or uninsured.

The NBCCEDP was significantly redesigned in 2017 to expand its focus on direct service provision to include implementation of evidence-based interventions (EBIs) intended to increase breast and cervical cancer screening at the population level. Based on the redesigned NBCCEDP, the information collection plan has also been redesigned.

The proposed information collection includes: (1) An annual NBCCEDP Grantee Survey revised to reflect the focus of the redesigned program under DP17–1701, and (2) CDC clinic-level data will assess EBI implementation and the NBCCEDP's primary outcome of interest—breast and cervical screening rates within partner health system clinics—at baseline and annually. NBCCEDP grantees will collect and report data for all partnering health system clinic sites—an estimated 6 clinics per grantee for breast cancer data and 6 clinics per grantee for cervical cancer data.

The proposed information collections will allow CDC to gauge progress in meeting NBCCEDP program goals and monitor implementation activities, evaluate outcomes, and identify grantee technical assistance needs. In addition, findings will inform program improvement and help identify successful activities that need to be maintained, replicated, or expanded.

OMB approval is requested for three years. Participation is required for NBCCEDP grantees. There are no costs to respondents other than their time. The total estimated annualized burden hours are 683.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)
NBCCEDP Grantees	NBCCEDP Grantee Survey	70	1	45/60
NBCCEDP Grantees	NBCCEDP Clinic-level Information Collection Instrument—Breast.	70	6	45/60
NBCCEDP Grantees	NBCCEDP Clinic-level Information Collection Instrument—Cervical.	70	6	45/60

Jeffrey M. Zirger,

Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–23293 Filed 10–24–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–19–0920]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled *Data Collection Through Web Based Surveys for Evaluating Act Against AIDS Social Marketing Campaign Phases Targeting Consumers* to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on June 6, 2018 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Data Collection Through Web Based Surveys for Evaluating Act Against AIDS Social Marketing Campaign Phases Targeting Consumers (OMB #0920–0920, Exp. 6/30/2018)—Reinstatement with Change—National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In response to the continued HIV epidemic in our country, CDC launched Act Against AIDS (AAA), a multifaceted communication campaign to reduce HIV incidence in the United States in 2009. CDC has released the campaign in phases, with some of the phases running concurrently. Each phase of the campaign uses mass media and direct-to-consumer channels to deliver messages. Some campaigns provide basic education and increase awareness of HIV/AIDS among the general public, whereas others emphasize HIV prevention and testing among specific subgroups or communities at greatest risk of infection. CDC will also develop new messages to address changes in prevention science and subpopulations affected by HIV. The proposed study will assess the effectiveness of these social marketing messages aimed at increasing HIV/AIDS awareness, increasing prevention behaviors, and improving HIV testing rates among consumers.

The reinstatement with change of this ongoing study will allow for continued evaluation of the effectiveness of AAA social marketing campaign through surveys with consumers. A total of 10,750 respondents were approved for the previously renewed generic ICR (0920–0920) and since the approval date, 4,305 respondents were surveyed under the GenIC, ''Development of Messages for the Act Against AIDS National Testing''. The information collected from these data collections was used to evaluate a specific AAA campaign phase. We are requesting the same amount of time to continue surveying AAA target audiences as new phases are developed.

Through the continuation of this collection, we plan to reach the remaining approved 6,445 respondents. To obtain the remaining respondents, we anticipate screening approximately 32,220 individuals. Depending on the target audience for the campaign phase, the study screener will vary. The study screener may address one or more of the following items: Race/ethnicity, sexual behavior, sexual orientation, gender identity, HIV testing history, HIV status, and injection drug use. Each survey will have a core set of items asked in all rounds, as well as a module of questions relating to specific AAA phases and activities.

Respondents will be recruited through national opt-in email lists, the internet, and external partnerships with community-based and membership organizations that work with or represent individuals from targeted populations (*e.g.,* National Urban League, the National Medical Association). Respondents will self-administer the survey at home on personal computers. There is no cost to the respondents other than their time. The total annualized burden hours are 1,432.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Individuals (male and female) aged 18 years and older	Study Screener	10,740	1	2/60
	Survey	2,148	1	30/60

Jeffrey M. Zirger,

Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–23291 Filed 10–24–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–CE19–001; Correction

Notice is hereby given of a change in the meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–CE19–001; October 30–November 2, 2018, 8:30 a.m.–5:00 p.m., EDT which was published in the **Federal Register** on August 23, 2018 Volume 83, Number 164, pages 42655–42656.

The date should read as follows: October 29, 2018, 3:00 p.m.–5:00 p.m., EDT, October 30–November 2, 2018, 8:00 a.m.–5:00 p.m., EDT.

FOR FURTHER INFORMATION CONTACT: Mikel L. Walters, M.A., Ph.D., Scientific Review Official, NCIPC, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341, (404)639–0913; *mwalters@cdc.gov*.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2018–23297 Filed 10–24–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1262]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Food and Drug Administration Safety and Innovation Act (FDASIA), authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that REVCOVI (elapegademase-lvlr) Injection, manufactured by Leadiant Bioscience Inc., meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Althea Cuff, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–4061, Fax: 301–796–9856, email: *althea.cuff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of an approved rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), which was added by FDASIA, FDA will award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA has determined that REVCOVI (elapegademase-lvlr) Injection, manufactured by Leadiant Bioscience Inc., meets the criteria for a priority review voucher. REVCOVI (elapegademase-lvlr) Injection is indicated for the treatment of Adenosine Deaminase-Severe Combined Immunodeficiency (ADA–SCID) in pediatric and adult patients.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *https://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm.* For further information about REVCOVI (elapegademase-lvlr) Injection, go to the ''Drugs@FDA'' website at *https://www.accessdata.fda.gov/scripts/cder/daf/.*

Dated: October 22, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–23308 Filed 10–24–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–3462]

Verification Systems Under the Drug Supply Chain Security Act for Certain Prescription Drugs; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Verification Systems Under the Drug Supply Chain Security Act for Certain Prescription Drugs.'' The draft guidance addresses the verification systems that manufacturers, repackagers, wholesale distributors, and dispensers must have in place to comply with the Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Drug Supply Chain Security Act (DSCSA). Specifically, this draft guidance covers the statutory verification system requirements that include quarantine and investigation of a product determined to be suspect and quarantine and disposition of a product determined to be illegitimate. The draft guidance also addresses the statutory requirement for notification to the Agency of a product that has been cleared by a manufacturer, repackager, wholesale distributor, or dispenser after a suspect product investigation because it is determined that the product is not an illegitimate product.

DATES: Submit either electronic or written comments on the draft guidance by December 24, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or

anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–3462 for ''Verification Systems Under the Drug Supply Chain Security Act for Certain Prescription Drugs; Draft Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Sarah Venti, Office of Compliance, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–3130, *drugtrackandtrace@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Verification Systems Under the Drug Supply Chain Security Act for Certain Prescription Drugs.'' The DSCSA (Title II of Pub. L. 113–54) was signed into law on November 27, 2013. Section 202 of the DSCSA added section 582 to the FD&C Act (21 U.S.C. 360eee–1), which established the requirement that trading partners have systems in place to enable them to comply with certain verification obligations.

The draft guidance provides recommendations for robust verification systems for the determination, quarantine, and investigation of suspect products as well as quarantine and disposition of illegitimate products. As explained in the draft guidance, verification systems may include existing standard operating procedures or other processes or procedures provided that the verification systems ensure that the trading partner meets its obligations under section 582 of the FD&C Act. This draft guidance also addresses the manner in which FDA recommends that trading partners submit cleared product notifications (*i.e.,* notifications that a suspect product is not an illegitimate product). Finally, the draft guidance also addresses the statutory requirements for verification, including verification of saleable returns, at the package level for product identifiers on packages and homogenous cases intended to be introduced in a transaction into commerce. While DSCSA also requires trading partners to notify the Agency of illegitimate products or products with high risk of illegitimacy, this requirement was previously discussed in a separate guidance document, and is therefore not addressed in this draft guidance.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on verification systems for certain human, finished, prescription drugs under section 582 of the FD&C Act. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This draft guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This draft guidance includes information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520) (PRA). In accordance with the PRA, prior to publication of any final guidance document, FDA intends to solicit public comment and obtain OMB approval for any information collections recommended in this guidance that are new or that would represent material modifications to those previously approved collections of information found in FDA regulations or guidance.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm,* or *https://www.regulations.gov.*

Dated: October 19, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–23306 Filed 10–24–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–2306]

Testicular Toxicity: Evaluation During Drug Development; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Testicular Toxicity: Evaluation During Drug Development.'' The guidance addresses nonclinical findings that may raise concerns of a drug-related adverse effect on the testes, clinical monitoring of adverse testicular effects early in clinical development, and the design and conduct of a safety clinical trial assessing drug-related testicular toxicity. The guidance is intended to assist sponsors developing drugs and therapeutic biologics regulated within the Center for Drug Evaluation and Research to identify nonclinical signals of testicular toxicity and to evaluate the potential for such toxicity in humans. This guidance finalizes the draft guidance of the same name issued on July 17, 2015.

DATES: The announcement of the guidance is published in the **Federal Register** on October 25, 2018.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2015–D–2306 for ''Testicular Toxicity: Evaluation During Drug Development.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Jennifer Mercier, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5390, Silver Spring, MD 20993–0002, 301–796–0957.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Testicular Toxicity: Evaluation During Drug Development.'' This guidance is intended to help sponsors identify nonclinical signals that raise concern regarding the potential for human testicular toxicity and to evaluate those signals appropriately in human studies.

The guidance describes the standard battery of nonclinical studies that are used to assess the effects of

pharmaceuticals on the male reproductive system. The guidance discusses findings in nonclinical studies that may increase the level of concern for drug-related testicular toxicity. The guidance provides a general approach on how to weigh the relevance of nonclinical findings, considering factors that can confound the interpretation of these findings. If a concerning nonclinical signal is identified, the guidance presents suggestions for clinical monitoring when the product is initially administered to humans.

If a reasonable basis for concern of human testicular toxicity exists, a trial with a primary objective of evaluating drug-related testicular toxicity may be warranted. The guidance provides recommendations for the design of such a trial, including study conduct, endpoints, and presentation of results. These are general recommendations for defining the role of drugs in testicular injury; however, the specific details of an individual trial may vary depending on the context of use of the drug product.

This guidance finalizes the draft guidance of the same name issued on July 17, 2015 (80 FR 42501). Changes made to the guidance took into consideration written and verbal comments received. In addition to editorial changes primarily for clarification, the major changes in the guidance include revision of information on nonclinical study design (including species selection, chronic study design, histopathology assessment, sperm quality, and findings that increase concern for impaired fertility) and revision of information that, to the extent possible, subjects enrolled in the dedicated clinical safety trial represent the intended population.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on the evaluation of testicular toxicity during drug development. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014. The collections of information in 21 CFR parts 50 and 56 (''Protection of Human Subjects: Informed Consent and Institutional Review Boards'') have been approved under OMB control number 0910–0755.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: October 19, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–23304 Filed 10–24–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–0279]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before November 26, 2018.

ADDRESSES: Submit your comments to *Sherette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0990–0279 New-30D and project title for reference, to *Sherrette.funn@hhs.gov,* or call the Reports Clearance Officer at 202–795–7714.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Information Collection Request Title: 0990–0279—Extension—Institutional Review Board Registration Form.

Abstract: Assistant Secretary for Health, Office for Human Research Protections is requesting an extension on a currently approved information collection by the Office of Management and Budget, on the Protection of Human Subjects, on the Institutional Review Board (IRB) Form. The purpose of the IRB Registration Form is to provide a simplified procedure for institutions engaged in research conducted or supported by HHS to satisfy the (1) HHS regulations for the protection of human subjects at 45 CFR 46.103((b), 45 CFR 46.107, and 45 CFR 46, subpart E, Registration of Institutional Review Boards; and, the Food and Drug Administration (FDA) regulations for institutional review boards at 21 CFR 56.106.

Likely Respondents: Institutions or organizations operating IRBs that review human subjects research conducted or supported by HHS, or, in the case of FDA's requirements, each IRB in the United States that reviews clinical investigations regulated by FDA under sections 505(i) or 520(g) of the Federal Food, Drug and Cosmetic Act; and each IRB in the United States that reviews clinical investigations that are intended to support applications for research or marketing permits for FDA-regulated products.

ESTIMATE ANNUALIZED BURDEN IN HOURS TABLE

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
IRB Registration Update	5,650	2	30/60	5,650

ESTIMATE ANNUALIZED BURDEN IN HOURS TABLE—Continued

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
IRB Registration Initial and Update	350	2	45/60	525
Total				6,175

Terry Clark,

Asst Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2018–23282 Filed 10–24–18; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: November 13–14, 2018.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892, 301–435–2902, *gubina@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–HD–19–001 Safe and Effective Devices for Use in Neonatal, Perinatal and Pediatric Care Settings.

Date: November 15, 2018.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: JW Marriott New Orleans, 614 Canal Street, New Orleans, LA 70130.

Contact Person: Clara M. Cheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, 301–435–1041, *chengc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Endocrinology, Metabolism, Nutrition and Reproductive Sciences.

Date: November 15–16, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: JW Marriott New Orleans, 614 Canal Street, New Orleans, LA 70130.

Contact Person: Clara M. Cheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, 301–435–1041, *chengc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Translational Research in Pediatric and Obstetric Pharmacology and Therapeutics.

Date: November 16, 2018.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892, 301–435–1154, *dianne.hardy@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Discovery of Molecular Targets and Therapeutics for Pregnancy-Related Diseases; Drug Repurposing for Conditions Affecting Neonates and Pregnant Women.

Date: November 16, 2018.

Time: 3:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892, 301–435–1154, *dianne.hardy@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Blood and Vascular Biology.

Date: November 19–20, 2018.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9497, *zouai@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Musculoskeletal, Oral, Skin, Rheumatology and Rehab Sciences AREA (R15) Review.

Date: November 20, 2018.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.

Contact Person: Aftab A Ansari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, 301–237–9931, *ansaria@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 19, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–23267 Filed 10–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; NINDS Diversity Training Grant Application Review.

Date: November 16, 2018.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: William C. Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–0660, *benzingw@mail.nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Blueprint Neurotherapeutics Review Meeting.

Date: November 28, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1111 30th Street NW, Washington, DC 20007.

Contact Person: Joel A. Saydoff, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3205, MSC 9529, Bethesda, MD 20892–9529, (301) 496–9223, *joel.saydoff@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: October 18, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–23264 Filed 10–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Investigational Agent Accountability Record Forms in the Conduct of Investigational Trials for the Treatment of Cancer (National Cancer Institute)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Charles Hall, Chief, Pharmaceutical Management Branch, Cancer Therapy Evaluation Program, Division of Cancer Diagnosis and Treatment, National Cancer Institute, 9609 Medical Center Drive, Bethesda, Maryland, 20892 or call non-toll-free number (240) 276–6575 or Email your request, including your address to: *HallCh@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimizes the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: Investigational Agent Accountability Record Forms in the Conduct of Investigational Trials for the Treatment of Cancer, 0925–0613, Expiration Date 3/31/2019, Revision, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: The U.S. Food and Drug Administration (FDA) holds the National Cancer Institute (NCI), Division of Cancer Treatment and Diagnosis/Cancer Therapy Evaluation Program (NCI/DCTD/CTEP) and the Division of Cancer Prevention (DCP) responsible, as a sponsor of investigational drug trials, to assure the FDA that systems for accountability are being maintained by investigators in its clinical trials program. Data obtained from the Investigational Agent Accountability Record Forms (aka. Drug Accountability Record Forms—DARF) are used to track the dispensing of investigational anticancer agents from receipt from the NCI to dispensing or administration to patients. Requirements for the tracking of investigational agents under an Investigational New Drug Application are outlined in Title 21 Code of Federal Regulations (CRF) part 312. NCI and/or its auditors use this information to ensure compliance with federal regulations and NCI policies. Previously, the investigator registration forms and process were part of this submission. These forms were more appropriately submitted and approved under the CTEP Branch and Support Contracts Forms and Surveys in July 2018 (OMB No. 0925–0753; Expiration Date 7/31/2021). Thus, the investigator registration forms are no longer included in this request.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden are 3,033 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Category of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
Individuals (DARF)	2,133	16	4/60	2,275

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Category of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
Individuals (DARF-Oral)	711	16	4/60	758
Total	2,844	45,504		3,033

Patricia M. Busche,

Project Clearance Liaison, National Cancer Institute, National Institutes of Health.

[FR Doc. 2018–23313 Filed 10–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.* Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Recombinant Respiratory Syncytial Virus Challenge Strain

Description of Technology

RSV is the most important viral agent of severe respiratory tract disease worldwide, especially in infants and young children, and it also causes severe disease in the elderly and in immunocompromised individuals. There are no licensed vaccines or antivirals suitable for routine use.

This invention relates to a reverse genetics system and cDNA-derived virus for a contemporary wild-type clinical isolate of RSV of antigenic subgroup A, termed RSV strain A/Maryland/001/11, that was isolated in 2011 from an adult with respiratory illness. The genomic sequence was determined. A reverse genetics system was created encoding a recombinant, replication competent RSV that contains a codon-optimized G ORF, which was done to stabilize the cDNA for replication in bacteria. Because this virus was generated by reverse genetics, it is a ''clean'' virus with a well-defined passage history. Clinical study material of this challenge virus has been manufactured and is available for use as an U.S. Food and Drug Administration (FDA) regulated Investigational New Drug (IND) in clinical studies in adult volunteers within and outside of the United States. Preliminary clinical data confirmed that this virus efficiently infects and replicates in 95% of study participants pre-selected for pre-existing RSV antibody titers in the bottom 50% of the range. The challenge virus causes mild upper respiratory illness in the majority of infected participants, typical for RSV illness in otherwise healthy adults. This provides a suitable challenge system for evaluating antivirals, as well as vaccines for older children and adults. This also could be used for developing live-attenuated RSV vaccine candidates based on this contemporary strain, using the stabilized point mutations, stabilized codon-deletions, and gene-deletions that were previously used in RSV strain A2.

This invention relates to a reverse genetics system and the encoded RSV vaccine challenge strain that infects and causes disease in RSV-experienced adults and is available for antiviral and vaccine research.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications

- Vaccine development
- Viral diagnostics
- Vaccine research

Competitive Advantages

- Ease of manufacture
- Clinical trial material
- Low-cost vaccines
- Intranasal administration/needle-free delivery

Development Stage

- In vivo data assessment (human)

Inventors: Ursula Buchholz (NIAID), Peter Collins (NIAID).

Intellectual Property: HHS Reference No. E–235–2018–0.

Licensing Contact: Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize for development of a vaccine for respiratory or other infections. For collaboration opportunities, please contact Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.*

Dated: October 12, 2018.

Suzanne M. Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2018–23311 Filed 10–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Chronic Disease and Epidemiology.
Date: November 1, 2018.
Time: 11:00 a.m. to 1:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Delia Olufokunbi Sam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–0684, *olufokunbisamd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; AIDS and Related Research.
Date: November 9, 2018.
Time: 9:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Review of Aging Applications.
Date: November 20, 2018.
Time: 1:00 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–18–727: Molecular Profiles and Biomarkers of Food and Nutrient Intake.
Date: November 20, 2018.
Time: 1:00 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Gregory S. Shelness, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6156, Bethesda, MD 20892–7892, (301) 435–0492, *shelnessgs@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 18, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–23265 Filed 10–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Office of AIDS Research Advisory Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Office of AIDS Research Advisory Council.
Date: November 15, 2018.
Time: 8:30 a.m. to 4:30 p.m.
Agenda: The forty-ninth OARAC meeting will include review of the DHHS HIV/AIDS Treatment and Prevention Guidelines; the OAR Director's Report; updates on the OAR cost sharing activities with the National Institute on Aging, the FY2019/2020 Trans-NIH Plan for HIV-Related Research; other HIV/AIDS research activities across selected NIH Institutes; and public comment.
Place: National Institutes of Health, Conference Room 1D13, 5601 Fishers Lane, Rockville, MD 20892.
Contact Person: Jay R. Radke, Ph.D., Scientific Review Officer, Office of AIDS Research, National Institutes of Health, Ofc of the Director, 5601 Fishers Lane, Room 2E61 MSC–9834, Bethesda, MD 20892–9834, (240) 669–5046, *jay.radke@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.oar.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: October 19, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–23263 Filed 10–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.* Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Use of Rostafuroxin To Inhibit Viral Infection

Description of Technology: Acute respiratory infections during early childhood constitute a major human health burden. Human respiratory syncytial virus (RSV) is the most common and important viral cause of severe acute pediatric respiratory infections worldwide. Mortality due to RSV in the post-neonatal (28 days to 1 year old) population is second only to malaria. It is estimated that RSV causes 34 million lower respiratory tract infections, 4 million hospitalizations, and 66,000–199,000 deaths every year in children less than 5 years of age.

Most mortality occurs in the developing world where clinical care is less accessible. Mortality is low in the developed countries, but the morbidity is substantial: In the United States alone, RSV is associated with an estimated 132,000–172,000 hospitalizations annually in children less than 5 years old. There is not yet available a vaccine or an effective antiviral drug suitable for routine use.

This invention relates to a broadly antiviral small chemical molecule, Rostafuroxin, expected to be well tolerated in humans and available for clinical evaluation. In particular, this patent application relates to the novel and unexpected finding that Rostafuroxin substantially inhibits RSV infection.

ATP1A1 is a host protein involved with cellular entry of RSV. RSV entry was found to require activation of a signaling cascade mediated by ATP1A1 which resembles the signaling pathway (also mediated by ATP1A1) triggered by cardiotonic steroids.

Though not evaluated for RSV, ATPA1A was previously implicated as a pro-viral factor in the infection cycles of a number of viruses, but the nature of its involvement and mechanism of action were unknown.

Rostafuroxin, a synthetic digitoxigenin derivative, is a small-molecule that is known to specifically bind ATP1A1. It has not been previously known to have any antiviral activity.

The inventors have evidence that Rostafuroxin inhibits RSV infection in respiratory epithelial cells. Rostafuroxin inhibits RSV induced ATP1A1-mediated signaling pathway required for RSV entry. This was demonstrated in A549 cells, a widely used human respiratory epithelial cell line, and in primary human airway epithelial cells derived from a healthy human.

Rostafuroxin has been previously tested in clinical studies as an anti-hypertensive agent. It has no adverse effects in healthy humans and, importantly, does not lower the normal systolic blood pressure of healthy individuals.

Rostafuroxin is a promising anti-viral drug candidate for RSV and possibly other viruses that use the same pathway for host cell entry.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications:

- Viral therapeutics
- Viral diagnostics
- Vaccine research

Competitive Advantages:

- Ease of manufacture
- Broad antiviral activity
- Favorable safety profile in clinical trials

Development Stage:

- In vivo data assessment (animal)

Inventors: Shirin Munir (NIAID), Matthias Lingemann (NIAID), Peter Collins (NIAID).

Intellectual Property: HHS Reference No. E–202–2018–0—U.S. Provisional Application No. 62/737,899, filed September 27, 2018 (pending).

Licensing Contact: Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize for development of a vaccine for respiratory or other infections. For collaboration opportunities, please contact Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.*

Dated: October 15, 2018.

Suzanne M. Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2018–23312 Filed 10–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Chronic Disease and Epidemiology.

Date: October 24, 2018.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Delia Olufokunbi Sam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–0684, *olufokunbisamd@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 18, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–23266 Filed 10–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–B–1855]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents

of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table 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.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

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 specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

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).

These 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. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table 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.

(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.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Alabama:						
Lee	City of Smiths Station (18–04–3883P).	The Honorable F.L. Bubba Copeland, Mayor, City of Smiths Station, 2336 Lee Road 430, Smiths Station, AL 36877.	City Hall, 2336 Lee Road 430, Smiths Station, AL 36877.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 3, 2018	010491
Lee	Unincorporated Areas of Lee County (18–04–3883P).	The Honorable Bill English, Chairman, Lee County Board of Commissioners, P.O. Box 666, Opelika, AL 36803.	Lee County Building Department, 100 Orr Avenue, Opelika, AL 36801.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 3, 2018	010250
Russell	City of Phenix City (18–04–3883P).	The Honorable Eddie N. Lowe, Mayor, City of Phenix City, 601 12th Street, Phenix City, AL 36867.	City Hall, 601 12th Street, Phenix City, AL 36867.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 3, 2018	010184
Shelby	City of Helena (18–04–3885P).	The Honorable Mark R. Hall, Mayor, City of Helena, 816 Highway 52 East, Helena, AL 35080.	City Hall, 816 Highway 52 East, Helena, AL 35080.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 10, 2018	010294
Shelby	City of Pelham (18–04–3885P).	The Honorable Gary W. Waters, Mayor, City of Pelham, 3162 Pelham Parkway, Pelham, AL 35124.	City Hall, 3162 Pelham Parkway, Pelham, AL 35124.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 10, 2018	010193
Colorado:						
Adams	City of Commerce City (18–08–0619P).	The Honorable Sean Ford, Mayor, City of Commerce City, 7887 East 60th Avenue, Commerce City, CO 80022.	City Hall, 5291 East 60th Avenue, Commerce City, CO 80022.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 5, 2018	080006

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Adams	Unincorporated areas of Adams County (18–08–0619P).	The Honorable Mary Hodge, Chair, Adams County Board of Commissioners, 4430 South Adams County Parkway, 5th Floor, Suite C5000A, Brighton, CO 80601.	Adams County Community and Economic Development Department, 4430 South Adams County Parkway, Brighton, CO 80601.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 5, 2018	080001
El Paso	City of Manitou Springs (18–08–0141P).	The Honorable Ken A. Jaray, Mayor, City of Manitou Springs, 606 Manitou Avenue, Manitou Springs, CO 80829.	City Hall, 606 Manitou Avenue, Manitou Springs, CO 80829.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 20, 2018	080063
Florida:						
Collier	City of Marco Island (18–04–5420P).	The Honorable Jared Grifoni, Chairman, City of Marco Island Council, 50 Bald Eagle Drive, Marco Island, FL 34145.	Building Services Department, 50 Bald Eagle Drive, Marco Island, FL 34145.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 19, 2018	120426
Collier	City of Naples (18–04–4573P).	The Honorable Bill Barnett, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 7, 2018	125130
Lee	City of Sanibel (18–04–4404P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning Department, 800 Dunlop Road, Sanibel, FL 33957.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 7, 2018	120402
Lee	City of Sanibel (18–04–4629P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning Department, 800 Dunlop Road, Sanibel, FL 33957.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 19, 2018	120402
Monroe	Unincorporated areas of Monroe County (18–04–4989P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 26, 2018	125129
Monroe	Unincorporated areas of Monroe County (18–04–4990P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 27, 2018	125129
Monroe	Unincorporated areas of Monroe County (18–04–4991P).	The Honorable David Rice, Mayor, Monroe County, Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 26, 2018	125129
Pinellas	Unincorporated areas of Pinellas County (18–04–2032P).	The Honorable Kenneth T. Welch, Chairman, Pinellas County Board of Commissioners, 315 Court Street, Clearwater, FL 33756.	Pinellas County Building Services Department, 440 Court Street, Clearwater, FL 33756.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 20, 2018	125139
Georgia: Walton	Unincorporated areas of Walton County (18–04–3815P).	The Honorable Kevin Little, Chairman, Walton County Board of Commissioners, 111 South Broad Street, Monroe, GA 30655.	Walton County Planning and Development, 303 South Hammond Drive, Suite 98, Monroe, GA 30655.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 20, 2018	130185
Kentucky: Hopkins	City of Madisonville (18–04–2820P).	The Honorable David Jackson, Mayor, City of Madisonville, 67 North Main Street, Madisonville, KY 42431.	Engineering Department, 604 McCoy Avenue, Madisonville, KY 42431.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 28, 2018	210115
Louisiana:						
Iberia	City of New Iberia (18–06–0845P).	The Honorable Freddie DeCourt, Mayor, City of New Iberia, 457 East Main Street, Suite 300, New Iberia, LA 70560.	Permits and Inspections Department, 457 East Main Street, Suite 412, New Iberia, LA 70560.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 19, 2018	220082

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Iberia	Unincorporated areas of Iberia Parish (18–06–0845P).	The Honorable Scott Saunier, Chief Administrative Officer, Iberia Parish, 300 Iberia Street, Suite 400, New Iberia, LA 70560.	Iberia Parish Permits, Planning, Zoning and Building Department, 715–A Weldon Street, New Iberia, LA 70560.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 19, 2018	220078
Massachusetts:						
Barnstable	Town of Truro (18–01–0789P).	The Honorable Robert Weinstein, Chairman, Town of Truro Board of Selectmen, 24 Town Hall Road, Truro, MA 02666.	Building Department, 24 Town Hall Road, Truro, MA 02666.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 17, 2018	255222
Barnstable	Town of Wellfleet (18–01–0789P).	The Honorable Janet Reinhart, Chair, Town of Wellfleet Board of Selectmen, 300 Main Street, Wellfleet, MA 02667.	Building Department, 220 West Main Street, Wellfleet, MA 02667.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 17, 2018	250014
New Mexico:						
Bernalillo	City of Albuquerque (18–06–0625P).	The Honorable Tim Keller, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Development Review Services Division, 600 2nd Street Northwest, Albuquerque, NM 87102.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 17, 2018	350002
Bernalillo	Unincorporated areas of Bernalillo County (18–06–0625P).	Ms. Julie Morgas Baca, Bernalillo County Manager, 1 Civic Plaza Northwest, 10th Floor, Albuquerque, NM 87102.	Bernalillo County Public Works Division, 2400 Broadway Boulevard Southeast, Albuquerque, NM 87102.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 17, 2018	350001
Pennsylvania:						
Columbia	Town of Bloomsburg (18–03–0068P).	The Honorable William Kreisher, Mayor, Town of Bloomsburg, 301 East 2nd Street, Bloomsburg, PA 17815.	Town Hall, 301 East 2nd Street, Bloomsburg, PA 17815.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 28, 2018	420339
Columbia	Township of Catawissa (18–03–0068P).	The Honorable Roger W. Nuss, Chairman, Township of Catawissa Board of Supervisors, 153 Old Reading Road, Catawissa, PA 17820.	Township Hall, 153 Old Reading Road, Catawissa, PA 17820.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 28, 2018	420342
South Carolina:						
Charleston	Town of Sullivan's Island (18–04–5145P).	The Honorable Patrick O'Neil, Mayor, Town of Sullivan's Island, P.O. Box 427, Sullivan's Island, SC 29482.	Town Hall, 2056 Middle Street, Sullivan's Island, SC 29482.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 2, 2019	455418
Charleston	Town of Sullivan's Island (18–04–5277P).	The Honorable Patrick O'Neil, Mayor, Town of Sullivan's Island, P.O. Box 427, Sullivan's Island, SC 29482.	Town Hall, 2056 Middle Street, Sullivan's Island, SC 29482.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 2, 2019	455418
South Dakota: Minnehaha.	City of Sioux Falls (18–08–0836P).	The Honorable Paul Ten Haken, Mayor, City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57104.	Planning and Development Services Department, 231 North Dakota Avenue, Sioux Falls, SD 57104.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 20, 2018	460060
Tennessee: Washington.	City of Johnson City (18–04–4923P).	The Honorable David Tomita, Mayor, City of Johnson City, P.O. Box 2150, Johnson City, TN 37605.	Public Works Department, 601 East Main Street, Johnson City, TN 37605.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 2, 2019	475432
Texas:						
Dallas	Town of Sunnyvale (18–06–1127P).	The Honorable Saji George, Mayor, Town of Sunnyvale, 127 North Collins Road, Sunnyvale, TX 75182.	Development Services Department, 127 North Collins Road, Sunnyvale, TX 75182.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 7, 2018	480188
Parker	Unincorporated areas of Parker County (18–06–1021P).	The Honorable Mark Riley, Parker County Judge, 1 Courthouse Square, Weatherford, TX 76086.	Parker County Emergency Management Department, 215 Trinity Street, Weatherford, TX 76086.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 30, 2018	480520
Rockwall	City of Heath (18–06–0869P).	The Honorable Kelson Elam, Mayor, City of Heath, 200 Laurence Drive, Heath, TX 75032.	City Hall, 200 Laurence Drive, Heath, TX 75032.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 10, 2018	480545

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Utah: Salt Lake	City of Draper (18–08–0572P).	The Honorable Troy K. Walker, Mayor, City of Draper, 1020 East Pioneer Road, Draper, UT 84020.	Community Development Department, 1020 East Pioneer Road, Draper, UT 84020.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 26, 2018	490244
Virginia: Independent City.	City of Roanoke (18–03–1202P).	Mr. Robert S. Cowell, Jr., Manager, City of Roanoke, 215 Church Avenue Southwest, Room 364, Roanoke, VA 24011.	Engineering Division, 215 Church Avenue Southwest, Room 350, Roanoke, VA 24011.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 4, 2019	510130
Wyoming:						
Sheridan	Town of Ranchester (18–08–0451P).	The Honorable Peter Clark, Mayor, Town of Ranchester, P.O. Box 695, Ranchester, WY 82839.	Town Hall, 145 Coffeen Street, Ranchester, WY 82839.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 20, 2018	560046
Sheridan	Unincorporated areas of Sheridan County (18–08–0451P).	The Honorable Mike Nickel, Chairman, Sheridan County Board of Commissioners, 224 South Main Street, Suite B1, Sheridan, WY 82801.	Public Works, Planning and Engineering Department, 224 South Main Street, Suite B8, Sheridan, WY 82801.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 20, 2018	560047

[FR Doc. 2018–23344 Filed 10–24–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4394–DR; Docket ID FEMA–2018–0001]

South 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 South Carolina (FEMA–4394–DR), dated September 16, 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: Notice is hereby given that the incident period for this disaster is closed effective October 8, 2018.

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. 2018–23356 Filed 10–24–18; 8:45 am]

BILLING CODE 9111–11–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 February 15, 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
Kankakee County, Illinois and Incorporated Areas Docket No.: FEMA–B–1744	
Unincorporated Areas of Kankakee County	Administration Building, 189 East Court Street, Kankakee, IL 60901.
Will County, Illinois and Incorporated Areas Docket No.: FEMA–B–1754	
City of Aurora	Engineering Department, City Hall, 44 East Downer Place, Aurora, IL 60505.
City of Braidwood	City Hall, 141 West Main Street, Braidwood, IL 60408.
City of Crest Hill	City Hall, 1610 Plainfield Road, Crest Hill, IL 60403.
City of Joliet	City Hall, 150 West Jefferson Street, Joliet, IL 60432.
City of Lockport	Public Works and Engineering, 17112 South Prime Boulevard, Lockport, IL 60441.
City of Naperville	City Hall, 400 South Eagle Street, Naperville, IL 60540.
City of Wilmington	City Hall, 1165 South Water Street, Wilmington, IL 60481.
Unincorporated Areas of Will County	Land Use Department, 58 East Clinton Street, Suite 100, Joliet, IL 60432.
Village of Beecher	Village Hall, 625 Dixie Highway, Beecher, IL 60401.
Village of Bolingbrook	Village Hall, 375 West Briarcliff Road, Bolingbrook, IL 60440.
Village of Channahon	Village Hall, 24555 South Navajo Drive, Channahon, IL 60410.
Village of Coal City	Village Hall, 515 South Broadway Street, Coal City, IL 60416.
Village of Crete	Village Hall, 524 West Exchange Street, Crete, IL 60417.
Village of Diamond	Village Hall, 1750 East Division Street, Diamond, IL 60416.
Village of Elwood	Village Hall, 401 East Mississippi Avenue, Elwood, IL 60421.
Village of Frankfort	Village Hall, 432 West Nebraska Street, Frankfort, IL 60423.
Village of Homer Glen	Village Hall, 14240 West 151st Street, Homer Glen, IL 60491.
Village of Lemont	Village Hall, 418 Main Street, Lemont, IL 60439.
Village of Manhattan	Village Hall, 260 Market Place, Manhattan, IL 60442.
Village of Minooka	Village Hall, 121 East McEvilly Road, Minooka, IL 60447.
Village of Mokena	Village Hall, 11004 Carpenter Street, Mokena, IL 60448.
Village of Monee	Village Hall, 5130 West Court Street, Monee, IL 60449.
Village of New Lenox	Village Hall, 1 Veterans Parkway, New Lenox, IL 60451.
Village of Orland Park	Village Hall, 14700 South Ravinia Avenue, Orland Park, IL 60462.
Village of Park Forest	Village Hall, 350 Victory Drive, Park Forest, IL 60466.
Village of Peotone	Village Hall, 208 East Main Street, Peotone, IL 60468.
Village of Plainfield	Village Hall, 24401 West Lockport Street, Plainfield, IL 60544.
Village of Rockdale	Village Hall, 79 Moen Avenue, Rockdale, IL 60436.
Village of Romeoville	Village Hall, 1050 West Romeo Road, Romeoville, IL 60446.
Village of Shorewood	Village Hall, One Towne Center Boulevard, Shorewood, IL 60404.
Village of Steger	Village Hall, 3320 Lewis Avenue, Steger, IL 60475.
Village of Tinley Park	Village Hall, 16250 South Oak Park Avenue, Tinley Park, IL 60477.
Village of University Park	Village Hall, 698 Burnham Drive, University Park, IL 60484.
Village of Woodridge	Village Hall, 5 Plaza Drive, Woodridge, IL 60517.
Itawamba County, Mississippi and Incorporated Areas Docket No.: FEMA–B–1718	
City of Fulton	City Hall, 213 West Wiygul Street, Fulton, MS 38843.
Town of Mantachie	Town Hall, 3256 Highway 371 North, Mantachie, MS 38855.
Town of Tremont	Town Hall, 12761 Highway 23 North, Tremont, MS 38876.
Unincorporated Areas of Itawamba County	Itawamba County Courthouse, Chancery Clerk's Office, 201 West Main Street, Fulton, MS 38843.
Monroe County, Mississippi and Incorporated Areas Docket No.: FEMA–B–1718	
City of Aberdeen	City Hall, 125 West Commerce Street, Aberdeen, MS 39730.
City of Amory	City Hall, 109 Front Street South, Amory, MS 38821.
Town of Smithville	Town Hall, 63443 Highway 25 North, Smithville, MS 38870.

Community	Community map repository address
Unincorporated Areas of Monroe County	Monroe County Emergency Management Office, 50058 Airport Road, Aberdeen, MS 39730.
Village of Gattman	Mayor's Office, 50005 Mayor Street, Gattman, MS 38844.

[FR Doc. 2018–23343 Filed 10–24–18; 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; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA–4399–DR), dated October 11, 2018, and related determinations.

DATES: The declaration was issued October 11, 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: Notice is hereby given that, in a letter dated October 11, 2018, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Florida resulting from Hurricane Michael beginning on October 7, 2018, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments (PDAs). Direct Federal assistance is authorized.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Thomas J. McCool, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Florida have been designated as adversely affected by this major disaster:

Bay, Franklin, Gulf, Taylor, and Wakulla Counties for Individual Assistance.

Bay, Calhoun, Franklin, Gadsden, Gulf, Hamilton, Jackson, Jefferson, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program at 75 percent federal funding.

All areas within the State of Florida are eligible for assistance under the Hazard Mitigation Grant 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. 2018–23358 Filed 10–24–18; 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–1471]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; DHS.

ACTION: Notice; correction.

SUMMARY: On May 14, 2018, FEMA published in the **Federal Register** a final flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 83 FR 22278–22279. The table provided here represents the final flood hazard determinations and communities affected for Atlantic County, New Jersey (All Jurisdictions).

DATES: The date of August 28, 2018 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.'')

Correction

In the final flood hazard determination notice published at 83 FR 22278–22279 in the May 14, 2018, issue of the **Federal Register**, FEMA published a table titled ''Atlantic County, New Jersey (All Jurisdictions)''. This table contained inaccurate information as to the community map repository for the Town of Hammonton featured in the table.

In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(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
Atlantic County, New Jersey (All Jurisdictions) Docket No.: FEMA–B–1471	
Borough of Buena	Buena Borough Construction and Permits Office, 616 Central Avenue, Minotola, NJ 08341.
Borough of Folsom	Borough Hall, 1700 12th Street, Folsom, NJ 08037.
Borough of Longport	Borough Hall, 2305 Atlantic Avenue, Longport, NJ 08403.
City of Absecon	City Hall, 500 Mill Road, Absecon, NJ 08201.
City of Brigantine	City Hall, 1417 West Brigantine Avenue, Brigantine, NJ 08203.
City of Linwood	Construction Office, 400 Poplar Avenue, Linwood, NJ 08221.
City of Margate City	Construction Office, 9001 Winchester Avenue, Margate City, NJ 08402.
Town of Hammonton	Engineer's Office, 215 Bellevue Avenue, Hammonton, NJ 08037.
Township of Buena Vista	Buena Vista Township Hall, 890 Harding Highway, Buena, NJ 08310.
Township of Egg Harbor	Municipal Building, 3515 Bargaintown Road, Egg Harbor Township, NJ 08234.
Township of Hamilton	Hamilton Township Zoning Office, 6101 Thirteenth Street, Mays Landing, NJ 08330.
Township of Mullica	Mullica Township Hall, 4528 White Horse Pike, Elwood, NJ 08217.
Township of Weymouth	Weymouth Township Municipal Building, 45 South Jersey Avenue, Dorothy, NJ 08317.

[FR Doc. 2018–23345 Filed 10–24–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3400–EM; Docket ID FEMA–2018–0001]

South Carolina; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of South Carolina (FEMA–3400–EM), dated September 10, 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: Notice is hereby given that the incident period for this emergency is closed effective October 8, 2018.

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. 2018–23357 Filed 10–24–18; 8:45 am]

BILLING CODE 9111–11–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX18DK10GUH0300; OMB Control Number 1028–0118]

Agency Information Collection Activities; USGS Water Use Data and Research Program

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) 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 the information collection request (ICR) by mail to the U.S. Geological Survey, Information Collections Clearance Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–0118 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Cheryl A. Dieter by email at *cadieter@usgs.gov,* or by telephone at 443–498–5537.

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 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 USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS 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 may 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 USGS is authorized under SECURE Water Act Section 9508 to assist state water resource agencies with improving their water use data collection activities. USGS has implemented the Water Use Data and Research program (WUDR), to work with state water agencies in gathering and analyzing their data, and assists this effort via cooperative agreements. WUDR will be used to improve the collection and reporting of water-use categories by state agencies, including categories of water use that were previously discontinued due to limited resources. This collection will also be used in reports to Congress on water resources in the nation. The total authorized funding in FY18 for the Water Use Data and Research Program is $1,500,000; total program authorization is $12,500,000 for a period of five years.

Cooperative agreements will be announced and awarded as part of a competitive process that will be guided, annually, by a technical committee whose members will include representatives from the stakeholder community as well as USGS. Water Use Data and Research Program funds will be coordinated with a single agency in each State. Collaboration and coordination with USGS personnel will be required as part of the WUDR program. Data must be stored electronically and made available in machine readable formats that can be incorporated into USGS databases. Additionally, methods used for data collection (estimated values, coefficients, etc.) and a description of data quality assurance and control must be provided to the USGS.

Title of Collection: USGS Water Use Data and Research Program.

OMB Control Number: 1028–0118.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: State water-resource agencies that collect water-use data.

Total Estimated Number of Annual Respondents: The WUDR program estimates that 30 respondents will read the Program Announcement, 14 respondents will submit applications, and 12 respondents will submit semi-annual progress reports and a final technical report.

Total Estimated Number of Annual Responses: 14 applications, 24 progress reports, and 12 final technical reports.

Estimated Completion Time per Response: Read Program announcement: 1 hour; prepare applications: 40 hours; progress reports: 4 hours; final technical report: 24 hours.

Total Estimated Number of Annual Burden Hours: 974 hours.

Respondent's Obligation: Mandatory to be eligible to receive funding.

Frequency of Collection: Program Announcements are published annually. Proposals are submitted annually by State water-resource agencies wishing to compete for funding as related to the annual Program Announcement. State water-resource agencies that receive a cooperative agreement must submit semi-annual progress reports and a final technical report.

Total Estimated Annual Non-hour Burden Cost: None.

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 authorities for this action are the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

Melinda S. Dalton,

Program Coordinator, Water Availability and Use Science Program.

[FR Doc. 2018–23320 Filed 10–24–18; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–26800; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before October 13, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by November 9, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the

National Park Service before October 13, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State Historic Preservation Officers:

ALABAMA

Baldwin County

Foley Downtown Historic District (Boundary Increase), Parts of N&S Alston, N & S McKenzie, Laurel & Pine Sts., W Myrtle, E & W Rose, W Orange & W Jessamine Aves. Foley, BC100003122

Franklin County

Russellville Commercial Historic District, Along sections of Jackson & Coffee Aves., Lawrence, Lauderdale & Madison Sts., Russellville, SG100003123

ARIZONA

Maricopa County

Roman Roads, 1691 E Maryland Ave., Phoenix, SG100003124

Yavapai County

Camp Verde Grammar School, 435 S Main St., Camp Verde, SG100003126

COLORADO

Chaffee County

Gas Creek School (Rural School Buildings in Colorado MPS), 20925 US 285, Nathrop vicinity, MP100003127

Junction City—Garfield School, Gimlett—LeFevre Cabin, 22555 Martin St., Garfield, SG100003128

DISTRICT OF COLUMBIA

District of Columbia

Bloomingdale Historic District, Bounded by Florida Ave., Channing, Bryant, North Capital & 2nd Sts., Washington, SG100003129

NEW JERSEY

Cape May County

U.S. Coast Guard Motor Lifeboat CG–36538, 673 US 9, Lower Township, SG100003132

NEW YORK

New York County

Columbus Monument, Columbus Circle, New York, SG100003133

PENNSYLVANIA

Allegheny County

Ford Motor Company Assembly Plant, 5000 Baum Blvd., Pittsburgh, SG100003134

Philadelphia County

Crown Can Company Building, 956 E Erie Ave., Philadelphia, SG100003136

Strawbridge and Clothier Department Store Warehouse, 901 Poplar St., Philadelphia, SG100003137

TEXAS

Franklin County

Mount Vernon Downtown Historic District, Roughly bounded by RR tracks, Jackson, Taylor & Holbrook Sts., Mount Vernon, SG100003140

Taylor County

Fulwiler, William J., House (Abilene MPS), 910 Highland St., Abilene, 92000192

WYOMING

Sweetwater County

Outlaw Inn, 1630 Elk St., Rock Springs, SG100003142

An owner objection received for the following resources:

PENNSYLVANIA

Lackawanna County

Scranton State School for the Deaf, 1800 N Washington Ave., Scranton, SG100003135

Additional documentation has been received for the following resources:

ARIZONA

Pima County

San Clemente Historic District, 336 S Calle de Madrid, Tucson, AD04001156

RHODE ISLAND

Washington County

Dunes Club, The, 137 Boston Neck Rd., Narragansett, AD15000243

TEXAS

Tarrant County

Fort Worth Stockyards Historic District, 2403 N Main St., Fort Worth, AD76002067

Authority: Section 60.13 of 36 CFR part 60.

Dated: October 15, 2018.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2018–23317 Filed 10–24–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–26713; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before October 6, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by November 9, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before October 6, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State Historic Preservation Officers:

ALABAMA

Colbert County

Easterwood House, 200 Easterwood St., Cherokee, SG100003107

Dallas County

Water Avenue Historic District (Boundary Increase), Water Ave. bounded by Lauderdale, MLK Blvd., Beech Creek, Alabama R, Selma, BC100003108

ALASKA

Anchorage Borough

Greater Friendship Baptist Church, 903 E 13th Ave., Anchorage, SG100003109

NEW JERSEY

Passaic County

People's Bank and Trust Company Building, 663 Main Ave., Passaic, SG100003110

NEW YORK

Chenango County

Norwich Pharmacal Company Warehouse, 20 American Ave., Norwich, SG100003111

Erie County

Chandler Street Industrial Buildings (Black Rock Planning Neighborhood MPS), 27–63 Chandler St., Buffalo, MP100003112

North Park Branch Library, 2351 Delaware St., Buffalo, SG100003113

Greene County

Stevens Hill Farm, 4082 Grapeville Rd., Greenville, SG100003119

Jefferson County

Abingdon and New Abingdon Apartments, 327 Holcomb & 270–272 Mullin Sts., Watertown, SG100003114

Nassau County

Christ Church, 61 E Main St., Oyster Bay, SG100003115

New York County

First African Methodist Episcopal Church, 80 W 132nd St., New York, SG100003116

Queens County

First Reformed Church of College Point, 118–07, 118–09, 118–19 14th Ave., Queens, SG100003117

Rensselaer County

Valley Falls Historic District, State, Burton, Charles & Edward Sts., Valley Falls, SG100003118

Tompkins County

Methodist Episcopal Church of Jacksonville, 5020 Jacksonville Rd., Jacksonville, SG100003120

WISCONSIN

Sauk County

Marcus, Samuel and Nina, House, 241 E Jefferson St., Spring Green, SG100003121

Authority: Section 60.13 of 36 CFR part 60.

Dated: October 5, 2018.

Julie H. Ernstein,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program and Deputy Keeper of the National Register of Historic Places.

[FR Doc. 2018–23310 Filed 10–24–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520; OMB Control Number 1029–0087]

Agency Information Collection Activities: OSM–76—Abandoned Mine Land Problem Area Description Form

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing our intention to request renewed approval for the collection of information which is used to update the Office of Surface Mining Reclamation and Enforcement's electronic inventory of abandoned mine lands (e-AMLIS). From this inventory, the most serious problem areas are selected for reclamation through the apportionment of funds to States and Indian tribes.

DATES: Interested persons are invited to submit comments on or before November 26, 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 John Trelease, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Mail Stop 4559, Washington, DC 20240; or by email to *jtrelease@osmre.gov.* Please reference OMB Control Number 1029–0087 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact John Trelease by email at *jtrelease@osmre.gov,* or by telephone at (202) 208–2783. 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 provides 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 July 12, 2018 (83 FR 32327). 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 OSMRE; (2) is the estimate of burden accurate; (3) how might OSMRE enhance the quality, utility, and clarity of the information to be collected; and (4) how might OSMRE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. 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.

Title of Collection: Abandoned Mine Land Problem Area Description Form.

OMB Control Number: 1029–0087.

Abstract: The problem area description (PAD) form is used to update the Office of Surface Mining Reclamation and Enforcement's electronic inventory of abandoned mine lands (e-AMLIS). From this inventory, the most serious problem areas are selected for reclamation through the apportionment of funds to States and Indian tribes.

Form Number: OSM–76.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: State and Tribal governments.

Total Estimated Number of Annual Respondents: 27 State and Tribal governments.

Total Estimated Number of Annual Responses: 1,616 responses.

Estimated Completion Time per Response: An average of 8 hours per new PAD and 1.5 hours for an updated PAD.

Total Estimated Number of Annual Burden Hours: 4,413 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Once.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Authority: The authorities for this action are the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1201 *et seq.*), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2018–23305 Filed 10–24–18; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–612–613 and 731–TA–1429–1430 (Preliminary)]

Polyester Textured Yarn From China and India; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–612–613 and 731–TA–1429–1430 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of polyester textured yarn from China and India, provided for in subheadings 5402.33.30 and 5402.33.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the governments of China and India. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach preliminary determinations in antidumping and countervailing duty investigations in 45 days, or in this case by December 3, 2018. The Commission's views must be transmitted to Commerce within five business days thereafter, or by December 10, 2018.

DATES: October 18, 2018.

FOR FURTHER INFORMATION CONTACT: Kristina Lara (205–3386), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on October 18, 2018, by Unifi Manufacturing, Inc., Greensboro, North Carolina; and Nan Ya Plastics Corp. America, Lake City, South Carolina.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Thursday, November 8, 2018, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before November 6, 2018. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before November 14, 2018, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the

information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: October 19, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–23287 Filed 10–24–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 18–37]

Hisham M. Shawish, M.D.; Decision and Order

On July 12, 2018, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause to Hisham M. Shawish, M.D. (hereinafter, Respondent), of Erie, Pennsylvania. Order to Show Cause (hereinafter, OSC), at 1. The Show Cause Order proposes the revocation of Respondent's Certificate of Registration on the ground that he has ''no state authority to handle controlled substances'' in the Commonwealth of Pennsylvania, the State in which Respondent is registered with the DEA. *Id.* (citing 21 U.S.C. 824(a)(3)). It also proposes the denial of ''any applications for renewal or modification of such registration and any applications for any other DEA registrations.'' OSC, at 1 (citing 21 U.S.C. 824(a)(3)).

Regarding jurisdiction, the Show Cause Order alleges that Respondent holds DEA Certificate of Registration No. FS1974357 at the registered address of 650 East Ave., Erie, Pennsylvania 16503, with a mailing address of 5572 Copper Dr., #102, Erie, Pennsylvania 16509. OSC, at 1. This registration, the OSC alleges, authorizes Respondent to dispense controlled substances in schedules II through V as a practitioner. *Id.* The Show Cause Order alleges that this registration expires on February 28, 2019. *Id.*

The substantive ground for the proceeding, as alleged in the Show Cause Order, is that Respondent is ''currently without authority to practice medicine or handle controlled substances in the Commonwealth of Pennsylvania, the state in which . . . [he is] registered with DEA.'' *Id.* at 2. Specifically, the Show Cause Order alleges that the Commonwealth of Pennsylvania State Board of Medicine issued an Order of Temporary Suspension and Notice of Hearing (hereinafter, Temporary Suspension Order and Notice of Hearing) on April 25, 2018, and that this Order ''suspended . . . [Respondent's] license to practice as a physician and surgeon.'' *Id.*

The Show Cause Order notifies Respondent of his right to request a hearing on the allegations or to submit a written statement while waiving his right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The Show Cause Order also notifies Respondent of the opportunity to submit a corrective action plan. OSC, at 2–3 (citing 21 U.S.C. 824(c)(2)(C)).

By letter dated July 26, 2018, Respondent timely requested a hearing.[1] Hearing Request, at 1. According to the Hearing Request, ''a Criminal Complaint was filed against . . . [Respondent] in Pennsylvania Magisterial District Court,'' which Respondent ''categorically denies and is vigorously fighting.'' *Id.* Respondent's Hearing Request admits that his ''license to practice medicine and surgery in Pennsylvania was temporarily placed in suspension, effective April 26, 2018.'' *Id.* It asserts that the ''term of suspension is 180 days from April 26, 2018, at which time . . . [Respondent's] Pennsylvania license will revert to active unrestricted status by operation of law.'' *Id.*

The Office of Administrative Law Judges put the matter on the docket and assigned it to Administrative Law Judge Charles Wm. Dorman (hereinafter, ALJ). On July 27, 2018, the ALJ issued a Briefing Schedule for Lack of State Authority Allegations.

The Government timely complied with the Briefing Schedule by filing a Motion for Summary Disposition on August 10, 2018 (hereinafter, Summary Disposition Motion). The Summary Disposition Motion is ''based on Respondent's lack of state authority to handle controlled substances.'' Summary Disposition Motion, at 1. The Government attached to its Summary Disposition Motion the Temporary Suspension Order and Notice of Hearing that the Commonwealth of Pennsylvania, Department of State, State Board of Medicine issued to Respondent. According to the Summary Disposition Motion, Respondent ''is not entitled to hold a DEA registration'' because he ''does not have state authority to prescribe, administer, or dispense controlled substances in the Commonwealth of Pennsylvania.'' *Id.* at 3. The Government argues, citing Agency precedent, that ''even if the period of suspension is temporary or if there is the potential that Respondent's state controlled substances privileges will be reinstated, summary disposition is warranted.'' *Id.* at 3–4.

Respondent timely filed its Reply in Opposition to the Government's Motion for Summary Disposition dated August 24, 2018 (hereinafter, Reply in Opposition). Attached to the Reply in Opposition are Docket Sheets indicating that the charges Respondent is facing are indecent assault of a person less than 13 years of age and corruption of minors dating as far back as 2014. Reply in Opposition, at Exh. 1.

Respondent argues that the Government's Summary Disposition Motion should be denied because ''[t]he Government does not take into consideration the fact that . . . [Respondent's] Pennsylvania medical license is set to return to unrestricted status on October 25, 2018.'' *Id.* at 1. Since, he states, ''his license will revert to active status as a matter of law in approximately two months, on October 25, 2018, . . . [i]t would be a waste of judicial resources, time, and expense to revoke . . . [his] DEA registration and then require . . . [him] to reapply for a DEA registration.'' *Id.* at 3. Respondent argues that the Agency precedent cited in the Summary Disposition Motion is ''distinguishable, as it does not appear that in *any* of the cases a firm date was set on which each respective respondents' [sic] license was scheduled to be reinstated.'' *Id.* [emphasis in original]. Thus, Respondent urges the ALJ to ''stay resolution'' of the Summary Disposition Motion for 90 days and to

[1] The Hearing Request is dated and was received less than 30 days after the OSC's issuance. It is, thus, apparent that the Government's service of the OSC was sufficient and Respondent's request for a hearing was timely.

hold ''a status conference and/or additional briefing to be scheduled following the trial of . . . [Respondent's] criminal case and the reinstatement of his Pennsylvania medical license on October 25, 2018.'' *Id.* at 1, 4.

The ALJ granted the Government's Summary Disposition Motion and recommended that Respondent's registration be revoked. Order Granting Summary Disposition and Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision dated August 27, 2018 (hereinafter, R.D.). The ALJ notes Respondent's concession that his Pennsylvania license to practice medicine and surgery is temporarily suspended. R.D., at 3. The ALJ characterizes as ''speculative'' Respondent's assertion that his license will revert to an active status on October 25, 2018. *Id.* at 4. The ALJ points out that, ''immediately following the language'' in the Temporary Suspension Order and Notice of Hearing setting the duration of the temporary suspension at ''in no event longer than 180 days,'' there is language ordering that ''the 'prosecuting attorney *will* commence a separate action to suspend, revoke or otherwise restrict Respondent's license.''' *Id.* [emphasis in original]. The ALJ then reviews relevant Agency precedent and concludes that, ''[T]he disposition of the . . . [Summary Disposition Motion] depends only on whether the Respondent currently possesses state authority to dispense controlled substances in Pennsylvania.'' *Id.* at 6. Since Respondent conceded that the Pennsylvania State Board of Medicine temporarily suspended his medical license, the ALJ granted the Summary Disposition Motion and recommends revocation of Respondent's registration. *Id.* at 6, 7.

By letter dated September 27, 2018, the ALJ certified and transmitted the record to me for final Agency action. In that letter, the ALJ advises that neither party filed exceptions and that the time period to do so has expired.

I issue this Decision and Order based on the entire record before me. 21 CFR 1301.43(e). I make the following findings of fact.

Findings of Fact

Respondent's DEA Registration

Respondent is the holder of DEA Certificate of Registration No. FS1974357, pursuant to which he is authorized to dispense controlled substances in schedules II through V as a practitioner, at the registered address of 650 East Ave., Erie, Pennsylvania 16503. Summary Disposition Motion, at Certification of Registration History. Respondent's registration expires on February 28, 2019. *Id.*

The Status of Respondent's State License

The Pennsylvania State Board of Medicine ordered the temporary suspension of Respondent's license to practice as a physician and surgeon on April 25, 2018. Reply in Opposition, Exh. 3, at 1. According to the Temporary Suspension Order and Notice of Hearing, the Prosecuting Attorney ''alleged facts in the Petition, which, if taken as true, . . . make[ ] Respondent an immediate and clear danger to the public health and safety.'' *Id.* It orders that a preliminary hearing be scheduled and conducted within 30 days to determine ''whether there is a *prima facie* case to support the temporary suspension of the Respondent's license and other authorizations to practice the profession issued by the Board.'' *Id.* at 2. If a *prima facie* case is not established, Respondent's license and other authorizations ''will be immediately restored.'' *Id.* If a *prima facie* case is established, ''the temporary suspension shall remain in effect until vacated by the Board, but in no event longer than 180 days, unless otherwise ordered or agreed to by the participants.'' *Id.* There is no evidence in the record concerning the preliminary hearing ordered in the Temporary Suspension Order and Notice of Hearing. The undisputed evidence in the record, independently submitted by both parties, is that Respondent's Pennsylvania license to practice as a physician and surgeon is currently suspended. Although Respondent asserts unequivocally that his license will be ''return[ed] to unrestricted status on October 25, 2018,'' the evidence in the record, as the ALJ correctly explicates, is to the contrary. Reply in Opposition, at 1; R.D., at 4. Thus, I reject Respondent's unequivocal assertion and agree with the ALJ's analysis.

Accordingly, I find that Respondent currently is without authority to practice as a physician or surgeon in the Commonwealth of Pennsylvania, the State in which he is registered.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (hereinafter, CSA), ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, the DEA has also long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper, M.D.,* 76 FR 71,371 (2011), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27,616, 27,617 (1978).

This rule derives from the text of two provisions of the CSA. First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess State authority in order to be deemed a practitioner under the CSA, the DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he practices. *See, e.g., Hooper, supra,* 76 FR at 71,371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39,130, 39,131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51,104, 51,105 (1993); *Bobby Watts, M.D.,* 53 FR 11,919, 11,920 (1988), *Blanton, supra,* 43 FR at 27,617.

Under longstanding Agency precedent, DEA revokes the registration of a practitioner who lacks State authority to handle controlled substances even when the practitioner's State authority was suspended summarily or pending a final decision on the merits. *See, e.g., Bourne Pharmacy, Inc.,* 72 FR 18,273, 18,274 (2007). Similarly, the facts that the Pennsylvania State Board of Medicine temporarily suspended a respondent's license and that the respondent may, some day, regain his license to practice as a physician and surgeon did not change the salient fact—the respondent was not currently authorized to handle controlled substances in the State in which he was registered. *Mehdi*

Nikparvarfard, M.D., 83 FR 14,503, 14,504 (2018).

Here, the undisputed evidence in the record is that Respondent's Pennsylvania license to practice as a physician and surgeon is currently suspended. There is no evidence in the record that Respondent holds any Pennsylvania registration, let alone as a practitioner, to handle controlled substances. As such, according to Pennsylvania law, Respondent currently does not have authority to handle controlled substances in Pennsylvania.

In sum, Respondent's Pennsylvania license to practice as a physician and surgeon is temporarily suspended. He currently lacks authority in Pennsylvania to practice medicine and to handle controlled substances. He is, therefore, not eligible for a DEA registration. Accordingly, I will order that Respondent's DEA registration be revoked and that any pending application for the renewal or modification of his registration be denied. 21 U.S.C. 824(a)(3).

Order

Pursuant to 28 CFR 0.100(b) and the authority thus vested in me by 21 U.S.C. 824(a), I order that DEA Certificate of Registration No. FS1974357 issued to Hisham M. Shawish, M.D., be, and it hereby is, revoked. I further order that any pending application of Hisham M. Shawish, M.D., to renew or modify this registration, as well as any other pending application by him for registration in the Commonwealth of Pennsylvania, be, and it hereby is, denied. This Order is effective immediately.[2]

Dated: October 10, 2018.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2018–23273 Filed 10–24–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Membership of the Senior Executive Service and Senior Level Standing Performance Review Boards

AGENCY: Department of Justice.

ACTION: Notice of Department of Justice's standing members of the Senior Executive Service and Senior Level Performance Review Boards.

SUMMARY: Pursuant to the requirements of 5 U.S.C. 4314(c)(4), the Department of Justice announces the membership of its 2018 Senior Executive Service (SES) and Senior Level (SL) Standing Performance Review Boards (PRBs). The purpose of a PRB is to provide fair and impartial review of SES/SL performance appraisals, executive development plans, bonus recommendations and pay adjustments.

The PRBs will make recommendations regarding the final performance ratings to be assigned, SES/SL bonuses and/or pay adjustments to be awarded.

FOR FURTHER INFORMATION CONTACT: Mary A. Lamary, Director, Human Resources, Justice Management Division, Department of Justice, Washington, DC 20530; (202) 514–4350.

Lee J. Lofthus,

Assistant Attorney General for Administration.

2018 FEDERAL REGISTER

Name	Position title
Office of the Attorney General—OAG	
HAMILTON, GENE	COUNSELOR TO THE ATTORNEY GENERAL.
WHITAKER, MATTHEW	CHIEF OF STAFF AND COUNSELOR.
TUCKER, RACHEL	COUNSELOR TO THE ATTORNEY GENERAL.
BARNETT, GARY	COUNSELOR TO THE ATTORNEY GENERAL.
MORRISSEY, BRIAN	COUNSELOR TO THE ATTORNEY GENERAL.
CUTRONA, DANIELLE	SENIOR COUNSELOR.
Office of the Deputy Attorney General—ODAG	
O'CALLAGHAN, EDWARD	PRINCIPAL ASSOCIATE DEPUTY ATTORNEY GENERAL.
GUAHAR, TASHINA	ASSOCIATE DEPUTY ATTORNEY GENERAL.
BAUGHMAN, MATTHEW	ASSOCIATE DEPUTY ATTORNEY GENERAL.
COOK, STEVE	ASSOCIATE DEPUTY ATTORNEY GENERAL/LAW ENFORCEMENT.
CONNOLLY, ROBERT	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
GOLDSMITH, ANDREW	NATIONAL CRIMINAL DISCOVERY COORDINATOR.
MICHALIC, MARK	EMERGENCY PREPAREDNESS AND CRISIS RESPONSE COORDINATOR.
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KNEEDLER, EDWIN S	DEPUTY SOLICITOR GENERAL.
STEWART, MALCOLM L	DEPUTY SOLICITOR GENERAL.

[2] For the same reasons the Pennsylvania State Board of Medicine suspended Respondent's Pennsylvania license to practice as a physician and surgeon, I find that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67.

2018 FEDERAL REGISTER—Continued

Name	Position title
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Antitrust Division—ATR	
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ARMINGTON, ELIZABETH J	CHIEF, ECONOMIC REGULATORY SECTION.
BRINK, PATRICIA A	DIRECTOR OF CIVIL ENFORCEMENT.
COHEN, SCOTT	EXECUTIVE OFFICER.
DRENNAN, RONALD	CHIEF, COMPETITION POLICY SECTION.
FAMILANT, NORMAN	CHIEF, ECONOMIC LITIGATION SECTION.
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AUGUSTINE, RENE	SENIOR COUNSEL.
LIMARZI, KRISTEN	CHIEF, APPELLATE SECTION.
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BEASLEY, ROGER	CHIEF INFORMATION OFFICER (CIO).
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REID, DELANO	DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY AND SECURITY OPERATIONS.
MICHALIC, VIVIAN B	ASSISTANT DIRECTOR, MANAGEMENT.
FRANDE, FRANCIS	DEPUTY ASSISTANT DIRECTOR, MANAGEMENT AND CHIEF FINANCIAL OFFICER.
GRAHAM, ANDREW R	DEPUTY ASSISTANT DIRECTOR, INDUSTRY OPERATIONS.
GROSS, CHARLES R	CHIEF COUNSEL.
ROESSNER, JOEL	DEPUTY CHIEF COUNSEL.
EPSTEIN, ERIC	ATTORNEY ADVISOR.
MCDANIEL, MASON	SUPERVISORY SENIOR INFORMATION TECHNOLOGY OFFICER.
GILBERT, CURTIS	DEPUTY ASSISTANT DIRECTOR, ENFORCEMENT PROGRAM AND SERVICES.
VANDERPLOW, PAUL	CHIEF, SPECIAL OPERATIONS DIVISION.
BOARD JR., DANIEL	ASSISTANT DIRECTOR, OFFICE OF PUBLIC AND GOVERNMENTAL AFFAIRS.
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BRADY, KELLY	DEPUTY ASSISTANT DIRECTOR, HUMAN RESOURCES AND PROFESSIONAL DEVELOPMENT.
BOYKIN, LISA	DEPUTY ASSISTANT DIRECTOR, HUMAN RESOURCES AND PROFESSIONAL DEVELOPMENT (HUMAN RESOURCES).
CROKE, KENNETH	ASSISTANT DIRECTOR, HUMAN RESOURCES AND PROFESSIONAL DEVELOPMENT.
VIDOLI, MARINO	ASSISTANT DIRECTOR, FIELD OPERATIONS.
GOLD, VICTORIA	DEPUTY ASSISTANT DIRECTOR, IT/DEPUTY CIO.
UNDERWOOD, JOHN	SPECIAL AGENT IN CHARGE, NATIONAL CENTER FOR EXPLOSIVES TRAINING AND RESEARCH (NCETR).
PERALTA, ARTHUR	SPECIAL AGENT IN CHARGE, ATLANTA.

2018 FEDERAL REGISTER—Continued

Name	Position title
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DIXIE, WAYNE	SPECIAL AGENT IN CHARGE, CHARLOTTE.
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GROSS, BRADLEY T	ASSISTANT DIRECTOR, ADMINISTRATION DIVISION.
BURNS, LONERYL C	SENIOR DEPUTY ASSISTANT DIRECTOR, ADMINISTRATION DIVISION.
SCARANTINO, THOMAS J	SENIOR DEPUTY ASSISTANT DIRECTOR, CORRECTIONAL PROGRAMS DIVISION.
AYERS, NANCY	CHIEF, OFFICE OF PUBLIC AFFAIRS.
KIZZIAH, GREGORY	WARDEN, USP, BIG SAND, KY.
GARRETT, JUDITH	ASSISTANT DIRECTOR, INFORMATION, POLICY AND PUBLIC AFFAIRS DIVISION.
THOMPSON, SONYA	SENIOR DEPUTY ASSISTANT DIRECTOR, INFORMATION, POLICY/PUBLIC AFFAIRS DIVISION.
SCHULT, DEBORAH G	ASSISTANT DIRECTOR, HEALTH SERVICES DIVISION.
HYLE, KENNETH	ASSISTANT DIRECTOR, OFFICE OF GENERAL COUNSEL.
KENDALL, PAUL F	SENIOR COUNSEL, OFFICE OF GENERAL COUNSEL.
RODGERS, RONALD L	SENIOR COUNSEL, OFFICE OF GENERAL COUNSEL.
WILLS, JAMES C	SENIOR DEPUTY COUNSEL, OFFICE OF GENERAL COUNSEL.
BROWN JR., ROBERT M	SENIOR DEPUTY DIRECTOR, NATIONAL INSTITUTE OF CORRECTIONS.
HURWITZ, HUGH J	ASSISTANT DIRECTOR, RE-ENTRY SERVICES DIVISION.
DUNBAR, ANGELA P	REGIONAL DIRECTOR, MIDDLE ATLANTIC REGION.
QUINTANA, FRANCISCO J	WARDEN, FMC, LEXINGTON, KY.
BARNHART, JONATHAN	WARDEN FCI, MANCHESTER, KY.
ORMOND, JOHNATHAN R	WARDEN, USP, MCCREARY, KY.
STEWART, TIMOTHY S	WARDEN, FCI, CUMBERLAND, MD.
HOLLAND, JAMES C	COMPLEX WARDEN—FMC, FCC, BUTNER, NC.
LAYER, PAUL M.	SENIOR DEPUTY ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION.
RASKIN, MINA	SENIOR DEPUTY ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION.
FINLEY, SCOTT	SENIOR DEPUTY ASSISTANT DIRECTOR, RE-ENTRY SERVICES DIVISION.
SAAD, JENNIFER S	WARDEN, FCI, GILMER, WV.
YOUNG, DAVID L	WARDEN, FCI, BECKLEY, WV.
COAKLEY, JOSEPH D	WARDEN, USP, HAZELTON, WV.
REVELL, SARA M	REGIONAL DIRECTOR, NORTH CENTRAL REGION.
WERLICH, THOMAS	WARDEN, FCI, GREENVILLE, IL.
KALLIS, STEVEN	WARDEN, FCI, PEKIN, IL.
HUDSON JR., DONALD J	WARDEN, FCI, THOMSON, IL.
KRUEGER, JEFFREY	COMPLEX WARDEN—USP, FCC, TERRE HAUTE, IN.
ENGLISH, NICOLE	WARDEN, USP, LEAVENWORTH, KS.
PAUL, DAVID	WARDEN, FMC, ROCHESTER, MN.
SMITH, MICHAEL D	WARDEN USMCFP, SPRINGFIELD, MO.
CARVAJAL, MICHAEL D	REGIONAL DIRECTOR, NORTHEAST REGION.
VON BLANCHENSEE, BAR	WARDEN, FCI, OTISVILLE, NY.
YOUNG, WILLIAM S	WARDEN, FCI, FAIRTON, NJ.
ORTIZ, DAVID	WARDEN, FCI, FORT DIX, NJ.
QUAY, HERMAN	WARDEN, MDC, BROOKLYN, NY.
BALTAZAR JR., JUAN	WARDEN, USP, CANAAN, PA.
EBBERT, DAVID W	WARDEN USP, LEWISBURG, PA.
CARAWAY, JOHN	REGIONAL DIRECTOR, SOUTH CENTRAL REGION.
CHEATHAM, ROY	REGIONAL DIRECTOR SOUTHEAST REGION.

2018 FEDERAL REGISTER—Continued

Name	Position title
BEASLEY, GENE	COMPLEX WARDEN, FCC, FOREST CITY, AR.
FOX, JOHN B	WARDEN, FTC, OKLAHOMA CITY, OK.
UPTON, JODY R	WARDEN, FMC, CARSWELL, TX.
WILSON, ERIC D	WARDEN, FCI, FORT WORTH, TX.
LOCKETT, CHARLES L	WARDEN—USP, COLEMAN 1, COLEMAN, FL.
WITHERS, SHANNON	WARDEN, FCI, MARIANNA, FL.
RAMIREZ, GIOVANNI	WARDEN, FDC, MIAMI, FL.
HARMON, DARRIN	WARDEN, USP, ATLANTA, GA.
EDGE, DEREK	WARDEN, FCI, JESUP, GA.
MARTIN, MARK S	COMPLEX WARDEN, FCC, YAZOO CITY, MS.
BRAGG, M. TRAVIS	WARDEN, FCI, BENNETTSVILLE, SC.
MOSLEY, BONITA S	WARDEN, FCI, EDGEFIELD, SC.
ANTONELLI, BRYAN	WARDEN, FCI, WILLIAMSBURG, SC.
ADAN, ANGEL	WARDEN, MDC, GUAYNABO, PUERTO RICO.
MITCHELL, MARY M	REGIONAL DIRECTOR, WESTERN REGION.
LOTHROP, WILLIAMS	WARDEN, FCI, PHOENIX, AZ.
BALTAZAR JR., JUAN	COMPLEX WARDEN—USP, FCC, TUSCON, AZ.
MILUSNIC, LOUIS J	WARDEN, MDC, LOS ANGELES, CA.
SHINN, DAVID C	COMPLEX WARDEN, FCC, VICTORVILLE, CA.
LAKE, STEVEN T	WARDEN, USP, ATWATER, CA.
PLUMLEY, BRUCE	WARDEN, FCI, MENDOTA, CA.
SALAZAR, JOSIAS	WARDEN FCI, SHERIDAN, OR.
BRECKON, MICHAEL	CORRECTNL INST ADMR.
JOHNSON, CALVIN	COMPLEX WARDEN.
KELLER, JEFFREY A	CORRECTIONAL PROGRAM OFFICER.
KIERNAN, SHEILA F	CORRECTIONAL PROGRAM OFFICER.
MATEVOUSIAN, ANDRE	COMPLEX WARDEN.
N DIAYE, LAMINE	CORRECTNL INST ADMR.
PAUL, CHARLES D	CORRECTNL INST ADMR.
QUINTANA, FRANCISCO J	CORRECTNL INST ADMR.
ROMERO, BILLY	CORRECTNL INST ADMR.
STANCIL, MOSES A	CORRECTNL INST ADMR.
TRUE, WILLIAM PAGE	CORRECTNL INST ADMR.
Civil Division—CIV	
READLER, CHAD	PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL.
YAVELBERG, JAMIE ANN	DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH.
MAO, ANDY	DEPUTY DIRECTOR, FRAUD SECTION.
FLENTJE, AUGUST	SPECIAL COUNSEL TO THE ASSISTANT ATTORNEY GENERAL.
LANGSAM, STEPANIE	INTERIM ADMINISTRATOR FOR FUNDS, OFFICE OF THE SPECIAL MASTER FOR THE SEPTEMBER 11 VICTIM COMPENSATION FUND.
GRIFFITHS, JOHN R	BRANCH DIRECTOR, FEDERAL PROGRAMS.
COPPOLINO, ANTHONY J	DEPUTY BRANCH DIRECTOR.
DAVIDSON, JEANNE E	DIRECTOR, OFFICE OF FOREIGN LITIGATION.
KIRSCHMAN JR., ROBERT E	DIRECTOR, COMMERCIAL LITIGATION BRANCH.
BENSON, BARRY F	DIRECTOR, AVIATION AND ADMIRALTY SECTION.
BHATTACHARYA, RUPA	SPECIAL MASTER FOR THE SEPTEMBER 11 VICTIM COMPENSATION FUND (DUAL).
REEVES, CATHERINE	DEPUTY DIRECTOR, TORTS/CSTL-VACCINE.
GLYNN, JOHN PATRICK	DIRECTOR, ENVIRONMENTAL TORT LITIGATION SECTION.
EMERSON, CATHERINE V	EXECUTIVE OFFICER.
PEACHEY, WILLIAM C	DIRECTOR, OFFICE OF IMMIGRATION LITIGATION, DISTRICT COURT.
WARD, THOMAS	DEPUTY ASSISTANT ATTORNEY GENERAL (TORTS).
GRANSTON, MICHAEL D	DEPUTY CIVIL FRAUD.
MANHARDT, KIRK	DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH.
DINTZER, KENNETH	DEPUTY DIRECTOR, NATIONAL COURTS.
YAVELBERG, JAMIE ANN	DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH.
HAUSKEN, GARY L	DEPUTY DIRECTOR, INTELLECTUAL PROPERTY.
BOLDEN, SCOTT	DEPUTY DIRECTOR, INTELLECTUAL PROPERTY.
STEGER, JEFFREY	SENIOR LEVEL TRIAL ATTORNEY, CONSUMER LITIGATION.
GOLDBERG, RICHARD	SENIOR LEVEL TRIAL ATTORNEY, CONSUMER LITIGATION.
SHAPIRO, ELIZABETH J	DEPUTY BRANCH DIRECTOR.
COLLETTE, MATTHEW	DEPUTY DIRECTOR, APPELLATE STAFF.
HOCKEY, MARTIN	DEPUTY DIRECTOR, NATIONAL COURTS COMMERCIAL LITIGATION BRANCH.
FREEMAN, MARK	DIRECTOR, APPELLATE STAFF.
RAAB, MICHAEL	APPELLATE LITIGATION COUNSEL.
STERN, MARK B	APPELLATE LITIGATION COUNSEL.
TOUHEY, JR., JAMES G	DIRECTOR, FEDERAL TORT CLAIMS ACT SECTION.
ANDERSON, DANIEL R	DEPUTY BRANCH DIRECTOR, CIVIL FRAUD.
EINERSON, ROGER	SENIOR LEVEL TRIAL ATTORNEY.
MOLINA, JR., ERNESTO	DEPUTY DIRECTOR, OFFICE OF IMMIGRATION LITIGATION, APPELLATE SECTION.
MOOPPAN, HASHIM M	DEPUTY ASSISTANT ATTORNEY GENERAL (APPELLATE).

2018 FEDERAL REGISTER—Continued

Name	Position title
MARTIN, DANA	DEPUTY DIRECTOR, APPELLATE BRANCH.
MCCONNELL, DAVID M	DIRECTOR, OFFICE OF IMMIGRATION LITIGATION, APPELLATE SECTION.
MCINTOSH, SCOTT R	APPELLATE COUNSEL, ADVANCED TECHNOLOGY.
BROWN, WALTER W	SENIOR LEVEL TRIAL ATTORNEY, INTELLECTUAL PROPERTY.
CARNEY, CHRISTOPHER	SENIOR TRIAL ATTORNEY, NAT COURTS/COMMERCIAL LITIGATION BRANCH.
O'MALLEY, BARBARA B	SPECIAL LITIGATION COUNSEL, AVIATION AND ADMIRALTY SECTION.
RICKETTS, JENNIFER D	BRANCH DIRECTOR.
FURMAN, JILL	DEPUTY DIRECTOR, CONSUMER PROTECTION BRANCH.
SCHUMATE, BRETT	DEPUTY ASSISTANT ATTORNEY GENERAL (FEDERAL PROGRAMS).
KISOR, COLIN	SENIOR TRIAL ATTORNEY, DISTRICT COURT.
FREEMAN, MARK	SENIOR LEVEL APELLATE COUNSEL.
KEENER, DONALD	SENIOR LEVEL TRIAL ATTORNEY, APPELLATE.
D'ALESSIO, JR., C.S	DEPUTY DIRECTOR, CSTL.
QUINN, MICHAEL J	SENIOR LEVEL TRIAL ATTORNEY (CORP-FINANCIAL).
GILLIGAN, JAMES J	SPECIAL LITIGATION COUNSEL.
HARVEY, RUTH A	DIRECTOR, COMMERCIAL LITIGATION BRANCH, CORPORATE AND FINANCIAL LITIGATION.
LATOUR, MICHELLE	DEPUTY DIRECTOR, OFFICE OF IMMIGRATION LITIGATION, APPELLATE SECTION.
LIN, JEAN	SENIOR LEVEL TRIAL ATTORNEY, COMPLEX LITIGATION.
KANTER, ETHAN B	SENIOR LEVEL TRIAL ATTORNEY, NATIONAL SECURITY.
STEWART, SCOTT G.	DEPUTY ASSISTANT ATTORNEY GENERAL (IMMIGRATION LITIGATION).
Civil Rights Division—CRT	
GORE, JOHN	PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL..
MOOSSY, ROBERT J	DEPUTY ASSISTANT ATTORNEY GENERAL.
FITZGERALD, PAIGE	PRINCIPAL DEPUTY CHIEF, CRIMINAL SECTION.
KESSLER, TAMARA	CHIEF, FEDERAL COORDINATION AND COMPLIANCE SECTION.
SIMMONS, SHAHEENA	CHIEF, EDUCATIONAL OPPORTUNITIES SECTION.
FRIEL, GREGORY	DEPUTY ASSISTANT ATTORNEY GENERAL (APPELLATE, HOUSING & CIVIL ENFORCEMENT).
HOWE, SUSAN E	EXECUTIVE OFFICER.
TOOMEY, KATHLEEN	DIRECTOR OF OPERATIONAL MANAGEMENT.
GINSBURG, JESSICA A	COUNSEL TO THE ASSISTANT ATTORNEY GENERAL.
KENNEBREW, DELORA	CHIEF, EMPLOYMENT LITIGATION SECTION.
MAJEED, SAMEENA S	CHIEF, HOUSING AND CIVIL ENFORCEMENT SECTION.
SEWARD, JON	PRINCIPAL DEPUTY CHIEF, HOUSING AND CIVIL ENFORCEMENT SECTION.
HERREN JR., THOMAS C	CHIEF, VOTING SECTION.
WERTZ, REBECCA	PRINCIPAL DEPUTY CHIEF, VOTING SECTION.
BOND, REBECCA B	CHIEF, DISABILITY RIGHTS SECTION.
EMBREY, DIANA	CHIEF, EMPLOYMENT COUNSEL.
FORAN, SHEILA	SPECIAL LEGAL COUNSEL, DISABILITY RIGHTS SECTION.
BLUMBERG, MARK	SPECIAL LEGAL COUNSEL.
RUISANCHEZ, ALBERTO	DEPUTY SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES, OFFICE OF THE SPECIAL COUNSEL.
PRESTON, JUDITH L	PRINCIPAL DEPUTY CHIEF, SPECIAL LITIGATION SECTION.
RAISH, ANNE	PRINCIPAL DEPUTY CHIEF, DISABILITY RIGHTS SECTION.
WOODARD, KAREN	PRINCIPAL DEPUTY CHIEF, EMPLOYMENT LITIGATION SECTION.
ROSENBAUM, STEVEN H	CHIEF, SPECIAL LITIGATION SECTION.
THOMAS, LATHIKA MARY	SENIOR COUNSELOR.
LIVINGSTON, DONALD	DEPUTY ASSISTANT ATTORNEY GENERAL (DISABILITY RIGHTS).
Criminal Division—CRM	
SWARTZ, BRUCE CARLTON	DEPUTY ASSISTANT ATTORNEY GENERAL (INTERNATIONAL AFFAIRS).
AINSWORTH, PETER J	SENIOR COUNSEL, OFFICE OF OVERSEAS PROSECUTORIAL DEVELOPMENT ASSISTANCE AND TRAINING.
CARROLL, OVIE	DIRECTOR, CYBERCRIME LABORATORY, COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION..
RYBICKI, DAVID	DEPUTY ASSISTANT ATTORNEY GENERAL (HUMAN RIGHTS, ORGANIZED CRIME & GANG).
ALEXANDRE, CARL	COUNSELOR FOR TRANSNATIONAL ORGANIZED CRIME & INTL AFFAIRS.
ARY, VAUGHN	DIRECTOR, OFFICE OF INTERNATIONAL AFFAIRS.
HO-GONZALES, WILLIAM	DEPUTY DIRECTOR, OFFICE OF INTERNATIONAL AFFAIRS.
TOLEDO, RANDY	DEPUTY DIRECTOR, OFFICE OF INTERNATIONAL AFFAIRS.
CONNOR, DEBORAH L	DEPUTY CHIEF, MONEY LAUNDERING AND ASSET RECOVERY SECTION.
HARBIN, HARRY	SENIOR LEGAL COUNSEL OF MONEY LAUNDERING AND ASSET RECOVERY SECTION.
CARWILE, P. KEVIN	CHIEF, CAPITAL CASE UNIT.
DOWNING, RICHARD W	DEPUTY CHIEF, COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION.
EHRENSTAMM, FAYE	DIRECTOR, OFFICE OF OVERSEAS PROSECUTORIAL DEVELOPMENT, ASSISTANCE/TRAINING.
GROCKI, STEVEN J	CHIEF, CHILD EXPLOITATION AND OBSCENITY SECTION.
HODGE, JENNIFER A.H	DEPUTY DIRECTOR, OFFICE OF ENFORCEMENT OPERATIONS.
HULSER, RAYMOND N	CHIEF, PUBLIC INTEGRITY SECTION.
JAFFE, DAVID	DEPUTY CHIEF, ORGANIZED CRIME AND GANG SECTION.
JONES, JOSEPH M	SENIOR COUNSEL FOR INTERNATIONAL DEVELOPMENT AND TRAINING.

2018 FEDERAL REGISTER—Continued

Name	Position title
KING, DAMON A	DEPUTY CHIEF, CHILD EXPLOITATION AND OBSCENITY SECTION.
LYNCH JR., JOHN T	CHIEF, COMPUTER CRIME, AND INTELLECTUAL PROPERTY SECTION.
MCHENRY, TERESA L	CHIEF, HUMAN RIGHTS AND SPECIAL PROSECUTIONS SECTION.
MELTON, TRACY	EXECUTIVE OFFICER.
RODRIGUEZ, MARY D	DEPUTY DIRECTOR, OFFICE OF INTERNATIONAL AFFAIRS.
ROSENBAUM, ELI M	DIRECTOR, HUMAN RIGHTS ENFORCEMENT STRATEGY AND POLICY.
STEMLER, PATTY MERKAMP	CHIEF, APPELLATE SECTION.
TIROL, ANNALOU	DEPUTY CHIEF, PUBLIC INTEGRITY SECTION.
WEISSMANN, ANDREW	CHIEF, FRAUD SECTION.
MOSER, SANDRA	DEPUTY CHIEF, FRAUD SETION.
WROBLEWSKI, JONATHAN J	DIRECTOR, OFFICE OF POLICY AND LEGISLATION.
WYATT, ARTHUR G	CHIEF, NARCOTIC AND DANGEROUS DRUG SECTION.
WYDERKO, JOSEPH	DEPUTY CHIEF, APPELLATE SECTION.
CRONAN, JOHN	PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL.
MINER, MATTHEW	DEPUTY ASSISTANT ATTORNEY GENERAL (FRAUD AND APPELLATE).
STIGLITZ, MATTHEW	DEPUTY DIRECTOR, HUMAN RIGHTS ENFORCEMENT STRATEGY AND POLICY.
OHR, BRUCE	SENIOR COUNSEL FOR INTERNATIONAL AFFAIRS.
HARRIS, KENNETH	SENIOR JUSTICE FOR THE EUROPEAN UNION AND INTERNATIONAL CRIMINAL MATTERS.
BRYDEN, ROBERT J.	DEPUTY DIRECTOR, OFFICE OF ENFORCEMENT OPERATIONS.
Environmental and Natural Resources Division—ENRD	
WOOD, JEFF	PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL..
WILLIAMS, JEAN E	DEPUTY ASSISTANT ATTORNEY GENERAL (ENVIRONENTAL CRIMES AND WILDLIFE AND MARINE RESOURCES SECTIONS).
GELBER, BRUCE S	DEPUTY ASSISTANT ATTORNEY GENERAL.
ALEXANDER, S. CRAIG	CHIEF, INDIAN RESOURCES SECTION.
BARSKY, SETH	CHIEF, WILDLIFE AND MARINE RESOURCES.
COLLIER, ANDREW	EXECUTIVE OFFICER.
DOUGLAS, NATHANIEL	DEPUTY SECTION CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION.
FERGUSON, CYNTHIA	SENIOR LITIGATOR, ENVIRONMENTAL JUSTICE.
GETTE, JAMES	DEPUTY CHIEF, NATURAL RESOURCES SECTION.
GOLDFRANK, ANDREW M	CHIEF, LAND ACQUISITION SECTION.
GRANT, ERIC	DEPUTY ASSISTANT ATTORNEY GENERAL.
GRISHAW, LETITIA J	CHIEF, ENVIRONMENTAL DEFENSE SECTION.
HARRIS, DEBORAH	CHIEF, ENVIRONMENTAL CRIMES SECTION.
HOANG, ANTHONY P	SENIOR LITIGATION COUNSEL, NATURAL RESOURCES.
KILBOURNE, JAMES C	CHIEF, APPELLATE SECTION.
MAHAN, ELLEN M	DEPUTY CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION.
MARIANI, THOMAS	CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION.
DWORKIN, KAREN	DEPUTY CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION.
MERGEN, ANDREW	DEPUTY CHIEF, APPELLATE SECTION.
PASSARELLI, EDWARD	DEPUTY CHIEF, NATURAL RESOURCES SECTION.
POUX, JOSEPH	DEPUTY CHIEF, ENVIRONMENTAL CRIMES SECTION.
RUSSELL, LISA L.	CHIEF, NATURAL RESOURCES SECTION.
HIMMELCHOCH, SARAH	SENIOR ATTORNEY FOR E-DISCOVERY COORDINATOR.
BRIGHTBILL, JONATHAN	DEPUTY ASSISTANT ATTORNEY GENERAL.
SINGER, FRANK	SENIOR LITIGATION COUNSEL.
STEWART, HOWARD P	SENIOR LITIGATION COUNSEL.
TENENBAUM, ALAN S	SENIOR LITIGATION COUNSEL, ENVIORNMENTAL ENFORCEMENT.
VADEN, CHRISTOPHER S	DEPUTY CHIEF, ENVIRONMENTAL DEFENSE SECTION.
WARDZINSKI, KAREN M	CHIEF, LAW AND POLICY SECTION.
Executive Office for Immigration Review—EOIR	
MCHENRY III, JAMES R	DIRECTOR.
REILLY, KATHERINE	DEPUTY DIRECTOR.
SANTORO, CHRISTOPHER	DEPUTY CHIEF IMMIGRATION JUDGE.
WARD, LISA	ASSISTANT DIRECTOR FOR ADMINISTRATION.
SO, EDWARD	CHIEF INFORMATION OFFICER.
ADKINS-BLANCH, CHARLES K	VICE CHAIRMAN, BOARD OF IMMIGRATION APPEALS.
CLARK, MOLLY K	ATTORNEY EXAMINER.
COLE, PATRICIA A	ATTORNEY EXAMINER.
CREPPY, MICHAEL	ATTORNEY EXAMINER.
MANN, ANA	ATTORNEY EXAMINER.
GRANT, EDWARD R	ATTORNEY EXAMINER.
GREER, ANNE J	ATTORNEY EXAMINER.
GUENDELSBERGER, JOHN W	ATTORNEY EXAMINER.
KELLER, MARY BETH	CHIEF IMMIGRATION JUDGE.
KING, JEAN	GENERAL COUNSEL.
LIEBOWITZ, ELLEN	ATTORNEY EXAMINER.
KELLY, EDWARD	ATTORNEY EXAMINER.

2018 FEDERAL REGISTER—Continued

Name	Position title
MALPHRUS, GARRY D	ATTORNEY EXAMINER.
MULLANE, HUGH G	ATTORNEY EXAMINER.
NEAL, DAVID	CHAIRMAN, BOARD OF IMMIGRATION APPEALS.
O'CONNOR, BLAIR	ATTORNEY EXAMINER.
PAULEY, ROGER ANDREW	ATTORNEY EXAMINER.
STUTMAN, ROBIN M	CHIEF ADMINISTRATIVE HEARING OFFICER.
WENDTLAND, LINDA S	ATTORNEY EXAMINER.
REID, LAUREN	ASSISTANT DIRECTOR FOR POLICY.
Executive Office for Organized Crime Drug Enforcement Task Forces—OCDETF	
PADDEN, THOMAS W	DEPUTY DIRECTOR, OCDETF.
Executive Office for U.S. Attorneys—EOUSA	
CROWELL, JAMES	DIRECTOR.
BELL, SUZANNE L	DEPUTY DIRECTOR.
PELLETIER, JONATHAN	CHIEF FINANCIAL OFFICER.
FLESHMAN, JAMES MARK	CHIEF INFORMATION OFFICER.
CHANDLER, CAMERON G	ASSOCIATE DIRECTOR, OFFICE OF LEGAL EDUCATION.
FLINN, SHAWN	CHIEF HUMAN RESOURCES OFFICER.
MACKLIN, JAMES	GENERAL COUNSEL.
SMITH, DAVID L	COUNSEL FOR LEGAL INITIATIVES.
WONG, NORMAN Y	DEPUTY DIRECTOR AND COUNSEL TO THE DIRECTOR.
Executive Office for U.S. Trustees—EOUST	
WHITE III, CLIFFORD J	DIRECTOR.
ELLIOTT, RAMONA D	DEPUTY DIRECTOR, GENERAL COUNSEL.
Justice Management Division—JMD	
LOFTHUS, LEE J	ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION..
ALLEN, MICHAEL H	DEPUTY ASSISTANT ATTORNEY GENERAL FOR POLICY, MANAGEMENT, AND PLANNING.
LAURIA, JOLENE A	DEPUTY ASSISTANT ATTORNEY GENERAL/CONTROLLER.
KLIMAVICZ, JOSEPH	DEPUTY ASSISTANT ATTORNEY GENERAL FOR INFORMATION RESOURCES MANAGEMENT AND CHIEF INFORMATION OFFICER.
WILKINSON, ROBERT M	SENIOR COUNSELOR.
LAMARY, MARY	DIRECTOR, HUMAN RESOURCES.
GARY, ARTHUR	GENERAL COUNSEL.
SHAW, CYNTHIA	DIRECTOR, DEPARTMENTAL ETHICS OFFICE.
SELWESKI, MARK L	DIRECTOR, PROCUREMENT SERVICES STAFF.
ALVAREZ, CHRISTOPHER C	DIRECTOR, FINANCE STAFF.
FRONE, JAMILA	DIRECTOR, OFFICE OF ATTORNEY RECRUITMENT AND MANAGEMENT.
DUNLAP, JAMES L	DIRECTOR, SECURITY AND EMERGENCY PLANNING STAFF.
SNELL, ROBERT	DIRECTOR, FACILITIES AND ADMINISTRATIVE SERVICES STAFF.
FELDT, DENNIS G	DIRECTOR, LIBRARY STAFF.
DAUPHIN, DENNIS E	DIRECTOR, DEBT COLLECTION MANAGEMENT STAFF.
ARNOLD, KENNETH	DIRECTOR, ASSET FORFEITURE MANAGEMENT STAFF.
PULLEN, JEFFREY	SENIOR ADVISOR FOR FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY.
FUNSTON, ROBIN S	DIRECTOR, STRATEGIC PLANNING AND PERFORMANCE.
ATTUCKS, MARK	DEPUTY DIRECTOR, BUDGET STAFF, OPERATIONS AND FUNDS CONTROL.
KLEPPINGER, ERIC D	DEPUTY DIRECTOR, BUDGET STAFF, PROGRAMS AND PERFORMANCE.
ROGERS, MELINDA	DEPUTY CHIEF INFORMATION OFFICER.
MACKERT, TODD	DEPUTY STAFF DIRECTOR, CYBER SECURITY SERVICES STAFF.
BEWTRA, ANEET K	CHIEF TECHNOLOGY OFFICER.
TOSCANO JR., RICHARD A	DIRECTOR, EQUAL EMPLOYMENT OPPORTUNITY STAFF.
MCCONKEY, MILTON	SENIOR ADVISOR.
COOK, TERENCE L	SENIOR ADVISOR.
ROPER, MATTHEW	DEPUTY DIRECTOR (AUDITING), FINANCE STAFF.
CONNELLY, ROBERT L	DIRECTOR, OFFICE OF THE SMALL DISADVANTAGED BUSINESS UTILIZATION.
FORE, TODD A	DEPUTY DIRECTOR, HUMAN RESOURCES.
MCINTRYRE, PATRICK	DEPUTY DIRECTOR, SERVICE DELIVERY STAFF.
SMITH, RICHARD	CONSOLIDATED DEBT COLLECTION SYSTEM.
National Security Division—NSD	
BURNS, DAVID	PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL.
HICKEY, ADAM	DEPUTY ASSISTANT ATTORNEY GENERAL.
ANDREWS, KELLI	CHIEF OF STAFF AND COUNSELOR.
WIEGMANN, JOHN B	DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE OF LAW AND POLICY.
TOSCAS, GEORGE Z	DEPUTY ASSISTANT ATTORNEY GENERAL, COUNTERESPIONAGE—COUNTERTERRORISM.
JAYARAM, SANCHITHA	CHIEF, FOREIGN INVESTMENT REVIEW STAFF.

2018 FEDERAL REGISTER—Continued

Name	Position title
DUNNE, STEVEN M	CHIEF, APPELLATE UNIT.
EVANS, STUART	DEPUTY ASSISTANT ATTORNEY GENERAL, FOREIGN INTELLIGENCE SURVEILLANCE ACT, OPERATIONS AND INTELLIGENCE OVERSIGHT.
JENKINS, MARK A	EXECUTIVE OFFICER.
KEEGAN, MICHAEL	DEPUTY CHIEF, COUNTERTERRORISM SECTION.
KENNEDY, J. LIONEL	SPECIAL COUNSEL FOR NATIONAL SECURITY.
MULLANEY, MICHAEL J	CHIEF, COUNTERTERRORISM SECTION.
O'CONNOR, KEVIN	CHIEF, OVERSIGHT SECTION.
SANZ-REXACH, GABRIEL	CHIEF, OPERATIONS SECTION.
HARDEE, CHRISTOPHER	CHIEF, POLICY—OFFICE OF LAW AND POLICY.
PALMER, DAVID	SENIOR COUNSELOR TO THE ASSISTANT ATTORNEY GENERAL.
Office of Community Oriented Policing Services—COPS	
KEITH, PHILLIP	DIRECTOR.
WASHINGTON, RUSSELL C	PRINCIPAL DEPUTY DIRECTOR.
BROWN-CUTLAR, SHANETTA	SENIOR ADVISOR TO THE DIRECTOR.
Office of Information Policy—OIP	
PUSTAY, MELANIE ANN	DIRECTOR.
Office of the Inspector General—OIG	
BLIER, WILLIAM M	DEPUTY INSPECTOR GENERAL.
MALMSTROM, JASON R	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
LEE, RENE	SENIOR COUNSEL TO THE INSPECTOR GENERAL.
O'NEILL, MICHAEL SEAN	ASSISTANT INSPECTOR GENERAL FOR OVERSIGHT AND REVIEW.
PELLETIER, NINA S	ASSISTANT INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS.
HAYES, MARK L	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT.
JOHNSON, ERIC A	ASSISTANT INSPECTOR GENERAL INVESTIGATIONS.
CHAWAGA, MARGARET	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
PETERS, GREGORY T	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND PLANNING.
LOWELL, CYNTHIA	DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND PLANNING.
MITZELFELD, JAMES A	SENIOR COUNSEL TO THE AIG/INV RATON, MITCH CHIEF INNOVATION OFFICER.
SUMNER, PATRICIA	SENIOR COUNSEL TO THE ASSISTANT INSPECTOR GENERAL FOR OVERSIGHT AND REVIEW.
LAVINSKY, JOHN	SENIOR COUNSEL TO THE INSPECTOR GENERAL.
Office of Justice Programs—OJP	
HENNEBERG, MAUREEN A	DEPUTY ASSISTANT ATTORNEY GENERAL, OPERATIONS MANAGEMENT.
GARRY, EILEEN M	DEPUTY DIRECTOR FOR PLANNING, BUREAU OF JUSTICE ASSISTANCE.
TRAUTMAN, TRACEY	DEPUTY DIRECTOR FOR PROGRAMS, BUREAU OF JUSTICE ASSISTANCE.
FEUCHT, THOMAS E	EXECUTIVE SCIENCE ADVISOR, NATIONAL INSTITUTE OF JUSTICE.
SPIVAK, HOWARD	PRINCIPAL DEPUTY DIRECTOR, NATIONAL INSTITUTE OF JUSTICE.
MARTIN, RALPH	DIRECTOR, OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.
MERKLE, PHILIP	DIRECTOR, OFFICE OF ADMINISTRATION.
MADAN, RAFAEL A	GENERAL COUNSEL.
MAHONEY, KRISTEN	DEPUTY DIRECTOR, POLICY MANAGEMENT, BUREAU OF JUSTICE ASSISTANCE.
ROBERTS, MARILYN M.	DEPUTY DIRECTOR, OFFICE FOR VICTIMS OF CRIME.
MULROW, JERI	DIRECTOR, BUREAU OF JUSTICE STATISTICS.
MCGRATH, BRIAN	CHIEF INFORMATION OFFICER.
BENDA, BONNIE LEIGH	CHIEF FINANCIAL OFFICER.
ATSATT, MARILYNN B	DEPUTY CHIEF FINANCIAL OFFICER.
BECK, ALLEN J	SENIOR STATISTICIAN.
DARDEN, SILAS	DIRECTOR, OFFICE OF COMMUNICATIONS.
JONES, CHYRL	DEPUTY ADMINISTRATOR FOR PROGRAMS, OJJDP.
Office of Legal Counsel—OLC	
GANNON, CURTIS	PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL OF LEGAL COUNSEL.
KOFFSKY, DANIEL L	DEPUTY ASSISTANT ATTORNEY GENERAL.
WHITAKER, HENRY	DEPUTY ASSISTANT ATTORNEY GENERAL.
HARDY, LIAM	DEPUTY ASSISTANT ATTORNEY GENERAL.
HARRIS, SARAH	DEPUTY ASSISTANT ATTORNEY GENERAL.
COLBORN, PAUL P	SPECIAL COUNSEL.
HART, ROSEMARY A	SPECIAL COUNSEL.
SINGDAHLSEN, JEFFREY P	SENIOR COUNSEL.
STEWART, SCOTT	COUNSEL Office of Legal Policy—OLP.
TALLEY, BRETT	SENIOR COUNSELOR.
JONES, KEVIN ROBERT	DEPUTY ASSISTANT ATTORNEY GENERAL.
THIEMANN, ROBYN L	DEPUTY ASSISTANT ATTORNEY GENERAL.
RUBINSTEIN, REED	SENIOR COUNSELOR.

2018 FEDERAL REGISTER—Continued

Name	Position title
FRAGOSO, MICHAEL	DEPUTY ASSISTANT ATTORNEY GENERAL.
DHILLON, UTTAM A	SENIOR COUNSELOR.
KARP, DAVID J	SENIOR COUNSEL.
EDLOW, JOSEPH	SENIOR COUNSELOR.
CHAMPOUX, MARK	PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL.
Office of Legislative Affairs—OLA	
HANKEY, MARY BLANCHE	CHIEF OF STAFF AND ATTORNEY ADVISOR..
ESCALONA, PRIM	PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL.
RAMER, SAMUEL	SENIOR COUNSEL.
LASSETER, DAVID	DEPUTY ASSISTANT ATTORNEY GENERAL.
TYSON, JILL	DEPUTY ASSISTANT ATTORNEY GENERAL.
Office of Professional Responsibility—OPR	
ASHTON, ROBIN	SENIOR COUNSELOR.
RAGSDALE, JEFFREY	DEPUTY COUNSEL ON PROFESSIONAL RESPONSIBILITY.
BIRNEY, WILLIAM	SENIOR ASSOCIATE COUNSEL.
MCCARTY, MARGARET	SENIOR ASSOCIATE COUNSEL.
Office of Public Affairs—PAO	
ISGUR FLORES, SARAH	DIRECTOR
Office of Tribal Justice—OTJ	
TOULOU, TRACY S	DIRECTOR, OFFICE OF TRIBAL JUSTICE.
Professional Responsibility Advisory Office—PRAO	
LUDWIG, STACY	DIRECTOR.
Tax Division—TAX	
HUBBERT, DAVID A	DEPUTY ASSISTANT ATTORNEY GENERAL.
BRUFFY, ROBERT	EXECUTIVE OFFICER.
BALLWEG, MITCHELL	COUNSELOR TO THE DEPUTY ASSISTANT ATTORNEY GENERAL FOR STRATEGIC TAX ENFORCEMENT.
WSZALEK, LARRY	CHIEF, CRIMINAL ENFORCEMENT SECTION, WESTERN REGION.
DALY, MARK	SENIOR TRIAL ATTORNEY.
DAVIS, NANETTE	SENIOR TRIAL ATTORNEY.
DONOHUE, DENNIS M	SENIOR LITIGATION COUNSEL.
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GOLDBERG, STUART	SENIOR COUNSELOR TO THE ASSISTANT ATTORNEY GENERAL.
HAGLEY, JUDITH	SENIOR TRIAL ATTORNEY.
IHLO, JENNIFER	SENIOR TRIAL ATTORNEY.
CLARKE, RUSSELL SCOTT	CHIEF, CIVIL TRIAL SECTION, CENTRAL REGION.
JOHNSON, CORY	SENIOR TRIAL ATTORNEY.
KEARNS, MICHAEL J	CHIEF, CIVIL TRIAL SECTION, SOUTHERN REGION.
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MELAND, DEBORAH	CHIEF, CIVIL TRIAL SECTION EASTERN REGION.
REID, ANN C	CHIEF, OFFICE OF REVIEW.
PAGUNI, ROSEMARY E	CHIEF, CRIMINAL ENFORCEMENT SECTION, NORTHERN REGION.
ROTHENBERG, GILBERT S	CHIEF, APPELLATE SECTION.
CLARK, THOMAS J	DEPUTY CHIEF, APPELLATE SECTION.
LYONS, ROBERT	CHIEF, CRIMINAL APPEALS AND TAX ENFORCEMENT POLICY SECTION.
SAWYER, THOMAS	SENIOR TRIAL ATTORNEY.
SERGI, JOSEPH A	SENIOR TRIAL ATTORNEY.
SHATZ, EILEEN M	SPECIAL LITIGATION COUNSEL.
SMITH, COREY J	SENIOR TRIAL ATTORNEY.
STEHLIK, NOREENE C	SENIOR TRIAL ATTORNEY.
SULLIVAN, JOHN	SENIOR TRIAL ATTORNEY.
WEAVER, JAMES E	SENIOR TRIAL ATTORNEY.
WARD, RICHARD	CHIEF, CIVIL TRIAL SECTION WESTERN REGION.
ZUCKERMAN, RICHARD	DEPUTY ASSISTANT ATTORNEY GENERAL.
GREAVES, TRAVIS	DEPUTY ASSISTANT ATTORNEY GENERAL.
U.S. Marshals Service—USMS	
AUERBACH, GERALD	GENERAL COUNSEL..
BROWN, SHANNON B	ASSISTANT DIRECTOR, JPATS.

2018 FEDERAL REGISTER—Continued

Name	Position title
MOHAN, KATHERINE T	ASSISTANT DIRECTOR, HUMAN RESOURCES.
DRISCOLL, DERRICK	ASSOCIATE DIRECTOR, OPERATIONS.
MATHIAS, KARL	ASSISTANT DIRECTOR FOR INFORMATION TECHNOLOGY.
BOLEN, JOHN	ASSISTANT DIRECTOR, JUDICIAL SECURITY.
VIRTUE, TIMOTHY	ASSISTANT DIRECTOR, ASSET FORFEITURE.
HACKMASTER, NELSON	ASSISTANT DIRECTOR, PRISONER OPERATIONS.
DICKINSON, LISA	ATTORNEY ADVISOR.
O'BRIEN-ROGAN, CAROLE	PROCUREMENT EXECUTIVE, FINANCIAL SERVICES.
O'BRIEN, HOLLEY	CHIEF FINANCIAL OFFICER, FINANCIAL SERVICES.
O'HEARN, DONALD	ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
ANDERSON, DAVID	ASSISTANT DIRECTOR, TRAINING.
TYLER, JEFFREY	ASSISTANT DIRECTOR, INVESTIGATIVE OPERATIONS.
HICKMAN, KATE	ASSISTANT DIRECTOR, MANAGEMENT SUPPORT.
ROBINSON, ROBERTO	ASSISTANT DIRECTOR, TACTICAL OPERATIONS.
BRUNER, JARROD	SUPERVISORY IT PROGRAM MANAGER.
Community Relations Service—CRS	
RATIFF, GERRI	DEPUTY DIRECTOR.
Rule of Law Office—ROL	
FEATHERSTON, BRITTIAN	JUSTICE ATTACHE, AFGHANISTAN.
BASSETT, SPENCER	JUSTICE ATTACHE, BAGHDAD.

[FR Doc. 2018–23337 Filed 10–24–18; 8:45 am]

BILLING CODE 4410–CH–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Proposed Revision of a Currently Approved Collection; Request for Comments; H–2A Temporary Agricultural Labor Certification Program Forms (OMB Control Number 1205–0466)

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice and request for comment.

SUMMARY: The Department of Labor (DOL), as part of its effort to streamline information collection, clarify statutory and regulatory requirements, and provide greater oversight in the H–2A labor certification program, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA). This program helps ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

In accordance with the PRA, ETA, within DOL, is providing the public notice and opportunity to comment on proposed revisions to the application Form ETA–9142A, *H–2A Application for Temporary Employment Certification;* Form ETA–9142A, *Appendix A*; and the general instructions to those forms. ETA is also seeking public comment on a proposal to eliminate the issuance of paper-based labor certification decisions through the creation of a one-page Form ETA–9142A, *Final Determination: H–2A Temporary Labor Certification Approval,* which will be issued electronically to employers granted temporary labor certification by DOL.

Lastly, ETA is also seeking public comment on a proposal to implement a revised agricultural clearance order that will be integrated with the Form ETA–9142A. The proposed Form ETA–790/790A, *H–2A Agricultural Clearance Order,* and addenda, provide language to employers to disclose necessary information including, but not limited to, the following: (1) The type of agricultural services or labor needed, number of workers, duration of employment, and minimum qualifications or requirements of the job; (2) the place(s) where work will be performed and the wage rate(s) that will be offered, advertised, and paid to workers in each crop or agricultural activity, as well as any other conditions or deductions from pay not required by law; (3) basic information regarding the geographic location, type, capacity, and applicable standards of the housing for workers; and (4) other required disclosures concerning the provision of meals, transportation and daily subsistence, referral and hiring instructions, and any other material terms and conditions of the job offer. The proposed Form ETA–790/790A will be submitted to the State Workforce Agency (SWA) for review and in advance of filing Form ETA–9142A. A copy of Form ETA–790/790A will then be attached by the employer at the time of filing Form ETA–9142A. The information collected on the ETA–790/790A is used to determine whether the material terms and conditions of employment do not adversely affect similarly employed U.S. workers and, if approved, facilitate the recruitment of U.S. workers through the intrastate and interstate job clearance systems of the SWA. This proposal will consolidate information collected through the agricultural clearance order Form ETA–790, which is currently authorized under OMB Control Number 1205–0134, into the agency's primary H–2A information collection requirements under OMB Control Number 1205–0466. This consolidation and revision will align all data collection for the H–2A program under a single OMB approved information collection request (ICR).

The information collection for each existing form was approved on June 3, 2016 and expires May 31, 2019. A copy of the proposed ICR can be obtained by contacting the office listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the

addresses section below on or before December 24, 2018.

ADDRESSES: Written comments may be submitted by the following methods:

- *Email (encouraged): ETA.OFLC.Forms@dol.gov*.
- *Mail:* William W. Thompson II, Administrator, Office of Foreign Labor Certification, Box PPII 12–200, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.
- *Fax:* 202–513–7395.

Instructions: Comments that are related to a specific form or a specific form's instructions should identify the form or form's instructions using the form number, *e.g.,* ETA–9142A or Form ETA–790/790A, and should identify the particular area of the form for comment. A copy of the proposed ICR can be obtained by accessing the Office of Foreign Labor Certification's website at *www.foreignlaborcert.doleta.gov* or by contacting the Office of Foreign Labor Certification as listed above.

FOR FURTHER INFORMATION CONTACT: William W. Thompson II, Administrator, Office of Foreign Labor Certification, 202–513–7350 (this is not a toll-free number), or for individuals with hearing or speech impairments, 1–877–889–5627 (this is the TTY toll-free Federal Information Relay Service number), Box PPII 12–200, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

SUPPLEMENTARY INFORMATION:

I. Background

The information collection is required by sections 101(a)(15)(H)(ii)(a), 214(c), and 218 of the Immigration and Nationality Act (INA) (8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c), and 1188) and 8 CFR 214.2(h)(5) and 20 CFR 655, subpart B. The H–2A visa program enables employers to bring nonimmigrant foreign workers to the United States to perform agricultural work of a seasonal or temporary nature as defined in 8 U.S.C. 1101(a)(15)(H)(ii)(a). Before an employer can file a petition with the Department of Homeland Security (DHS) to import temporary workers as H–2A nonimmigrants, the INA and DHS regulations require an employer to first obtain a determination from DOL certifying whether a qualified U.S. worker is available to fill the job opportunity described in the employer's petition for a temporary agricultural worker and whether a foreign worker's employment in the job opportunity will adversely affect the wages or working conditions of similarly employed U.S. workers. 8 U.S.C. 1188, INA section 218; 8 CFR 214.2(h)(5)(i), (ii) and (iv)(B). DOL's regulations establish the processes by which an employer must obtain a temporary labor certification from DOL and the rights and obligations of workers and employers. 20 CFR part 655, subpart B.

This ICR, OMB Control No. 1205–0466, includes the collection of information related to the temporary labor certification process and agricultural clearance order process in the H–2A program. The information contained in the application Form ETA–9142A, *H–2A Application for Temporary Employment Certification,* and the job order Form ETA–790/790A, *H–2A Agricultural Clearance Order,* together serve as the basis for the Secretary of Labor's (Secretary) determination that qualified U.S. workers are not available to perform the services or labor needed by the employer and that the wages and working conditions of similarly employed U.S. workers will not be adversely affected by the employment of H–2A workers. Employers use *Appendix A* of the Form ETA–9142A to attest that they will comply with all of the terms, conditions, and obligations of the H–2A program.

ETA is seeking comments on proposed revisions to Form ETA–9142A and appendix, Form ETA–790/790A and addenda, and the instructions accompanying those forms. The proposed revisions will better align information collection requirements with DOL's current regulatory framework, provide greater clarity to employers on regulatory requirements, standardize and streamline information collection to reduce employer time and burden preparing applications, and promote greater efficiency and transparency in ETA's review and issuance of labor certification decisions under the H–2A visa program.

To promote greater efficiency in issuing temporary labor certification decisions and minimize delays associated with employers filing H–2A petitions with DHS, ETA is proposing to eliminate the issuance of the paper-based labor certification approval decisions by creating a one-page Form ETA–9142A, *Final Determination: H–2A Temporary Labor Certification Approval,* which will be issued electronically to employers granted temporary labor certification by DOL. In circumstances where the employer or, if applicable, its authorized attorney or agent is not able to receive the temporary labor certification documents electronically, ETA will send the certification documents printed on standard paper in a manner that ensures overnight delivery. For complete details regarding the proposed revisions to this ICR, contact the office listed in the **ADDRESSES** section above.

II. Review Focus

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used, and the agency's estimates associated with the annual burden cost incurred by respondents and the government cost associated with this collection of information;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions

In order to meet its statutory responsibilities under the INA, ETA must extend and revise an existing collection of information pertaining to labor certification applications used in the H–2A visa program that allows employers to bring foreign labor to the U.S. on a seasonal or other temporary basis.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. DOL obtains OMB approval for this information collection under Control Number 1205–0466. OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for

this collection is scheduled to expire on May 31, 2019. DOL seeks to extend PRA authorization for this revised information collection for three (3) more years.

In the past, the respondents have been for-profit businesses and not-for-profit institutions. On rare occasions the respondents have been local, State, tribal governments, or the Federal government. The Secretary uses the collected information to determine if employers are meeting their statutory and regulatory obligations.

Title: H–2A Temporary Agricultural Employment Certification Program.

Type of Review: Revision of a Currently Approved Information Collection.

OMB Number: 1205–0466.

Affected Public: Individuals or Households, Private Sector—businesses or other for-profits, Government, State, Local and Tribal Governments.

Form(s): ETA–9142A, *H–2A Application for Temporary Employment Certification*; ETA–9142A—*Appendix A*; ETA–9142A—*Final Determination: H–2A Temporary Labor Certification Approval*; ETA–790/790A, *H–2A Agricultural Clearance Order*; ETA–790/790A—*Addendum A*; ETA–790/790A—*Addendum B.*

Total Annual Respondents: 8,783.

Annual Frequency: On Occasion.

Total Annual Responses: 273,537.

Estimated Time per Response (averages):

—Forms ETA 9142A, Appendix A—3.66 hours per response.

—Forms ETA 790/790A/790B—.69 hours per response.

—Administrative Appeals—18.48 hours per response.

Estimated Total Annual Burden Hours: 52,384.81.

Total Annual Burden Cost for Respondents: $0.

Comments submitted in response to this comment request will be summarized and/or included in the request for OMB approval of the ICR; they will also become a matter of public record. Commenters are encouraged not to submit sensitive information (*e.g.,* confidential business information or personally identifiable information such as a social security number).

Molly E. Conway,

Acting Assistant Secretary, Employment and Training Administration.

[FR Doc. 2018–23276 Filed 10–24–18; 8:45 am]

BILLING CODE 4510–FP–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[18–082]

NASA Federal Advisory Committees; Annual Invitation

AGENCY: National Aeronautics and Space Administration.

ACTION: Annual Invitation for Public Nominations by U.S. Citizens for Service on NASA Federal Advisory Committees.

SUMMARY: NASA announces its annual invitation for public nominations for service on NASA Federal advisory committees chartered under the Federal Advisory Committee Act (FACA). U.S. citizens may submit self-nominations for consideration as potential members of NASA's Federal advisory committees. NASA's Federal advisory committees have member vacancies from time to time throughout the year, and NASA will consider self-nominations to fill such intermittent vacancies. NASA is committed to selecting members to serve on its Federal advisory committees based on their individual expertise, knowledge, experience, and current/past contributions to the relevant subject area.

DATES: The deadline for NASA receipt of all public nominations is 30 days from the date of publication of this notice in the **Federal Register**.

ADDRESSES: Self-nominations from interested U.S. citizens must be sent electronically to NASA in letter form, be signed, and must include the name of specific NASA Federal advisory committee of interest for NASA consideration. Self-nomination letters are limited to specifying interest in only one (1) NASA Federal advisory committee per year. The following additional information is required to be attached to each self-nomination letter (*i.e.,* cover letter): (1) Professional resume (one-page maximum); (2) professional biography (one-page maximum). Please submit the self-nomination package as a single package containing cover letter and the two required attachments to *hq-nasanoms@mail.nasa.gov.* All public self-nomination packages must be submitted electronically via email to NASA; paper-based documents sent through postal mail (hard-copies) will not be accepted. NOTE: Nomination letters that are noncompliant with inclusion of the mandatory documents listed above will not receive further consideration by NASA.

FOR FURTHER INFORMATION CONTACT: To view advisory committee charters and obtain further information on NASA's Federal advisory committees, please visit the NASA Advisory Committee Management Division website noted below. For any questions, please contact Ms. Marla King, Advisory Committee Specialist, Advisory Committee Management Division, Office of International and Interagency Relations, NASA Headquarters, Washington, DC 20546, (202) 358–1148.

SUPPLEMENTARY INFORMATION: NASA's twelve (12) Federal advisory committees are listed below. The individual charters may be found at the NASA Advisory Committee Management Division website at *http://oiir.hq.nasa.gov/acmd.html:*

- Aerospace Safety Advisory Panel
- Applied Sciences Advisory Committee
- Astrophysics Advisory Committee
- Earth Science Advisory Committee
- Heliophysics Advisory Committee
- Human Exploration and Operations Research Advisory Committee
- International Space Station Advisory Committee
- International Space Station National Laboratory Advisory Committee
- NASA Advisory Council
- National Space-Based Positioning, Navigation and Timing Advisory Board
- National Space Council Users' Advisory Group
- Planetary Science Advisory Committee

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2018–23294 Filed 10–24–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

STEM Education Advisory Panel; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: STEM Education Advisory Panel (#2624).

Date and Time: November 7, 2018; 2:00 p.m.–3:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

Type of Meeting: Closed.

Contact Person: Keaven Stevenson, Directorate Administrative Coordinator, Room C 11044, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Contact

Information: 703–292–8663/*kstevens@nsf.gov.*

Purpose of Meeting: To share and collect information in support of members' role in advising the Committee on Science, Technology, Engineering, and Mathematics Education (CoSTEM).

Agenda: Update and discussion on an internal government draft report.

Reason for Closing: The panel will review and discuss a draft government report. This discussion must be kept confidential. These matters are exempt under 5 U.S.C. 552b(c), (9)(B) of the Government in the Sunshine Act.

Dated: October 22, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–23299 Filed 10–24–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Committee on National Science and Engineering Policy (SEP), 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 two teleconferences for the transaction of National Science Board business, as follows:

TIME AND DATE: Thursday, November 1, 2018 at 12:30 p.m.–2:00 p.m. EDT.

Friday, November 2, 2018 at 1:00 p.m. to 2:00 p.m. EDT.

PLACE: These teleconference meetings will be held by teleconference at the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. An audio link will be available for the public. Members of the public must contact the Board Office to request the public audio link by sending an email to *nationalsciencebrd@nsf.gov* at least 24 hours prior to the teleconference.

STATUS: Open.

MATTERS TO BE CONSIDERED: Chair's opening remarks; discussion of *Science and Engineering Indicators* thematic report narrative outlines.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Matt Wilson, (*mbwilson@nsf.gov*), 703/292–7000.

Meeting information and updates (time, place, subject matter or status of meeting) may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.* Please refer to the National Science Board website *www.nsf.gov/nsb* for additional information.

Christopher Blair,

Executive Assistant, National Science Board Office.

[FR Doc. 2018–23487 Filed 10–23–18; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219; NRC–2018–0175]

Exelon Generation Company, LLC; Oyster Creek Nuclear Generating Station

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued exemptions in response to a March 22, 2018, request from Exelon Generation Company, LLC (Exelon, the licensee). One exemption permits the use of the Oyster Creek Nuclear Generating Station (Oyster Creek) Decommissioning Trust Fund (DTF) for irradiated fuel management and site restoration activities based on the Oyster Creek Decommissioning Cost Estimate (DCE). The other exemption permits the licensee to make withdrawals from the DTF for irradiated fuel management and site restoration activities without prior notification of the NRC.

DATES: The exemption was issued on October 19, 2018.

ADDRESSES: Please refer to Docket ID NRC–2018–0175 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0175. Address questions about Dockets 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.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: John G. Lamb, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3100; email: *John.Lamb@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated at Rockville, Maryland, this 22nd day of October 2018.

For the Nuclear Regulatory Commission.

John G. Lamb,

Senior Project Manager, Special Projects and Process Branch, Division of Operating Reactor Licensing,Office of Nuclear Reactor Regulation.

Attachment—Exemption

NUCLEAR REGULATORY COMMISSION

Docket No. 50–219

Exelon Generation Company, LLC

Oyster Creek Nuclear Generating Station

Exemption

I. Background.

Exelon Generation Company, LLC (Exelon, the licensee) is the holder of Renewed Facility Operating License No. DPR–16 for the Oyster Creek Nuclear Generating Station (Oyster Creek). The facility is located in the town of Forked River, Ocean County, New Jersey.

By letter dated February 14, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18045A084), Exelon submitted to the U.S. Nuclear Regulatory Commission (NRC) a certification in accordance with Section 50.82(a)(1)(i) of Title 10 of the *Code of Federal Regulations* (10 CFR), stating its determination to permanently cease operations at Oyster Creek no later than October 31, 2018. By letter dated September 25, 2018 (ADAMS Accession No. ML18268A258), Exelon submitted to the NRC a certification in accordance with 10 CFR 50.82(a)(1)(ii), stating that Oyster Creek permanently ceased power operations on September 17, 2018, and that, as of September 25, 2018, all fuel had been permanently removed from the Oyster Creek reactor vessel. By letter dated December 30, 2014 (ADAMS Accession No. ML14365A067), Exelon submitted the Oyster Creek Irradiated Fuel Management Plan (IFMP) pursuant to 10 CFR 50.54(bb) and Preliminary Decommissioning Cost Estimate

(DCE). The DCE was updated by letter dated March 30, 2016 (ADAMS Accession No. ML16090A067). By letter dated May 21, 2018 (ADAMS Accession No. ML18141A775), Exelon submitted a Post-Shutdown Decommissioning Activities Report (PSDAR) and site-specific DCE for Oyster Creek.

II. Request/Action.

By letter dated March 22, 2018 (ADAMS Accession No. ML18081A201), Exelon submitted a request for exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv). The exemption from 10 CFR 50.82(a)(8)(i)(A) would permit Exelon to make withdrawals from the Oyster Creek Decommissioning Trust Fund (DTF) for irradiated fuel management and site restoration activities in accordance with the Oyster Creek DCE. The exemption from 10 CFR 50.75(h)(1)(iv) would also permit Exelon to make these withdrawals without prior notification of the NRC, similar to withdrawals for decommissioning activities made in accordance with 10 CFR 50.82(a)(8). By separate letters dated March 30, 2016, and May 21, 2018, Exelon submitted updates to the Oyster Creek DCE.

As part of its exemption request, Exelon provided Table 2, ''Annual SAFSTOR Decommissioning Fund Cash Flow for Oyster Creek Nuclear Generating Station,'' that shows the annual DTF cash flow for Oyster Creek, while in SAFSTOR (deferred dismantling). Table 2 contains the projected withdrawals from the DTF needed to cover the estimated costs of radiological decommissioning, irradiated fuel management, and site restoration activities as projected on the day of the application. Subsequent to its exemption request, Exelon provided the DTF balance and cost estimates for these same activities in its letter dated May 21, 2018, for the Oyster Creek PSDAR and in Attachment 4 to its March 28, 2018, annual report on the status of decommissioning funding for Oyster Creek (ADAMS Accession No. ML18087A150). The NRC staff considered each of these submittals in its review of the exemption request.

The requirements of 10 CFR 50.82(a)(8)(i)(A) restrict withdrawals from DTFs to expenses for legitimate decommissioning activities consistent with the definition of decommission in 10 CFR 50.2. The definition of ''decommission'' in 10 CFR 50.2 is:

to remove a facility or site safely from service and reduce residual radioactivity to a level that permits—

(1) Release of the property for unrestricted use and termination of the license; or

(2) Release of the property under restricted conditions and termination of the license.

This definition does not include activities associated with irradiated fuel management and site restoration activities. The requirements of 10 CFR 50.75(h)(1)(iv) also restrict the use of DTF disbursements (other than for ordinary administrative costs and other incidental expenses of the fund in connection with the operation of the fund) to decommissioning expenses until final radiological decommissioning is completed. Therefore, an exemption from 10 CFR 50.82(a)(8)(i)(A) is needed to allow Exelon to use funds from the Oyster Creek DTF for irradiated fuel management and site restoration activities at Oyster Creek. The requirements of 10 CFR 50.75(h)(1)(iv) further provide that, except for withdrawals being made under 10 CFR 50.82(a)(8) or for payments of ordinary administrative costs and other incidental expenses of the fund in connection with the operation of the fund, no disbursement may be made from the DTF without written notice to the NRC at least 30 working days in advance. Therefore, an exemption from 10 CFR 50.75(h)(1)(iv) is also needed to allow Exelon to use funds from the Oyster Creek DTF for irradiated fuel management and site restoration activities at Oyster Creek without prior NRC notification.

III. Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 (1) when the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) when any of the special circumstances listed in 10 CFR 50.12(a)(2) are present. These special circumstances include, among other things:

(a) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; and

(b) Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

A. *The Exemptions are Authorized by Law*

The requested exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would allow Exelon to use a portion of the funds from the Oyster Creek DTF for irradiated fuel management and site restoration activities at Oyster Creek without prior notice to the NRC, in the same manner that withdrawals are made under 10 CFR 50.82(a)(8) for decommissioning activities. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR part 50 when the exemptions are authorized by law. The NRC staff has determined, as explained below, that granting the licensee's proposed exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemptions are authorized by law.

B. *The Exemptions Present No Undue Risk to the Public Health and Safety*

The underlying purpose of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) is to provide reasonable assurance that adequate funds will be available for the radiological decommissioning of power reactors. Based on the site-specific DCE and the cash flow analysis, use of a portion of the Oyster Creek DTF for irradiated fuel management and site restoration activities at Oyster Creek will not adversely impact Exelon's ability to complete radiological decommissioning within 60 years and terminate the Oyster Creek license. Furthermore, an exemption from 10 CFR 50.75(h)(1)(iv) to allow the licensee to make withdrawals from the DTF for irradiated fuel management and site restoration activities without prior written notification to the NRC will not affect the sufficiency of funds in the DTF to accomplish radiological decommissioning because such withdrawals are still constrained by the provisions of 10 CFR 50.82(a)(8)(i)(B)–(C) and are reviewable under the annual reporting requirements of 10 CFR 50.82(a)(8)(v)–(vii).

According to the application dated March 22, 2018, there are no new accident precursors created by using the DTF in the proposed manner. Thus, the probability of postulated accidents is not increased. Also, based on the above, the consequences of postulated accidents are not increased. No changes are being made in the types or amounts of effluents that may be released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, the requested exemptions will not present an undue risk to the public health and safety.

C. *The Exemptions are Consistent with the Common Defense and Security*

The requested exemptions would allow Exelon to use funds from the Oyster Creek DTF for irradiated fuel management and site restoration activities at Oyster Creek. Irradiated fuel management under 10 CFR 50.54(bb) is an integral part of the planned Exelon decommissioning and license termination process and will not adversely affect Exelon's ability to physically secure the site or protect special nuclear material. This change to enable the use of a portion of the funds from the DTF for irradiated fuel management and site restoration activities has no relation to security issues. Therefore, the common defense and security is not impacted by the requested exemptions.

D. *Special Circumstances*

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the regulation.

The underlying purpose of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv), which restrict withdrawals from DTFs to expenses for radiological decommissioning activities, is to provide reasonable assurance that adequate funds will be available for radiological decommissioning of power reactors and license termination. Strict application of these requirements would prohibit the withdrawal of funds from the Oyster Creek DTF for activities other than radiological decommissioning activities at Oyster Creek, such as for irradiated fuel management and site restoration activities, until final radiological decommissioning at Oyster Creek has been completed.

The March 28, 2018, annual report on the status of decommissioning funding for Oyster Creek, and the May 21, 2018, PSDAR both report a DTF balance of $982 million as of December 31, 2017. The cash flow analysis

in Table 2 of the March 22, 2018, application is based on a beginning DTF balance of $979 million as of December 31, 2017. The licensee stated that the beginning DTF balance was adjusted to account for decommissioning and irradiated fuel management planning costs incurred in 2017 that would be reimbursed if the exemption were granted. In its analysis provided in the enclosed Table, ''NRC Cash Flow Analysis of Oyster Creek Decommissioning Trust Funds and Associated Costs, including Irradiated Fuel Management and Site Restoration,'' the NRC staff used the lesser opening DTF balance of $979 million as a conservative estimate that reflects less money available to cover radiological decommissioning, irradiated fuel management, and site restoration costs. The Exelon analysis in the May 21, 2018, PSDAR projects the total radiological decommissioning cost of Oyster Creek to be approximately $1,109 million in 2017 dollars, the irradiated fuel management costs to be $290 million in 2017 dollars, and the site restoration costs to be $60.2 million in 2017 dollars. The estimated costs in the PSDAR are consistent with the estimated costs for site radiological decommissioning ($1,103.7 million in 2017 dollars), ISFSI radiological decommissioning ($5.8 million in 2017 dollars), irradiated fuel management ($290 million in 2017 dollars), and site restoration ($60.2 million in 2017 dollars) provided by Exelon in the March 22, 2018, exemption request.

The NRC staff performed an independent cash flow analysis of the DTF over the 60 year SAFSTOR period (assuming an annual real rate of return of 2 percent, as allowed by 10 CFR 50.75(e)(1)(ii)) and determined the projected earnings of the DTF. The results of the staff's analysis are presented in the enclosed Table. As shown in the enclosed Table, the NRC staff confirmed that the current funds in the DTF and projected earnings provide reasonable assurance of adequate funding to complete all NRC required radiological decommissioning activities, and also to pay for irradiated fuel management and site restoration activities. Therefore, the NRC staff finds that Exelon has provided reasonable assurance that adequate funds will be available for the radiological decommissioning of Oyster Creek, even with the disbursement of funds from the DTF for irradiated fuel management and site restoration activities. Consequently, the NRC staff concludes that application of the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) that funds from the DTF only be used for radiological decommissioning activities and not for irradiated fuel management and site restoration activities is not necessary to achieve the underlying purpose of the rule; thus, special circumstances are present supporting approval of the exemption request.

In its submittal, Exelon also requested exemption from the requirement of 10 CFR 50.75(h)(1)(iv) concerning prior written notification to the NRC of withdrawals from the DTF to fund activities other than radiological decommissioning. The underlying purpose of notifying the NRC prior to withdrawal of funds from the DTF is to provide opportunity for NRC intervention, when deemed necessary, if the withdrawals are for expenses other than those authorized by 10 CFR 50.75(h)(1)(iv) and 10 CFR 50.82(a)(8) that could result in there being insufficient funds in the DTF to accomplish radiological decommissioning.

By granting the exemptions to 10 CFR 50.75(h)(1)(iv) and 10 CFR 50.82(a)(8)(i)(A), the NRC staff considers that withdrawals consistent with the licensee's submittal dated March 22, 2018, are authorized. As stated previously, the NRC staff has determined that there are sufficient funds in the DTF to complete radiological decommissioning activities as well as to conduct irradiated fuel management and site restoration activities consistent with the PSDAR, DCE, IFMP, and the March 22, 2018, exemption request. Pursuant to the requirements in 10 CFR 50.82(a)(8)(v) and (vii), licensees are required to monitor and annually report to the NRC the status of the DTF and the licensee's funding for managing irradiated fuel. These reports provide the NRC staff with awareness of, and the ability to take action on, any actual or potential funding deficiencies. Additionally, 10 CFR 50.82(a)(8)(vi) requires that the annual financial assurance status report must include additional financial assurance to cover the estimated cost of completion if the sum of the balance of any remaining decommissioning funds, plus earnings on such funds calculated at not greater than a 2-percent real rate of return, together with the amount provided by other financial assurance methods being relied upon, does not cover the estimated cost to complete the decommissioning. The requested exemption would not allow the withdrawal of funds from the DTF for any other purpose that is not currently authorized in the regulations without prior notification to the NRC. Therefore, the granting of this exemption to 10 CFR 50.75(h)(1)(iv) to allow the licensee to make withdrawals from the DTF to cover authorized expenses for irradiated fuel management and site restoration activities without prior written notification to the NRC will still meet the underlying purpose of the regulation.

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(iii), are present whenever compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated. The licensee states that the DTF contains funds in excess of the estimated costs of radiological decommissioning and that these excess funds are needed for irradiated fuel management and site restoration activities. The NRC does not preclude the use of funds from the decommissioning trust in excess of those needed for radiological decommissioning for other purposes, such as irradiated fuel management or site restoration.

The NRC has stated that funding for irradiated fuel management and site restoration activities may be commingled in the DTF, provided that the licensee is able to identify and account for the radiological decommissioning funds separately from the funds set aside for irradiated fuel management and site restoration activities (see NRC Regulatory Issue Summary 2001–07, Rev. 1, ''10 CFR 50.75 Reporting and Recordkeeping for Decommissioning Planning,'' dated January 8, 2009 (ADAMS Accession No. ML083440158), and Regulatory Guide 1.184, Rev. 1, ''Decommissioning of Nuclear Power Reactors,'' dated October 2013 (ADAMS Accession No. ML13144A840). To prevent access to those excess funds in the DTF because irradiated fuel management and site restoration activities are not associated with radiological decommissioning would create an unnecessary financial burden without any corresponding safety benefit. The adequacy of the DTF to cover the cost of activities associated with irradiated fuel management and site restoration, in addition to radiological decommissioning, is supported by the site-specific decommissioning cost analysis. If the licensee cannot use its DTF for irradiated fuel management and site restoration activities, it would need to obtain additional funding that would not be recoverable from the DTF, or the licensee would have to modify its decommissioning approach and methods. The NRC staff concludes that either outcome would impose an unnecessary and undue burden significantly in excess of that contemplated when 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) were adopted.

Since the underlying purposes of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would be achieved by allowing Exelon to use a portion of the Oyster Creek DTF for irradiated fuel management and site restoration activities without prior NRC notification, and since compliance with the regulations would result in an undue hardship or other costs that are significantly in excess of those contemplated when the regulations were adopted, the special circumstances required by 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(iii) exist and support the approval of the requested exemptions.

E. *Environmental Considerations*

In accordance with 10 CFR 51.31(a), the Commission has determined that the granting of the exemptions will not have a significant effect on the quality of the human environment (see Environmental Assessment and Finding of No Significant Impact published in the **Federal Register** on September 14, 2018 (83 FR 46763)).

IV. Conclusions.

In consideration of the above, the NRC staff finds that the proposed exemptions confirm the adequacy of funding in the Oyster Creek DTF, considering growth, to complete radiological decommissioning of the site and to terminate the license and also to cover estimated spent fuel management and site restoration activities.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Exelon

exemptions from the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) to allow use of a portion of the funds from the Oyster Creek DTF for spent fuel management and site restoration activities in accordance with the Oyster Creek PSDAR and DCE, dated May 21, 2018. Additionally, the Commission hereby grants Exelon an exemption from the requirement of 10 CFR 50.75(h)(1)(iv) to allow such withdrawals without prior NRC notification.

The exemptions are effective upon issuance.

Dated at Rockville, Maryland, this 19th day of October 2018.

For the Nuclear Regulatory Commission.

/RA/

Kathryn M. Brock,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84457; File No. SR–ICC–2018–008]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1, Relating to ICC's Risk Management Model Description Document and ICC's Risk Management Framework

October 19, 2018.

On July 5, 2018, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to transition from a stress-based methodology to a Monte Carlo-based methodology for the spread-response and recovery-rate-sensitivity-response components of the initial margin model (SR–ICC–2018–008), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on July 24, 2018.[3] On September 5, 2018, the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[4] The Commission did not receive any comments on the Proposed Rule Change. On October 12, 2018, ICC filed Amendment No 1 to the proposed rule change.[5] The Commission is publishing this notice to solicit comment on Amendment No. 1 from interested persons and is approving the proposed rule change, as modified by Amendment No. 1 (hereinafter, ''Proposed Rule Change'') on an accelerated basis.[6]

I. Description of the Proposed Rule Change

ICC's current approach uses a stress-based approach for the spread-response and recovery-rate (''RR'') sensitivity-response components of the initial margin model. Specifically, to derive the spread-response component, the current approach considers a set of hypothetical ''tightening'' and ''widening'' credit-spread scenarios from which it computes instrument Profit/Loss (''P/L'') responses for every Risk Factor (''RF'') scenario.[7] All instrument P/L responses for a scenario are aggregated to obtain the portfolio P/L response for that scenario.[8] Because the set of scenarios does not reflect the joint distribution of the considered RFs, offsets between P/Ls are applied to provide some portfolio benefits.[9] To derive the RR sensitivity-response component, all instruments belonging to a RF or Risk Sub-Factor (''RSF'') are subjected to RR stress scenarios to obtain the resulting P/L responses, and the worst-scenario response is chosen for the estimation of the RF/RSF RR sensitivity-response component.[10]

ICC's current stress-based approach generates a limited number of stress scenarios that may not capture the risk of portfolios with more complex, non-linear instruments.[11] Additionally, the current approach does not provide for a consistent estimation of the portfolio-level spread response based on a defined risk measure (*e.g.,* Value-at-Risk (''VaR'')) and quantile (*e.g.,* 99%).[12] To alleviate the problem, the Proposed Rule Change would revise ICC's Risk Management Model Description Document and its Risk Management Framework to a Monte Carlo-based methodology for the spread-response and recovery-rate-sensitivity-response (''RR'') components of ICC's initial margin model.

The proposed Monte Carlo-based methodology would utilize standard tools in modeling dependence, which can be seen as a means for constructing multivariate distributions with different univariate distributions and with desired dependence structures, to generate the spread and RR scenarios.[13] It also would provide flexibility in modeling tail dependence, an important concept in risk management that provides information about how frequently extreme values are expected to occur, and that ICC considers particularly suitable for implementing its Monte Carlo framework.[14]

Specifically, under the Monte Carlo approach, the ''integrated spread response'' component would replace the spread-response and RR-sensitivity-response components.[15] This component would be computed by creating P/L distributions from a set of jointly-simulated hypothetical (forward looking) spread and RR scenarios.[16] ICC would not change the univariate RF distribution assumptions under the proposed Monte Carlo-based methodology.[17] ICC would utilize the simulated scenarios to derive the hypothetical spread and RR levels at which each instrument is repriced in order to generate a scenario instrument P/L based on post-index-decomposition positions.[18] ICC would create P/L distributions from the set of jointly-simulated hypothetical (forward looking) credit spread and RR scenarios to compute the integrated spread-response component.[19] The P/L distributions for each instrument would allow ICC to decompose portfolio level P/L at the RF level and to estimate RF-level risk measures.[20] The proposed model would utilize the 5-day 99.5% VaR measure and allow ICC to be compliant with the European Market Infrastructure Regulation (''EMIR'') as applied to Over-The-Counter instruments.[21]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 83662 (July 18, 2018), 83 FR 35033 (July 24, 2018) (SR–ICC–2018–008) (''Notice'').

[4] Securities Exchange Act Release No. 84032 (September 5, 2018), 83 FR 46000 (September 11, 2018) (SR–ICC–2018–008).

[5] In Amendment No. 1 to the proposed rule change, ICC provided additional details and analyses surrounding the proposed rule change in the form of a confidential Exhibit 3.

[6] Capitalized terms used herein but not otherwise defined have the meaning set forth in the ICE Clear Europe Clearing Rules, which is *available at https://www.theice.com/publicdocs/clear_europe/rulebooks/rules/Clearing_Rules.pdf.*

[7] *Id.*

[8] *Id.*

[9] *Id.*

[10] *Id.*

[11] Notice, 83 FR at 35033.

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] Notice, 83 FR at 35033–34.

[18] Notice, 83 FR at 35034.

[19] *Id.*

[20] *Id.*

[21] *Id.*

Revisions to the 'Initial Margin Methodology' Section of the Risk Management Model Description Document

ICC proposes revisions to the 'Initial Margin Methodology' section of the Risk Management Model Description Document to reflect its transition to a Monte Carlo-based methodology for the spread-response and RR-sensitivity-response components.[22] ICC also proposes to clarify its initial margin model to note that it features stress loss considerations and a P/L distribution analysis at selected quantile levels that are 99% or higher.[23] The proposed changes would further include a description of each of the initial margin model components, which would be separated into statistically calibrated components and stress-based add-on components.[24] The statistically calibrated components (*i.e.,* spread and RR dynamics, interest rate dynamics, and index/single-name (''SN'') basis dynamics) would reflect fluctuations in market observed or implied quantities, and their direct P/L impacts.[25] The stress-based add-on components (*i.e.,* idiosyncratic loss given default (''LGD''), wrong-way-risk (''WWR'') LGD, bid/offer width risk, and concentration risk) would reflect the risk associated with low probability events with limited information sets.[26]

First, ICC proposes certain minor updates to terminology in the 'LGD Risk Analysis' section consistent with the transition to the Monte Carlo approach.[27] Specifically, the proposed revisions would clarify that the LGD calculation considers RSF-specific RR level scenarios and that the Jump-To-Default (''JTD'') RR stress levels would be updated if needed. ICC proposes to update the Profit/Loss-Given-Default (''P/LGD'') calculation at the RSF level to indicate the association between the JTD and the RR level scenarios.[28] ICC proposes to remove a reference to the stress levels noted in the current 'RR Sensitivity Risk Analysis' section. ICC proposes to move the RF level P/LGD calculation ahead of the Risk Factor Group (''RFG'') LGD calculations to avoid disrupting the grouping of RFG LGD calculations.[29]

Second, ICC proposes amendments to the 'JTD Risk Analysis' section.[30] The proposed revisions to the Uncollateralized LGD (''ULGD'') calculation would incorporate the integrated spread-response component described above and remove reference to the current RR-sensitivity-response component.[31] ICC also proposes, for clarity, to shorten a description in the WWR JTD calculation and to move details regarding the Kendall tau rank-order correlation to follow the WWR JTD calculation as such details are associated with the WWR JTD calculation.[32] ICC proposes to include this information, which is currently located in a source in a footnote, within the text to provide further description of the source in the footnote.[33] ICC also proposes minor structural updates to its description of specific WWR (''SWWR'') to enhance readability.[34]

Third, ICC proposes to add clarifying language to the 'Interest Rate Sensitivity Risk Analysis' section to note that the interest rate sensitivity component is a statistically calibrated initial margin component.[35] ICC also proposes to correct a notation to reflect an inverse distribution function.[36]

Fourth, ICC proposes a number of structural changes to the 'Basis Risk Analysis' section, which consist of moving certain descriptions within the section and making changes to conform such descriptions to the proposed new Monte Carlo based approach. Specifically, ICC proposes moving the description in the current 'Long-Short Benefits among RFs with Common Basis' subsection to the proposed 'Index Decomposition and Long-Short Offsets' subsection and making conforming changes.[37] Similarly, ICC proposes moving the description in the current 'Portfolio Benefits Hierarchy Summary' subsection to the proposed 'Long/Short Offset Hierarchy' subsection and making conforming changes.[38] ICC also proposes moving the analysis in the current 'Basis Risk Analysis' section to the proposed 'Index-Basis Risk Estimation' subsection and making conforming changes.[39]

Fifth, ICC proposes to combine the current 'Spread Risk Analysis' and 'RR Sensitivity Risk Analysis' sections into the proposed 'Spread and RR Risk Analysis' section to reflect the transition to a Monte Carlo-based methodology for the spread-response and RR-sensitivity-response components.[40] Under the proposed approach, ICC would utilize credit spreads and RR distributions to jointly simulate scenarios to estimate portfolio risk measures.[41] Accordingly, ICC proposes to combine the 'Spread Risk Analysis' and 'RR Sensitivity Risk Analysis' sections into the 'Spread and RR Risk Analysis' section given their interrelation under the proposed approach, in which the integrated spread response would be computed by creating P/L distributions from a set of jointly-simulated hypothetical (forward looking) spread and RR scenarios.[42]

In the amended 'Spread Risk Analysis' section, ICC proposes to remove details regarding the current stress-based approach and to describe how ICC generates credit spread scenarios using Monte Carlo techniques.[43] As described above, the spread-response component is derived in terms of a set of hypothetical ''tightening'' and ''widening'' credit spread scenarios under the current stress-based approach.[44] The analysis of the univariate characteristics of credit spread log-returns to arrive at credit spread scenarios would not change under the Monte Carlo-based methodology.[45]

The univariate RF distribution assumptions would not change under the Monte Carlo-based methodology, and thus the 'Distribution of the Credit Spreads' subsection of the amended 'Spread Risk Analysis' section remains largely the same with some clarifying changes to language included.[46]

ICC proposes to describe the implementation of the Monte Carlo-based methodology in the new 'Multivariate Statistical Approach via Copulas' subsection. ICC proposes to include a discussion on the construction and application of the standard tools in modeling dependence, including the review of their theoretical background, in the new 'Copulas' subsection.[47]

ICC proposes the new 'Tail Dependence' subsection to provide a description of the concept of tail

[22] *Id.*

[23] *Id.*

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] ICC also proposes to reorganize the 'Initial Margin Methodology' section to begin with the 'LGD Risk Analysis' section. *Id.*

[28] *Id.*

[29] *Id.*

[30] *Id.*

[31] *Id.*

[32] *Id.* The details regarding the Kendall tau rank-order correlation would remain unchanged, except for the addition of clarifying language referencing regulatory guidance with respect to RFs deemed highly correlated. *Id.*

[33] *Id.*

[34] *Id.*

[35] *Id.*

[36] *Id.*

[37] *Id.*

[38] *Id.*

[39] *Id.*

[40] *Id.*

[41] *Id.*

[42] *Id.*

[43] Notice, 83 FR at 35034–35.

[44] Notice, 83 FR at 35035.

[45] *Id.*

[46] *Id.*

[47] *Id.*

dependence, given its relevancy as it indicates the probability of extreme values occurring jointly.[48] The proposed subsection would provide additional support behind ICC's conclusion that the tools for modeling dependence would be particularly suitable for connecting the various univariate distributions in a multivariate setting as they provide flexibility in modeling tail dependence.[49]

In the proposed 'Copula Simulation' subsection, ICC would describe its Monte Carlo-based simulation approach.[50] The proposed approach is based on first generating for all SN RF/RSF and On The Run indices Most Actively Traded Tenor (''MATT'') scenarios using the stochastic representation of the selected multivariate distribution under consideration.[51] The conditional simulation approach would then be utilized to generate individual RF/tenor-specific scenarios.[52] ICC also proposes to describe the block simulation approach that it would utilize in generating scenarios, which departs from an approach where all tenors for all SNs are simulated together. Instead, specific blocks of the correlation matrix would be considered through the stepwise block simulation approach.[53]

ICC would discuss the estimation of a new parameter in the proposed 'Copula Parameter Estimation' subsection.[54] The new subsection would include a description of two methods that can be used for parameter estimation, namely the ''quasi Maximum Likelihood'' approach and the ''Canonical Maximum Likelihood'' method.[55] ICC proposes to set the value at which this parameter is set conservatively and to explain that the value reflects strong tail dependence within the simulation framework, which is important because ICC estimates that tail dependence would increase in stressed market conditions.[56]

Sixth, ICC proposes certain amendments to the 'RR Risk Analysis' section to remove details regarding the current stress-based approach for the RR-sensitivity-response component and to describe how ICC jointly simulates credit spread and RR scenarios using Monte Carlo techniques.[57] As discussed above, under the current stress-based approach, the RR-sensitivity-response component is computed in terms of RR stress scenarios and incorporates potential losses associated with changes in the market implied RR.[58] The proposed Monte Carlo-based methodology would consider the risk arising from fluctuations in the market implied RRs of each SN RF and/or RSF jointly with the fluctuations in the curves of credit spreads.[59]

The proposed 'Distribution of RRs' subsection would contain much of the relevant analysis under the current 'RR Sensitivity Risk Analysis' section because the univariate RR distribution assumptions would not change under the Monte Carlo-based methodology. ICC proposes some additional clarifying language to further specify that the RR stress-based sensitivity requirement transitioned to a Monte Carlo simulation-based methodology.[60] Specifically, ICC proposes to note the assumption regarding the analysis of each SN RF/RSF that includes the description located under the current 'Beta Distribution' subsection as the integrated spread response also assumes a Beta distribution describing the behavior of the RRs.[61]

The amended 'Parameter Estimation' subsection would discuss the parameter calibration necessary to simulate RR scenarios and is largely the same.[62] The proposed revisions would remove or replace terminology associated with the stress-based approach with terminology associated with the Monte Carlo-based approach.[63]

The proposed 'Spread-Recovery-Rate Bivariate Model' subsection would describe the use of credit spread and RR distributions to jointly simulate scenarios to estimate portfolio risk measures under the Monte Carlo-based methodology.[64] Namely, ICC proposes to discuss the use of the conditional simulation approach to jointly simulate SN RF/RSF-specific RR scenarios with SN RF/RSF MATT spread log-return scenarios.[65] ICC proposes to note several assumptions under this model, along with an explanation of how it generates the individual SN RF/RSF-specific RR scenarios and the tenor-specific spread scenarios using copulas.[66]

ICC proposes moving the 'Arbitrage-Free Modeling' subsection, which is currently located in the 'Spread Risk Analysis' section, to the 'Spread and RR Risk Analysis' section.[67] The analysis would remain largely the same with some language clarifications, including references to simulated spread levels in conjunction with simulated RR levels within the text and within formulas to ensure consistency with the proposed 'Spread and RR Risk Analysis' section.[68] ICC proposes further revisions to terminology, such as removing terminology associated with the stress-based approach and incorporating the Monte Carlo simulation based methodology described above to ensure consistency with the proposed 'Spread and RR Risk Analysis' section.[69] ICC also proposes replacing specific references to the current most actively traded tenor with references to the more general concept of ''most actively traded tenor'' to account for a situation in which the referenced most actively traded tenor is different.[70]

Seventh, in the proposed 'Risk Estimations' subsection, ICC would describe the computation of the integrated spread-response component.[71] Once the Monte Carlo scenarios would be simulated, all instruments would be repriced, and the respective instrument P/L responses would be computed.[72] Upon consideration of the instrument positions in each portfolio along with the instrument P/L responses, portfolio risk estimations would be performed and the integrated spread-response component would be established.[73]

ICC proposes to discuss its calculation of P/Ls for instruments, RFs, common currency sub-portfolios, and multi-currency sub-portfolios under the new 'RF and Sub-Portfolio Level Integrated Spread Response' subsection.[74] ICC proposes to retain the use of sub-portfolios as is currently done today.[75] However, the portfolio benefits across sub-portfolios would be limited.[76] This enhancement would allow ICC to decompose portfolio level P/L at the sub-portfolio level and to estimate sub-portfolio level risk measures.[77]

In the proposed 'Instrument P/L Estimations' subsection, ICC would describe the calculation of instrument P/Ls. Namely, ICC would reprice all instruments at the hypothetical spread

[48] *Id.*
[49] *Id.*
[50] *Id.*
[51] *Id.*
[52] *Id.*
[53] *Id.*
[54] *Id.*
[55] *Id.*
[56] *Id.*
[57] *Id.*
[58] *Id.*
[59] *Id.*
[60] *Id.*
[61] *Id.*
[62] *Id.*
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[69] *Id.*
[70] *Id.*
[71] *Id.*
[72] *Id.*
[73] *Id.*
[74] *Id.*
[75] *Id.*
[76] *Id.*
[77] *Id.*

and RR levels, which would be derived from the simulated spread and RR scenarios, and take the difference between the prices of the instruments at the simulated scenarios and the current end-of-day (''EOD'') prices.[78] ICC would utilize the instrument-related P/L distribution to estimate the instrument-specific integrated spread response as the 99.5% VaR measure in the currency of the instrument.[79]

ICC would describe the calculation of RF P/Ls in the proposed 'RF P/L Estimations' subsection.[80] ICC would utilize the simulated P/L scenarios, combined with the post-index-decomposition positions related to a given RF, to generate a currency-specific RF P/L distribution.[81] ICC would utilize this RF-related P/L distribution to estimate the RF-specific integrated spread response as the 99.5% VaR measure in the currency of the considered RF.[82]

In the proposed 'Common Currency Sub-Portfolio P/L Estimations' subsection, ICC would describe the calculation of common currency sub-portfolio P/Ls.[83] For a currency specific sub-portfolio, ICC would extract the relevant risk measures from sub-portfolio level P/L distributions, which would be obtained from the aggregation of common currency RF P/L distributions.[84]

In the proposed 'Multi-Currency Sub-Portfolio P/L Estimations' subsection, ICC would add clarifying language describing the calculation of multi-currency sub-portfolio P/Ls. ICC proposes to extend multi-currency portfolio benefits to RFs with similar market characteristics, where the RFs and their respective instruments would be denominated in different currencies.[85] Under the proposed approach, long-short integrated spread response benefits would be provided between Corporate RFs that are denominated in different currencies.[86] ICC proposes to retain the multi-currency risk aggregation approach, which involves obtaining U.S. Dollar (''USD'') and Euro (''EUR'') denominated sub-portfolio P/L distributions, to RFs within the North American Corporate and European Corporate sub-portfolios denominated in USD and EUR, respectively.[87]

ICC proposes to include its calculation for the portfolio level integrated spread-response component in the 'Portfolio level Integrated Spread Response' subsection.[88] The calculation would include the sub-portfolio-specific integrated spread response after any potential multicurrency benefits and the RF-specific integrated spread response.[89] ICC proposes the new 'RF Attributed Integrated Spread Response Requirements' subsection to describe the calculation of the RF attributed integrated spread-response component for each RF in the considered portfolio.[90]

ICC proposes minor revisions to the 'Anti-Procyclicality Measures' subsection to replace terminology associated with the stress-based approach with terminology associated with the Monte Carlo-based approach.[91] ICC also proposes to update calculation descriptions relating to portfolio responses to note that certain amounts would be converted to or represented in USD using the EOD established foreign exchange (''FX'') rate.[92]

Eighth, ICC proposes updates to the 'Multi-Currency Portfolio Treatment' section to incorporate the proposed integrated spread-response component.[93] ICC proposes to clarify that it implements a multi-currency portfolio treatment methodology for portfolios with instruments that are denominated in different currencies.[94] The proposed changes would also remove references to the current spread-response component.[95]

Finally, ICC also proposes minor edits to the 'Portfolio Loss Boundary Condition' section to remove or replace references to the current spread-response and RR-sensitivity-response components with references to the proposed integrated spread-response component within the text and within formulas to ensure consistency with the proposed 'Spread and RR Risk Analysis' section, specifically the 'Portfolio Level Integrated SR' subsection.[96] Moreover, ICC proposes to reference, for clarity, the total number of RFs within the considered sub-portfolio in its calculations of the maximum portfolio loss and the maximum portfolio integrated spread response to ensure consistency with the proposed 'Spread and RR Risk Analysis' section, specifically the 'Portfolio Level Integrated SR' subsection.[97]

Other Revisions to the Risk Management Model Description Document

ICC proposes minor changes to the 'Guaranty Fund (''GF'') Methodology' section of the Risk Management Model Description Document.[98] The proposed changes would move the descriptions associated with the credit spread curve shape scenarios (*i.e.,* Uniform Scaling, Pivoting, and Tenor Specific) from the current 'Spread Risk Analysis' section to the 'Unconditional Uncollateralized Exposures' subsection.[99] Although the credit spread curve shape scenarios are currently considered as part of the spread-response component, ICC proposes to only use them for GF purposes.[100] The descriptions and calculations associated with the credit spread curve shape scenarios would remain largely the same with some clarifying changes, including the substitution of a variable for the simulation quantile in the calculations to reflect consistency with the GF risk measure, and structural changes to the descriptions to enhance readability.[101] Additionally, the proposed changes would include reference to the integrated spread response in place of the spread response in the calculations describing the GF stress spread response.

ICC also proposes other non-material changes to the Risk Management Model Description Document, including minor grammatical, typographical, and structural changes to enhance readability and minor updates to calculations to update symbol notations.[102]

Risk Management Framework

ICC proposes conforming revisions to its Risk Management Framework to reflect the transition to a Monte Carlo-based methodology for the spread response and RR-sensitivity-response components of the initial margin model.[103] The proposed revisions are described in detail as follows.

ICC proposes changes to the 'Waterfall Level 2: Initial Margin' section to combine the spread response and the RR sensitivity components into the proposed integrated spread-response component.[104] The proposed revisions would introduce the integrated spread-

[78] Notice, 83 FR at 35035–36.
[79] Notice, 83 FR at 35036.
[80] *Id.*
[81] *Id.*
[82] *Id.*
[83] *Id.*
[84] *Id.*
[85] *Id.*
[86] *Id.*
[87] *Id.*
[88] *Id.*
[89] *Id.*
[90] *Id.*
[91] *Id.*
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[93] *Id.*
[94] *Id.*
[95] *Id.*
[96] *Id.*
[97] *Id.*
[98] *Id.*
[99] *Id.*
[100] *Id.*
[101] *Id.*
[102] *Id.*
[103] *Id.*
[104] *Id.*

response component under the amended 'Integrated Spread Response Requirements' section and replace all references to the spread response with references to the integrated spread response.[105] ICC proposes conforming changes throughout the framework.[106] Currently, the spread-response component is obtained by estimating scenario P/L for a set of hypothetical ''tightening'' and ''widening'' credit spread scenarios and by considering the largest loss.[107] Under the proposed revisions, the integrated spread response would be computed by creating P/L distributions from a set of jointly-simulated hypothetical (forward looking) credit spread and RR scenarios.[108] The proposed changes would provide an updated calculation of the instrument scenario P/L, note the mappings between spread and RR levels and prices are performed by means of the International Swap and Derivatives Association (''ISDA'') standard conversion convention, and specify that the hypothetical prices are forward looking.[109] ICC also proposes to state that the integrated spread response approach would assume a distribution that would describe the behavior of the RRs.[110]

ICC proposes the new 'Index Decomposition Approach' subsection, which would contain the analysis under the current 'Index Decomposition Benefits between Index RFs and SN RSFs' subsection without any material changes.[111] ICC also proposes the new 'Portfolio Approach' subsection to describe the Monte Carlo simulation framework, which would replace the current stress-based approach noted above.[112] ICC proposes to utilize Monte Carlo techniques to generate spread and RR scenarios.[113] ICC would utilize the simulated scenarios to derive the hypothetical spread and RR levels, at which each instrument is repriced in order to generate a scenario instrument P/L based on post-index-decomposition positions.[114] For each scenario, instrument P/Ls would aggregated to obtain RF and sub-portfolio P/Ls, which represent the RF and sub-portfolio P/L distributions that would be used to estimate the RF and sub-portfolio 99.5% VaR measures at a risk horizon that is at least 5 days.[115] The portfolio level integrated spread response would be estimated as a weighted sum of RF and sub-portfolio 99.5% VaR measures.[116] ICC also proposes to move its analysis related to achieving anti pro-cyclicality to the amended 'Integrated Spread Response Requirements' section without any material changes.[117]

Notice of Filing of Amendment No. 1

ICC submitted Amendment No. 1 to provide Commission with additional details and analyses surrounding ICC's proposed transition to a Monte Carlo-based methodology for certain components of the initial margin model. Amendment No. 1 included additional information, which was submitted as Exhibit 3, related to the Filing. Exhibit 3 contains a correlation sensitivity analysis on portfolios using the proposed Monte Carlo-based methodology for the first half of 2018 and a back-testing analysis of the IM components of the proposed Monte Carlo-based methodology spanning 2015 through 2018 and including periods of stressed market conditions.

II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.[118] For the reasons given below, the Commission finds that the proposal is consistent with Section 17A(b)(3)(F) of the Act[119] and Rule 17Ad–22(b)(2) thereunder.[120]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act[121] requires, among other things, that the rules of ICC be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to the extent applicable, derivative agreements, contracts and transactions; to assure the safeguarding of securities and funds which are in the custody or control of ICC or for which it is responsible; and to comply with the provisions of the Act and the rules and regulations thereunder.

As described above, the Proposed Rule Change would make a variety of changes to ICC's initial margin model, and the documentation thereof, to transition ICC from the current stress-based approach to a Monte Carlo-based methodology for the spread-response and recovery-rate-sensitivity-response components of the model. The current approach faces certain limitations, in that it produces a limited number of stress scenarios that may not capture the risk of portfolios with more complex, non-linear instruments, and that it does not provide for a consistent estimation of the portfolio level spread response based on a defined risk measure (*e.g.,* Value-at-Risk) and quantile (*e.g.,* 99%). The methodology reflected in the Proposed Rule Change is designed to address these limitations. Specifically, the Monte Carlo-based methodology should help ICC to consider a large set of scenarios to more appropriately capture portfolio risk, including the risk of more complex, non-linear instruments, and produce consistent quantile-based portfolio risk measures.

Thus, the Commission believes that the proposed Monte Carlo-based methodology should enhance ICC's initial margin model by improving its ability to determine the amount of initial margin that ICC should collect and, therefore, to manage financial risk exposures that may arise in the course of its ongoing clearance and settlement activities. The Commission also believes that the improved ability to determine initial margin should better allow ICC to complete the clearance and settlement process in the event of a member default. For these reasons, the Commission believes that Proposed Rule Change should help promote the prompt and accurate clearance and settlement of securities transactions, derivative agreements, contracts, and transactions. Similarly, the Proposed Rule Change should enhance ICC's ability to help assure the safeguarding of securities and funds which are in the custody or control of ICC or for which it is responsible because the enhanced initial margin model should better allow ICC to determine the amount of initial margin it needs to collect and hold to address potential loss exposures. Finally, for both of these reasons, the Commission believes the Proposed Rule Change should, in general, protect investors and the public interest.

B. Consistency With Rule 17Ad–22(b)(2)

Rule 17Ad-22(b)(2) requires that ICC establish, implement, maintain and enforce written policies and procedures reasonably designed to use margin requirements to limit its credit

[105] *Id.*
[106] *Id.*
[107] *Id.*
[108] *Id.*
[109] *Id.*
[110] *Id.*
[111] Notice, 83 FR at 35036–37.
[112] Notice, 83 FR at 35037.
[113] *Id.*
[114] *Id.*
[115] *Id.*
[116] *Id.*
[117] *Id.*
[118] 15 U.S.C. 78s(b)(2)(C).
[119] 15 U.S.C. 78q–1(b)(3)(F).
[120] 17 CFR 240.17Ad–22(b)(2).
[121] 15 U.S.C. 78q–1(b)(3)(F).

exposures to participants under normal market conditions and use risk-based models and parameters to set margin requirements and review such margin requirements and the related risk-based models and parameters at least monthly.[122]

As described above, the Proposed Rule Change would transition ICC to a Monte Carlo-based methodology for the spread-response and recovery-rate-sensitivity-response components of the initial margin model. The Commission believes that the Proposed Rule Change should enhance ICC's ability to establish margin requirements that are better able to capture portfolio risk, including the risk of more complex, non-linear instruments, and ensure that ICC establishes margin requirements that are commensurate with the risks and characteristics of each portfolio. Taken together, the Commission believes that these aspects of the Proposed Rule Change should improve ICC's use of risk-based models and parameters to set margin requirements, which, in turn, should improve ICC's use of margin requirements to limit its credit exposures to participants under normal market conditions.

The Proposed Rule Change includes numerous changes to the descriptions of ICC's initial margin methodology in its Risk Management Model Description and its Risk Management Framework to reflect this transition to the proposed methodology. The Commission therefore believes that the proposed rule change should help ICC establish written procedures reasonably designed to use risk-based models and parameters to set margin requirements.

Therefore, for the above reasons the Commission finds that the Proposed Rule Change is consistent with Rule 17Ad–22(b)(2).[123]

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 1 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–ICC–2018–008 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–ICC–2018–008. 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, security-based swap submission, or advance notice that are filed with the Commission, and all written communications relating to the proposed rule change, security-based swap submission, or advance notice 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 the filing also will be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at *https://www.theice.com/clear-credit/regulation.* 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–ICC–2018–008 and should be submitted on or before November 15, 2018.

IV. Accelerated Approval of the Proposed Rule Change

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[124] to approve the Proposed Rule Change prior to the 30th day after the date of publication of Amendment No. 1 in the **Federal Register**. As discussed above, Amendment No. 1 provides additional details and analyses surrounding ICC's proposed transition to a Monte Carlo-based methodology for certain components of the initial margin model.

By providing the additional information, Amendment No. 1 provides for a more clear and comprehensive understanding of the estimated impact of the Proposed Rule Change, which helps to improve the Commission's review of the Proposed Rule Change for consistency with the Act. Specifically, the information helps to ensure that ICC's risk management system appropriately and effectively addresses the risks associated with clearing security based swap-related portfolios by providing an estimated impact of the proposed Monte Carlo-based methodology.

For similar reasons as discussed above, the Commission finds that Amendment No. 1 is designed to help assure the safeguarding of securities and funds which are in the custody or control of ICC, consistent with Section 17A(b)(3)(F) of the Act.[125] Accordingly, the Commission finds good cause for approving the Proposed Rule Change, as modified by Amendment No. 1, on an accelerated basis, pursuant to Section 19(b)(2) of the Exchange Act.[126]

V. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act[127] and Rule 17Ad–22(b)(2) thereunder.[128]

IT IS THEREFORE ORDERED pursuant to Section 19(b)(2) of the Act[129] that the proposed rule change, as modified by Amendment No. 1, (SR–ICC–2018–008) be, and hereby is, approved on an accelerated basis.[130]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[131]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23279 Filed 10–24–18; 8:45 am]

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[122] 17 CFR 240.17Ad–22(b)(2).

[123] *Id.*

[124] 15 U.S.C. 78s(b)(2).

[125] 15 U.S.C. 78q–1(b)(3)(F).

[126] 15 U.S.C. 78s(b)(2).

[127] 15 U.S.C. 78q–1(b)(3)(F).

[128] 17 CFR 240.17Ad–22(b)(2).

[129] 15 U.S.C. 78s(b)(2).

[130] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[131] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84454; File No. SR–NASDAQ–2018–068]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Order Approving Proposed Rule Change, as Modified by Amendment No. 1, To Extend the Cutoff Times for Accepting on Close Orders Entered for Participation in the Nasdaq Closing Cross and To Make Related Changes

October 19, 2018.

I. Introduction

On August 15, 2018, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to extend the cutoff times for accepting on close orders entered for participation in the Nasdaq Closing Cross and to make related changes. The proposed rule change was published for comment in the **Federal Register** on September 5, 2018.[3] On October 15, 2018, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and superseded the original filing in its entirety.[4] The Commission has received no comments on the proposed rule change. This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1 [5]

The Exchange proposes to amend certain cutoff times for on close orders entered for participation in the Nasdaq Closing Cross, to reject Closing Cross/Extended Hours Orders [6] that have been assigned a Pegging Attribute [7] regardless of when such orders are entered, and to make changes to the Order Imbalance Indicator.

A. Nasdaq Closing Cross Cutoff Times

Nasdaq Rule 4702(b)(11) currently provides that Market On Close (''MOC'') Orders [8] may be entered, cancelled, and/or modified between 4 a.m. ET and immediately prior to 3:50 p.m. ET. MOC Orders entered after 3:50 p.m. ET are rejected. Between 3:50 p.m. ET and immediately prior to 3:55 p.m. ET, MOC Orders can be cancelled and/or modified only if the participant requests that Nasdaq correct a legitimate error in the order (*e.g.,* side, size, symbol, price, or duplication of an order). MOC orders cannot be cancelled or modified for any reason at or after 3:55 p.m. ET.

Nasdaq Rule 4702(b)(12) currently provides that Limit On Close (''LOC'') Orders [9] may be entered, cancelled, and/or modified between 4 a.m. ET and immediately prior to 3:50 p.m. ET. LOC Orders may be entered between 3:50 p.m. ET and immediately prior to 3:55 p.m. ET provided that there is a First Reference Price.[10] LOC Orders entered at or after 3:55 p.m. ET are rejected.[11] Between 3:50 p.m. ET and immediately prior to 3:55 p.m. ET, LOC orders cannot be modified, and they can be cancelled only if the participant requests that Nasdaq correct a legitimate error in the order.

Nasdaq Rule 4702(b)(13) currently provides that Imbalance Only (''IO'') Orders [12] may be entered between 4:00 a.m. ET until the time of execution of the Nasdaq Closing Cross.[13] IO Orders may be cancelled and/or modified between 3:50 p.m. ET and immediately prior to 3:55 p.m. ET if the participant requests that Nasdaq correct a legitimate error in the order. IO Orders may not be cancelled or modified for any reason at or after 3:55 p.m. ET.

The Exchange now proposes to amend these cutoff times. As proposed, Nasdaq Rule 4702(b)(11) would provide that MOC Orders may be entered, cancelled, and/or modified between 4 a.m. ET and immediately prior to 3:55 p.m. ET. MOC Orders entered at or after 3:55 p.m. ET would be rejected. Between 3:55 p.m. ET and immediately prior to 3:58 p.m. ET, MOC Orders could be cancelled and/or modified only if the participant requests that Nasdaq correct a legitimate error in the order. MOC orders could not be cancelled or modified for any reason at or after 3:58 p.m. ET. As proposed, Nasdaq Rule 4702(b)(12) would provide that LOC Orders may be entered, cancelled, and/or modified between 4 a.m. ET and immediately prior to 3:55 p.m. ET. LOC Orders could be entered between 3:55 p.m. ET and immediately prior to 3:58 p.m. ET provided that there is a First Reference Price.[14] LOC Orders entered at or after 3:58 p.m. ET would be rejected.[15] Between 3:55 p.m. ET and immediately prior to 3:58 p.m. ET, LOC orders could not be modified, and they could be cancelled only if the participant requests that Nasdaq correct a legitimate error in the order. As proposed, Nasdaq Rule 4702(b)(13) [16] would provide that IO Orders may be cancelled and/or modified between 3:55 p.m. ET and immediately prior to 3:58 p.m. ET if the participant requests that Nasdaq correct a legitimate error in the order. IO Orders could not be cancelled or modified for any reason at or after 3:58 p.m. ET.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 83988 (August 29, 2018), 83 FR 45165.

[4] In Amendment No. 1, the Exchange: (1) Proposed conforming changes to Nasdaq Rule 7018(a)(3) to reflect the proposed cutoff times and provided additional discussion regarding the proposed changes to Nasdaq Rule 7018(a); (2) proposed to implement the proposal in Q4 2018; and (3) made other technical changes. Because Amendment No. 1 does not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues, Amendment No. 1 is not subject to notice and comment. Amendment No. 1 is available at *https://www.sec.gov/comments/sr-nasdaq-2018-068/srnasdaq2018068-4523622-176030.pdf.*

[5] For a more detailed description of the proposal, *see* Amendment No. 1, *supra* note 4.

[6] *See infra* note 18.

[7] *See infra* note 19.

[8] A MOC Order is an order type entered without a price that may be executed only during the Nasdaq Closing Cross. *See* Nasdaq Rule 4702(b)(11)(A).

[9] A LOC Order is an order type entered with a price that may be executed only in the Nasdaq Closing Cross, and only if the price determined by the Nasdaq Closing Cross is equal to or better than the price at which the LOC Order was entered. *See* Nasdaq Rule 4702(b)(12)(A).

[10] A LOC Order entered between 3:50 p.m. ET and immediately prior to 3:55 p.m. ET is accepted at its limit price, unless its limit price is higher (lower) than the First Reference Price for a LOC Order to buy (sell), in which case the participant has the choice to have the order rejected or re-priced to the First Reference Price. The First Reference Price is the Current Reference Price in the first Order Imbalance Indicator disseminated at or after 3:50 p.m. ET. *See* Nasdaq Rule 4754(a)(9).

[11] Nasdaq Rule 4702(b)(12)(B) provides that a Closing Cross/Extended Hours Order entered through OUCH, FLITE, RASH, or FIX with a time-in-force other than immediate-or-cancel after the time of the Nasdaq Closing Cross will be accepted but the Nasdaq Closing Cross flag will be ignored. All other Closing Cross/Extended Hours Orders entered at or after 3:55 p.m. ET are rejected.

[12] An IO Order is an order entered with a price that may be executed only in the Nasdaq Closing Cross and only against MOC Orders or LOC Orders. *See* Nasdaq Rule 4702(b)(13)(A).

[13] The Nasdaq Closing Cross begins at 4:00:00 p.m. ET and post-market hours trading commences when the Nasdaq Closing Cross concludes. *See* Nasdaq Rule 4754(b).

[14] As proposed, a LOC Order entered between 3:55 p.m. ET and immediately prior to 3:58 p.m. ET would be accepted at its limit price, unless its limit price is higher (lower) than the First Reference Price for a LOC Order to buy (sell), in which case the participant would have the choice to have the order rejected or re-priced to the First Reference Price.

[15] Nasdaq Rule 4702(b)(12)(B) continues to provide that a Closing Cross/Extended Hours Order entered through OUCH, FLITE, RASH, or FIX with a time-in-force other than immediate-or-cancel after the time of the Nasdaq Closing Cross will be accepted but the Nasdaq Closing Cross flag will be ignored. As proposed, all other Closing Cross/Extended Hours Orders entered at or after 3:58 p.m. ET would be rejected.

[16] Unchanged from the current rule, IO Orders may be entered between 4:00 a.m. ET until the time of execution of the Nasdaq Closing Cross.

The Exchange also proposes to make conforming changes throughout its rules to reflect the proposed cutoff times.[17]

B. Closing Cross/Extended Hours Order With Pegging Attribute

Nasdaq Rule 4702(b)(12)(B) currently provides that a Closing Cross/Extended Hours Order[18] that is entered between 3:50 p.m. ET and the time of the Nasdaq Closing Cross will be rejected if it has been assigned a Pegging Attribute.[19] The Exchange proposes to delete the reference in this rule to the time period between 3:50 p.m. ET and the time of the Nasdaq Closing Cross. Therefore, as proposed, a Closing Cross/Extended Hours Order would be rejected if it has been assigned a Pegging Attribute regardless of when the order is entered.

C. Order Imbalance Indicator

Currently, Nasdaq Rule 4754(b)(1) provides that, beginning at 3:50 p.m., Nasdaq disseminates by electronic means an Order Imbalance Indicator[20] every five seconds until market close. The Exchange proposes to begin disseminating the Order Imbalance Indicator for the Nasdaq Closing Cross at 3:55 p.m. ET and to disseminate the Order Imbalance Indicator every second.[21] The Exchange also proposes to disseminate the Order Imbalance Indicators for the Nasdaq Opening Cross,[22] the Nasdaq Halt Cross,[23] and the LULD Closing Cross[24] every second instead of every five seconds.

The Exchange proposes to implement the proposed changes in Q4 2018, and will announce the implementation date in an Equity Trader Alert issued to participants prior to implementing the changes.

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[25] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[26] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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.

As discussed above, the Exchange proposes to extend the cutoff times for entering MOC and LOC Orders, for modifying and cancelling MOC, LOC, and IO Orders, for modifying MOC and IO Orders to correct legitimate errors, and for cancelling MOC, LOC, and IO Orders to correct legitimate errors.[27] The Commission believes that extending these cutoff times would allow Exchange participants to retain flexibility with respect to entering, modifying, and cancelling their on close orders until a later time, while still providing time for Exchange participants to react to and resolve imbalances in the Nasdaq Closing Cross.[28] As a result, the Commission believes that the proposal could encourage participation in the Nasdaq Closing Cross by market participants who are unwilling to give up flexibility and control over their on close orders starting at 3:50 p.m. ET.[29]

As discussed above, the Exchange also proposes to amend its rules to provide that a Closing Cross/Extended Hours Order would be rejected if it has been assigned a Pegging Attribute (*i.e.,* regardless of the time the order is entered).[30] The Commission notes that Pegging Attributes are available only during Market Hours[31] and Closing Cross/Extended Hours Orders only operate outside of Market Hours.[32] The Commission believes that the proposal would reflect the current operation of the Pegging Attribute and Closing Cross/Extended Hours Orders.

In addition, as discussed above, the Exchange proposes to disseminate the Order Imbalance Indicator for the Nasdaq Closing Cross beginning at 3:55 p.m. ET instead of 3:50 p.m. ET, and to disseminate the Order Imbalance Indicators for the Nasdaq Opening Cross, Nasdaq Halt Cross, Nasdaq Closing Cross, and LULD Closing Cross every second instead of every five seconds.[33] The Commission notes that because Exchange participants would have more flexibility to enter, modify, and cancel on close orders before 3:55 p.m. ET than after,[34] the proposal would permit the Exchange to start disseminating the Order Imbalance Indicator for the Nasdaq Closing Cross when on close interest is relatively locked in.[35] The Commission also believes that disseminating the Order Imbalance Indicators every second would provide a timelier and more frequent view of the market before a cross.[36]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[37] that the proposed rule change (SR–NASDAQ–

[17] Specifically, the Exchange proposes to make conforming changes to Nasdaq Rule 4754(b)(7)(B) and Nasdaq Rules 7018(a)(1), (2), and (3) to reflect the proposed cutoff times.

[18] A Closing Cross/Extended Hours Order is an order that is flagged to participate in the Nasdaq Closing Cross and that has a time-in-force that continues after the time of the Nasdaq Closing Cross. *See* Nasdaq Rule 4702(b)(12)(B). A Closing Cross/Extended Hours Order participates in the Nasdaq Closing Cross like a LOC Order, and it operates thereafter in accordance with its order type and order attributes (if not executed in full in the Nasdaq Closing Cross). *See id.*

[19] Pegging is an order attribute that allows an order to have its price automatically set with reference to the national best bid or offer and is available only during Market Hours. *See* Nasdaq Rule 4703(d).

[20] The Order Imbalance Indicator for the Nasdaq Closing Cross is a message disseminated by electronic means containing information about MOC, LOC, IO, and Close Eligible Interest and the price at which those orders would execute at the time of dissemination. *See* Nasdaq Rule 4754(a)(7).

[21] Because the Exchange proposes to begin disseminating the Order Imbalance Indicator for the Nasdaq Closing Cross at 3:55 p.m. ET, the Exchange also proposes to amend the definition of First Reference Price to mean the Current Reference Price in the first Order Imbalance Indicator disseminated at or after 3:55 p.m. ET. *See* proposed Nasdaq Rule 4754(a)(9).

[22] *See* proposed Nasdaq Rule 4752(d)(1).

[23] *See* proposed Nasdaq Rule 4753(b)(1).

[24] *See* proposed Nasdaq Rule 4754(b)(6)(B).

[25] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[26] 15 U.S.C. 78f(b)(5).

[27] *See supra* Section II.A.

[28] The Commission also notes that the proposal would continue to provide a brief period of additional time after 3:55 p.m. ET for Exchange participants to submit LOC Orders provided that there is a First Reference Price, and to correct legitimate errors in their on close orders.

[29] The Commission notes that Cboe BZX Exchange Inc. (''BZX'') has a 3:55 p.m. cutoff time for entering market-on-close and limit-on-close orders, and that BZX accepts late-limit-on-close orders between 3:55 p.m. and 4:00 p.m. *See* BZX Rule 11.23(c)(1)(A). The Commission also notes that NYSE Arca, Inc. (''NYSE Arca'') initiates its closing auction imbalance freeze for market-on-close and limit-on-close orders one minute before the scheduled time for the closing auction. *See* NYSE Arca Rule 7.35–E(d)(2).

[30] *See supra* Section II.B.

[31] *See supra* note 19 and Nasdaq Rule 4703(d).

[32] *See supra* note 18 and Nasdaq Rule 4702(b)(12)(B).

[33] *See supra* Section II.C.

[34] *See supra* Section II.A.

[35] The Commission notes that, currently, the Exchange also begins disseminating the Order Imbalance Indicator for the Nasdaq Closing Cross when on close interest is relatively locked in (*i.e.,* at 3:50 p.m. ET).

[36] The Commission notes that NYSE Arca updates its auction imbalance information at least every second, unless there is no change to the information. *See* NYSE Arca Rule 7.35–E(a)(4)(A).

[37] 15 U.S.C. 78s(b)(2).

2018–068), as modified by Amendment No. 1, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[38]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23277 Filed 10–24–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84458; File Nos. SR–DTC–2018–009; SR–FICC–2018–010; SR–NSCC–2018–009]

Self-Regulatory Organizations; The Depository Trust Company; Fixed Income Clearing Corporation; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Changes To Amend the Clearing Agency Frameworks

October 19, 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 11, 2018, The Depository Trust Company (''DTC''), Fixed Income Clearing Corporation (''FICC''), and National Securities Clearing Corporation (''NSCC,'' and together with DTC and FICC, the ''Clearing Agencies'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes as described in Items I and II below, which Items have been prepared primarily by the Clearing Agencies. The Clearing Agencies filed the proposed rule changes pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Clearing Agencies' Statements of the Terms of Substance of the Proposed Rule Changes

The proposed rule changes would amend the Clearing Agency Stress Testing Framework (Market Risk) (''Stress Testing Framework''), Clearing Agency Liquidity Risk Management Framework (''Liquidity Risk Management Framework''), Clearing Agency Model Risk Management Framework (''Model Risk Management Framework''), Clearing Agency Operational Risk Management Framework (''Operational Risk Management Framework''), Clearing Agency Risk Management Framework (''Risk Management Framework''), Clearing Agency Securities Valuation Framework (''Securities Valuation Framework''), Clearing Agency Policy on Capital Requirements (''Capital Policy''), and Clearing Agency Capital Replenishment Plan (''Capital Replenishment Plan,'' and, together with the Stress Testing Framework, Liquidity Risk Management Framework, Model Risk Management Framework, Operational Risk Management Framework, Risk Management Framework, Securities Valuation Framework and Capital Policy, the ''Clearing Agency Frameworks'' or ''Frameworks'') of the Clearing Agencies.

Specifically, the proposed rule changes would (1) amend each of the Clearing Agency Frameworks to incorporate and align with an existing delegation of authority to the General Counsel and Deputy General Counsels of the Clearing Agencies to approve certain changes to the Clearing Agency Frameworks; (2) revise the identification of the individuals who own and manage the Frameworks, where applicable; (3) make further corrections and clarifications to the Stress Testing Framework, including revisions to the description of responsibilities of certain groups and expansion of reverse stress testing analyses, as further described below; and (4) correct the description of an assumption underlying a stress scenario in the Liquidity Risk Management Framework, as further described below.

II. Clearing Agencies' Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the Clearing Agencies included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments they received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The Clearing Agencies have prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agencies' Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

1. Purpose

The Clearing Agencies adopted the Clearing Agency Frameworks[5] in order to set forth the manner in which each of the Clearing Agencies addresses certain risks as required by Rule 17Ad–22(e) under the Act,[6] as described in the Initial Filings. In addition to setting forth the manner in which each of the Clearing Agencies addresses the requirements of Rule 17Ad–22(e), each Framework also contains a section titled ''Framework Ownership and Change Management'' that, among other matters, identifies the title of the individual or group who owns and is responsible for managing the Framework and describes the required governance process for review and approval of changes to the Framework.

The Clearing Agencies are proposing to (1) amend each of the Clearing Agency Frameworks in order to align with an existing delegation of authority to the General Counsel and Deputy General Counsels of the Clearing Agencies to approve certain changes to the Clearing Agency Frameworks; (2) revise the identification of the individuals who own and manage the Frameworks, where applicable; (3) make further corrections and clarifications to the Stress Testing Framework, including revisions to the description of responsibilities of certain groups and expansion of the reverse stress testing analyses, as further described below; and (4) correct the description of an assumption underlying a stress scenario in the Liquidity Risk Management Framework, as further described below.

[38] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release Nos. 82368 (December 19, 2017), 82 FR 61082 (December 26, 2017) (SR–DTC–2017–005; SR–FICC–2017–009; SR–NSCC–2017–006) (Stress Testing Framework); 82377 (December 21, 2017), 82 FR 61617 (December 28, 2017) (SR–DTC–2017–004; SR–NSCC–2017–005; SR–FICC–2017–008) (Liquidity Risk Management Framework); 81485 (August 25, 2017), 82 FR 41433 (August 31, 2017) (SR–DTC–2017–008; SR–FICC–2017–014; SR–NSCC–2017–008) (Model Risk Management Framework); 81745 (September 28, 2017), 82 FR 46332 (October 4, 2017) (SR–DTC–2017–014; SR–NSCC–2017–013; SR–FICC–2017–017) (Operational Risk Management Framework); 81635 (September 15, 2017), 82 FR 44224 (September 21, 2017) (SR–DTC–2017–013; SR–NSCC–2017–012; SR–FICC–2017–016) (Risk Management Framework); 82006 (November 2, 2017), 82 FR 51892 (November 8, 2017) (SR–DTC–2017–016; SR–NSCC–2017–016; SR–FICC–2017–020) (Securities Valuation Framework); 81105 (July 7, 2017), 82 FR 32399 (July 13, 2017) (SR–DTC–2017–003, SR–FICC–2017–007, SR–NSCC–2017–004) (Capital Policy and Capital Replenishment Plan) (each, an ''Initial Filing'' and collectively, ''Initial Filings'').

[6] 17 CFR 240.17Ad–22(e).

i. Proposed Amendments Regarding Delegation of Authority for Change Management

Currently, most of the Clearing Agency Frameworks (with the exception of the Capital Policy and Capital Replenishment Plan) include a statement within the ''Framework Ownership and Change Management'' section that any change to the Framework must be approved by the Boards, or such committees as may be delegated authority by the Boards from time to time pursuant to their charters. The Capital Policy and Capital Replenishment Plan each provide that ''routine'' changes to these documents be approved by the DTCC Treasury Group,[7] which owns these documents, and that ''material'' changes to these documents be approved by the Boards, or such committees as may be delegated authority by the Boards from time to time pursuant to their charters.

The Boards have delegated to the General Counsel and the Deputy General Counsels of the Clearing Agencies the authority to approve certain proposed rule changes of the Clearing Agencies and the filings with respect to such proposed rule changes required by Rule 19b–4 under the Act.[8] Specifically, the Boards have delegated to the General Counsel and Deputy General Counsels of the Clearing Agencies authority to approve (1) proposed rule changes that may be filed pursuant to Section 19(b)(3)(A) of the Act,[9] (2) proposed rule changes that constitute clarifications, corrections or minor changes in the rules of the Clearing Agencies but that will not be filed pursuant to Section 19(b)(3)(A) of the Act,[10] in each case, other than any rule change where the aggregate annual fees generated as a result of such rule change are anticipated to be more than $1,000,000 at the time of the filing, and (3) all proposed changes that are subject to an advance notice as required by Rule 19b–4(n) under the Act [11] but do not constitute a change to the rules of Clearing Agencies.

Therefore, the statement within the ''Framework Ownership and Change Management'' section of the Clearing Agency Frameworks that the Boards or committees of the Board must approve changes to the Clearing Agency Frameworks is inconsistent with these existing delegations of approval authority. As such, the Clearing Agencies are proposing to amend each of the Clearing Agency Frameworks to clarify that changes to the Clearing Agency Frameworks may be approved by (1) the Boards, (2) such Board committees as may be delegated authority by the Boards from time to time pursuant to their charters, or (3), with respect to certain changes, the General Counsel or Deputy General Counsels of the Clearing Agencies, pursuant to authority delegated by the Boards and with the advice and direction of the Framework owner.

The proposed change would make the Clearing Agency Frameworks consistent with existing internal delegations of authority and would also facilitate expedited review and approval of changes that may not require the review and approval of the Boards or committees of the Boards.

ii. Proposed Revision to the Identification of the Clearing Agency Frameworks' Owners

The ''Framework Ownership and Change Management'' section in most of the Clearing Agency Frameworks (with the exception of the Capital Policy and the Capital Replenishment Plan) [12] also identifies the individual who owns and manages that Framework. Currently, each of the Frameworks identifies the title of that individual. The Clearing Agencies are proposing to revise each of the Clearing Agency Frameworks to remove the title of that individual and instead provide that the individual who owns and manages the Framework is an officer within the applicable business group. The proposed change would permit the Clearing Agencies to change the title of the individual who owns and manages the Clearing Agency Frameworks, so long as that individual is an officer of the Clearing Agencies.

iii. Proposed Revisions to Stress Testing Framework

The Stress Testing Framework describes the procedures by which the Clearing Agencies perform stress testing of each of their respective total prefunded financial resources, exclusive of assessments for additional contributions or other resources that are not prefunded that may be available to the Clearing Agencies and is maintained by the Clearing Agencies pursuant to Rule 17Ad–22(e)(4) under the Act.[13] In addition to the proposed changes discussed above, the Clearing Agencies are proposing to make the following changes to the Stress Testing Framework.

First, the Clearing Agencies are proposing to enhance the descriptions of certain matters within the Stress Testing Framework that would clarify, but would not substantively change, those statements. The proposed revisions would enhance the clarity of the current description of the purpose of the Clearing Agencies' stress testing methodologies and the description of the monthly review and evaluation of the stress testing results and underlying parameters and assumptions. The proposed changes would state that the monthly review would include (1) analyses of model parameters, model assumptions, and model performance; and (2) evaluation of the set of stress scenarios to confirm their continued comprehensiveness and relevance.

Second, the Clearing Agencies are proposing to revise the Stress Testing Framework to update the responsibilities of certain groups within the DTCC Group Chief Risk Office (''GCRO''). For example, the Clearing Agencies are proposing to revise the Stress Testing Framework to reflect that, due to a recent reorganization within the GCRO, certain tasks that were previously the responsibility of the Market Analytics group were delegated to the Systemic Risk Office, including the responsibility for designing macroeconomic scenarios that are used in the development of hypothetical scenarios used in stress testing. Additionally, the Clearing Agencies are separately proposing to revise the Stress Testing Framework to clarify that certain responsibilities of the Data and Portfolio Analytics group (''DPA'') require input from other groups within the Quantitative Risk Management team (''QRM'') of the GCRO by replacing ''DPA'' with ''QRM'' in the descriptions of these responsibilities.

Finally, the Clearing Agencies are proposing to update the descriptions of reverse stress testing analyses within the Stress Testing Framework to reflect the current practice of performing these analyses for each of the Clearing Agencies.[14] Reverse stress testing

[7] The parent company of the Clearing Agencies is The Depository Trust & Clearing Corporation (''DTCC''). DTCC operates on a shared services model with respect to the Clearing Agencies and its other subsidiaries. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides a relevant service to a subsidiary, including the Clearing Agencies.

[8] 17 CFR 240.19b–4.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] *Id.*

[11] 17 CFR 240.19b–4(n).

[12] The Capital Policy and the Capital Replenishment Plan are both owned by the DTCC Treasury Group. Therefore, the Clearing Agencies are not proposing changes to these documents with respect to their ownership.

[13] *See supra* note 5; 17 CFR 240.17Ad–22(e)(4).

[14] Reverse stress testing is a method for identifying events that may cause a Clearing Agency to exhaust its prefunded financial resources. Reverse stress testing could involve, for example, assuming that a particular set of circumstances, or event, does exhaust a Clearing Agency's prefunded

analyses are performed on at least a semi-annual basis and provide another means for testing the sufficiency of the Clearing Agencies' respective prefunded financial resources, in addition to the stress testing that is performed by the Clearing Agencies pursuant to the requirements of Rule 17Ad–22(e)(4) under the Act.[15] The Stress Testing Framework currently states that the reverse stress testing analyses are performed for FICC and NSCC. Since the implementation of the Stress Testing Framework, the Clearing Agencies have expanded these analyses to cover DTC as well. Therefore, the Clearing Agencies are proposing to update the Stress Testing Framework to reflect the current practice of performing reverse stress testing analyses for each of the Clearing Agencies.

iv. Proposed Correction to Liquidity Risk Management Framework

The Liquidity Risk Management Framework sets forth the manner in which each of the Clearing Agencies measures, monitors and manages the liquidity risks that arise in or are borne by such Clearing Agency, including (i) the manner in which each Clearing Agency deploys its liquidity tools to meet its settlement obligations on an ongoing and timely basis and (ii) each applicable Clearing Agency's use of intraday liquidity, in accordance with applicable legal requirements. The Liquidity Risk Management Framework assists the Clearing Agencies with the requirements of Rule 17Ad–22(e)(7) under the Act.[16]

In addition to the proposed changes discussed above, the Clearing Agencies are proposing to correct an error in the examples of assumptions that may be used in the Level 1 stress scenarios that are used in the Clearing Agencies' daily liquidity analyses, as described in the Initial Filing. Currently, the Liquidity Risk Management Framework states that these assumptions may include the simultaneous default, without prior warning, of all members of the affiliated family with the largest settlement obligations. The proposed change would remove ''without prior warning,'' which was included in error, as the assumption that may be used for Level 1 stress scenarios would assume some prior warning or expectation of this event.

financial resources, and then determining the size of security price movements in those circumstances.

[15] 17 CFR 240.17Ad–22(e)(4).

[16] *See supra* note 5; 17 CFR 240.17Ad–22(e)(7).

2. Statutory Basis

The Clearing Agencies believe that the proposed changes are consistent with Section 17A(b)(3)(F) of the Act, which requires, in part, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, for the reasons described below.[17]

The proposed change to reflect the existing delegation of authority to the General Counsel and Deputy General Counsels of the Clearing Agencies to approve certain changes to the Clearing Agency Frameworks would align the change management process applicable to the Frameworks to existing governance and delegations of authority within the Clearing Agencies. The proposed change would also permit an expedited review and approval of changes that do not require action by the Boards or Board committees. In this way, the proposed change would simplify the steps necessary for the Clearing Agencies to make certain non-material changes to the Clearing Agency Frameworks, subject to required regulatory review and approval of such changes. The proposed change to revise the identification of the individual who owns and manages certain of the Clearing Agency Frameworks to an officer within the relevant business unit would provide the Clearing Agencies with flexibility to change that individual or the title of that individual, while ensuring the owner has an appropriate level of authority.

The other proposed changes to the Stress Testing Framework and the Liquidity Risk Management Framework would clarify and correct the descriptions of certain matters, as described above. For example, the proposed change to clarify in the Stress Testing Framework that reverse stress testing may be performed for each of the Clearing Agencies would update this Framework to reflect current practice and would correct the existing statements that such analyses are only performed for FICC and NSCC. By creating clearer descriptions, updating descriptions to reflect current practice, and correcting errors, the Clearing Agencies believe that the proposed changes would make these Frameworks more effective in providing an overview of the important risk management activities described therein.

[17] 15 U.S.C. 78q–1(b)(3)(F).

As described in the Initial Filings, the risk management functions described in the Clearing Agency Frameworks allow the Clearing Agencies to continue the prompt and accurate clearance and settlement of securities and can continue to assure the safeguarding of securities and funds which are in their custody or control or for which they are responsible notwithstanding the default of a member of an affiliated family. The proposed changes to improve the clarity and accuracy of the descriptions of these functions within the Clearing Agency Frameworks would assist the Clearing Agencies in carrying out these risk management functions. Therefore, the Clearing Agencies believe the proposed changes are consistent with the requirements of Section 17A(b)(3)(F) of the Act.[18]

(B) Clearing Agencies' Statements on Burden on Competition

The Clearing Agencies do not believe that the proposed changes to the Clearing Agency Frameworks described above would have any impact, or impose any burden, on competition. As described above, the proposed rule changes would improve the change management process applicable to the Clearing Agency Frameworks, and would improve the clarity and accuracy of the descriptions of certain matters within the Frameworks. Therefore, the proposed changes are technical and non-material in nature, relating mostly to the operation of the Clearing Agency Frameworks rather than the risk management functions described therein.

Further, the Clearing Agencies do not believe that the proposed change to update the Stress Testing Framework to state that reverse stress testing may be performed for each of the Clearing Agencies would have any impact, or impose any burden, on competition. The proposed change would reflect the recent expansion of reverse stress testing to cover DTC and, similar to the use of reverse stress testing with NSCC and FICC, these analyses are applied consistently to all DTC participants.

As such, the Clearing Agencies do not believe that the proposed rule changes would have any impact on competition.

(C) Clearing Agencies' Statements on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

The Clearing Agencies have not solicited or received any written comments relating to this proposal. The Clearing Agencies will notify the

[18] *Id.*

Commission of any written comments received by the Clearing Agencies.

III. Date of Effectiveness of the Proposed Rule Changes, and Timing for Commission Action

Because the foregoing proposed rule changes do not:

(i) Significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [19] and Rule 19b–4(f)(6) thereunder.[20]

A proposed rule change filed under Rule 19b–4(f)(6) [21] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[22] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Clearing Agencies have asked the Commission to designate a shorter time for the proposal to become operative. The Clearing Agencies state that the proposed rule changes would allow the Clearing Agencies to maintain clear and accurate internal procedures, and avoid any errors in carrying out the important responsibilities described therein. The Commission believes that allowing the Clearing Agencies to maintain clear and accurate internal procedures and avoid potential confusion in carrying out their responsibilities is consistent with the protection of investors and the public interest given the important role that the Clearing Agencies play in the financial markets. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule changes to be operative upon filing.[23]

At any time within 60 days of the filing of the proposed rule changes, the Commission summarily may temporarily suspend such rule changes if they appear to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule changes are 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 Numbers SR–DTC–2018–009, SR–FICC–2018–010, or SR–NSCC–2018–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Numbers SR–DTC–2018–009, SR–FICC–2018–010, or SR–NSCC–2018–009. 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 changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of DTC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Numbers SR–DTC–2018–009, SR–FICC–2018–010, or SR–NSCC–2018–009 and should be submitted on or before November 15, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

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[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6).

[21] *Id.*

[22] 17 CFR 240.19b-4(f)(6)(iii).

[23] 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).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84456; File No. SR–CboeBZX–2018–078]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To List and Trade Shares of the WisdomTree Long-Term Treasury PutWrite Strategy Fund, WisdomTree Corporate Bond PutWrite Strategy Fund, WisdomTree International PutWrite Strategy Fund, and WisdomTree Emerging Markets PutWrite Strategy Fund, Each a Series of WisdomTree Trust, Under Rule 14.11(i), Managed Fund Shares

October 19, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 9, 2018, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to list and trade shares of the WisdomTree Long-Term Treasury PutWrite Strategy Fund, WisdomTree Corporate Bond PutWrite Strategy Fund, WisdomTree International PutWrite Strategy Fund, and WisdomTree Emerging Markets PutWrite Strategy Fund, each a series of the WisdomTree Trust (the ''Trust''), under Rule 14.11(i) (''Managed Fund Shares'').

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the WisdomTree Long-Term Treasury PutWrite Strategy Fund, WisdomTree Corporate Bond PutWrite Strategy Fund, WisdomTree International PutWrite Strategy Fund, and WisdomTree Emerging Markets PutWrite Strategy Fund (each a ''Fund'' and, collectively, the ''Funds'') under Rule 14.11(i), which governs the listing and trading of Managed Fund Shares on the Exchange.

The Shares will be offered by the WisdomTree Trust, which was established as a Delaware statutory trust on December 15, 2005. The Trust is registered with the Commission as an investment company and has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission on behalf of the Funds.[3]

Exchange Rule 14.11(i)(7) provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect and maintain a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[4] In addition, Exchange Rule 14.11(i)(7) further requires that personnel who make decisions on the investment company's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable investment company portfolio. Exchange Rule 14.11(i)(7) is similar to Exchange Rule 14.11(b)(5)(A)(i) (which applies to index-based funds); however, Exchange Rule 14.11(i)(7) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not a registered broker-dealer and is not affiliated with any broker-dealers that are in the business of buying or selling securities. The Sub-Adviser is affiliated with multiple broker-dealers and has implemented a ''fire wall'' with respect to such broker-dealers and their personnel regarding access to information regarding access to information [sic] concerning the composition and/or changes to a Fund's portfolio. In addition, Sub-Adviser personnel who make decisions regarding a Fund's portfolio are subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding such Fund's portfolio. In the event that (a) the Adviser or Sub-Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

Each Fund intends to qualify each year as a regulated investment company under Subchapter M of the Internal Revenue Code of 1986, as amended.

The Exchange submits this proposal in order to allow each Fund to hold listed derivatives (*i.e.,* Puts, as defined below) in a manner that does not comply with Exchange Rule 14.11(i)(4)(C)(iv)(b).[5] Specifically, each Fund seeks to achieve its respective investment objective primarily through a strategy of selling listed put options on exchange traded funds (''ETFs'')[6] in a manner that does not meet the requirements of Rule 14.11(i)(4)(C)(iv)(b), while investing the sales proceeds in Treasury Bills. The Funds may also hold a very limited amount of certain fixed income securities and mutual funds that do not comply with the holdings requirements in Rule 14.11(i)(4)(C)(ii) and 14.11(i)(4)(C)(i), respectively, as further described below. Otherwise, each Fund will comply with all other listing requirements on an initial and continued listing basis under Exchange Rule 14.11(i) for Managed Fund Shares. The Exchange notes that the Commission has previously approved the listing and trading of two funds that employ very similar indexed strategies.[7]

PutWrite Strategy

In a put writing strategy, a Fund (as the seller of the option) receives premiums from the purchaser of the

[3] *See* Post-Effective Amendment Nos. 641–644 to the Registration Statement on Form N–1A for the Trust, dated September 19, 2018 (File Nos. 333–132380 and 811–21864). The descriptions of the Funds and the Shares contained herein are based on information in the Registration Statement.

[4] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[5] Exchange Rule 14.11(i)(4)(C)(iv)(b) provides that ''the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures).''

[6] For purposes of this filing the term ETF shall mean Portfolio Depository Receipts as defined in Rule 14.11(b), Index Fund Shares as defined in Rule 14.11(c), and Managed Fund Shares as defined in Rule 14.11(i), or the equivalent product type on other national securities exchanges. With respect to Index Fund Shares, the underlying index shall be referred to herein as an ''Index.''

[7] *See* Securities Exchange Act Release Nos. 81876 (October 16, 2017), 82 FR 48861 (October 20, 2017) (order approving proposed rule change to list shares of the WisdomTree CBOE Russell 2000 PutWrite Strategy Fund); 74675 (April 8, 2015), 80 FR 20038 (April 14, 2015) (order approving proposed rule change to list shares of the Wisdom Tree Put Write Strategy Fund); and 77045 (February 3, 2016), 81 FR 6916 (February 9, 2016) (order approving a proposed rule change relating to the index underlying the WisdomTree Put Write Strategy Fund). If such funds were evaluated under the generic listing standards for Managed Fund Shares applicable under Rule 14.11(i), they would not meet the generic listing standards in the same way as the Funds would not meet the generic listing standards.

option in exchange for providing the purchaser with the right to sell the underlying instrument to the Fund at a specific price (*i.e.,* the exercise price or strike price). If the market price of the instrument underlying the option exceeds the strike price, it is anticipated that the option would go unexercised and the Fund would earn the full premium upon the option's expiration or a portion of the premium upon the option's early termination. If the market price of the instrument underlying the option drops below the strike price, it is anticipated that the option would be exercised and the Fund would pay the option buyer the difference between the market value of the underlying instrument and the strike price. The proceeds received by a Fund for writing put options will generally be invested in Treasury Bills in order to seek to offset any liabilities the Fund incurs from writing put options.

The Sub-Adviser will select option investments based on estimates of current and future market volatility levels, underlying instrument valuations and perceived market risks and will evaluate relative option premiums in determining preferred option contract terms, such as exercise prices and expiration dates. At the time of writing (selling) a put option, the aggregate investment exposure, as measured on a notional basis (*i.e.,* the value of the underlying instrument at its strike price), of the options written by the Fund will not exceed 100% of the Fund's total assets.

Each Fund's investments will substantially consist of written put options on one or more ETFs and Cash Equivalents.[8]

WisdomTree Long-Term Treasury PutWrite Strategy Fund

The WisdomTree Long-Term Treasury PutWrite Strategy Fund seeks long-term growth of capital and income generation. The Fund seeks to achieve its investment objective primarily through a strategy of writing listed put options on one or more ETFs that track the performance of debt issued by the U.S. Treasury with remaining maturities of 20 years or more.

WisdomTree High Yield Corporate Bond PutWrite Strategy Fund

The WisdomTree High Yield Corporate Bond PutWrite Strategy Fund seeks long-term growth of capital and income generation. The Fund seeks to achieve its investment objective primarily through a strategy of writing listed put options on one or more ETFs that track the performance of U.S. high yield corporate debt.

WisdomTree International PutWrite Strategy Fund

The WisdomTree International PutWrite Strategy Fund seeks long-term growth of capital and income generation. The Fund seeks to achieve its investment objective primarily through a strategy of writing listed put options on one or more ETFs that track the equity market performance of developed markets outside of the U.S. & Canada.

WisdomTree Emerging Markets PutWrite Strategy Fund

The WisdomTree Emerging Markets PutWrite Strategy Fund seeks long-term growth of capital and income generation. The Fund seeks to achieve its investment objective primarily through a strategy of writing listed put options on one or more ETFs that track the performance of large and mid-cap emerging markets equities.

Investment Methodology

Under Normal Market Conditions,[9] each Fund will invest substantially all of its assets in put options and one month or three-month U.S. Treasury bills. Each Fund's investment strategy will be designed to write a sequence of one-month, at-the-money, puts on the applicable ETFs (the ''Puts'')[10] and invest the proceeds from writing such puts in Treasury bills. The number of Puts written will vary from month to month, but will be limited to permit the amount held in a Fund's investment in Treasury bills to finance the maximum possible loss from final settlement of the Puts.

The new Puts will be struck and sold on a monthly basis, usually the third Friday of the month (*i.e.,* the ''Roll Date''), which matches the expiration date of the current Puts. The strike price of the new Puts will be based on the strike price of the put options with the closest strike price below the last trade of the applicable ETF reported before 11:00 a.m. ET. For example, if the last trade in the applicable ETF reported before 11:00 a.m. ET is $50.23 and the closest listed put option with a strike price below $50.23 is $50, then the $50 strike put option will be sold by the Fund.

Other Assets

Each Fund may invest up to 20% of its net assets (in the aggregate) in Other Assets. Other Assets includes only the following: Other ETF put options;[11] Index futures and/or options on Index futures;[12] total return swaps;[13] shares of other exchange traded products

[8] As defined in Exchange Rule 14.11(i)(4)(C)(iii)(b), Cash Equivalents include short-term instruments with maturities of less than three months are: (i) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (ii) certificates of deposit issued against funds deposited in a bank or savings and loan association; (iii) bankers acceptances, which are short-term credit instruments used to finance commercial transactions; (iv) repurchase agreements and reverse repurchase agreements; (v) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (vi) commercial paper, which are short-term unsecured promissory notes; and (vii) money market funds.

[9] The term ''Normal Market Conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues causing dissemination of inaccurate market information or system failures; or force majeure type events such as natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance. In response to adverse market, economic, political, or other conditions, the Fund reserves the right to invest in U.S. government securities, other money market instruments (as defined below), and cash, without limitation, as determined by the Adviser or Sub-Adviser. In the event the Fund engages in these temporary defensive strategies that are inconsistent with its investment strategies, the Fund's ability to achieve its investment objectives may be limited.

[10] The term ''Puts'' will at any time include only puts on the five ETFs that track the performance of the applicable market sector that have the greatest total options consolidated average daily exchange trading volume in such puts for the previous quarter. The Fund will not invest in Puts on leveraged (*e.g.,* 2X, –2X, 3X, or –3X) ETFs.

[11] A Fund may invest up to 10% of its assets in over-the-counter put options.

[12] A Fund will limit its direct investments in futures and options on futures to the extent necessary for the Adviser to claim the exclusion from regulation as a ''commodity pool operator'' with respect to the Fund under Rule 4.5 promulgated by the Commodity Futures Trading Commission (''CFTC''), as such rule may be amended from time to time. Under Rule 4.5 as currently in effect, the Fund would limit its trading activity in futures and options on futures (excluding activity for ''bona fide hedging purposes,'' as defined by the CFTC) such that it will meet one of the following tests: (i) Aggregate initial margin and premiums required to establish its futures and options on futures positions will not exceed 5% of the liquidation value of the Fund's portfolio, after taking into account unrealized profits and losses on such positions; or (ii) aggregate net notional value of its futures and options on futures positions will not exceed 100% of the liquidation value of the Fund's portfolio, after taking into account unrealized profits and losses on such positions.

The exchange-listed futures contracts in which a Fund may invest will be listed on exchanges in the U.S. Each of the exchange-listed futures contracts in which the Fund may invest will be listed on exchanges that are members of ISG.

[13] A Fund may use total return swaps to create positions equivalent to investments in ETF put options and the component securities underlying the applicable Index.

A Fund's investments in total return swap agreements will be backed by investments in U.S. government securities in an amount equal to the exposure of such contracts.

(''ETPs'');[14] shares of non-exchange-traded registered open-end investment companies (*i.e.,* mutual funds);[15] and variable or floating interest rate securities.[16]

As such, the Funds may hold certain fixed income securities and mutual funds that do not comply with the holdings requirements in Rule 14.11(i)(4)(C)(ii) and 14.11(i)(4)(C)(i), respectively. The Exchange does not believe that these holdings represent any substantive policy concerns because they represent such a small portion of the portfolio. In addition, the Funds additional holdings of ETPs and cash and cash equivalents will meet the listing standards applicable in Rule 14.11(i)(4)(C)(i) and 14.11(i)(4)(C)(iii), respectively. The listed derivatives holdings described above will comply with Rule 14.11(i)(4)(C)(iv) when calculated including the options held as part of the investment methodology described above. The OTC derivatives will comply with Rule 14.11(i)(4)(C)(v).

Additional Discussion

In order to achieve its investment objective, under Normal Market Conditions,[17] the aggregate gross notional value of Puts may approach 100% of a Fund (including gross notional values). As noted above, Exchange Rule 14.11(i)(4)(C)(iv)(b) prohibits a Fund from holding listed derivatives based on any five or fewer underlying reference assets in excess of 65% of the weight of the portfolio (including gross notional exposures) and from holding listed derivatives based on any single underlying reference asset in excess of 30% of the weight of its portfolio (including gross notional exposures). The Exchange is proposing to allow each Fund to hold up to 100% of the weight of its respective portfolio (including gross notional exposures) in listed derivatives based on a single underlying reference asset (the applicable ETF) through its investment in Puts.

The Exchange believes that sufficient protections are in place to protect against market manipulation of the Funds' Shares and the Puts for several reasons: (i) The liquidity in the market for at-the-money Puts in the underlying ETFs; (ii) the diversity, liquidity, and size of the securities, whether equity or fixed income, underlying the ETFs (each of which either meet the generic listing standards in Rule 14.11 or the equivalent listing rules on another national securities exchange or have otherwise been approved for listing by the Commission); and (iii) surveillance by the Exchange, other SROs on which the Puts are listed and traded, and the Financial Industry Regulatory Authority (''FINRA'') designed to detect violations of the federal securities laws and self-regulatory organization (''SRO'') rules. The Exchange has in place a surveillance program for transactions in ETFs to ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the Shares less readily susceptible to manipulation. Further, the Exchange believes that because the assets in each Fund's portfolio, which are comprised primarily of Puts, will be acquired in extremely liquid and highly regulated markets,[18] the Shares are less readily susceptible to manipulation.

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares. The issuer has represented to the Exchange that it will advise the Exchange of any failure by a Fund or the related Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund or the related Shares are not in compliance with the applicable listing requirements, then, with respect to such Fund or Shares, the Exchange will commence delisting procedures under Exchange Rule 14.12. FINRA conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures with respect to such Fund under Exchange Rule 14.12.

The Exchange or FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, ETPs, futures contracts, and exchange-traded options contracts with other market and other entities that are members of ISG and may obtain trading information in the Shares, futures contracts, exchange-traded options contracts, and ETPs from such markets and other entities. In addition, the Exchange, or FINRA, on behalf of the Exchange is able to access, as needed, trade information for certain fixed income instruments reported to FINRA's Trade Reporting and Compliance Engine (''TRACE''). The Exchange may also obtain information regarding trading in the Shares, futures contracts, exchange-traded options contracts, and ETPs from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, the Exchange also has a general policy prohibiting the

[14] A Fund may invest in shares of both taxable and tax-exempted money market funds. When used herein, ETPs may include, without limitation, Index Fund Shares (as described in Rule 14.11(c)); Linked Securities (as described in Rule 14.11(d)); Portfolio Depositary Receipts (as described in Rule 14.11(b)); Trust-Issued Receipts (as described in Rule 14.11(f)); Commodity-Based Trust Shares (as described in Rule 14.11(e)(4)); Currency Trust Shares (as described in Rule 14.11(e)(5)); Commodity Index Trust Shares (as described in Rule 14.11(e)(6)); Trust Units (as described in Rule 14.11(e)(9)); Managed Fund Shares (as described in Rule 14.11(i)), and closed-end funds. The ETPs in which the Fund may invest all will be listed and traded on U.S. exchanges. The Fund may invest in the securities of ETPs registered under the 1940 Act consistent with the requirements of Section 12(d)(1) of the 1940 Act or any rule, regulation or order of the Commission or interpretation thereof. A Fund will only make such investments in conformity with the requirements of Section 817 of the Internal Revenue Code of 1986. The ETPs in which the Fund may invest will primarily be index-based ETFs that hold substantially all of their assets in securities representing a specific index. The Fund will not invest in leveraged (*e.g.,* 2X, –2X, 3X, or –3X) ETPs.

[15] The Fund will not invest in leveraged (*e.g.,* 2X, –2X, 3X, or –3X) mutual funds.

[16] A Fund may invest in securities (in addition to U.S. Treasury securities, described above) that have variable or floating interest rates which are readjusted on set dates (such as the last day of the month) in the case of variable rates or whenever a specified interest rate change occurs in the case of a floating rate instrument. Variable or floating interest rates generally reduce changes in the market price of securities from their original purchase price because, upon readjustment, such rates approximate market rates. Accordingly, as interest rates decrease or increase, the potential for capital appreciation or depreciation is less for variable or floating rate securities than for fixed rate obligations.

[17] As defined in Exchange Rule 14.11(i)(3)(E), the term ''Normal Market Conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues causing dissemination of inaccurate market information or system failures; or force majeure type events such as natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[18] All exchange-listed securities that the Funds may hold will trade on a market that is a member of the Intermarket Surveillance Group (''ISG'') and the Funds will not hold any non-exchange-listed equities, however, not all of the components of the portfolio for the Funds may trade on exchanges that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. For a list of the current members of ISG, see *www.isgportal.org.*

distribution of material, non-public information by its employees.

As noted above, options on the associated ETFs are among the most liquid options in their applicable market sector and derive their value from similarly liquid and actively traded ETFs and their constituents. The contracts trade in competitive auction markets with price and quote transparency. The Exchange believes the highly regulated options markets and the broad base and scope of the ETFs make securities that derive their value from such ETFs less susceptible to market manipulation in view of size and liquidity of the ETF components, price and quote transparency, and arbitrage opportunities.

The Exchange believes that the liquidity of the markets for the ETFs and options on the ETFs is sufficiently great to deter fraudulent or manipulative acts associated with the Funds' Shares price. The Exchange also believes that such liquidity is sufficient to support the creation and redemption mechanism. Coupled with the surveillance programs described above, the Exchange does not believe that trading in the Funds' Shares would present manipulation concerns.

The Exchange represents that, except for the limitations on listed derivatives in BZX Rule 14.11(i)(4)(C)(iv)(b) and the limited holdings in fixed income securities and mutual funds that do not comply with the holdings requirements in Rule 14.11(i)(4)(C)(ii) and 14.11(i)(4)(C)(i), respectively, the Funds' proposed investments will satisfy, on an initial and continued listing basis, all of the generic listing standards under BZX Rule 14.11(i)(4)(C) and all other applicable requirements for Managed Fund Shares under Rule 14.11(i). The Trust is required to comply with Rule 10A–3 under the Act for the initial and continued listing of the Shares of the Funds. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. In addition, the Exchange represents that the Shares of the Funds will comply with all other requirements applicable to Managed Fund Shares, which includes the dissemination of key information such as the Disclosed Portfolio,[19] Net Asset Value,[20] and the Intraday Indicative Value,[21] suspension of trading or removal,[22] trading halts,[23] surveillance,[24] minimum price variation for quoting and order entry,[25] and the information circular,[26] as set forth in Exchange rules applicable to Managed Fund Shares. Moreover, all of the options contracts held by the Funds will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. Quotation and last sale information for U.S. exchange-listed options contracts cleared by The Options Clearing Corporation will be available via the Options Price Reporting Authority. The intra-day, closing and settlement prices of exchange-traded options will be readily available from the options exchanges, automated quotation systems, published or other public sources, or online information services such as Bloomberg or Reuters. Price information on Cash Equivalents is available from major broker-dealer firms or market data vendors, as well as from automated quotation systems, published or other public sources, or online information services.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act[27] in general and Section 6(b)(5) of the Act[28] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, 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 is designed to prevent fraudulent and manipulative acts and practices in that the Shares of each Fund will be listed on the Exchange pursuant to the initial and continued listing criteria in Rule 14.11(i). The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares. The issuer has represented to the Exchange that it will advise the Exchange of any failure by a Fund or the related Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund or the related Shares are not in compliance with the applicable listing requirements, then, with respect to such Fund or Shares, the Exchange will commence delisting procedures under Exchange Rule 14.12. FINRA conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures with respect to such Fund under Exchange Rule 14.12.

The Exchange or FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, ETPs, futures contracts, and exchange-traded options contracts with other market and other entities that are members of ISG and may obtain trading information in the Shares, futures contracts, exchange-traded options contracts, and ETPs from such markets and other entities. In addition, the Exchange, or FINRA, on behalf of the Exchange is able to access, as needed, trade information for certain fixed income instruments reported to FINRA's Trade Reporting and Compliance Engine (''TRACE''). The Exchange may also obtain information regarding trading in the Shares, futures contracts, exchange-traded options contracts, and ETPs from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

The Adviser is not registered as, or affiliated with, any broker-dealer. The Sub-Adviser is affiliated with multiple broker-dealers and has implemented a ''fire wall'' with respect to such broker-dealers and their personnel regarding access to information concerning the composition and/or changes to a Fund's portfolio. In addition, Sub-Adviser personnel who make decisions regarding a Fund's portfolio are subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the Fund's portfolio. All exchange-listed options, futures contracts and ETPs held

[19] *See* Rule 14.11(i)(4)(A)(ii) and 14.11(i)(4)(B)(ii).

[20] *See* Rule 14.11(i)(4)(A)(ii).

[21] *See* Rule 14.11(i)(4)(B)(i).

[22] *See* Rule 14.11(i)(4)(B)(iii).

[23] *See* Rule 14.11(i)(4)(B)(iv).

[24] *See* Rule 14.11(i)(2)(C).

[25] *See* Rule 14.11(i)(2)(B).

[26] *See* Rule 14.11(i)(6).

[27] 15 U.S.C. 78f.

[28] 15 U.S.C. 78f(b)(5).

by the Funds will be traded on U.S. exchanges, all of which are members of ISG or are exchanges with which the Exchange has in place a comprehensive surveillance sharing agreement.

All statements and representations made in this filing regarding the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of reference asset and intraday indicative values (as applicable), or the applicability of Exchange rules specified in this filing shall constitute continued listing requirements for the Shares. The issuer has represented to the Exchange that it will advise the Exchange of any failure by a Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. FINRA conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Rule 14.12.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily every business day, and that the NAV will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency.

In addition, the Exchange believes that sufficient protections are in place to protect against market manipulation of the Funds' Shares and the Puts because of: (i) The liquidity in the market for at-the-money Puts in the underlying ETFs; (ii) the diversity, liquidity, and size of the securities, whether equity or fixed income, underlying the ETFs (each of which either meet the generic listing standards in Rule 14.11 or the equivalent listing rules on another national securities exchange or have otherwise been approved for listing by the Commission); and (iii) surveillance by the Exchange, other SROs on which the Puts are listed and traded, and the FINRA designed to detect violations of the federal securities laws and SRO rules. Further, the Exchange believes that because the assets in each Fund's portfolio, which are comprised primarily of Puts, will be acquired in extremely liquid and highly regulated markets,[29] the Shares are less readily susceptible to manipulation.

As noted above, options on the associated ETFs are among the most liquid options in their applicable market sector and derive their value from similarly liquid and actively traded ETFs and their constituents. The contracts trade in competitive auction markets with price and quote transparency. The Exchange believes the highly regulated options markets and the broad base and scope of the ETFs make securities that derive their value from such ETFs less susceptible to market manipulation in view of size and liquidity of the ETF components, price and quote transparency, and arbitrage opportunities.

The Exchange believes that the liquidity of the markets for the ETFs and options on the ETFs is sufficiently great to deter fraudulent or manipulative acts associated with the Funds' Shares price. The Exchange also believes that such liquidity is sufficient to support the creation and redemption mechanism. Coupled with the surveillance programs described above, the Exchange does not believe that trading in the Funds' Shares would present manipulation concerns. As noted above, the Funds may hold certain fixed income securities and mutual funds that do not comply with the holdings requirements in Rule 14.11(i)(4)(C)(ii) and 14.11(i)(4)(C)(i), respectively, but the Exchange does not believe that these holdings represent any substantive policy concerns because they represent such a small portion of the portfolio.

The Exchange represents that, except for the limitations on listed derivatives in BZX Rule 14.11(i)(4)(C)(iv)(b), Rule 14.11(i)(4)(C)(i), and 14.11(i)(4)(C)(ii), the Funds' proposed investments will satisfy, on an initial and continued listing basis, all of the generic listing standards under BZX Rule 14.11(i)(4)(C) and all other applicable requirements for Managed Fund Shares under Rule 14.11(i). The Trust is required to comply with Rule 10A–3 under the Act for the initial and continued listing of the Shares of the Funds. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. In addition, the Exchange represents that the Shares of the Funds will comply with all other requirements applicable to Managed Fund Shares, which includes the dissemination of key information such as the Disclosed Portfolio,[30] Net Asset Value,[31] and the Intraday Indicative Value,[32] suspension of trading or removal,[33] trading halts,[34] surveillance,[35] minimum price variation for quoting and order entry,[36] and the information circular,[37] as set forth in Exchange rules applicable to Managed Fund Shares. Moreover, all of the options contracts held by the Funds will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The intra-day, closing and settlement prices of exchange-traded options will be readily available from the options exchanges, automated quotation systems, published or other public sources, or online information services such as Bloomberg or Reuters. Price information on Cash Equivalents is available from major broker-dealer firms or market data vendors, as well as from automated quotation systems, published or other public sources, or online information services.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotations and last sale information will be available via the CTA high-speed line. Quotation and last sale information for the Shares and any ETPs it [sic] which it invests will be available via the CTA high-speed line. Quotation and last sale information for U.S. exchange-listed options contracts cleared by The Options Clearing Corporation will be available via the Options Price Reporting Authority. The intra-day, closing and settlement prices of exchange-traded portfolio assets, including ETPs, futures and exchange-traded options contracts will be readily available from the securities exchanges and futures exchange trading such securities and futures, as the case may be, automated quotation systems, published or other public sources, or online information services such as Bloomberg or Reuters. Such price information on fixed income portfolio

[29] All exchange-listed securities that the Funds may hold will trade on a market that is a member of the ISG and the Funds will not hold any non-exchange-listed equities or options, however, not all of the components of the portfolio for the Funds may trade on exchanges that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. For a list of the current members of ISG, see *www.isgportal.org.*

[30] *See* Rule 14.11(i)(4)(A)(ii) and 14.11(i)(4)(B)(ii).

[31] *See* Rule 14.11(i)(4)(A)(ii).

[32] *See* Rule 14.11(i)(4)(B)(i).

[33] *See* Rule 14.11(i)(4)(B)(iii).

[34] *See* Rule 14.11(i)(4)(B)(iv).

[35] *See* Rule 14.11(i)(2)(C).

[36] *See* Rule 14.11(i)(2)(B).

[37] *See* Rule 14.11(i)(6).

securities, including money market instruments, and other Fund assets traded in the over-the-counter markets, including bonds and money market instruments is available from major broker-dealer firms or market data vendors, as well as from automated quotation systems, published or other public sources, or online information services. The website for the Fund will include the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Moreover, prior to commencement of trading, the Exchange will inform its Members in an information circular of the special characteristics and risks associated with trading the Shares. If the Exchange becomes aware that the NAV is not being disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants. With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Funds. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments composing the daily disclosed portfolio of each Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of Managed Fund Shares that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2018–078 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2018–078. 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 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2018–078 and should be submitted on or before November 15, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[38]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–23278 Filed 10–24–18; 8:45 am]

BILLING CODE 8011–01–P

[38] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15758 and #15759; Wisconsin Disaster Number WI–00067]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Wisconsin

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 Wisconsin (FEMA–4402–DR), dated 10/18/2018.

Incident: Severe Storms, Tornadoes, Straight-line Winds, Flooding, and Landslides.

Incident Period: 08/17/2018 through 09/14/2018.

DATES: Issued on 10/18/2018.

Physical Loan Application Deadline Date: 12/17/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 07/18/2019.

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 10/18/2018, 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: Adams, Crawford, Dane, Fond Du Lac, Green Lake, Iron, Juneau, La Crosse, Marquette, Monroe, Ozaukee, Richland, Sauk, Vernon.

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 157586 and for economic injury is 157590.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–23359 Filed 10–24–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15748 and #15749; Virginia Disaster Number VA–00075]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the Commonwealth of Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Virginia (FEMA–4401–DR), dated 10/15/2018.

Incident: Hurricane Florence.

Incident Period: 09/08/2018 through 09/21/2018.

DATES: Issued on 10/18/2018.

Physical Loan Application Deadline Date: 12/14/2018.

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 Private Non-Profit organizations in the Commonwealth of Virginia, dated 10/15/2018, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Charles City, Halifax, King William, Northumberland and the independent city of Franklin.

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. 2018–23336 Filed 10–24–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Senior Executive Service and Senior Level: Performance Review Board Members

AGENCY: U.S. Small Business Administration.

ACTION: Notice of Members for the FY 2018 Performance Review Board.

SUMMARY: The following individuals have been designated to serve on the FY 2018 Performance Review Board for the U.S. Small Business Administration.

Members:

1. Delorice Ford (Chair), Assistant Administrator, Office of Hearings and Appeals
2. Barbara Carson, Deputy Associate Administrator, Office of Government Contracting and Business Development
3. Allen Gutierrez, Associate Administrator, Office of Entrepreneurial Development
4. Robert Steiner, Deputy Associate Administrator, Office of Field Operations
5. Auborn Shepard, Associate Administrator, Office of Investment and Innovation
6. Larry Stubblefield, Associate Administrator, Office of Veterans Business Development
7. John Klein, Associate General Counsel for Procurement Law, Office of General Counsel
8. Michael Hershey, Associate Administrator, Office of Congressional and Legislative Affairs

SUPPLEMENTARY INFORMATION: *Authority:* Title 5 U.S.C. 4314(c)(4) requires each agency to publish notification of the appointment of individuals who may serve as members of that agency's Performance Review Board.

Linda E. McMahon,

Administrator.

[FR Doc. 2018–23018 Filed 10–24–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15756 and #15757; Wisconsin Disaster Number WI–00066]

Presidential Declaration of a Major Disaster for the State of Wisconsin

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Wisconsin (FEMA–4402–DR), dated 10/18/2018.

Incident: Severe Storms, Tornadoes, Straight-line Winds, Flooding, and Landslides.

Incident Period: 08/17/2018 through 09/14/2018.

DATES: Issued on 10/18/2018.

Physical Loan Application Deadline Date: 12/17/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 07/18/2019.

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 10/18/2018, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Crawford, Dane, Juneau, La Crosse, Monroe, Richland, Sauk, Vernon.

Contiguous Counties (Economic Injury Loans Only):

Wisconsin: Adams, Columbia, Dodge, Grant, Green, Iowa, Jackson, Jefferson, Rock, Trempealeau, Wood.

Iowa: Allamakee, Clayton.
Minnesota: Houston, Winona.
The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	4.000
Homeowners without Credit Available Elsewhere	2.000
Businesses with Credit Available Elsewhere	7.350
Businesses without Credit Available Elsewhere	3.675
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.675
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 157566 and for economic injury is 157570.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–23325 Filed 10–24–18; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2018–0050]

Agreement on Social Security Between the United States and Uruguay; Entry Into Force

AGENCY: Social Security Administration (SSA).

ACTION: Notice.

SUMMARY: We are giving notice that an agreement coordinating the United States (U.S.) and Uruguayan social security programs effective on November 1, 2018. The Agreement with Uruguay, which was signed on January 10, 2017, is similar to U.S. social security agreements already in force with 27 other countries—Australia, Austria, Belgium, Brazil, Canada, Chile, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Korea (South), Luxembourg, the Netherlands, Norway, Poland, Portugal, the Slovak Republic, Spain, Sweden, Switzerland, and the United Kingdom. Section 233 of the Social Security Act authorizes agreements of this type.

Like the other agreements, the U.S.-Uruguayan Agreement eliminates dual social security coverage. This situation exists when a worker from one country works in the other country and has coverage under the social security systems of both countries for the same work. Without such agreements in force, when dual coverage occurs, the worker, the worker's employer, or both may be required to pay social security contributions to the two countries simultaneously. Under the U.S.-Uruguayan Agreement, a worker who is sent by an employer in one country to work in the other country for 5 or fewer years remains covered only by the sending country. The Agreement includes additional rules that eliminate dual U.S. and Uruguayan coverage in other work situations.

The Agreement also helps eliminate situations where workers suffer a loss of benefit rights because they have divided their careers between the two countries. Under the Agreement, workers may qualify for partial U.S. benefits or partial Uruguayan benefits based on combined (totalized) work credits from both countries.

Persons who wish to receive copies of the agreement or who want more information about its provisions may write to the Social Security Administration, Office of International Programs, Post Office Box 17741, Baltimore, MD 21235–7741 or visit the Social Security website at *www.socialsecurity.gov/international.* The full text of the agreement and its accompanying administrative arrangement are available at *https://www.ssa.gov/international/Agreement_Texts/uruguay.html.*

Nancy A. Berryhill,

Acting Commissioner of Social Security.

[FR Doc. 2018–23327 Filed 10–24–18; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–6480; FMCSA–2000–7006; FMCSA–2000–7165; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2006–24783; FMCSA–2008–0021; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2008–0231; FMCSA–2009–0291; FMCSA–2010–0082; FMCSA–2010–0114; FMCSA–2011–0299; FMCSA–2011–0325; FMCSA–2012–0104; FMCSA–2012–0161; FMCSA–2012–0214; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0005; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2015–0070; FMCSA–2015–0072; FMCSA–2015–0350; FMCSA–2015–0351; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2016–0030; FMCSA–2016–0031; FMCSA–2016–0033]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 88 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., 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–1999–6480; FMCSA–2000–7006; FMCSA–2000–

7165; FMCSA–2002–12294; FMCSA–2004–17195; FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2006–24783; FMCSA–2008–0021; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2008–0231; FMCSA–2009–0291; FMCSA–2010–0082; FMCSA–2010–0114; FMCSA–2011–0299; FMCSA–2011–0325; FMCSA–2012–0104; FMCSA–2012–0161; FMCSA–2012–0214; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0005; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2015–0070; FMCSA–2015–0072; FMCSA–2015–0350; FMCSA–2015–0351; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2016–0030; FMCSA–2016–0031; FMCSA–2016–0033, 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 August 15, 2018, FMCSA published a notice announcing its decision to renew exemptions for 88 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (83 FR 40638). 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)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based on its evaluation of the 88 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the vision requirement in 49 CFR 391.41(b)(10).

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of September and are discussed below.

As of September 8, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 30 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (70 FR 57353; 70 FR 72689; 71 FR 6828; 71 FR 19604; 73 FR 27018; 73 FR 35198; 73 FR 36955; 73 FR 48275; 74 FR 65842; 75 FR 9482; 75 FR 25919; 75 FR 36779; 75 FR 39729; 75 FR 44051; 77 FR 539; 77 FR 10606; 77 FR 10608; 77 FR 38384; 77 FR 46153; 78 FR 62935; 78 FR 76395; 79 FR 6993; 79 FR 10607; 79 FR 14328; 79 FR 14571; 79 FR 18392; 79 FR 22003; 79 FR 28588; 79 FR 29498; 79 FR 35212; 79 FR 35218; 79 FR 38659; 79 FR 46153; 79 FR 47175; 79 FR 53514; 80 FR 67476; 80 FR 70060; 81 FR 14190; 81 FR 15404; 81 FR 16265; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 39100; 81 FR 39320; 81 FR 42054; 81 FR 45214; 81 FR 52514; 81 FR 52516; 81 FR 66720; 81 FR 66722; 81 FR 66726; 81 FR 68098; 81 FR 90050; 81 FR 91239; 81 FR 96196):

Felipe Bayron (WI)
Kenneth W. Bos (MN)
Duane N. Brojer (NM)
Gary A. Brown (PA)
John D. Burns (ID)
Derrick L. Cowan (NC)
Jeffrey D. Davis (NC)
Timothy C. Dotson (MO)
Paul D. Evenhouse (IL)
Hugo A. Galvis Barrera (GA)
Todd M. Harguth (MN)
George F. Hernandez, Jr. (AZ)
Brian D. Hoover (IA)
Gregory R. Johnson (SC)
Michael A. Kafer (KS)
Aaron C. Lougher (OR)
John Lucas (NC)
Joshua L. Marasek (TX)
Carlos A. Mendez-Castellon (VA)
Earl L. Mokma (MI)
John E. O'Boyle (PA)
Mark C. Reineke (NM)
Guadalupe Reyes (FL)
Jacob H. Riggle (OK)
Richard M. Rosales (NM)
Scott D. Russell (WI)
Paul W. Sorenson (UT)
Joshua R. Stanley (OK)
Jerry M. Stearns (AR)
Raymond W. Teemer (NJ)

The drivers were included in docket numbers FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2008–0106; FMCSA–2009–0291; FMCSA–2010–0082; FMCSA–2011–0325; FMCSA–2013–0166; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2015–0070; FMCSA–2015–0072; FMCSA–2015–0350; FMCSA–2015–0351; FMCSA–2016–0028; FMCSA–2016–0029; FMCSA–2016–0030; FMCSA–2016–0031. Their exemptions are applicable as of September 8, 2018, and will expire on September 8, 2020.

As of September 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 23 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 68195; 65 FR 20251; 67 FR 38311; 69 FR 17263; 69 FR 26921; 69 FR 31447; 70 FR 44946; 71 FR 27033; 71 FR 32184; 71 FR 41311; 73 FR 15568; 73 FR 27017; 73 FR 28186; 73 FR 35197; 73 FR 35199; 73 FR 38499; 73 FR 42403; 73 FR 48273; 73 FR 48275; 75 FR 25919; 75 FR 27624; 75 FR 34212; 75 FR 38602; 75 FR 39729; 75 FR 44051; 75 FR 47888; 75 FR 50799; 76 FR 73769; 77 FR 3547; 77 FR 27847; 77 FR 36338; 77 FR 38386; 77 FR 40945; 77 FR 40946; 77 FR 41879; 77 FR 46153; 77 FR 48590; 77 FR 52391; 78 FR 63302; 78 FR 77780; 79 FR 10606; 79 FR 14331; 79 FR 22003; 79 FR 27681; 79 FR 29495; 79 FR 35212; 79 FR 35220; 79 FR 37842; 79 FR 38649; 79 FR 38659; 79 FR 41735; 79 FR 45868; 79 FR 46153; 79 FR 47175; 79 FR 53514; 81 FR 81230):

Don R. Alexander (OR)
Paul J. Bannon (DE)
Tracy L. Bowers (IA)
Thomas L. Corey (IN)
Layne C. Coscorrosa (WA)
James H. Facemyre (WV)
Michael Giagnacova (PA)
Brian G. Hagen (IL)
George M. Hapchuk (PA)
Clarence K. Hill (NC)

Michael J. Hoffarth (WA)
Michael G. Martin (CT)
Shane N. Maul (IN)
Larry McCoy, Sr. (OH)
Daniel S. Rebstad (FL)
Kenneth R. Riener (MT)
Terry L. Rubendall (PA)
James C. Sharp (PA)
Robert Smiley (NM)
Leon F. Stephens (CO)
George R. Tieskoetter (IA)
Bart M. Valiante (CT)
James W. Van Ryswyk (IA)

The drivers were included in docket numbers FMCSA–1999–6480; FMCSA–2004–17195; FMCSA–2006–24783; FMCSA–2008–0021; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2010–0082; FMCSA–2010–0114; FMCSA–2011–0299; FMCSA–2012–0104; FMCSA–2012–0161; FMCSA–2013–0168; FMCSA–2014–0002; FMCSA–2014–0005; FMCSA–2014–0006; FMCSA–2014–0007. Their exemptions are applicable as of September 9, 2018, and will expire on September 9, 2020.

As of September 21, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 20245; 65 FR 33406; 65 FR 57230; 65 FR 57234; 67 FR 46016; 67 FR 57266; 67 FR 57267; 69 FR 51346; 69 FR 52741; 71 FR 50970; 71 FR 53489; 73 FR 48270; 73 FR 51336; 75 FR 34210; 75 FR 47888; 75 FR 50799; 75 FR 52062; 77 FR 40945; 77 FR 52389; 79 FR 46300; 81 FR 81230):

Jack D. Clodfelter (NC)
Tommy J. Cross, Jr. (TN)
Daniel K. Davis III (MA)
Joseph A. Dunlap (OH)
James F. Gereau (WI)
Esteban G. Gonzalez (TX)
Reginald I. Hall (TX)
George R. House (MO)
Alfred C. Jewell, Jr. (WY)
Lewis V. McNeice (TX)
Kevin J. O'Donnell (IL)
Gregory M. Preves (GA)
Jeffrey D. Wilson (CO)

The drivers were included in docket numbers FMCSA–2000–7006; FMCSA–2000–7165; FMCSA–2002–12294; FMCSA–2010–0114. Their exemptions are applicable as of September 21, 2018, and will expire on September 21, 2020.

As of September 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (73 FR 46973; 73 FR 54888; 75 FR 52063; 77 FR 52388; 79 FR 52388; 81 FR 81230):

Terrence L. Benning (WI)
Larry D. Curry (GA)
Kelly M. Greene (FL)
Thomas P. Shank (NY)

The drivers were included in docket number FMCSA–2008–0231. Their exemptions are applicable as of September 23, 2018, and will expire on September 23, 2020.

As of September 26, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 46793; 77 FR 59245; 81 FR 81230):

Bryan Brockus (ID)
Erric L. Gomersall (WI)
Larry Johnsonbaugh, Jr. (PA)
John Middleton (OH)

The drivers were included in docket number FMCSA–2012–0214. Their exemptions are applicable as of September 26, 2018, and will expire on September 26, 2020.

As of September 29, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 59266; 81 FR 74494):

Gregory M. Anderson (NY)
Richard D. Auger (CA)
Darrin E. Bogert (NY)
Jose D. Chavez (MD)
Philip J. Clements (WI)
Robert H. Nelson (VA)
Harold F. White (SC)

The drivers were included in docket number FMCSA–2016–0033. Their exemptions are applicable as of September 29, 2018, and will expire on September 29, 2020.

As of September 30, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 51643; 79 FR 64001; 81 FR 81230):

Ronald A. Bolyard (WV)
Kelly R. Knopf, Sr. (SC)
Frazier A. Luckerson (GA)
Ross A. Miceli II (PA)
Donald L. Minney (OH)
Philip L. Neff (PA)
Loran J. Weiler (IA)

The drivers were included in docket number FMCSA–2014–0010. 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 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23333 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0056]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before November 26, 2018.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0056 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–2018–0056), 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–2018–0056, 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

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–2018–0056, 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.

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 from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 12 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8)*, paragraphs 3, 4, and 5.]

The advisory criteria states the following:

If an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the Medical Examiner in consultation with the treating physician. Before certification is considered, it is suggested that a six-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a five-year period or more.

As a result of Medical Examiners misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

Medical Examiner based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders, (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' Since the January 15, 2013 notice, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in 49 CFR 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (MEP) (78 FR 3069).

III. Qualifications of Applicants

Mitchell A. Bowles

Mr. Bowles is a 37-year-old class C driver in Georgia. He has a history of epilepsy and has been seizure free since 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since 2012. His physician states that he is supportive of Mr. Bowles receiving an exemption.

Michael C. Davis, Jr.

Mr. Davis is a 31-year-old class B CDL holder in South Carolina. He has a history of a seizure disorder and has been seizure free since 1999. He stopped taking anti-seizure medication in 2001. His physician states that he is supportive of Mr. Davis receiving an exemption.

Richard E. Davis

Mr. Davis is a 47-year-old class A CDL holder in California. He has a history of a seizure disorder and has been seizure free since 2002. He takes anti-seizure medication with the dosage and frequency remaining the same since 2002. His physician states that he is supportive of Mr. Davis receiving an exemption.

Nicolas Donez Jr.

Mr. Donez is a 54-year-old class R driver in Colorado. He has a history of epilepsy and has been seizure free since August 2001. He stopped taking anti-seizure medication in 2002. His physician states that he is supportive of Mr. Donez receiving an exemption.

Scott D. Engleman

Mr. Engleman is a 54-year-old class CM driver in Pennsylvania. He has a diagnosis of epilepsy and has been seizure free since 2008. He takes anti-seizure medication with the dosage and frequency remaining the same since 2008. His physician states that he is supportive of Mr. Engleman receiving an exemption.

Everett J. Letourneau

Mr. Letourneau is a 46-year-old class D driver in Minnesota. He has a history of epilepsy and has been seizure free since 2010. He takes anti-seizure medication with the dosage and frequency remaining the same since 2010. His physician states that he is supportive of Mr. Letourneau receiving an exemption.

Jason D. Lewis

Mr. Lewis is a 42-year-old class C driver in California. He has a history of a seizure disorder and has been seizure free since 2008. He takes anti-seizure medication with the dosage and frequency remaining the same since 2012. His physician states that he is supportive of Mr. Lewis receiving an exemption.

Johnny L. Ricks

Mr. Ricks is a 54-year-old class B CDL holder in Georgia. He has a history of a seizure disorder and has been seizure free since 1998. He takes anti-seizure medication with the dosage and frequency remaining the same since 1998. His physician states that she is supportive of Mr. Ricks receiving an exemption.

Isaac E. Rogers

Mr. Rogers is a 32-year-old class B CDL holder in Illinois. He has a history of

a seizure disorder and has been seizure free since 2009. He takes anti-seizure medication with the dosage and frequency remaining the same since 2009. His physician states that he is supportive of Mr. Rogers receiving an exemption.

Donald J. Smith

Mr. Smith is a 34-year-old Class B CDL holder in New York. He has a history of epilepsy and has been seizure free since 2009. He takes anti-seizure medication with the dosage and frequency remaining the same since 2011. His physician states that he is supportive of Mr. Smith receiving an exemption.

Lucas T. Sorey

Mr. Sorey is a 25-year-old class A CDL holder in North Carolina. He has a history of epilepsy and has been seizure free since 2010. He was gradually tapered off medication, which was discontinued in 2017. His physician states that he is supportive of Mr. Sorey receiving an exemption.

Ronald E. Wagner

Mr. Wagner is a 46-year-old class D driver in Ohio. He has a history of epilepsy and has been seizure free since 2003. He takes anti-seizure medication with the dosage and frequency remaining the same since 2011. His physician states that he is supportive of Mr. Wagner receiving an exemption.

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 received before the close of business on the closing date indicated in the dates section of the notice.

Issued on: October 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23326 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0181]

Hours of Service of Drivers: Waste Management Holdings, Inc.; Application for Exemption

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to grant Waste Management Holdings, Inc.'s (WMH) request for exemption from the requirement that short-haul drivers utilizing the records of duty status (RODS) exception return to their normal work-reporting location within 12 hours of coming on duty. The exemption enables all of WMH's drivers who operate commercial motor vehicles (CMVs) to collect waste and recycling materials to use the short-haul exception but return to their work-reporting location within 14 hours instead of the usual 12 hours. FMCSA has analyzed the exemption application and the public comments and has

determined that the exemption, subject to the terms and conditions imposed, will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

DATES: This exemption is effective October 22, 2018, through October 22, 2023.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Telephone: (202) 366–2722; Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *www.regulations.gov* and insert the docket number, FMCSA–2018–0181 in the ''Keyword'' box and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain its terms and conditions. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

Drivers qualifying for the hours-of-service (HOS) short-haul exception in 49 CFR 395.1(e)(1) are not required to maintain a record of duty status (RODS) on-board the vehicle, provided that they return to their normal work reporting location and are released from work within 12 hours after coming on duty [49 CFR 395.1(e)(1)(ii)(A)]. A driver who exceeds the 12-hour limit loses the short-haul exception and must immediately prepare RODS for the entire day, often by means of an electronic logging device (ELD). Waste Management Holdings, Inc. (WMH) seeks an exemption to allow its drivers to continue to qualify for the short-haul exception up to the 14th hour after coming on duty.

WMH seeks the exemption for approximately 18,000 drivers in 84 separate subsidiaries or affiliates who operate commercial motor vehicles (CMVs) to collect waste and recycling materials. These drivers routinely qualify for the short-haul exception in 49 CFR 395.1(e)(1); however, occasionally they cannot complete their duty day within 12 hours.

WMH states that ELDs delay and distract its drivers working to collect waste and recycling materials because they require extensive interaction. As a result of frequent stops to pick up trash, WMH's drivers are required to interact with the ELD hundreds if not thousands of times a day. WMH asserts that ELDs are not designed for such operations and that they lack a provision for blocking service time. WMH further states that the ELDs do not accurately capture the duty status of its drivers. WMH has been actively working with its provider to improve ELD performance in this environment, but that progress has been limited. WMH also asserts that the excessive driver-ELD interaction impacts ''driver safety and the safety of the communities we serve.''

WMH notes that certain CMV drivers may already operate up to 14 hours without forfeiting short-haul status, for example those in the ready-mixed concrete industry [49 CFR 395.1(e)(1)(ii)(B)] or the asphalt-paving business [83 FR 3864, January 26, 2018]. WMH asserts its operations are similar to these industries because its drivers spend a significant portion of their days conducting non-driving duties. WMH anticipates no reduction in safety from the exemption requested, and a potential for increased safety due to reduced driver distraction.

WMH cites its fatigue management program as further evidence that operations with the exemption in place would equal or exceed the level of safety under the current HOS regulations. This program includes the use of video event recorders triggered by unusual events suggestive of driver fatigue, like aggressive braking, steering, or acceleration. When WMH's assessment of the recording indicates that driver fatigue is involved, WMH managers may discipline the driver.

A copy of the WMH's application for exemption is available for review in the docket for this notice.

IV. Public Comments

On July 17, 2018, FMCSA published notice of this application and requested public comment (83 FR 33291). The Agency received 54 sets of comments to the docket. The Owner-Operator Independent Driver's Association (OOIDA), the National Waste and Recycling Association (NWRA), Waste Connections, and Republic Services filed comments in support of the proposed exemption, along with 19 individuals. The International Brotherhood of Teamsters (IBT), the American Federation of State, County and Municipal Employees, and the Advocates for Highway and Auto Safety (Advocates)/the Trucking Alliance for Driver Safety and Security (The Trucking Alliance), along with 25 individuals filed comments in opposition to the proposed exemption request. Three commenters had no position either for or against the WHM exemption request.

OOIDA wrote in support of the proposed exemption as follows: ''The problems associated with the [ELD] mandate have been illustrated by the various industries requesting exemptions from its requirements . . . These issues are not just felt by WMH drivers . . . OOIDA has long argued that ELDs do not accurately or automatically record HOS. OOIDA is also aware of troubles other drivers have experienced related to devices, including several vendor-wide systems failures, faulty GPS tracking, engine disablements, and a worsening truck parking crisis . . . Extending the short-haul exception from 12 hours to 14 hours should be part of a revised HOS rulemaking that can provide better flexibility for drivers and actually improve highway safety.''

The NWRA also supported the exemption request: ''The adverse impacts ELDs and RODS have on safety as it relates to driver distraction is particularly troublesome. NWRA

believes that [current] research supports exempting WMH and all waste and recyclable material CMV drivers and companies from complying with the ELD mandate and the use of RODS. NWRA supports WMH's request to increase the short-haul exemption from 12 hours to 14 hours as has already been done for the ready-mix concrete and asphalt industries.''

Waste Connections supports the proposal to increase the return requirement from 12 to 14 hours: ''We will continue to work diligently with our drivers to uphold safety as our #1 value and to keep the time our drivers spend on the road to a safe duration.''

The Advocates/The Trucking Alliance filed joint comments in opposition to the WMH application for exemption on the grounds ''that the application does not meet the statutory and regulatory requirements for the exemption. The application fails to justify the need for the exemption, provide an analysis of the safety implications of the requested exemption, or provide information on the specific countermeasures to be undertaken to ensure that the exemption will achieve an equivalent or greater level of safety that would be achieved absent the exemption. . . Granting exemptions to the HOS or ELD rules undermines the federal regulatory HOS scheme, weakens specific safety regulations, and complicates enforcement.''

The IBT opposes the exemption request: ''The idea that increasing the allowable driving time for WMH drivers to 14 hours a day will have 'no adverse safety impact' does not align with the facts. It flies in the face of the logic behind there being a cap on allowable driving hours at all. Additional time behind-the-wheel leads to greater fatigue, which leads to a greater propensity for accidents . . . We strongly encourage the Agency to deny the request.''

V. FMCSA Decision

FMCSA has evaluated WMH's application and the public comments and decided to grant the exemption. The Agency believes that the drivers of WMH's CMVs used to collect waste and recycling materials who are exempted will likely achieve a level of safety that is equivalent to or greater than, the level of safety achieved without the exemption [49 CFR 381.305(a)]. The exemption will allow WMH's drivers to use the short-haul RODS exception, but with a 14-hour duty period instead of 12 hours. The Agency granted a similar exemption to the National Asphalt Paving Association [January 26, 2018, (83 FR 3864)].

Regarding the comments from the Advocates, the Trucking Alliance and the IBT, the Agency emphasizes that this exemption does not allow any additional driving time during the work shift, or allow driving after the 14th hour from the beginning of the work shift. In addition, drivers are still limited by the weekly limits, and the employer must maintain accurate time records concerning the time the driver reports for work each day, the total number of hours the driver is on duty each day, and the time the driver is released from duty each day. As the WMH explained, drivers usually return to the work reporting location within 12 hours, but the demands during certain periods necessitate work shifts going beyond 12 hours. Therefore, the exemption application should not be construed as a mechanism for the applicant to implement a new business model with all of its drivers routinely extending maximum work shifts from 12 to 14 hours. It provides limited relief to the recordkeeping requirements for HOS for short-haul drivers who find it necessary to exceed the 12-hour limit, which impacts the type of HOS records required.

VI. Terms and Conditions for the Exemption

- Drivers must have a copy of this notice or equivalent signed FMCSA exemption document in their possession while operating under the terms of the exemption. The exemption document must be presented to law enforcement officials upon request.
- Drivers must return to the work reporting location and be released from work within 14 consecutive hours.

Extent of the Exemption

This exemption is limited to the provisions of 49 CFR 395.1(e)(1)(ii)(A). These drivers must comply will all other applicable provisions of the FMCSRs.

Preemption

In accordance with 49 U.S.C. 31315(d), during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

Notification to FMCSA

Any motor carrier utilizing this exemption must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMVs operating under the terms of this exemption. The notification must include the following information:

(a) Identity of the exemption: ''Waste Management Holdings, Inc.''

(b) Name of operating motor carrier,

(c) Date of the accident,

(d) City or town, and State, in which the accident occurred, or closest to the accident scene,

(e) Driver's name and license number,

(f) Vehicle number and State license number,

(g) Number of individuals suffering physical injury,

(h) Number of fatalities,

(i) The police-reported cause of the accident,

(j) Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and

(k) The driver's total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be emailed to *MCPSD@DOT.GOV*.

Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record.

Interested parties or organizations possessing information that would otherwise show that any or all of these motor carriers are not achieving the requisite statutory level of safety should immediately notify FMCSA.

The Agency will evaluate any information submitted and, if safety is being compromised or if the continuation of this exemption is inconsistent with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA will immediately take steps to revoke the exemption of the company and drivers in question.

Issued on: October 18, 2018.

Raymond P. Martinez,

Administrator.

[FR Doc. 2018–23335 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0288; FMCSA–2012–0281; FMCSA–2014–0306; FMCSA–2014–0307; FMCSA–2016–0221; FMCSA–2016–0222; FMCSA–2016–0023]

Qualification of Drivers; Exemption Applications; Diabetes

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 150 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before November 26, 2018.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2010–0288; FMCSA–2012–0281; FMCSA–2014–0306; FMCSA–2014–0307; FMCSA–2016–0221; FMCSA–2016–0222; FMCSA–2016–0023 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 5:30 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. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2010–0288; FMCSA–2012–0281; FMCSA–2014–0306; FMCSA–2014–0307; FMCSA–2016–0221; FMCSA–2016–0222; FMCSA–2016–0023), 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–2010–0288; FMCSA–2012–0281; FMCSA–2014–0306; FMCSA–2014–0307; FMCSA–2016–0221; FMCSA–2016–0222; FMCSA–2016–0023, 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

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–2010–0288; FMCSA–2012–0281; FMCSA–2014–0306; FMCSA–2014–0307; FMCSA–2016–0221; FMCSA–2016–0222; FMCSA–2016–0023, 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.

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 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 [''diabetes standard'']. The 150 individuals listed in this notice have requested renewal of their exemptions from the diabetes standard in 49 CFR 391.41(b)(3), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

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 diabetes 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 150 applicants has satisfied the renewal conditions for obtaining an exemption from the diabetes standard (see 75 FR 59788; 77 FR 59447; 79 FR 59351; 79 FR 63214; 81 FR 67425; 81 FR 72644; 81 FR 72652). They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of November and are discussed below:

As of November 1, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 48 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 59351; 81 FR 67425):

Noe D. Aguilar (CA)
Wayne W. Best (PA)
John K. Bottkol (FL)
Justin M. Brown (MT)
John D. Cline (AZ)
Paul H. Coleman (PA)
John D. Colpitts (NC)
Kevin A. Dietz (IL)
Steven M. Dunham (NH)
Frank A. Emrath (WI)
Kirk M. Faria (MA)
Richard L. Farris (WA)
Alex J. Gerena-Santiago (PA)
Clayton G. Hardwick (KY)
Audie C. Holton (GA)
Matthew D. Homan (MI)
Jamison G. Land (VA)
Lester M. Lee, Jr. (GA)
Richard H. Leger (LA)
Aretha Lewis (VA)
Marvin D. Mathis (NC)
Solomon J. Mayfield (GA)
Clay A. McDaniel (MO)
Calvin W. McDaniel (MI)
Brian M. McFadden (MA)
Sean R. Murray (MN)
Sean K. Myhand (GA)
Glen R. Parry (NM)
George E. Patton (AL)
Luther S. Pickell (KS)
Jeffrey E. Prevost (ME)
Michael J. Ramey (CO)
Richard J. Rasmussen (NE)
Phillip A. Rentschler (IN)
Mark L. Rigby (UT)
Jeffrey K. Roberts (WI)
Marvin A. Ryan (IN)
Craig A. Squib (PA)
Eric R. Storm (GA)
Timothy B. Suck (MI)
Daniel A. Swain (TX)
Sean P. Thomas (IN)
Tyrel J. Turner (ID)
Glenn R. Tyrrell (MN)
Lewis W. Vaught Jr. (NC)
Daniel R. Violette (OR)
Robert C. Williams (OR)
William L. Wiltrout (PA)

The drivers were included in docket numbers FMCSA—2014–0306, FMCSA 2016–0221. Their exemptions are applicable as of November 1, 2018, and will expire on November 2, 2020.

As of November 16, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 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 59788):

Shale W. Anderson (FL)
Charles L. Arnburg (IA)
Garrett D. Couch (MI)
Mark W. Garver (MN)
Donald S. Keller (MI)
Jason M. Luper (MO)
Harold L. Phillips (OK)
Heath A. Senkel (TX)
Roland R. Unruh (KS)
Norman J. VanTuyle II (MI)
John M. Warden (TX)
Donald E. Weadon (MD)
Douglas W. Williams (TN)

The drivers were included in docket number FMCSA–2010–0288. Their exemptions are applicable as of November 16, 2018, and will expire on November 16, 2020.

As of November 22, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 80 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 63214, 81 FR 72644, 81 FR 72652):

Christopher Albano (PA)
Colter E. Allen (MT)
Jeffrey S. Argabright (OH)
Bert F. Asa (CO)
Brandon D. Baird (TN)
Gregory A. Behm (NE)
Helena R. Berry (GA)
Glenn C. Blank (PA)
John K. Brown (KY)
Gregory A. Carroll (MD)
Kent H. Carter (IN)
Archie Chischilly (AZ)
James L. Crane (MS)
Timothy L. Dahlberg (WI)
Randy S. Dorn (WI)
Troy E. Dreisbach (PA)
Scott E. Ennis (NY)
Donald L. Feltman (MN)
Benjamin T. Filip (ND)
Richard A. Geiger (IL)
Harold L. Gomez (LA)
Arthur M. Gonzalez (TX)
Todd K. Grama (NY)
Patrick E. Gratts (TX)
Alex J. Gravunder (WI)
Dion A. Harris (OK)
Rick L. Hendrickson (ND)
Henry C. Hinton (IN)
Glenn E. Hoffman (FL)
Jeffrey S. Horvath (OH)
George E. Huften (CT)
Patrick L. Jackson (GA)
William T. Jensen (NJ)
Herbert S. Johnson (IA)
Randall L. Johnson (GA)
Robert W. Johnson, Sr. (NY)
Joseph J. Karas (NJ)
Antonio J. Katzdorn (ID)
Terry J. Koontz (IL)
Richard H. LaDue (NY)
Randy C. Lee (NY)
Jose A. Lucero (AZ)
William D. Lusk (NC)
Gerry A. Lutz (IA)
Kenneth E. McCain (IL)
George F. McCrory (MO)
William P. McLemore, Jr. (IL)
Glenn J. Michalek (IL)
John R. Miller II (OR)
Christopher M. Minor (OH)
Robert A. Nicolai (MO)
Ashby J. Nuckols (VA)
William P. Pearson, II (WI)
Corey M. Planck (MO)
Ronald J. Pomella (FL)
Jonathan P. Preissler (MA)
Ivan A. Pruss (NJ)
Charles R. Quilty (IL)
John M. Rawlinson (IN)
Michael L. Reynolds (NC)
Joseph M. Rowe (MO)
Donald G. Runyon (IN)
Samuel H. Schmidt (MN)
Gary W. Seal (TN)
John B. Simpson (NH)
Garey W. Smith (TN)
Ronnie J. Smith (NC)
Troy Smith (OH)
Dennis J. Stanley (WI)
John E. Steltz (MN)
Mitchell A. Thomas (MN)
James E. Vaughn (TN)
James M. Vavao (CA)
Robert W. Wagner (OH)
Joseph H. Wamsley (WV)
Kevin A. Warren (OH)
Steven M. Weimer (PA)
Kevin L. Wendt (WY)
Michael L. Westbury (SC)
Richelle Y. Wyatt (PA)

The drivers were included in docket numbers FMCSA–2014–0307, FMCSA–

2016–0222, FMCSA–2016–0023. Their exemptions are applicable as of November 22, 2018, and will expire on November 22, 2020.

As of November 26, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine 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 59447):

Charles E. Castle (OH)
Larry W. Dearing (IN)
Bradley E. DeWitt (WA)
Leonard R. Dobosenski (MN)
Michael L. Kiefer (SD)
Marcus J. Kyle (IA)
Robert C. Moore (PA)
Jedediaha C. Record (WY)
Jessie L. Webster (KY)

The drivers were included in docket number FMCSA–2012–0281. Their exemptions are applicable as of November 26, 2018, and will expire on November 26, 2020.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must submit an annual ophthalmologist's or optometrist's report; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

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 150 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: October 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23331 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0279]

Agency Information Collection Activities; New Information Collection: Crash Risk by Commercial Motor Vehicle Driver Schedules

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Federal Motor Carrier Safety Administration (FMCSA) announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. This ICR is associated with FMCSA's study to investigate how commercial motor vehicle (CMV) drivers' schedules impact overall driver performance and safety. FMCSA needs these data to answer important research questions related to driver schedules and how these affect overall driver performance and fatigue.

DATES: We must receive your comments on or before December 24, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2018–0279 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

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.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Theresa Hallquist, Research Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–366–1064; email *theresa.hallquist@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

The preamble of FMCSA's December 27, 2011, Hours-of-Service (HOS) of Drivers Final Rule states, ''FMCSA is committed to conducting a

comprehensive analysis of the relative crash risk by driving hour and the impact of the changes in the HOS provisions in today's final rule. The Agency plans to match data collected from driver logs with crash information to determine the level of crash risk by hours of driving. The Agency also plans to estimate, for similarly situated drivers, the difference in crash risk after restarts that include two nights and those that do not. FMCSA will work with the OMB on the methodologies of these new statistical data collections'' 76 FR 81134, 81135–81136.

Further, a 2015 report by the National Academies of Sciences, Engineering, and Medicine, ''Research Needs on CMV Driver Fatigue, Long-Term Health and Highway Safety,'' recommended that: ''FMCSA should incentivize those who capture driver performance data (*e.g.,* large fleets, independent trucking associations, companies that collect telematics data, insurance companies, researchers) to increase the availability of those data relevant to research issues of operators' fatigue, hours of service, and highway safety. Any such efforts should ensure that data confidentiality is maintained, perhaps through restricted access arrangements or use of statistical techniques for disclosure protection. Clearly, such carrier-collected data could offer a rich opportunity for analysis of various questions of interest concerning HOS regulations, fatigue, and crash frequency. If data from a number of large carriers across the commercial trucking industry could be collected, organized in a database, and made available to researchers, these data could represent an important segment of the trucking industry'' (pg. 188–189).

FMCSA needs additional data to answer important questions related to driver schedules and how these factors impact overall driver performance and fatigue. This effort will continue data collection previously initiated in the first phase of the project, and collect additional information to improve FMCSA's decision-making regarding various aspects of the HOS provisions, how HOS provisions are being used, and the impact of driver schedules on crash risk. The purpose of the first phase of this project was to pilot test methodologies to collect HOS and crash data from nine carriers. The current effort, titled ''Crash Risk by Commercial Motor Vehicle Driver Schedules'', will expand the data collection effort to 44 carriers (which accounts for potential carrier attrition) and use these data to analyze how HOS provisions are being used and the impact of driver schedules on crash risk (*i.e.,* determine crash risk ratios for various aspects of the HOS provisions). In Phase I, the research team primarily targeted CMV carriers with more than 1,000 power units. Drivers at the nine participating carriers were involved in a total of 6,318 crashes, including 3,035 preventable, 585 FMCSA-reportable, 195 injuries, and 14 fatal crashes. The electronic logging device (ELD) data from the nine carriers contained a total of 60,933,691 duty entries (*i.e.,* changes in driver duty status) and 4,226,737 total days with log entries (from 36,369 different drivers) over six months (with one carrier submitting data for 12 month). Of the duty entries, there were 25,047,200 driving entries, 2,243,276 sleeper berth entries, 21,668,911 on-duty (not driving) entries, and 9,531,505 off-duty entries. To obtain the statistical power needed to answer the below research questions, the Phase I data set will be combined with the new data collected in Phase II.

The objective of the study is to collect HOS and crash data to analyze how HOS provisions are being used and the effect of driver schedules on crash risk (*i.e.,* determine crash risk ratios for various aspects of HOS provisions). Specifically, the data collected will be able to address the following research questions: (i) What is the relative crash risk by hour of driving (*e.g.,* the number of total crashes by hour/the number of drivers by hour of driving); (ii) what is the relative crash risk by hour of driving per week (*e.g.,* the number of crashes by hour of driving/the number of drivers by hour of driving per week); (iii) what is the relative crash risk of driving breaks (*e.g.,* comparison of crash rates for drivers who take no breaks compared to drivers who take one and two 30-minute breaks in one day); (iv) what is the relative crash risk as a function of recovery periods that contain one period between 1 a.m. and 5 a.m. compared to two periods between 1 a.m. and 5 a.m. and as a function of weekly working hours before and after a 34-hour restart (*i.e.,* compare the relative crash risk of schedules with more opportunities for restorative sleep during the natural circadian low); and (v) how each of the HOS provisions is being used?

FMCSA has determined that the proposed data collection schedule is necessary to complete the study; currently, there is limited existing data that can be used for this project. The Phase I data set only included nine carriers with no vehicle or Motor Carrier Management Information System (MCMIS) data. Although the Phase I data set is valuable, it is insufficient to answer the research questions required in this project. Data will be collected electronically from each participating carrier every 6 months for 3 years. Less frequent data collection of information would result in lost data as most carriers only retain the most recent 6 months of ELD data (as required by FMCSA). Thus, there would be gaps in driver duty status data that would limit the data analyses.

FMCSA proposes that the data collected in the study, after being de-identified, be made available to the public (using a legend and anonymous reference to the carriers and drivers in the data set) via FMCSA's Data Repository. Confidentiality protections will be carefully utilized, as further discussed in section 10 of the supporting statement associated with this information collection. FMCSA seeks comment on this proposal.

Title: Crash Risk by Commercial Motor Vehicle Driver Schedules.

OMB Control Number: 2126–NEW.

Type of Request: New information collection.

Respondents: Commercial motor vehicle carriers with 100 or more power units.

Estimated Number of Respondents: At least 44 commercial motor vehicle carriers. Recruitment will focus on 40 commercial motor vehicle carriers and anticipate a 10 percent attrition rate over the three years. Thus, a total of 44 commercial motor vehicle carriers over the three years.

Estimated Time per Response: The carriers that participate in the study are expected to see a burden up to 58 hours over 3 years (if they participate for the full three years).

- Review of study material and grant permission (1 response × 2 hours/response or 2 hours).
- Compile existing datasets (7 responses × 6 hours/response or 42 hours).
- Anonymize existing dataset (7 responses × 1 hour/response or 7 hours).
- Transfer existing datasets (7 responses × 1 hour/response or 7 hours)

Expiration Date: Three years after approval.

Frequency of Response: Data will be collected every 6 months for 3 years.

Estimated Total Annual Burden: The estimated total annual burden is 776 hours across the 44 carriers. It is estimated that one national-level manager from each of the 44 participating carriers will bear the burden of participating in the study. Each carrier already maintains each of the requested data sets; carriers will not be required to collect new data or maintain new data sets. Instead, the participating carrier burden is associated with reviewing study materials; granting permission to

participate; and compiling, anonymizing, and transferring the carrier-owned, existing crash, ELD, driver, and vehicle data sets a total of seven times (*i.e.,* initial data collection plus every 6 months for 3 years). Reviewing the study materials and granting permission to participate in the study is estimated to take each carrier 2 hours (one time response; 44 total responses). Carriers are estimated to spend approximately 6 hours compiling the existing data sets (per response; 7 total responses), 1 hour anonymizing the existing data sets (per response; 7 total responses), and 1 hour transferring the existing data sets to the research team (per response; 7 total responses); however, there are only 40 responses for these tasks as carriers that withdraw from the study are replaced with new carriers (*e.g.,* Carrier A withdraws after 4 responses and Carrier B replaces Carrier A for the remaining 3 responses).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: October 17, 2018.

Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2018–23334 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–24210; FMCSA–2010–0162; FMCSA–2012–0162; FMCSA–2012–0163; FMCSA–2014–0018]

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 94 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–2006–24210; FMCSA–2010–0162; FMCSA–2012–0162; FMCSA–2012–0163; FMCSA–2014–0018, 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 its decision to renew exemptions for 94 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 (71 FR 32177; 71 FR 45097; 75 FR 36775; 75 FR 50797; 77 FR 36333; 77 FR 40941; 77 FR 46791; 77 FR 51845; 79 FR 41723; 79 FR 56105; 81 FR 91242). The public comment period ended on August 16, 2018, and one comment was 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 one comments in this preceding. Henry Duke submitted a comment supporting evaluation of commercial drivers with ITDM, at minimum by a physician familiar with the Medical Qualifications for Commercial Drivers. The commenter voiced disagreement with the current regulation regarding insulin use, and suggested that ITDM should not be a disqualifying condition. Finally, the commenter voiced the concern that drivers may not disclose their insulin use to the certifying Medical Examiner.

On September 19, 2018, FMCSA published the Qualifications of Drivers; Diabetes Standard final rule, removing the blanket prohibition of insulin use and adopting a revised physical qualification standard for operators of CMV with ITDM (83 FR 47448). The revised regulation eliminates the need for a Federal diabetes exemption and allows certified medical examiners, in consultation with the individual's treating clinician and use of the new Insulin Treated Diabetes Mellitus Form, MCSA–5870, to evaluate and determine whether to grant an ITDM individual a medical examiner's certificate (MEC). Federal exemptions are currently being granted to individuals that applied prior to the publication date, such as those in this notice, to ensure that they can continue to drive until the final rule is effective on November 19, 2018.

IV. Conclusion

Based on its evaluation of the 94 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 August and are discussed below.

As of August 6, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 36333; 77 FR 46791; 81 FR 91242):

Bruce R. Bennett (MN)
Stephen W. Best (PA)
Steven D. Hancock (IN)
Michael A. Hendrickson (OR)
James B. Hills (KS)
Charles Keegan, Jr. (NJ)
Londell W. Luther (MD)
Darrell L. Meadows (TX)
Allyn E. Smith (SD)
Jason R. Zeorian (NE)

The drivers were included in docket number FMCSA–2012–0162. Their exemptions are applicable as of August 6, 2018, and will expire on August 6, 2020.

As of August 8, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 23 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (71 FR 32177; 71 FR 45097; 81 FR 91242):

Scott R. Anderson (WI)
Robert R. Chase (NE)
Todd A. Dean (WV)
Dale R. Gansz (IL)
Donald W. Havourd, Sr. (CT)
Jeffrey M. King (OR)
Jeffrey S. Knight (WA)
Edward V. Kruse (IA)
Lee P. Lembke (WI)
Dominick T. Mastroni (KS)
Derril W. Nunnally (GA)
Robert L. Pflugler, Jr. (PA)
Ronald B. Purdum (IL)
Wilbert C. Rasely, Jr. (PA)
Ron R. Rawson (AZ)
Duane C. Rieger (ND)
Gregory A. Rigg (MI)
Vernon L. Small (CO)
Walter D. Stowman (NJ)
Henry B. Walker-Waltz (OR)
Arthur C. Webber (PA)
Scott A. Wertz (ND)
Danny R. Wood (MO)

The drivers were included in docket number FMCSA–2006–24210. Their exemptions are applicable as of August 8, 2018, and will expire on August 8, 2020.

As of August 17, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 36775; 75 FR 50797; 81 FR 91242):

Gary L. Alexander (MO)
Daniel E. Bergstresser (NY)
Stephen F. Clendenin (NY)
Pradip B. Desai (PA)
Howard M. Galton (IL)
Steve Gumienny (CA)
Hubert S. Paxton (KY)

The drivers were included in docket number FMCSA–2010–0162. Their exemptions are applicable as of August 17, 2018, and will expire on August 17, 2020.

As of August 19, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 45 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 41723; 79 FR 56105; 81 FR 91242):

Charles Ackerman Jr. (NJ)
William J. Applebee (WI)
Benjamin L. Baxter (MI)
Stephen M. Berggren (MN)
Patrick J. Burns (MN)
Robert L. Caudill (OH)
Charles L. Cran (WI)
Kevin W. Elder (NC)
Michael J. Eldridge, Sr. (IA)
Kevin D. Erickson (WI)
Dale A. Godejohn (ND)
Robert R. Gonzales (CA)
Norman D. Groves (MO)
Kenneth F. Gwaltney (IN)
Mathew R. Hale (KS)
Donald K. Hamilton (FL)
John L. Holtzclaw (MO)
Christopher H. Horn (NH)
Kip J. Kauffman (WI)
Christopher J. Kittoe (WI)
Joshua L. Kroetch (MN)
Salvador Lopez (AZ)
Joseph M. Macias (NM)
Robert J. Marino (NJ)
David J. McCoy (UT)
William E. Medlin (MN)
Carlos A. Napoles, Jr. (NJ)
Kathryn J. Nelms (KS)
Antonio C. Oliveira (PA)
Christopher P. Overton (IL)
Stephen J. Pelton (PA)
Bryant S. Perry (NC)
Kenneth R. Perschon (IL)
Joseph R. Polhamus (LA)
Rodney B. Roberts (MS)
Mark J. Rone (IL)
John J. Steigauf (MN)
William L. Thompson (MN)
Robert D. Watts (TX)
Cindy L. Wells (NY)
Charles W. White (IN)
Michael G. Worl (MT)
Tommy W. Wornick (TX)
Robert T. Yeftich (IN)
Chad C. Yerkey (PA)

The drivers were included in docket number FMCSA–2014–0018. Their exemptions are applicable as of August 19, 2018, and will expire on August 19, 2020.

As of August 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine 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 40941; 77 FR 51845; 81 FR 91242):

Randall W. Amtower (WV)
Steven Brickey (CO)
Randall L. Corrick (ND)
Raymond G. Gravesandy (NY)
Gregory M. Harris (TX)
Kelly M. Keller (ND)
Joseph L. Miska (MN)
Jacob D. Oxford (ID)
Ramon I. Zamora-Ortiz (WA)

The drivers were included in docket number FMCSA–2012–0163. Their exemptions are applicable as of August 27, 2018, and will expire on August 27, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: October 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23329 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0328; FMCSA–2012–0282; FMCSA–2012–0283; FMCSA–2014–0308; FMCSA–2014–0309; FMCSA–2016–0225; FMCSA–2016–0379]

Qualification of Drivers; Exemption Applications; Diabetes

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 145 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before November 26, 2018.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2010–0328; FMCSA–2012–0282; FMCSA–2012–0283; FMCSA–2014–0308; FMCSA–2014–0309; FMCSA–2016–0225; FMCSA–2016–0379 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 5:30 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. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2010–0328; FMCSA–2012–0282; FMCSA–2012–0283; FMCSA–2014–0308; FMCSA–2014–0309; FMCSA–2016–0225; FMCSA–2016–0379), 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–2010–0328; FMCSA–2012–0282; FMCSA–2012–0283; FMCSA–2014–0308; FMCSA–2014–0309; FMCSA–2016–0225; FMCSA–2016–0379, 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

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–2010–0328; FMCSA–2012–0282; FMCSA–2012–0283; FMCSA–2014–0308; FMCSA–2014–0309; FMCSA–2016–0225; FMCSA–2016–0379, 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.

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 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 [''diabetes standard''].

The 145 individuals listed in this notice have requested renewal of their exemptions from the diabetes standard in 49 CFR 391.41(b)(3), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

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 diabetes 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 145 applicants has satisfied the renewal conditions for obtaining an exemption from the diabetes standard (see 75 FR 63536; 75 FR 77952; 77 FR 63411; 77 FR 64181; 77 FR 75492; 77 FR 75493; 79 FR 66451; 79 FR 70920; 80 FR 2479; 80 FR 5613; 81 FR 84677; 81 FR 85312; 81 FR 92941; 82 FR 12880; 82 FR 12890). They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of December and are discussed below:

As of December 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 26 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 66451; 80 FR 2479; 81 FR 92941):

Travis L. Beck (OH)
Corey C. Bennett (MS)
Nicholas J. Borelli (NJ)
Elvis P. Butler (TN)
John H. Butler (OH)
Michael E. Calvert (TX)
Kevin E. Conti (OH)
Marsh L. Daggett (TX)
Lorenza K. Jefferson (VA)
William O. Johnson, Jr. (IN)
Michael E. Kroll (WI)
Isolina Matos (NJ)
Rex D. McManaway, Sr. (IL)
Steven A. Metternick (MI)
Daniel P. Miller (PA)
Raymond E. Pawloski (MI)
Loren A. Pingel (CO)
Terrence A. Proctor (MD)
Heber E. Rodriguez (VA)
Maurice S. Styles (MN)
Richard J. Thomas (IN)
Kevin E. Tucker (WV)
Robert Vassallo (NY)
Clifford L. White (KS)
Jason L. Woody (KS)
Wesley B. Yokum (PA)

The drivers were included in docket number FMCSA–2014–0308. Their exemptions are applicable as of December 9, 2018, and will expire on December 9, 2020.

As of December 14, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine 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 63536; 75 FR 77952; 81 FR 92941):

William V. Barbrie (RI)
John P. Catalano (NJ)
Gary J. Dionne (ID)
Thomas C. Donahue (MA)
Robert Minacapelli (NY)
Joe E. Radabaugh (OH)
Ben D. Shelton, Jr. (IL)
Nestor P. Vargas, Jr. (WA)
Harold A. Wendt (MN)

The drivers were included in docket number FMCSA–2010–0328. Their exemptions are applicable as of December 14, 2018, and will expire on December 14, 2020.

As of December 20, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 15 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 63411; 77 FR 64181; 77 FR 75492; 77 FR 75493; 81 FR 92941):

James D. Astle (OH)
Robert E. Carroll (FL)
Thomas L. Gilmore (IA)
Kenneth M. Hansen (IA)
David J. Heppelmann (MN)
Dennis R. Johnson (TN)
Ronald D. Johnston (VA)
Steven M. Knezevich (MI)
Carl E. McCartney (PA)
Fred Nelson, Jr. (PA)
Ricky L. Osterback (WA)
Joseph M. Polkowski, Sr. (PA)
Dan R. Stark (MN)
Mark A. Welch, Jr. (PA)
Bailey G. Zickefoose, Jr. (WV)

The drivers were included in docket numbers FMCSA–2012–0282; FMCSA–2012–0283. Their exemptions are applicable as of December 20, 2018, and will expire on December 20, 2020.

As of December 24, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 32 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 84677; 82 FR 12890):

Rickey C. Alvis (NC)
Bennie L. Baker (TX)
Darious A. Ballou (NC)
Salauddin Baset (TX)
Ralph G. Caffee (PA)
David L. Cheshire (MI)
Allan S. Clugston (NY)
Jimmy D. Curtis (TX)
Larry D. Dearth (WI)
Keith M. Dickerson (WI)
James J. Dorio (PA)
Virgil J. Erhardt (IA)
Jimmy J. Fanelli (OR)
William L. Garrity (CT)
Robin D. Gibson (DC)
Steven W. Harry (OR)
Jay M. Hill (CO)
Paul J. Horne (NY)
John E. Kerby (NE)
Adam R. Kleist (OR)
Jacob A. Knezevich (NM)
Joel A. Kroll (SD)
Edwin J. Lundquist (MN)
Stephen C. Mickle (AL)
Tyler J. Oakland (NE)
Martin J. Reding (OR)
Daniel A. Rivera (FL)
Gerald J. Rosauer (WI)
Chester G. Selfridge (PA)
Paul A. Sheehan (PA)
Michael W. Sutton (WA)
Noah E. Thompson (AL)

The drivers were included in docket number FMCSA–2016–0225. Their exemptions are applicable as of December 24, 2018, and will expire on December 24, 2020.

As of December 28, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 26 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 85312; 82 FR 12880):

Mitchell G. Aucoin (NH)
Nelson T. Barninger (PA)
Thomas J. Bonura (TX)
Todd M. Boughter (PA)
Bradley J. Brown (OH)
Alex Caterson (PA)
Kimberly J. Davis (CT)
Earl C. Duke (VA)
David A. Evans (PA)
Robert H. Haines (PA)
Anthony L. Hamilton (TX)
Donovan K. Helton (VA)
Ricky W. Knudsen (MN)
Brandon S. Koehn (KS)
Stephen B. Macisaac (NY)

Corey M. McCormack (CA)
Melvin W. Miller (MI)
Anthony H. Patrick (KY)
Danny L. Peterson (WI)
Robert L. Rich, Jr. (MN)
Eugene P. Roever (AR)
Jim W. Royer (MN)
David E. Schoch (NJ)
Joshua D. Taylor (MO)
Clyde L. Weaver (NC)
Jason A. Weiss (IL)

The drivers were included in docket number FMCSA–2016–0379. Their exemptions are applicable as of December 28, 2018, and will expire on December 28, 2020.

As of December 29, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 37 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 70920; 80 FR 5613; 81 FR 92941):

Andrew P. Bivens (TN)
Everett D. Blevins (KY)
Kirk J. Brummeler (GA)
Travis M. Bryan (MA)
John W. Condy (NY)
Kevin V. Cook (MO)
Guido Criscuolo, Jr. (CT)
Zachary L. Diehl (IL)
Andrea I. Dirksen (IA)
Clarice L. Dunklin (LA)
Ricky L. Exler (FL)
Paul B. Fuerstenberg (WI)
Nathan M. Gallant (TX)
Louis A. Goodenough (IN)
Tyler L. Gravatt (ID)
Gary W. Honaker (VA)
Rex L. Kreutzer (NE)
Larry D. Lloyd (OR)
Dennis D. Markowski (WA)
William F. Melchert-Dinkel (MN)
Brit K. Miller (SD)
Charles B. Petersen (ID)
Anthony J. Politan (IN)
Emil T. Ricci (PA)
Arturo Robles (WY)
Robert F. Rothbauer (WI)
Michael A. Runyan, Jr. (NC)
John D. Sheets (NH)
Kyle L. Shuman (NY)
Gregory A. Smith (GA)
William S. Spaeth (WI)
Eloy G. Tijerina (TX)
Santos R. Torres (TX)
Leroy A. Traudt (NE)
Gerald S. Volpone, Jr. (MA)
Galen R. Watts (TX)
John E. Wildenmann (KY)

The drivers were included in docket number FMCSA–2014–0309. Their exemptions are applicable as of December 29, 2018, and will expire on December 29, 2020.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must submit an annual ophthalmologist's or optometrist's report; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

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 145 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: October 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23330 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0212]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for three 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 August 28, 2018. The exemptions expire on August 28, 2020. Comments must be received on or before November 26, 2018.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0212 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–2014–0212), 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–2014–0212, 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

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–2014–0212, 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.

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 up to five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The three individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

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

In accordance with 49 U.S.C. 31136(e) and 31315, each of the three applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The three drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of August 28, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers: Peter R. Bender, (MN); Terry D. Hamber, (NC); and Louis W. Lerch, (IA).

The drivers were included in docket number FMCSA–2014–0212. Their exemptions are applicable as of August 28, 2018, and will expire on August 28, 2020.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy

of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

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 on its evaluation of the three exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41 (b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: October 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–23328 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0157]

Request for Comments on the Renewal of a Previously Approved Information Collection: Monthly Report of Ocean Shipments Moving Under Export-Import Bank Financing

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves documenting shipments made during the life of certain EXIM Bank financed projects. The information to be collected is necessary for MARAD to fulfill its legislative requirement to monitor the percentage of ocean freight revenues/tonnage. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Comments must be submitted on or before December 24, 2018.

ADDRESSES: You may submit comments identified by Docket No. MARAD–2018–0157 through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Search using the above DOT docket number and follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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: Jan Downing, 202–366–0783, Office of Cargo and Commercial Sealift, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W23–308, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Monthly Report of Ocean Shipments Moving Under Export-Import Bank Financing.

OMB Control Number: 2133–0013.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: The information collection will be used by MARAD to monitor compliance with the cargo preference laws by parties covered under PR 17 and 46 CFR part 381. In addition, MARAD will use the information to compile annual information on Export-Import Bank-financed shipments, and when applicable, to provide for an informal grievance procedure, in the event there is a question or complaint pertaining to cargo preference matters.

The monthly shipping reports, with substantiating documents, will provide the only basis for MARAD to exercise its legislative responsibility to monitor Export-Import Bank-financed cargoes that are transported on U.S.-flag vessels, recipient flag vessels and on third-flag vessels according to the determinations and certifications of vessel non-availability that have been granted. The compilation of the statistics from the shipping reports forms the basis for determining compliance with PR 17 for each loan participant. This information is also provided to the Export-Import Bank, and is the nucleus for conducting annual reviews of the shipping activities of the Export-Import Bank programs.

MARAD uses the information collected as part of the Transparency Initiative to share with the Export-Import Bank. MARAD also intends to use the information to assist Ex-Im Bank shippers with finding suitable U.S.-flag vessels and in support of the determinations MARAD makes with respect to requests from Export-Import Bank shippers for certifications of non-availability.

Respondents: All Export-Import Bank loan and certain loan guarantee recipients and designated representatives charged with the responsibility of monthly and annual reporting. These can be a contractor, ocean transportation intermediary, supplier, etc.

Affected Public: Business and/or other for Profit.

Estimated Number of Respondents: 28.

Estimated Number of Responses: 364.

Estimated Hours per Response: 1.5.

Annual Estimated Total Annual Burden Hours: 196.

Frequency of Response: Monthly.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

* * * * *

Dated: October 22, 2018.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2018–23318 Filed 10–24–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Multiemployer Pension Plan Application To Reduce Benefits

AGENCY: Department of the Treasury.

ACTION: Notice of availability; Request for comments.

SUMMARY: The Board of Trustees of the Western Pennsylvania Teamsters & Employers Pension Fund, a multiemployer pension plan, has

submitted an application to reduce benefits under the plan in accordance with the Multiemployer Pension Reform Act of 2014 (MPRA). The purpose of this notice is to announce that the application submitted by the Board of Trustees of the Western Pennsylvania Teamsters & Employers Pension Fund has been published on the website of the Department of the Treasury (Treasury), and to request public comments on the application from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the Western Pennsylvania Teamsters & Employers Pension Fund.

DATES: Comments must be received by December 10, 2018.

ADDRESSES: You may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov,* in accordance with the instructions on that site. Electronic submissions through *www.regulations.gov* are encouraged.

Comments may also be mailed to the Department of the Treasury, MPRA Office, 1500 Pennsylvania Avenue NW, Room 1224, Washington, DC 20220, Attn: Danielle Norris. Comments sent via facsimile or email will not be accepted.

Additional Instructions. All comments received, including attachments and other supporting materials, will be made available to the public. Do not include any personally identifiable information (such as your Social Security number, name, address, or other contact information) or any other information in your comment or supporting materials that you do not want publicly disclosed. Treasury will make comments available for public inspection and copying on *www.regulations.gov* or upon request. Comments posted on the internet can be retrieved by most internet search engines.

FOR FURTHER INFORMATION CONTACT: For information regarding the application from the Western Pennsylvania Teamsters & Employers Pension Fund, please contact Treasury at (202) 622–1534 (not a toll-free number).

SUPPLEMENTARY INFORMATION: MPRA amended the Internal Revenue Code to permit a multiemployer plan that is projected to have insufficient funds to reduce pension benefits payable to participants and beneficiaries if certain conditions are satisfied. In order to reduce benefits, the plan sponsor is required to submit an application to the Secretary of the Treasury, which must be approved or denied in consultation with the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor.

On September 24, 2018, the Board of Trustees of the Western Pennsylvania Teamsters & Employers Pension Fund submitted an application for approval to reduce benefits under the plan. As required by MPRA, that application has been published on Treasury's website at *https://www.treasury.gov/services/Pages/Plan-Applications.aspx.* Treasury is publishing this notice in the **Federal Register**, in consultation with PBGC and the Department of Labor, to solicit public comments on all aspects of the Western Pennsylvania Teamsters & Employers Pension Fund application.

Comments are requested from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the Western Pennsylvania Teamsters & Employers Pension Fund. Consideration will be given to any comments that are timely received by Treasury.

Dated: October 22, 2018.

David Kautter,

Assistant Secretary for Tax Policy.

[FR Doc. 2018–23433 Filed 10–24–18; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Tax and Trade Bureau Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before November 26, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8100, Washington, DC 20220, or email at *PRA@treasury.gov*.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov*.

SUPPLEMENTARY INFORMATION:

Tax and Trade Bureau (TTB)

1. Title: Brewer's Report of Operations and Quarterly Brewer's Report of Operations.

OMB Control Number: 1513–0007.

Type of Review: Extension without change of a currently approved collection.

Description: The Internal Revenue Code (IRC) at 26 U.S.C. 5415 requires that all brewers furnish reports of operations and transactions in the form, at the times, and for such periods as the Secretary of the Treasury prescribes by regulation. Under that authority, the TTB regulations require brewers to file monthly operations reports using TTB F 5130.9, Brewer's Report of Operations, if they anticipate an annual Federal excise tax liability of $50,000 or more for beer in a given calendar year. For brewers that anticipate a liability of less than $50,000 for such taxes in a given year and that had such liability the previous year, the TTB regulations require such brewers to file quarterly operations reports using TTB F 5130.9 or the simplified TTB F 5130.26, Quarterly Brewer's Report of Operations. The information collected from brewers on their operations reports regarding the amount of beer they produce, receive, return, remove, transfer, destroy, or otherwise gain or dispose of is necessary to protect the revenue and ensure compliance with statutory and regulatory requirements.

Form: TTB F 5130.26sm, TTB F 5130.9.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 5,300.

Frequency of Response: Monthly, Quarterly.

Estimated Total Number of Annual Responses: 25,440.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 19,080.

2. Title: Application and Permit to Ship Liquors and Articles of Puerto Rican Manufacture Taxpaid to the United States.

OMB Control Number: 1513–0008.

Type of Review: Extension without change of a currently approved collection.

Description: The IRC at 26 U.S.C. 7652 provides that products of Puerto Rican manufacture shipped to the United States and withdrawn for consumption or sale are subject to a tax equal to the internal revenue tax imposed on like products manufactured in the United States, and that the taxes collected on such products are to be covered (transferred) into the Treasury of Puerto Rico. Under the TTB regulations in 27 CFR part 26, applicants use form TTB F 5170.7 to apply for, and to document, the shipment of tax-paid or tax-determined Puerto Rican spirits to the United States. The form documents the specific spirits and articles to be shipped, the amounts shipped and received, and the amount of tax, and it identifies the consignor in Puerto Rico and consignee in the United States. TTB uses the information to verify the accuracy of prepayments of excise tax and semimonthly payments of deferred excise taxes, and to maintain the account of revenue to be transferred into the Treasury of Puerto Rico. This information is necessary to protect the revenue.

Form: TTB F 5170.7.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 20.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 2,120.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 1,060.

3. Title: Application for Basic Permit under the Federal Alcohol Administration Act.

OMB Control Number: 1513–0018.

Type of Review: Revision of a currently approved collection.

Description: Section 103 of the Federal Alcohol Administration Act (FAA Act, 27 U.S.C. 203) requires that a person must apply to the Secretary of the Treasury for a ''basic permit'' before beginning business as: (1) An importer into the United States of distilled spirits, wine, or malt beverages, (2) a producer of distilled spirits or wine, or (3) a wholesaler of distilled spirits, wine, or malt beverages. In addition, section 104 of the FAA Act (27 U.S.C. 204(c)) prescribes who is entitled to a basic permit, and it authorizes the Secretary to prescribe the manner and form of, and the information required in, basic permit applications. Under these authorities, the TTB regulations in 27 CFR part 1, subpart C, require that new applications for FAA Act basic permits must be made on form TTB F 5100.24. This application enables TTB to determine the location of the proposed business, the extent of its operations, and if the applicant is qualified under the FAA Act to receive a basic permit.

Form: TTB F 5100.24.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 6,000.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 6,000.

Estimated Time per Response: 1 hour (electronic submission), 1.5 hours (paper submission).

Estimated Total Annual Burden Hours: 6,750.

4. Title: Formula and Process for Nonbeverage Products.

OMB Control Number: 1513–0021.

Type of Review: Revision of a currently approved collection.

Description: The Internal Revenue Code (IRC), at 26 U.S.C. 5111–5114, authorizes drawback (refund) of excise tax paid on distilled spirits that are subsequently used in the manufacture medicines, medicinal preparations, food products, flavors, flavoring extracts, or perfume that are unfit for beverage purposes, and it authorizes the Secretary to prescribe regulations to ensure that drawback is not paid for unauthorized purposes. Under these authorities, TTB has issued regulations to require that nonbeverage drawback claimants show that the taxpaid distilled spirits for which a drawback claim is made were used in the manufacture of a product unfit for beverage use. This showing is based on the product's formula and process, which is submitted on form TTB F 5154.1 or electronically via TTB's Formulas Online system. This information collection is necessary to protect the revenue as it allows TTB to determine if a given product is unfit for beverage use and is of a type authorized for drawback by the IRC. This information collection also is beneficial to respondents as TTB's determination allows claimants to know in advance of actual manufacture if a product is or is not fit for beverage purposes and thus eligible or not eligible for drawback. In addition, by filing a letterhead notice, manufacturers may adopt approved nonbeverage product formulas for use at other plants they operate, and they may adopt such formulas from predecessor proprietors.

Form: TTB F 5154.1.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 405.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 14,700.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 7,350.

5. Title: Environmental Information and Supplemental Information on Water Quality Consideration under 33 U.S.C. 1341(a).

OMB Control Number: 1513–0023.

Type of Review: Extension without change of a currently approved collection.

Description: To comply with provisions of the National Environmental Policy Act (42 U.S.C. 4332), the Federal Water Pollution Control Act (Clean Water Act, 33 U.S.C. 1341(a)), and their implementing regulations as found, respectively, in 40 CFR 1500.6 and 40.123.3, TTB collects environmental and water quality information from new and certain amended alcohol and tobacco permit applicants. TTB uses the environmental information supplied on TTB F 5000.29 by an applicant regarding solid and liquid waste, air and noise pollution, and the like to determine if their activities will have a significant effect on the environment and to determine if a formal environmental impact statement or an environmental permit is necessary for the proposed activities. TTB uses the supplemental water quality information supplied on TTB F 5000.30 by an applicant regarding discharges of effluent into navigable waters to determine if a certification or waiver by the applicable State water quality agency is required under the Clean Water Act.

Form: TTB F 5000.29, TTB F 5000.30.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 3,800.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 3,800.

Estimated Time per Response: 30 minutes (electronic submission), 1 hour (paper submission).

Estimated Total Annual Burden Hours: 2,315.

6. Title: Application for Operating Permit Under 26 U.S.C. 5171(d).

OMB Control Number: 1513–0040.

Type of Review: Extension without change of a currently approved collection.

Description: As required by the Internal Revenue Code (IRC) at 26

U.S.C. 5171(d), before beginning production or operations, persons who, for industrial use, intend to distill spirits, denature spirits, bottle or package, or warehouse spirits must apply for and obtain a distilled spirits plant (DSP) operating permit. That IRC section also requires persons who intend to manufacture articles using distilled spirits, and persons who intend to warehouse bulk spirits for non industrial use without bottling, to obtain a DSP operating permit. Each individual DSP requires an operating permit, which specifies its authorized activities. Under that IRC authority, the TTB regulations in 27 CFR part 19, Distilled Spirits Plants, require persons to apply for, and receive an operating permit using form TTB F 5110.25 before beginning operations. The form identifies the name and principal business address of the applicant, the DSP's location (if different from the business address), and the operations to be conducted at the plant. The form's instructions also require the applicant to submit a statement of business organization, information regarding the persons with significant interest in the business, and a list of trade names to be used in connection with the specified operations. Collection of this information by TTB is necessary to protect the revenue as it allows TTB to determine if an applicant is qualified under the IRC to receive an operating basic permit. This helps ensure that DSP proprietors are likely to operate their businesses in conformity with Federal laws and regulations, and limits the illicit manufacture and sale of non-taxpaid distilled spirits and/or the diversion of industrial alcohol to taxable beverage use.

Form: TTB F 5110.25.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 100.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 100.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 100.

7. Title: Alcohol Fuel Plants (AFP) Reports, and Miscellaneous Letterhead Applications and Notices, Marks, and Records.

OMB Control Number: 1513–0052.

Type of Review: Extension without change of a currently approved collection.

Description: Under the IRC at 26 U.S.C. 5001, distilled spirits produced or imported into the United States are subject to an excise tax of up to $13.50 per proof gallon. However, under 26 U.S.C. 5214(a)(12) distilled spirits used for fuel purposes may be withdrawn from a distilled spirits plant (DSP) free of tax. To protect the revenue and help prevent diversion of alcohol fuel to taxable beverage use, 26 U.S.C. 5181 and 5207 require a proprietor of a DSP established as an alcohol fuel plant (AFP) to make applications, maintain records, and render reports as the Secretary of the Treasury prescribes by regulation. Under those IRC authorities, TTB has issued AFP fuel regulations in 27 CFR, part 19, subpart X, which require AFP proprietors to keep certain records, provide certain notices, place certain marks on alcohol fuel containers, and make annual operations reports using form TTB F 5110.75. The information collected under these regulations is necessary to keep AFP permits current, to account for distilled spirits produced for fuel purposes and verify the spirits' disposition, and to evaluate requested variations from prescribed AFP procedures.

Form: TTB F 5110.75.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 1,900.

Frequency of Response: Annually, On Occasion.

Estimated Total Number of Annual Responses: 1,962.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 1,962.

8. Title: Tobacco Bond—Collateral, Tobacco Bond—Surety, and Tobacco Bond.

OMB Control Number: 1513–0103.

Type of Review: Extension without change of a currently approved collection.

Description: To protect the revenue, the IRC at 26 U.S.C. 5711 requires that every person, before commencing business as a manufacturer of tobacco products or cigarette papers and tubes, or as an export warehouse proprietor, file a bond in the amount, form, and manner as prescribed by the Secretary by regulation. Also, the IRC at 26 U.S.C. 7101 requires that such bonds be guaranteed by a surety or by the deposit of collateral in the form of United States Treasury bonds or notes. Under these IRC authorities, TTB has issued tobacco bond regulations in 27 CFR parts 40 and 44. These regulations require the prescribed persons to file a surety or collateral bond with TTB in an amount equivalent to the potential tax liability of the person, within a minimum and a maximum amount. The TTB regulations also require a strengthening bond when the amount of an existing bond is found to be insufficient, and require a superseding bond when a current bond is no longer valid for reasons specified by regulation. The prescribed persons may provide a surety bond using TTB F 5000.25 or a collateral bond using TTB F 5000.26. TTB F 5200.29 is a combination of those two forms, and it currently may be used to meet TTB's tobacco bond requirements as an approved alternate procedure.

Form: TTB F 5200.25, TTB F 5200.26, TTB F 5200.29.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 215.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 215.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 215.

9. Title: Monthly Report—Importer of Tobacco Products or Processed Tobacco.

OMB Control Number: 1513–0107.

Type of Review: Extension without change of a currently approved collection.

Description: Under the IRC at 26 U.S.C. 5722, importers of tobacco products and of processed tobacco are required to make reports containing such information, in such form, at such times, and for such periods as the Secretary shall prescribe by regulation. Under this authority, the TTB tobacco import regulations in 27 CFR part 41 require importers of tobacco products and importers of processed tobacco to submit a monthly report on TTB F 5220.6 to account for such products on hand, received, and removed. TTB requires this information to protect the revenue as it assists TTB in ensuring that the appropriate taxes on such products are paid. The required information also allows TTB to determine the amount and disposition of tobacco products and processed tobacco imported into the United States, which assists TTB in preventing diversion of tobacco products and processed tobacco into the illegal market.

Form: TTB F 5220.6.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 280.

Frequency of Response: Monthly.

Estimated Total Number of Annual Responses: 3,360.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 3,360.

10. Title: Formulas for Fermented Beverage Products, TTB REC 5052/1.

OMB Control Number: 1513–0118.

Type of Review: Extension without change of a currently approved collection.

Description: Under the authority of the IRC at 26 U.S.C. 5051, 5052, and 7805, and the authority of the FAA Act at 27 U.S.C. 205(e), the TTB regulations in 27 CFR parts 7 and 25 require beer and malt beverage producers and importers to file a formula when certain non-exempted ingredients, flavors, colors, or processes are used to produce a non-traditional fermented beverage product. This information collection, which is submitted to TTB as a written notice, is necessary to (1) ensure that the Federal alcohol excise tax revenue due under the provisions of chapter 51 of the IRC is not jeopardized for domestically made or imported beer, and (2) to ensure that the alcohol beverage labeling provisions of the FAA Act are met for imported products that meet the FAA Act definition of malt beverage.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 550.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 1,650.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 1,650.

11. Title: Formula and Process for Domestic and Imported Alcohol Beverages.

OMB Control Number: 1513–0122.

Type of Review: Revision of a currently approved collection.

Description: Chapter 51 of the Internal Revenue Code (IRC, 26 U.S.C. chapter 51) governs the production, classification, and taxation of alcohol products, while the Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 205(e) requires alcohol beverage labels to provide consumers with adequate information as to the identity and quality of alcohol beverages, and each statute authorizes the Secretary to issue regulations related to such activities. The TTB regulations issued under those authorities require alcohol beverage producers and importers to obtain formula approval from TTB for certain non-standard products to ensure that the product is properly classified for excise tax purposes under the IRC and that it is properly labeled under the FAA Act. Currently, in lieu of the formula forms and letterhead notices specified in the TTB regulations and specific to each alcohol commodity (distilled spirits, wine, and beer/malt beverages), which are approved under separate OMB control numbers, respondents may submit TTB F 5100.51 or its electronic equivalent, Formulas Online (FONL), approved under this OMB control number, to TTB as an alternate procedure.

Form: TTB F 5100.51.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 2,937.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 14,485.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 28,970.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: October 19, 2018.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2018–23284 Filed 10–24–18; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Multiemployer Pension Plan Application To Reduce Benefits

AGENCY: Department of the Treasury.

ACTION: Notice of availability; request for comments.

SUMMARY: The Board of Trustees of the IBEW Local Union No. 237 Pension Fund, a multiemployer pension plan, has submitted an application to reduce benefits under the plan in accordance with the Multiemployer Pension Reform Act of 2014 (MPRA). The purpose of this notice is to announce that the application submitted by the Board of Trustees of the IBEW Local Union No. 237 Pension Fund has been published on the website of the Department of the Treasury (Treasury), and to request public comments on the application from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the IBEW Local Union No. 237 Pension Fund.

DATES: Comments must be received by December 10, 2018.

ADDRESSES: You may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov,* in accordance with the instructions on that site. Electronic submissions through *www.regulations.gov* are encouraged.

Comments may also be mailed to the Department of the Treasury, MPRA Office, 1500 Pennsylvania Avenue NW, Room 1224, Washington, DC 20220, Attn: Danielle Norris. Comments sent via facsimile or email will not be accepted.

Additional Instructions. All comments received, including attachments and other supporting materials, will be made available to the public. Do not include any personally identifiable information (such as your Social Security number, name, address, or other contact information) or any other information in your comment or supporting materials that you do not want publicly disclosed. Treasury will make comments available for public inspection and copying on *www.regulations.gov* or upon request. Comments posted on the internet can be retrieved by most internet search engines.

FOR FURTHER INFORMATION CONTACT: For information regarding the application from the IBEW Local Union No. 237 Pension Fund, please contact Treasury at (202) 622–1534 (not a toll-free number).

SUPPLEMENTARY INFORMATION: MPRA amended the Internal Revenue Code to permit a multiemployer plan that is projected to have insufficient funds to reduce pension benefits payable to participants and beneficiaries if certain conditions are satisfied. In order to reduce benefits, the plan sponsor is required to submit an application to the Secretary of the Treasury, which must be approved or denied in consultation with the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor.

On September 28, 2018, the Board of Trustees of the IBEW Local Union No. 237 Pension Fund submitted an application for approval to reduce benefits under the plan. As required by MPRA, that application has been published on Treasury's website at *https://www.treasury.gov/services/Pages/Plan-Applications.aspx.* Treasury is publishing this notice in the **Federal Register**, in consultation with PBGC and the Department of Labor, to solicit public comments on all aspects of the IBEW Local Union No. 237 Pension Fund application.

Comments are requested from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the IBEW Local Union No. 237 Pension Fund. Consideration will be given to any comments that are timely received by Treasury.

Dated: October 22, 2018.

David Kautter,

Assistant Secretary for Tax Policy.

[FR Doc. 2018–23434 Filed 10–24–18; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity Under OMB Review: Program of Comprehensive Assistance for Family Caregivers

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 26, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–NEW'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy, National Policy (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 615–9241 or email *Brian.McCarthy4@va.gov.* Please refer to ''OMB Control No. 2900–NEW'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 111–163; 38 U.S.C., Part I, Chapter 5, Section 527.

Title: Program of Comprehensive Assistance for Family Caregivers (PCAFC).

OMB Control Number: 2900–NEW.

Type of Review: New collection.

Abstract: Public Law 111–163, Caregivers and Veterans Omnibus Health Services Act of 2010 authorized the Department of Veteran Affairs to implement the Program of Comprehensive Assistance for Family Caregivers (PCAFC). The resultant data from the individual Veteran and caregiver satisfaction surveys will be used to inform VA with an overall gauge of satisfaction with PCAFC participants and will assist in the identification of possible future program improvements. The surveys will solicit voluntary opinions and are not intended to collect information required to obtain or maintain eligibility for a Department of Veterans Affairs (VA) program or benefit.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 83 FR 28350 on June 18, 2018, page 28350.

Affected Public: Individuals and households.

Estimated Annual Burden:

Veteran Survey: 6,750 hours.

Caregiver Survey: 7,000 hours.

Estimated Average Burden per Respondent:

Veteran Survey: 15 minutes.

Caregiver Survey: 15 minutes.

Frequency of Response: Once.

Estimated Number of Respondents:

Veteran Survey: 27,000.

Caregiver Survey: 28,000.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Government Information Specialist, Department of Veterans Affairs.

[FR Doc. 2018–23298 Filed 10–24–18; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 83 Thursday,

No. 207 October 25, 2018

Part II

The President

Memorandum of October 19, 2018—Promoting the Reliable Supply and Delivery of Water in the West

Federal Register
Vol. 83, No. 207
Thursday, October 25, 2018

Presidential Documents

Title 3—

The President

Memorandum of October 19, 2018

Promoting the Reliable Supply and Delivery of Water in the West

Memorandum for the Secretary of the Interior[,] the Secretary of Commerce[,] the Secretary of Energy[,] the Secretary of the Army[, and] the Chair of the Council on Environmental Quality

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. *Policy.* During the 20th Century, the Federal Government invested enormous resources in water infrastructure throughout the western United States to reduce flood risks to communities; to provide reliable water supplies for farms, families, businesses, and fish and wildlife; and to generate dependable hydropower. Decades of uncoordinated, piecemeal regulatory actions have diminished the ability of our Federal infrastructure, however, to deliver water and power in an efficient, cost-effective way.

Unless addressed, fragmented regulation of water infrastructure will continue to produce inefficiencies, unnecessary burdens, and conflict among the Federal Government, States, tribes, and local public agencies that deliver water to their citizenry. To meet these challenges, the Secretary of the Interior and the Secretary of Commerce should, to the extent permitted by law, work together to minimize unnecessary regulatory burdens and foster more efficient decision-making so that water projects are better able to meet the demands of their authorized purposes.

Sec. 2. *Streamlining Western Water Infrastructure Regulatory Processes and Removing Unnecessary Burdens.* To address water infrastructure challenges in the western United States, the Secretary of the Interior and the Secretary of Commerce shall undertake the following actions:

(a) Within 30 days of the date of this memorandum, the Secretary of the Interior and the Secretary of Commerce shall:

(i) identify major water infrastructure projects in California for which the Department of the Interior and the Department of Commerce have joint responsibility under the Endangered Species Act of 1973 (ESA) (Public Law 93–205) or individual responsibilities under the National Environmental Policy Act of 1969 (NEPA) (Public Law 91–190); and

(ii) for each such project, work together to facilitate the designation of one official to coordinate the agencies' ESA and NEPA compliance responsibilities. Within the 30-day time period provided by this subsection, the designated official shall also identify regulations and procedures that potentially burden the project and develop a proposed plan, for consideration by the Secretaries, to appropriately suspend, revise, or rescind any regulations or procedures that unduly burden the project beyond the degree necessary to protect the public interest or otherwise comply with the law. For purposes of this memorandum, ''burden'' means to unnecessarily obstruct, delay, curtail, impede, or otherwise impose significant costs on the permitting, utilization, transmission, delivery, or supply of water resources and infrastructure.

(b) Within 40 days of the date of this memorandum, the Secretary of the Interior and the Secretary of Commerce shall develop a timeline for completing applicable environmental compliance requirements for projects

identified under section 2(a)(i) of this memorandum. Environmental compliance requirements shall be completed as expeditiously as possible, and in accordance with applicable law.

(c) To the maximum extent practicable and consistent with applicable law, including the authorities granted to the Secretary of the Interior and the Secretary of Commerce under the Water Infrastructure Improvements for the Nation Act (Public Law 114–322):

(i) The Secretary of the Interior and the Secretary of Commerce shall ensure that the ongoing review of the long-term coordinated operations of the Central Valley Project and the California State Water Project is completed and an updated Plan of Operations and Record of Decision is issued.

(ii) The Secretary of the Interior shall issue final biological assessments for the long-term coordinated operations of the Central Valley Project and the California State Water Project not later than January 31, 2019.

(iii) The Secretary of the Interior and the Secretary of Commerce shall ensure the issuance of their respective final biological opinions for the long-term coordinated operations of the Central Valley Project and the California State Water Project within 135 days of the deadline provided in section 2(c)(ii) of this memorandum. To the extent practicable and consistent with law, these shall be joint opinions.

(iv) The Secretary of the Interior and the Secretary of Commerce shall complete the joint consultation presently underway for the Klamath Irrigation Project by August 2019.

(d) The Secretary of the Interior and the Secretary of Commerce shall provide monthly updates to the Chair of the Council on Environmental Quality and other components of the Executive Office of the President, as appropriate, regarding progress in meeting the established timelines.

Sec. 3. *Improve Forecasts of Water Availability.* To facilitate greater use of forecast-based management and use of authorities and capabilities provided by the Weather Research and Forecasting Innovation Act of 2017 (Public Law 115–25) and other applicable laws, the Secretary of the Interior and the Secretary of Commerce shall convene water experts and resource managers to develop an action plan to improve the information and modeling capabilities related to water availability and water infrastructure projects. The action plan shall be completed by January 2019 and submitted to the Chair of the Council on Environmental Quality.

Sec. 4. *Improving Use of Technology to Increase Water Reliability.* To the maximum extent practicable, and pursuant to the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI), the Water Desalination Act of 1996 (Public Law 104–298), and other applicable laws, the Secretary of the Interior shall direct appropriate bureaus to promote the expanded use of technology for improving the accuracy and reliability of water and power deliveries. This promotion of expanded use should include:

(a) investment in technology and reduction of regulatory burdens to enable broader scale deployment of desalination technology;

(b) investment in technology and reduction of regulatory burdens to enable broader scale use of recycled water; and

(c) investment in programs that promote and encourage innovation, research, and development of technology that improve water management, using best available science through real-time monitoring of wildlife and water deliveries.

Sec. 5. *Consideration of Locally Developed Plans in Hydroelectric Projects Licensing.* To the extent the Secretary of the Interior and the Secretary of Commerce participate in Federal Energy Regulatory Commission licensing activities for hydroelectric projects, and to the extent permitted by law,

the Secretaries shall give appropriate consideration to any relevant information available to them in locally developed plans, where consistent with the best available information.

Sec. 6. *Streamlining Regulatory Processes and Removing Unnecessary Burdens on the Columbia River Basin Water Infrastructure.* In order to address water and hydropower operations challenges in the Columbia River Basin, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Energy, and the Assistant Secretary of the Army for Civil Works under the direction of the Secretary of the Army, shall develop a schedule to complete the Columbia River System Operations Environmental Impact Statement and the associated Biological Opinion due by 2020. The schedule shall be submitted to the Chair of the Council on Environmental Quality within 60 days of the date of this memorandum.

Sec. 7. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

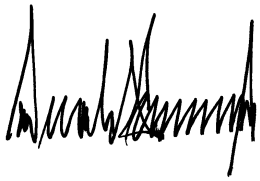
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of the Interior is hereby authorized and directed to publish this memorandum in the *Federal Register.*



THE WHITE HOUSE,
Washington, October 19, 2018

[FR Doc. 2018–23519
Filed 10–24–18; 11:15 am]
Billing code 4310–10–P

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