
# FEDERAL REGISTER

Vol. 83 Wednesday,

No. 211 October 31, 2018

Pages 54663–54860

OFFICE OF THE FEDERAL REGISTER

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# Contents

**Federal Register**

Vol. 83, No. 211

Wednesday, October 31, 2018

**Separate Parts In This Issue**



**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

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## CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

# Rules and Regulations

Federal Register
Vol. 83, No. 211
Wednesday, October 31, 2018



## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2018–0368; Product Identifier 2018–NE–12–AD; Amendment 39–19469; AD 2018–21–11]**

**RIN 2120–AA64**

## Airworthiness Directives; Pratt & Whitney Division (PW) Turbofan Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for all Pratt & Whitney Division (PW) PW4074D, PW4077D, PW4084D, PW4090, and PW4090–3 turbofan engines with a low-pressure compressor (LPC) fan hub, part number (P/N) 51B821 or P/N 52B521, installed. This AD was prompted by updated low-cycle fatigue analysis techniques that indicate certain LPC fan hubs could crack before their published life limit. This AD requires repetitive eddy current inspections (ECIs) and fluorescent penetrant inspections (FPIs) for cracks in certain LPC fan hubs and removal of LPC fan hubs from service that fail inspection. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective December 5, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 5, 2018.

**ADDRESSES:** For service information identified in this final rule, contact Pratt & Whitney Division, 400 Main St., East Hartford, CT 06118; phone: 800–565–0140; fax: 860–565–5442. 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–2018–0368.

### Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0368; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Jo-Ann Theriault, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7105; fax: 781–238–7199; email: *jo-ann.theriault@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 all PW PW4074D, PW4077D, PW4084D, PW4090, and PW4090–3 turbofan engines with an LPC fan hub, P/N 51B821 or P/N 52B521, installed. The NPRM published in the **Federal Register** on July 19, 2018 (83 FR 34070). The NPRM was prompted by updated low-cycle fatigue analysis techniques that indicate certain LPC fan hubs could crack before their published life limit. The NPRM proposed to require repetitive ECIs and FPIs of the LPC fan hub. We are issuing this AD to address the unsafe condition on these products.

### Comments

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

### Request To Add Maximum Allowable Life

The Air Line Pilots Association requested that we specify a maximum allowable life for the parts affected by this AD, in addition to the prescribed inspection interval, to ensure that the affected parts are not operated beyond a life limit in which it is likely that fatigue cracks will form.

We disagree. This AD intends to specify a new inspection interval to reduce the risk of a fan hub failure due to potential low-cycle fatigue cracking. We determined that repetitive inspections, in conjunction with existing life limits for the small population of affected parts, maintains an acceptable level of safety for the fleet. The life limits for the affected parts are given in the appropriate Engine Manual, Chapter 5, Airworthiness Limitations Section. Operators are responsible for complying with those life limits. We did not change this AD.

### Request To Clarify FPI Instructions

All Nippon Airways requested clarification for performing the FPIs required by this AD. The instructions for performing ECIs are specified in PW Alert Service Bulletin (ASB) PW4G–112–A72–351, dated February 22, 2018, which is incorporated by reference by this AD; however, instructions for performing FPIs are not specified.

We disagree. FPI is an industry-standard inspection. Operators are permitted to use an FPI process that is equivalent to the FPI process conducted by the original equipment manufacturer. We are incorporating by reference the instructions for performing ECIs because ECI is not an industry standard practice. ECI requires procedures, tooling, acceptance, and rejection criteria that are specific to the part being inspected. We did not change this AD.

### Request To Review Applicability

PW stated that this AD should apply to all PW PW4074D, PW4077D, PW4084D, PW4090, and PW4090–3 turbofan engines with LPC fan hub, P/N 51B821 or P/N 52B521, installed as of or after February 22, 2018.

We disagree. The unsafe condition is present for any LPC fan hub, P/N 51B521 or P/N 52B521, installed in PW PW4074D, PW4077D, PW4084D, PW4090, and PW4090–3 turbofan engines regardless of the installation date. This AD requires inspections of all applicable LPC fan hubs, P/N 51B521 or P/N 52B521, in service. We did not change this AD.

**Clarification to Costs of Compliance**

We determined that we were not clear that only one LPC fan hub might need replacing. We clarified this in our cost estimate.

**Support for the AD**

The Boeing Company expressed support for the NPRM as written.

**Conclusion**

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

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

**Related Service Information Under 1 CFR Part 51**

We reviewed PW ASB PW4G–112–A72–351, dated February 22, 2018. The PW ASB describes procedures for performing LPC fan hub ECIs and FPIs. 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.

**Other Related Service Information**

We reviewed PW PW4000 Series 112 Inch Turbofan Engines Cleaning, Inspection and Repair (CIR) Manual, P/N 51A750, Chapter/Section 72–31–07, Inspection/Check-02, Revision No. 77, dated July 15, 2018. The CIR Manual contains additional information regarding FPI and ECI of the LPC fan hub.

**Costs of Compliance**

We estimate that this AD affects 32 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Inspection | 40 work-hours × $85 per hour = $3,400 | $0 | $3,400 | $108,800 |

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We estimate that one engine will need this replacement and estimate the parts cost using a prorated formula that takes the early removal of the life-limited part into account.

ON-CONDITION COSTS

| Action | Labor cost | Parts cost | Cost per product |
|---|---|---|---|
| Replace the LPC fan hub (prorated part cost) | 0 work-hours × $85 per hour = $0 | $288,000 | $288,000 |

**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):

**2018–21–11 Pratt & Whitney Division:** Amendment 39–19469; Docket No. FAA–2018–0368; Product Identifier 2018–NE–12–AD.

**(a) Effective Date**

This AD is effective December 5, 2018.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to all Pratt & Whitney Division (PW) PW4074D, PW4077D, PW4084D, PW4090, and PW4090–3 turbofan engines with low-pressure compressor (LPC) fan hub, part number (P/N) 51B821 or P/N 52B521, installed.

**(d) Subject**

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

**(e) Unsafe Condition**

This AD was prompted by low-cycle fatigue analysis techniques, updated by the engine manufacturer, which indicated certain LPC fan hubs could crack before their published life limit. We are issuing this AD to prevent failure of the LPC fan hub. The unsafe condition, if not addressed, could result in uncontained hub release, damage to the engine, and damage to the airplane.

**(f) Compliance**

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

**(g) Required Actions**

(1) After the effective date of this AD, perform a fluorescent penetrant inspection (FPI) and an eddy current inspection (ECI) of the LPC fan hub the next time the engine is separated at the M-flange and the LPC fan hub has accumulated 2,000 or more flight cycles since the last FPI and ECI.

(2) Thereafter, perform an FPI and an ECI of the LPC fan hub every time the engine is separated at the M-flange and the LPC fan hub has accumulated 2,000 or more flight cycles since the last LPC fan hub ECI and FPI.

(3) Use the Accomplishment Instructions, Step No. 11, in PW Alert Service Bulletin PW4G–112–A72–351, dated February 22, 2018, to do the ECI.

(4) If a crack is found during the inspections required by paragraphs (g)(1) or (2) of this AD, remove the LPC fan hub from service before further flight and replace with a part eligible for installation.

**(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 certification office, send it to the attention of the person identified in paragraph (i) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov*.

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

**(i) Related Information**

For more information about this AD, contact Jo-Ann Theriault, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7105; fax: 781–238–7199; email: *jo-ann.theriault@faa.gov*.

**(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) Pratt & Whitney Division Alert Service Bulletin PW4G–112–A72–351, dated February 22, 2018.

(ii) [Reserved.]

(3) For service information identified in this AD, contact Pratt & Whitney Division, 400 Main St., East Hartford, CT 06118; phone: 800–565–0140; fax: 860–565–5442.

(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 25, 2018.

**Robert J. Ganley,**

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

[FR Doc. 2018–23712 Filed 10–30–18; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 73

**[Docket No. FDA–2017–C–1951]**

## Termination of Listing of Color Additive Exempt From Certification; Lead Acetate

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA or we) is amending the color additive regulations to no longer provide for the use of lead acetate in cosmetics intended for coloring hair on the scalp because new data available since lead acetate was permanently listed demonstrate that there is no longer a reasonable certainty of no harm from the use of this color additive. This action is in response to a color additive petition filed by the Environmental Defense Fund, Earthjustice, Environmental Working Group, Center for Environmental Health, Healthy Homes Collaborative, Health Justice Project of Loyola University Chicago School of Law, Breast Cancer Fund, Improving Kids' Environment, Consumers Union, Natural Resources Defense Council, Consumer Federation of America, Learning Disabilities Association, Maricel Maffini, and Howard Mielke.

**DATES:** This rule is effective December 3, 2018. See section XIII for further information on the filing of objections. Submit either electronic or written objections and requests for a hearing on the final rule by November 30, 2018.

**ADDRESSES:** You may submit objections and requests for a hearing as follows. Please note that late, untimely filed objections will not be considered. Electronic objections must be submitted on or before November 30, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 30, 2018. Objections received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

*Electronic Submissions*

Submit electronic objections in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Objections submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your objection will be made public, you are solely responsible for ensuring that your objection 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 objection, that information will be posted on *https://www.regulations.gov.*
- If you want to submit an objection with confidential information that you do not wish to be made available to the

public, submit the objection 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 objections submitted to the Dockets Management Staff, FDA will post your objection, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

*Instructions:* All submissions received must include the Docket No. FDA–2017–C–1951 for ''Termination of Listing of Color Additive Exempt From Certification; Lead Acetate.'' Received objections, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit an objection with confidential information that you do not wish to be made publicly available, submit your objections 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.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Molly A. Harry, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740–3835, 240–402–1075.

**SUPPLEMENTARY INFORMATION:**

## I. Introduction

In the **Federal Register** of April 4, 2017 (82 FR 16321), FDA announced that we filed a color additive petition (CAP 7C0309) (the petition) submitted by the Environmental Defense Fund, Earthjustice, Environmental Working Group, Center for Environmental Health, Healthy Homes Collaborative, Health Justice Project of Loyola University Chicago School of Law, Breast Cancer Fund, Improving Kids' Environment, Consumers Union, Natural Resources Defense Council, Consumer Federation of America, Learning Disabilities Association, Maricel Maffini, and Howard Mielke (petitioners), c/o Mr. Tom Neltner, 1875 Connecticut Ave. NW, Suite 600, Washington, DC 20009. The petition requested that we repeal the regulation at § 73.2396 (21 CFR 73.2396) to no longer provide for the safe use of lead acetate in cosmetics intended for coloring hair on the scalp. The notice of petition gave interested parties until June 5, 2017, to submit comments on the filed color additive petition.

## II. Background and Regulatory History of Lead Acetate as a Color Additive

The color additive lead acetate (the trihydrate of lead (2+) salt of acetic acid; CAS No. 6080–56–4) has been in use in cosmetic hair dyes for many years. Under the provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (FD&C Act), FDA published a notice on December 10, 1963 (28 FR 13374), stating that metallic salts (including lead acetate) used as hair colorings are color additives within the meaning of the FD&C Act. Because metallic salts, including lead acetate, were in use as color components in hair dye prior to the Color Additive Amendments of 1960, they were provisionally listed for this use on an interim basis under the transitional provisions of the Color Additive Amendments (38 FR 7006, March 15, 1973). Subsequently, FDA gave interested persons until July 30, 1973, to submit petitions proposing appropriate permanent listings of any metallic salts as coloring components of hair dye not presently listed for such use (38 FR 2996, January 31, 1973). On May 18, 1973, FDA received a color additive petition (CAP 3C0107) from the Committee of the Progressive Hair Dye Industry requesting the permanent listing of lead acetate as a color additive in cosmetic hair dyes. FDA published a notice of filing of the petition in the **Federal Register** of June 29, 1973 (38 FR 17260). While the petition was under review, FDA added lead acetate to the codified provisional list for use as a color component in hair dye on March 13, 1974 (39 FR 9657), with a closing date of December 31, 1974. The closing date for the provisional listing of lead acetate was postponed periodically pending the performance, completion, and evaluation of toxicological and absorption studies. A final rule in the **Federal Register** of March 3, 1978 (43 FR 8790), details each postponement up to that time, and subsequent postponements of the closing date for the provisional listing of lead acetate were published in the **Federal Register** on January 2, 1979 (44 FR 45), March 6, 1979 (44 FR 12169), August 31, 1979 (44 FR 51216), February 22, 1980 (45 FR 11799), June 24, 1980 (45 FR 42255), and December 30, 1980 (45 FR 85725).

In evaluating the scientific data submitted in CAP 3C0107, FDA determined that the following issues required resolution to enable FDA to evaluate the petition and determine the conditions of safe use of lead acetate: (1) Whether absorption and systemic distribution of lead acetate from hair dyes would occur, because the available scientific data did not establish conclusively that lead acetate from hair dyes was transdermally absorbed through the scalp; (2) whether lead acetate is carcinogenic in humans, because it had been established through animal feeding studies that lead is a carcinogen in rats and mice; (3) whether the human epidemiological data available are equivocal; and (4) which of the ''Delaney'' anticancer clauses in section 721(b)(5)(B) of the FD&C Act (21 U.S.C. 379e(b)(5)(B)) is applicable to this use of lead acetate (45 FR 72112, October 31, 1980).

To resolve the issue of whether lead acetate would be transdermally absorbed through the scalp, FDA requested that the petitioner perform a

definitive percutaneous absorption study (42 FR 62497 at 62499, December 13, 1977). Results from a 1978 radioactive tracer skin lead absorption study, using human volunteers, was submitted by the petitioner of CAP 3C0107 for FDA review and later published by Moore et al. (Ref. 1). The results of the percutaneous absorption study showed that lead acetate in hair dye is absorbed through human skin and that users who apply the hair dye as often as twice per week have an estimated average daily lead absorption of 0.3 microgram (µg). FDA considered the absorbed amount of lead acetate from hair dye to be ''miniscule'' when compared to the average person's blood lead level from background sources and concluded that the resulting increase in exposure would have no discernible increase on the steady-state blood lead level reported to be approximately 17 µg per deciliter (µg/dL) (45 FR 72112 at 72114).

FDA also considered the applicability of the Delaney Clause (section 721(b)(5)(B) of the FD&C Act) in determining whether lead acetate could be permanently listed, considering the evidence that lead was shown to be a carcinogen in animal feeding studies. The Delaney Clause consists of two parts. The first part (section 721(b)(5)(B)(i) of the FD&C Act) pertains specifically to ingested color additives. The second part (section 721(b)(5)(B)(ii) of the FD&C Act) applies to non-ingested color additives. FDA explained in the 1980 final rule that because the first part of the Delaney Clause (section 721(b)(5)(B)(i) of the FD&C Act) is limited to uses that will or may result in ingestion, it does not apply to the use of lead acetate in hair dye applied on the scalp. FDA then considered the applicability of the non-ingestion clause, which states that a color additive shall be deemed unsafe, and shall not be listed, for any use that will not result in ingestion or any part of such additive, if evaluation of the safety of additives for such use or after other relevant exposure of man or animal to such additive, it is found by the Secretary of Health and Human Services (Secretary) to induce cancer in man or animal. After evaluation of the available relevant scientific evidence, FDA concluded that the available animal feeding studies were not relevant to the use of lead acetate in hair dye. FDA also concluded that the scientific data submitted were not sufficient to substantiate a direct correlation between dermal exposure to lead and human carcinogenicity. Additionally, FDA considered two carcinogenicity risk assessments based on the percutaneous absorption data submitted in the CAP, one prepared by Dr. Richard Wilson of Harvard University (on behalf of the petitioner of CAP 3C0107) and the other prepared by FDA personnel, which concluded a 1:18 million and 1:12 million chance of developing cancer, respectively, by using lead acetate containing hair dye. FDA determined that these assessments supported the conclusion that any carcinogenic risk likely to result from use of lead acetate-containing hair dye could not be considered significant in terms of public health protection (45 FR 72112 at 72116).

Based on the evaluation of the available data, FDA concluded that lead acetate was safe for use in hair dyes intended for use on the scalp. On October 31, 1980, FDA approved the petition and permanently listed lead acetate in § 73.2396 as a color additive for the safe use in cosmetics for coloring hair on the scalp at levels up to 0.6 percent (weight to volume) lead, subject to certain restrictions and labeling requirements (45 FR 72112). As a condition of safe use, the regulation in § 73.2396 specifies that lead acetate hair dye must contain a cautionary statement.

## III. Regulation of Color Additives

The FD&C Act provides a process through which any person who wishes to use a color additive in or on food, drugs, devices, or cosmetics, may submit a petition proposing the issuance of a color additive regulation listing such use with supporting information. A color additive petition also may be submitted to propose the amendment or repeal of any existing color additive regulation (see section 721(b)(5)(C) and (d) of the FD&C Act). In response to a color additive petition, FDA may issue a regulation listing a color additive for use in or on food, drugs, devices, or cosmetics only if it determines that the additive is suitable and safe for such use (see section 721(b)(2)(A) of the FD&C Act). FDA's determination that a color additive is safe means that there is convincing evidence that establishes with reasonable certainty that no harm will result from the intended condition of use of the color additive (21 CFR 170.3(i)). This is referred to as the ''general safety clause'' for color additives. In addition, the Delaney Clause, under section 721(b)(5)(B)(i) of the FD&C Act, states that a color additive shall be deemed unsafe for any use that will or may result in ingestion of all or part of such additive, if the additive is found by the Secretary to induce cancer when ingested by man or animal, or if it is found by the Secretary, after tests that are appropriate for the evaluation of the safety of additives for use in food, to induce cancer in man or animal. To determine whether a color additive is safe under the general safety clause, the FD&C Act requires FDA to consider, among other relevant factors: (1) Probable consumption of, or other relevant exposure from, the additive and of any substance formed in or on food, drugs or devices, or cosmetics because of the use of the additive; (2) cumulative effect, if any, of such additive ''in the diet of man or animals,'' taking into account the same or any chemically or pharmacologically related substance or substances in such diet; and (3) safety factors recognized by experts ''as appropriate for the use of animal experimentation data'' (see section 721(b)(5)(A) of the FD&C Act). For FDA to grant a petition that seeks repeal of a color additive regulation based upon new data concerning the safety of the color additive, such data must be adequate for FDA to conclude that there is no longer a reasonable certainty of no harm for the intended use of the color additive or that it must be deemed unsafe under the Delaney Clause.

## IV. Petitioners' Argument for Repeal of § 73.2396

In accordance with the procedure in section 721(d) of the FD&C Act for the issuance, amendment or repeal of regulations, the current color additive petition (CAP 7C0309) requests that FDA repeal the regulation for lead acetate in § 73.2396. The petitioners assert the following in support of their proposal (the petition, at pages 5 through 15):

1. ''Toxicological evidence since 1980 shows there is no safe level of exposure to lead compounds,'' and the ''scientific evidence substantiating a direct correlation between lead exposure and human carcinogenicity is now sufficiently strong for FDA to conclude that lead acetate is unsafe pursuant to the Delaney Clause in 21 U.S.C. 379e(b)(5)(B).''

2. ''FDA's 1980 decision rested primarily on a single industry study'' that had ''serious flaws.''

3. ''Exposure evidence since 1980 shows that skin absorption of lead acetate may be more significant than FDA considered.''

4. ''Overall exposure to lead in the United States has dropped since 1980 so FDA's conclusion that the exposure was insignificant is no longer valid.''

5. ''Post-1980 evidence indicates that lead acetate is likely to be ingested from typical use.''

6. ''Canada and Europe found the use of lead acetate as a color additive to be unsafe.''

Based on these arguments, the petitioners assert that the evidence available since lead acetate's permanent listing in 1980 demonstrates that there is no longer a reasonable certainty that no harm would result from the use of lead acetate in hair dyes, and, therefore, the regulation authorizing this use as a color additive should be repealed. The petitioners submitted in vitro and in vivo nonclinical and clinical peer-reviewed publications, monographs, and general reports from associations and government agencies to support their assertions.

In section V that follows, FDA provides assessments of the petitioners' assertions and their supporting information. FDA's review, assessment, and evaluation of the petition are detailed in our two review memoranda (Refs. 2 and 3). In FDA's review of the petition, we considered relevant studies and publications on lead and lead compounds, including lead acetate.

## V. Review of the Petition

*A. Petitioners' Assertion No. 1*

''Toxicological evidence since 1980 shows there is no safe level of exposure to lead compounds,'' and ''scientific evidence substantiating a direct correlation between lead exposure and human carcinogenicity is now sufficiently strong for FDA to conclude that lead acetate is unsafe pursuant to the Delaney Clause in 21 U.S.C. 379e(b)(5)(B).'' To support this assertion, the petition cites ''evidence with respect to lead acetate as a carcinogen,'' including that the National Toxicology Program (NTP) has designated lead and lead compounds to be ''reasonably anticipated to be a human carcinogen'' based on ''limited evidence in humans, and sufficient evidence of carcinogenicity in experimental animals.'' The petition also cites ''evidence of health effects other than cancer,'' specifically that lead (as elemental lead and lead compounds, including lead acetate) ''has other adverse effects across multiple systems at low levels,'' ''is a potent neurotoxin with no safe level of exposure for children,'' and ''is particularly harmful to pregnant women.'' The petition also provides toxicological monographs, profiles, and reports on lead and lead compounds available since 1980 to support their view that lead acetate applied to the scalp is not safe.

The information provided in the petition to support their assertion that there is no safe level of exposure to lead and its compounds includes reports and publications by government agencies and professional organizations, including an NTP monograph on Health Effects of Low-Level Lead (2012), Centers for Disease Control and Prevention (CDC) reports on lead (2009, 2015), Agency for Toxic Substances and Disease Registry (ATSDR) toxicology profile for lead (2007), an article on the Prevention of Childhood Lead Toxicity from the American Academy of Pediatrics Council on Environmental Health (2016), Environmental Protection Agency's Integrated Risk Information System Chemical Assessment Summary on lead and lead compounds, and an abstract of the risk assessment of lead acetate conducted by Health Canada (2008). The petitioners also provide abstracts to published in vivo and in vitro animal and human studies, and links to the 2014 NTP report on carcinogenicity from exposure to lead and its compounds, including lead acetate.

*FDA Assessment:* FDA reviewed the peer-reviewed publications and monographs provided in the petition and other relevant information in our evaluation of the safety of the use of lead acetate in hair dyes (Ref. 2) and agrees with the petitioners that there is no evidence available at this time to determine a safe level of exposure to lead or lead compounds intentionally used as a color additive in hair dyes.

The toxicologic effects of lead exposure have been well-documented, and FDA has taken several actions to protect the public from exposure to lead in FDA regulated products, including prohibiting the use of tin-coated lead foil capsules on wine bottles (61 FR 4816, February 8, 1996 (now codified at 21 CFR 189.301)) and prohibiting the use of lead-soldering in food cans (60 FR 33106, June 27, 1995 (now codified at 21 CFR 189.240)) (see also 58 FR 33860 at 33864 through 33866, June 21, 1993 (discussing the health effects of adult exposure to lead); and see generally *https://www.fda.gov/Food/FoodborneIllnessContaminants/Metals/ucm2006791.htm* and *https://www.fda.gov/Cosmetics/ProductsIngredients/PotentialContaminants/ucm388820.htm* (identifying other actions by FDA's Center for Food Safety and Applied Nutrition concerning both childhood and adult exposure to lead in food, food containers, and cosmetics)).

The risks of lead exposure are particularly high in utero, infancy, and in early childhood; CDC has stated that there is no safe blood lead level in children, and that even low levels of lead in blood have been shown to affect IQ, ability to pay attention, and academic achievement (Ref. 4). As part of its program to prevent childhood lead poisoning, CDC has recommended 5µg/dL as the reference blood lead level to identify children who have been exposed to lead and who require case management (Ref. 4).

Lead exposure also poses significant health risks to adults (Refs. 5 and 6). These risks include hypertension, peripheral nerve dysfunction, and red blood cell protoporphyrin elevation (see 58 FR 33860 at 33864). A growing body of evidence indicates that adults, like children, may experience adverse health impacts from exposure to levels of lead lower than those previously believed to be harmful. For example, in 2012, the NTP provided evidence of adverse effects of exposure to low levels of lead (less than 10 µg/dL) in adult humans based on epidemiological evidence. The NTP concluded that there is sufficient evidence for decreased glomerular filtration rate (in the kidney) in adults and reduced fetal growth in pregnant women at blood lead levels less than 5 µg/dL; increased blood pressure, hypertension, and essential tremor in adults at blood lead levels less than 10 µg/dL; and adverse changes in sperm parameters in men, as well as increased time to achieve pregnancy, at blood lead levels greater than or equal to 15–20 µg/dL (Ref. 2). In 2011, the Joint Food and Agriculture/World Health Organization (FAO/WHO) Expert Committee on Food Additives (JECFA) withdrew the previously established Provisional Tolerable Weekly Intake (PTWI) for lead and concluded that it was not possible to establish a new PTWI that would be considered health protective (Ref. 7). Additionally, the U.S. Environmental Protection Agency has set the maximum contaminant level goal for lead in drinking water at zero (Ref. 8). Regarding the information provided in the petition on the carcinogenicity of lead, we discuss the relevance of this information to FDA's decision on this petition in section VII.

*B. Petitioners' Assertion No. 2*

''FDA's 1980 decision rested primarily on a single industry study'' by Moore et al. (Ref. 1) that had ''serious flaws.'' The petitioners contended that results from test conditions with higher absorption values, *e.g.,* scratched skin, were excluded in the final analysis, while those from test conditions that resulted in lower absorption values *e.g.,* ''wet'' and ''cream'' applications, were all included. The petitioners also noted that Moore et al. excluded all the results of the 24-hour ''whole body'' count and relied only on the 12-hour data after deciding that the increased absorption

from the 12 to 24 hours' measurements reflected ''mechanical damage'' from washing the test substance from the skin after 12 hours. The petitioners stated that the 24-hour ''non-scratch'' average absorption was two times greater than the 12-hour average. Additionally, the petitioners stated that Moore et al. may have only measured a proportion of the lead absorbed because in calculating the ''whole-body'' count they assumed that the transport and distribution of lead acetate through the skin is the same path as an intravenous solution of a known quantity of lead chloride used to establish the relationship between radioactivity in the calf region and the whole body, which the petitioners claim is an assumption that more recent studies call into question. The petitioners also questioned some assumptions made by Moore et al., claiming no references were cited to support these assumptions (*e.g.,* that 6 milliliters (ml) of the lead acetate formulation is normally applied, of which 0.18 ml would reach the scalp, and 612 µg of lead would reach the scalp per hair dye application). The petitioners noted that instructions for use included in lead acetate hair dye packages do not typically specify amount to be applied to hair and that the amount applied would vary depending on the amount of hair.

*FDA Assessment:* We considered the deficiencies claimed by the petitioners with the percutaneous absorption study conducted by Moore et al. and conducted our own re-evaluation of that study (details in Ref. 2). We agree with the petitioners that the study conducted by Moore et al. may not have fully accounted for all the lead that may have been absorbed and localized in extracellular fluid compartments, such as saliva and sweat. Although the approach of estimating whole body uptake of lead based on measured activity in the calf region may have partially captured lead in these extracellular fluids, newer data suggest that looking at blood lead levels alone underestimates exposure to lead that would have localized in other compartments (Ref. 2).

Regarding the assertion that Moore et al. did not use the ''worst-case scenario'' by excluding in its final analysis results from whole-body monitoring collected from 12 to 24 hours, results from the 24-hour ''non-scratch'' whole-body monitoring data, and results from the scratched skin scenario, and including results from test conditions that resulted in lower absorption values (*e.g.,* ''wet'' and ''cream'' applications), we agree that this may have resulted in limiting the average absorption values. Regarding the assertion that some assumptions made by Moore et al. are unsupported (*e.g.,* that 6 ml of the lead acetate formulation is normally applied, of which 0.18 ml would reach the scalp, and 612 µg of lead would reach the scalp per hair dye application), we note that although these assumptions may not reflect a worst-case use scenario, there is a study that was submitted in support of the petition for permanently listing lead acetate (CAP 3C0107) that evaluated the amount of lead acetate that reached the scalp on human subjects from application of a known volume of the hair dye that was characterized in the study as a typical application volume. Results from that study showed that the average amount of lead acetate that reaches the scalp from application of 7 ml of hair dye is approximately 3 percent of the amount applied.

As stated, we also conducted our own re-evaluation of the study by Moore et al. and identified the following deficiencies that we believe may have resulted in underestimation of lead exposure (Ref. 2):

(1) The study was conducted with formulations containing 6 millimole per liter (mmol/L) or 9 mmol/L lead acetate (equivalent to 0.12 or 0.18 percent lead), respectively, which are three to five times lower than the approved maximum use level (0.6 percent lead) in hair dyes.

(2) The ages of the eight male test subjects ranged from 20 to 35 years. FDA notes that most people who use lead acetate-containing hair dye products would typically be age 50 years or older. The subjects were therefore not considered representative of the targeted older population. This is important because the skin in older people is different from the skin in younger people.

(3) The test formulation was applied to the skin on the forehead of subjects, whereas lead acetate-containing hair dye is intended to be applied to hair on the scalp. FDA notes that there are well documented differences in the composition and functionality of skin tissue from the scalp and skin tissue from other regions of the body, including the forehead (Ref. 2). For example, scalp skin tissue is thicker and carries more blood than other skin tissue. Thus, applying the test substance to the forehead and non-scalp skin, like the forehead, to assess percutaneous absorption, may not mimic absorption through the scalp.

(4) The test formulation(s) were reportedly applied to a skin surface area of 8 to 10 square centimeters ($cm^2$) on the forehead. FDA notes that lead acetate-containing hair dye is intended to be applied to the full scalp that has a skin surface area of approximately 580 $cm^2$. Applying the test formulation to a surface area substantially less than 580 $cm^2$ is not representative of the intended condition of use. Therefore, using a surface area of 8 to 10 $cm^2$ likely yielded results that underestimated the percentage of lead acetate that was transdermally absorbed. Additionally, test results obtained from applying the formulation to a small surface area on the forehead would also affect the accuracy of extrapolation to account for the entire surface area of the scalp.

(5) The test formulations applied to the forehead were removed by washing with soap 12 hours after application. FDA notes that the 12-hour application period in the Moore et al. study may be too short to assess the full extent of percutaneous absorption of lead acetate under the intended conditions of use, which in some cases could remain on the scalp for 24 hours or longer thereby increasing the amount of lead percutaneously absorbed.

*C. Petitioners' Assertion No. 3*

''Exposure evidence since 1980 shows that skin absorption of lead acetate may be more significant than FDA considered.'' To support this assertion, the petitioners provide several peer-reviewed studies published since 1980, which they claim demonstrate that the capacity of the skin to absorb lead is more significant than FDA estimated in 1980. The studies included a wide-ranging collection of occupational exposures to in vivo (human and animal) and in vitro (using human or animal skin) testing.

*FDA Assessment:* The petitioners did not provide data on dermal absorption of lead acetate generated under the intended use conditions for hair dye products and did not provide an updated estimated exposure that would result from typical chronic use of lead acetate-containing hair dyes. However, to support their assertion that skin absorption of lead acetate may be greater than FDA previously estimated, the petitioners provided information that raised valid scientific questions about the adequacy of the study that FDA relied on to support the listing of lead acetate in § 73.2396. The petition cited peer-reviewed publications describing nonclinical (in vitro and in vivo) and clinical studies to demonstrate dermal absorption of lead and lead compounds, including lead acetate. FDA reviewed these publications and other available pertinent publications and information on the dermal absorption of lead and lead acetate (Ref. 2). Following the

review, FDA concluded that the submitted publications demonstrate that dermally applied lead acetate and other lead-containing compounds penetrate human and animal skin, and report absorption of dermally applied lead and lead compounds ranging from 0.018 to 29 percent (the latter being under conditions of occlusion). In addition, some of the studies show that dermally absorbed lead distributes to extracellular fluid compartments including sweat and saliva, which the petitioners argued may contribute to an increase in lead exposure that was not previously accounted for in the Moore et al. publication (Ref. 2). However, we note that not all studies evaluated lead acetate, and not all the study designs were adequate. For example, the number of test subjects used in some studies was not adequate to ensure sufficient statistical power of the study, while in many studies, the surface area, location of application of the test substance, and the amount applied did not appropriately reflect the intended conditions of use of lead acetate to color hair on the scalp. These limitations made interpretation of the combined results from these studies difficult, and FDA was unable to reconcile all the reported findings related to absorption percentages and the lead levels claimed to be present in sweat and saliva (Ref. 2).

Given the deficiencies identified by FDA in the study by Moore et al. that may have resulted in underestimation of the amount of lead acetate that is transdermally absorbed, FDA chose to conduct further research on potential absorption from this use. FDA used in silico modeling (ConsExpo, Netherlands (Ref. 9)) to predict the percentage of dermal absorption of lead that may result from application of lead acetate hair dye to hair on the full human scalp based on empirically derived diffusion coefficients. Contrary to the 0 to 0.3 percent lead absorption reported by Moore et al. (Ref. 1), the results from our in silico modeling predicted higher levels of lead absorption from dermal application of lead acetate hair dyes containing 0.6 percent lead to the entire scalp under the intended conditions of use (Ref. 2).

To calculate the maximum amount of lead that could be absorbed, FDA utilized its modeled percent absorption values and the estimated levels previously reported in CAP 3C0107 (0.18 ml of hair dye reaching the scalp), considering an application of 6 ml of hair dye containing the maximum permitted 0.6 percent lead to the surface area of the full human scalp (580 $cm^2$)—rather than only the 10 $cm^2$ area on the forehead—for 24 hours. Assuming that the hair dye would be applied two times per week, FDA estimated that the daily exposure to lead would be significantly higher than what was previously thought in 1980 (see details in Ref. 3).

*D. Petitioners' Assertion No. 4*

''Overall exposure to lead in the United States has dropped since 1980 so FDA's conclusion that the exposure was insignificant is no longer valid.'' The petitioners argue that, since 1980, ''both exposures and blood lead levels have dropped dramatically as a result of Congressional action to limit lead in consumer products and reduce exposure to the legacy of lead uses.'' The petitioners provide information to demonstrate that the average blood lead level of an adult in the United States has decreased dramatically since 1980.

*FDA Assessment:* In the 1980 final rule on lead acetate, FDA stated that the average U.S. adult steady-state blood lead level was approximately 17 µg/dL. This amount was retained from the initial 35 µg of lead that was absorbed and internalized per day following normal human daily lead intakes of 100 to 500 µg from all food and environmental sources (45 FR 72112 at 72113). Based on the National Health and Nutrition Examination Survey (NHANES) results for 2015–2016, the geometric mean and 50th percentile (median) blood lead levels for U.S. adults 20 years and older were reported to be 0.920 µg/dL (95 percent confidence interval of 0.862–0.982 µg/dL) and 0.880 µg/dL (95 percent confidence interval of 0.810–0.960 µg/dL), respectively (Ref. 10). Therefore, we agree with the petitioners that the average adult blood lead level in the United States has decreased significantly since 1980 and our conclusion in 1980 that exposure to lead from the listed use of lead acetate hair dye is insignificant is no longer valid.

*E. Petitioners' Assertion No. 5*

''Post-1980 evidence indicates that lead acetate is likely to be ingested from typical use.'' The petitioners provide publications by Mielke et al. (1997) (Ref. 11) and Deeb et al. (2014) (Ref. 12) to support their assertion that lead acetate in hair dye is likely to be ingested from typical use of lead acetate-containing hair dye, by both users of the dye and non-users (including children), from hand-to-mouth activity after contacting objects such as a faucet and comb contaminated with the hair dye or from touching a user's hair.

*FDA Assessment:* The study by Mielke et al. measured the lead content of hair dyes and lead residues on hands and on other surfaces, including combs, hair dye containers, hair drier handles, faucets, and telephone receivers, by users after applying lead acetate hair dye to their hair. Mielke et al. reported a wide range of residual lead levels on hands and surfaces touched by the hair dye user. FDA notes that the study results show a potential for lead from the lead acetate-containing hair dye product to transfer to other surfaces from the hands that have been in contact with the lead acetate-containing hair dye. However, the study by Mielke et al. did not evaluate ingestion of lead from these contaminated surfaces. Therefore, this study does not demonstrate that lead acetate is likely to be ingested from its use in hair dye. Deeb et al. reported on a case of a 52-year old male patient who presented with adverse effects attributed to repeated application of lead acetate-containing hair dye on his beard. We note that this is a report on one person that applied the hair dye to facial hair contrary to the required cautionary statement on the product. The color additive lead acetate is not approved for use in coloring facial hair and this would be considered a misuse of the product.

Therefore, FDA concludes that the information provided by the petitioners is not sufficient to support their assertion that ingestion is likely to occur from the approved use of lead acetate in hair dye (Ref. 2). Furthermore, FDA has not identified any other relevant scientific publications that demonstrate ingestion resulting from the regulated use of lead acetate in cosmetics intended for coloring hair on the scalp.

*F. Petitioners' Assertion No. 6.*

''Canada and Europe found the use of lead acetate as a color additive to be unsafe.'' The petitioners make this assertion based on the decision of Health Canada and the European Union (EU) Scientific Committee on Cosmetic Products and Non-Food Products (SCCNFP) to prohibit the use of lead acetate in cosmetic products sold in Canada and the EU, respectively.

*FDA Assessment:* FDA has made its own determination on this petition based on our authority under the FD&C Act, independent of the actions taken by Canada and Europe regarding the use of lead acetate in hair dyes. However, we acknowledge that in 2004, the EU's SCCNFP evaluated and issued an opinion on the use of lead acetate as a cosmetic ingredient, concluding that lead acetate is classified as ''toxic to reproduction,'' ''may cause harm to the unborn child,'' and that lead acetate should not be intentionally added to

cosmetic products marketed in the EU. Based on this opinion, the EU prohibited the use of lead acetate in cosmetic products in 2004 (Ref. 13).

FDA also acknowledges that Health Canada found that lead exposure resulting from regular use of lead acetate hair dyes when combined with other sources of lead exposure would result in an increasing cumulative exposure for lead that would potentially have adverse effects, particularly in sensitive populations. In 2005, based on data indicating skin absorption and possible links to carcinogenicity and reproductive toxicity, Health Canada prohibited the use of lead acetate in cosmetic products. Lead acetate-containing hair dyes have not been sold in the Canadian market since 2008 (Ref. 2).

## VI. Updated Evaluation of Safety

During FDA's review of the petition, we evaluated the information provided by the petitioners and other information that has become available since 1980 when we listed lead acetate for use in hair dye to determine if there is still a reasonable certainty of no harm from the use of this color additive. FDA's basis for listing lead acetate in 1980, as previously stated, was that the absorbed amount of lead from hair dye containing lead acetate was ''miniscule'' when compared to the average person's background blood lead level and that the resulting increase in exposure from lead acetate-containing hair dye would have no discernible effect on the steady-state blood lead level. Our most recent review of the published literature (Ref. 2), combined with the flaws identified in the Moore study (see section V.B.), suggest that exposure to lead from the use of lead acetate-containing hair dyes is likely to be higher than was estimated in 1980. Considering all the information currently available, the data do not support the safe use of lead acetate as a color additive in cosmetics intended for coloring hair on the scalp.

In the 1980 final rule on lead acetate, FDA stated that the average person had a steady-state blood lead level of approximately 17 µg/dL (45 FR 72112 at 72113). This amount was retained from the initial 35 µg of lead that was absorbed and internalized per day following normal human lead intakes of 100 to 500 µg from all food and environmental sources. As discussed previously, the median blood lead level for U.S. adults 20 years and older based on 2015–2016 NHANES survey data was 0.88 µg/dL (Ref. 10). The NHANES data on blood lead levels indicates that lead exposure has decreased significantly in the U.S. general population. As a result, any increase in exposure to lead resulting from use of lead acetate-containing hair dye can no longer be considered insignificant in terms of public health.

Considering: (1) The lack of evidence of a safe level of exposure for lead; (2) the reported adverse effects associated with low levels of lead exposure reported by NTP (discussed in section V.A.); (3) the statements and current recommendations by CDC and JECFA on lead exposure (discussed in section V.A.); (4) the deficiencies of the percutaneous absorption study by Moore et al. that may have resulted in an underestimate of exposure to lead from the use of lead-acetate containing hair dye (discussed in section V.B.); and (5) the significant reduction in median blood lead levels since 1980 (discussed in section V.D.), FDA concludes that the original basis for listing lead acetate is no longer valid and that there is no longer a reasonable certainty that no harm would result from the use of lead acetate as a color additive in cosmetics intended to color hair on the scalp.

## VII. Applicability of the Delaney Clause

The Delaney Clause consists of two parts. The first part (section 721(b)(5)(B)(i) of the FD&C Act) pertains specifically to ingested color additives. The second part (section 721(b)(5)(B)(ii) of the FD&C Act) pertains to non-ingested color additives. In the 1980 final rule, FDA explained that because the first part of the Delaney Clause (section 721(b)(5)(B)(i) of the FD&C Act) is limited to uses that will or may result in ingestion, it does not apply to the use of lead acetate in hair dye used on the scalp (45 FR 72112 at 72115). In the final rule, FDA also determined, after evaluating scientific evidence relevant to the carcinogenic effects in experimental animals from feeding studies, that these studies are neither ''appropriate'' nor ''relevant'' to lead acetate used in hair dye, and therefore there was no basis to find the use of lead acetate in hair dye used on the scalp to be unsafe pursuant to the second part of the Delaney Clause (section 721(b)(5)(B)(ii) of the FD&C Act).

The petitioners argue that the 2004 NTP report designating lead and lead compounds (including lead acetate) as ''reasonably anticipated to be human carcinogens based on limited evidence of carcinogenicity from studies in humans and sufficient evidence of carcinogenicity from studies in experimental animals,'' other published in vitro studies, and occupational exposure studies submitted in the petition are sufficient to make the conclusion that lead acetate is unsafe and that section 721(b)(5)(B) of the FD&C Act should apply (Ref. 2). The petitioners argue that the first part of the Delaney Clause should apply based on their assertion that lead acetate in hair dye is likely to be ingested from typical use of lead acetate-containing hair dye for both users of the dye and non-users (including children), from hand-to-mouth activity after contacting objects such as a faucet contaminated with the hair dye or a user's hair with the dye—in other words, that there is incidental ingestion resulting from the intended use of the lead acetate in hair dye. To support this assertion, the petitioners submit publications by Mielke et al. and Deeb et al. (discussed in section V.E.). FDA concluded that the petition does not provide sufficient scientific evidence to support the petitioners' assertion of incidental ingestion resulting from typical use of lead acetate-containing hair dye. Because FDA has determined that the petition does not provide sufficient scientific evidence to support the assertions of ingestion from the use of lead acetate-containing hair dye, FDA has not found it necessary as part of its petition response to determine whether the first part of the Delaney Clause would apply to incidental ingestion of lead acetate from its use in hair dye.

The petitioner did not submit any information demonstrating carcinogenicity via dermal exposure, and FDA is not aware of any such information; FDA continues to find that the available animal feeding studies are not applicable or relevant to dermally applied lead acetate hair dyes under section 721(b)(5)(B)(ii) of the FD&C Act.

## VIII. Comments on the Notice of Petition

We provided 60 days for comments on the notice of petition. A total of 220 individual comments were submitted to the docket after the notice of petition published. One group submitted a comment on behalf of 61 organizations, and another group submitted a comment supported by 26,198 signatures that they collected that were all in support of the petition. Overall, most of the comments did not contain any substantive new data or information that could inform FDA's evaluation of the petition. The overwhelming majority of the individual comments expressed support for granting the petition based on reported adverse health effects of lead and urged FDA to repeal the regulation.

(Comment 1) One comment, submitted by Combe, Inc. (Combe) urged FDA to deny the petition. Combe states that, in the 1970s, it marketed a cream-based hair dye product

containing 0.6 percent lead acetate trihydrate (0.34 percent lead) and a liquid formula containing 0.4 percent lead acetate trihydrate (0.23 percent lead). In 1998, Combe reformulated its liquid and foam lead acetate hair dye products to reduce the lead content. Combe states that the reformulated liquid product contains 0.28 percent lead acetate trihydrate (0.153 percent lead) and the foam product contains 0.25 percent lead acetate trihydrate (0.138 percent lead), thereby reducing the amount of lead absorbed daily to a level lower than the amount FDA considered to be safe in 1980. In its comment, Combe provides exposure estimates based on these reformulation levels.

Combe funded the 1978 radioactive tracer skin lead absorption study that was required by FDA (published by Moore et al. in 1980 (Ref. 1)), and emphasized that this study remains the only human skin lead absorption study using a hair dye formulation. Combe maintains that the amount of lead resulting from the use of its lead acetate hair dyes is trivial and considers the exposure to be essentially zero. Combe considers the studies submitted by the petitioners to be either inadequate or not pertinent to evaluating the safety of lead acetate under the intended conditions of use of the hair dye.

(Response) FDA agrees with Combe that some of the studies submitted in the petition had deficiencies in their designs, and the study results were inconsistent and difficult to interpret. FDA also agrees with Combe that the 1978 radioactive tracer skin lead absorption study (published in 1980 by Moore et al. (Ref. 1)) is applicable for studying human skin lead absorption. However, as discussed in section V, FDA identified several significant deficiencies in the Moore et al. study. In particular, Moore et al. applied the formulation to an 8 to 10 $cm^2$ surface area on the forehead, which is not consistent with the intended conditions of use for the hair dye product, this may have resulted in lowering absorption and underestimating the exposure to lead.

We acknowledge that the reformulation of Combe's hair dye products likely reduces exposure to lead as compared to use at the maximum permitted level. However, the regulation allows for use up to 0.6 percent lead in hair dyes; therefore, FDA must evaluate the safety of this maximum permitted use level. FDA also notes that Combe's updated estimated exposures for the reformulated products still relied on the dermal absorption results from the 1978 study that applied the test substance to a small surface area on the forehead. Based on newer information available, application of formulations containing lead acetate to small skin surface area significantly limits the percentage of absorption, likely resulting in underestimating the exposure.

(Comment 2) Combe discusses the petitioners' reliance on the regulatory decisions by the EU and Canada to ban lead acetate. Combe refers to these decisions as grounded in the''precautionary principle,'' and states that the decisions were nonscientific resolutions of controversial issues that resulted in regulatory actions. Combe argues that such an approach is not permitted under the risk-based science standards required by the FD&C Act.

(Response) FDA is not relying on the decisions made by regulatory bodies of other governments in this action. Rather, FDA's determination is based on whether the available scientific evidence shows that there is a reasonable certainty of no harm from the use of this color additive.

(Comment 3) Combe states that since the 1960 Color Additive Amendments, FDA has issued several color additive (and food additive) regulations and that many of these regulations include specification limits for lead content that FDA considers to be ''safe.'' Combe urges that, in its administrative and enforcement actions, FDA must be consistent in implementing the FD&C Act with respect to similar matters. Combe also asserts that the 10 parts per million (ppm) maximum lead level that FDA recommended for lead as an impurity in cosmetic lip products and externally applied cosmetics products in the draft guidance document entitled ''Lead in Cosmetic Lip Products and Externally Applied Cosmetics: Recommended Maximum Level Guidance for Industry'' is an ''approval'' and means that the exposure from its reformulated products should be considered safe. Specifically, Combe asserts that the ''0.24 µg per day lead exposure that FDA determined is safe for adults from lipstick is 5 times more than the 0.046 µg per day lead exposure for adults from lead acetate in the current post-1998 Grecian Formula product.''

(Response) FDA acknowledges that, since 1960, we have issued several color additive and food additive regulations that include maximum specification limits for lead (and other contaminants) that manufacturers are unable to avoid through good manufacturing practices and might be present as an impurity in the finished additives. However, we note that, unlike hair dyes, in which lead acetate is intentionally added as an ingredient to achieve a coloring effect, these specification limits are for lead that may be present as an impurity in an approved additive. We also note that the specification limits for lead impurities in the finished additives are significantly lower than the 0.6 percent lead level (equivalent to 6,000 ppm) approved in § 73.2936 for use in hair dye products and the levels in Combe's reformulated hair dye products of 0.153 percent lead (equivalent to 1,530 ppm lead) and 0.138 percent lead (equivalent to 1,380 ppm lead). Typically, the levels specified for lead impurities in finished color additives and food additives are 20 ppm or lower. Such impurities might result during the manufacture of the additive (*e.g.,* from impurities in starting materials) or occur naturally and is not the additive itself. FDA generally sets such specifications because it can be difficult to completely eliminate the presence of impurities such as lead.

The FDA draft guidance that Combe refers to recommends 10 ppm as the maximum level for lead as an impurity (not as an ingredient) in cosmetic lip products and externally applied cosmetics that are marketed in the United States. The estimated exposure of 0.24 µg/d to lead from cosmetic lip products that Combe refers to was a maximum exposure estimated by FDA based on incidental ingestion of lipstick containing lead at 10 ppm. However, contrary to Combe's assertions, our draft guidance is not an approval of this use, nor is it a safety determination. FDA considers the recommended maximum lead level of 10 ppm to be an achievable impurity level, with good manufacturing practices, for a wide range of cosmetics products. Unlike hair dyes where lead acetate is intentionally added as an ingredient to achieve a coloring effect, this recommended maximum level is for lead that may be present as an impurity in certain cosmetics.

FDA disagrees that it is being inconsistent in implementing the FD&C Act if it repeals the regulation regarding the use of lead acetate in hair dye under our color additive authority, while also establishing specifications for lead as an impurity in certain additives and providing a recommended maximum level for lead as an impurity in certain cosmetics. These actions are consistent with FDA's authority for color additives, food additives, and cosmetics, as well as our public health goal of reducing consumer exposure to lead to the greatest extent that is technically feasible.

## IX. Conclusion

Following a full evaluation of the data submitted in support of CAP 7C0309 and other pertinent data and information, FDA has concluded that the data currently available no longer demonstrate that there is a reasonable certainty of no harm from the use of lead acetate as a color additive in hair dyes authorized under § 73.2396. This conclusion is based on the recognition of the current consensus that there is no safe exposure level for lead, deficiencies identified from our re-evaluation of the 1980 skin absorption study by Moore et al. that may have resulted in an underestimate of exposure to lead from its use in hair dye, and the fact that blood lead levels in the United States have dropped significantly since 1980, so we no longer can conclude that exposure to lead from lead acetate-containing hair dye has no discernible effect on the steady-state blood lead level. Therefore, to protect the public health, we are amending 21 CFR part 73 as set forth in this document. Upon the effective date (see **DATES**), use of lead acetate as a color additive in cosmetics intended for coloring hair on the scalp is no longer authorized.

FDA is exercising enforcement discretion for a period of 12 months from the effective date of the final rule regarding marketed hair dye products that contain the color additive lead acetate to provide an opportunity for industry to deplete the current stock of hair dye products with lead acetate and reformulate products prior to enforcing the requirements of this final rule. Such products must comply with the requirements of § 73.2396, including the specifications, uses and restrictions, and labeling requirements. This period of enforcement discretion takes into consideration the fact that bismuth citrate, which is listed in 21 CFR 73.2110 for use in cosmetic hair dye products at a level up to 2.0 percent weight/volume, is already being used as an alternative for lead acetate in hair dye products marketed both in the United States and other countries.

## X. Public Disclosure

In accordance with § 71.15 (21 CFR 71.15), the petition and the documents that we considered and relied upon in reaching our decision to approve the petition will be made available for public disclosure (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 71.15, we will delete from the documents any materials that are not available for public disclosure.

## XI. Analysis of Environmental Impact

We previously considered the environmental effects of this rule, as stated in the April 4, 2017, **Federal Register** notice of petition for CAP 7C0309. We stated that we had determined, under 21 CFR 25.32(m), that this action is of a type that does not individually or cumulatively have a significant effect on the human environment such that neither an environmental assessment nor an environmental impact statement is required. We have not received any new information that would affect our previous determination.

## XII. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

## XIII. Objections

This rule is effective as shown in the ''DATES'' section, except as to any provisions that may be stayed by the filing of proper objections. If you will be adversely affected by one or more provisions of this regulation, you may file with the Dockets Management Staff (see **ADDRESSES**) either electronic or written objections. You must separately number each objection, and within each numbered objection you must specify with particularity the provision(s) to which you object, and the grounds for your objection. Within each numbered objection, you must specifically state whether you are requesting a hearing on the particular provision that you specify in that numbered objection. If you do not request a hearing for any particular objection, you waive the right to a hearing on that objection. If you request a hearing, your objection must include a detailed description and analysis of the specific factual information you intend to present in support of the objection in the event that a hearing is held. If you do not include such a description and analysis for any particular objection, you waive the right to a hearing on the objection.

Any objections received in response to the regulation may be seen in the Dockets Management Staff office between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *https://www.regulations.gov.* We will publish notice of the objections that we have received or lack thereof in the **Federal Register**.

## XIV. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at *https://www.regulations.gov.* References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.


1. Moore, M.R., P.A. Meredith, W.S. Watson, et al., ''The Percutaneous Absorption of Lead-203 in Humans From Cosmetic Preparations Containing Lead Acetate, as Assessed by Whole-Body Counting and Other Techniques,'' *Food and Cosmetics Toxicology,* 18:399–405, 1980.

*2. Memorandum from M. K. Wyatt, Cosmetics Division, OCAC, CFSAN, FDA to M. Harry, Division of Petition Review, OFAS, CFSAN, FDA, September 18, 2018.

*3. Memorandum from H. Lee, Division of Petition Review, OFAS, CFSAN, FDA to M. Harry, Division of Petition Review, OFAS, CFSAN, FDA, September 19, 2018.

*4. Center for Disease Control and Prevention, ''What Do Parents Need to Know to Protect Their Children?'' *https://www.cdc.gov/nceh/lead/acclpp/blood_lead_levels.htm.*

*5. Agency for Toxic Substances and Disease Registry (ATSDR), ''Toxicological Profile for Lead,'' August 2007. *https://www.atsdr.cdc.gov/toxprofiles/TP.asp?id=96&tid=22.*

*6. U.S. Department of Health and Human Services, National Toxicology Program, ''NTP Monograph on Health Effects of Low-Level Lead.'' *https://ntp.niehs.nih.gov/ntp/ohat/lead/final/monographhealtheffectslowlevellead_newissn_508.pdf.*

7. ''Evaluation of Certain Food Additives and Contaminants: Seventy-Third Report of the Joint FAO/WHO Expert Committee on Food Additives,'' WHO Tech Report Series No. 960. 2011. *http://apps.who.int/iris/bitstream/10665/44515/1/WHO_TRS_960_eng.pdf.*

*8. U.S. Environmental Protection Agency, ''Basic Information about Lead in Drinking Water. Health Effects of Exposures to Lead in Drinking Water. Is there a Safe Level of Lead in Drinking Water?'' *https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water.*

9. Delmaar, J.E., M.V. Park, and J.G. van Engelen, ''ConsExpo–Consumer Exposure and Uptake Models,'' RIVM report no. 320104004, *http://www.rivm.nl/en/Topics/C/ConsExpo.*

*10. U.S. Department of Health and Human Services, Centers for Disease Control and

Prevention, ''Fourth National Report on Human Exposure to Environmental Chemicals, Updated Tables, March 2018, Volume One.'' *https://www.cdc.gov/exposurereport/pdf/FourthReport_UpdatedTables_Volume1_Mar2018.pdf.*

11. Mielke, H.W., M.D. Taylor, C.R. Gonzales, et al., ''Lead-Based Hair Coloring Products: Too Hazardous for Household Use,'' *Journal of the American Pharmaceutical Association,* NS37:85–89, 1997b.

12. Deeb, W., D. Cachia, C. Quinn, et al., ''Peripheral Neuropathy After Hair Dye Exposure: A Case Report,'' *Journal of Clinical Neuromuscular Disease,* 15:161–163, 2014.

*13. The Scientific Committee on Cosmetic Products and Non-Food Products Intended for Consumers. Opinion Concerning Lead Acetate, SCCNFP/0832/04, July 1, 2004. *http://ec.europa.eu/health/ph_risk/committees/sccp/documents/out286_en.pdf.*

**List of Subjects in 21 CFR Part 73**

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 73 is amended as follows:

## PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e.

**§ 73.2396 [Removed]**

■ 2. Remove § 73.2396.

Dated: October 25, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018–23725 Filed 10–30–18; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

### 32 CFR Part 706

### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

**AGENCY:** Department of the Navy (DoN), DoD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy (DoN) is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined that USS CINCINNATI (LCS 20) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**DATES:** This rule is effective October 31, 2018 and is applicable beginning October 19, 2018.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Kyle Fralick, JAGC, U.S. Navy, Admiralty Attorney, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave. SE, Suite 3000, Washington Navy Yard, DC 20374–5066, telephone number: 202–685–5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS CINCINNATI (LCS 20) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(a)(i), pertaining to the height of the forward masthead light above the hull; Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship and the horizontal distance between the forward and after masthead light; Rule 21(a) and Annex I, paragraph 2(f)(i), requiring the masthead lights be above and clear of all other lights and obstructions; Annex I, paragraph 2(f)(ii) and Annex I, paragraph 3(c), pertaining to the horizontal and vertical spacing of task lights; and Rule 27(b)(i) and Annex I, paragraph 9(b), pertaining to the visibility of task lights. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water).

For the reasons set forth in the preamble, the DoN amends part 706 of title 32 of the Code of Federal Regulations as follows:

## PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

■ 2. Section 706.2 is amended by:

■ a. In Table One, adding, in alpha numerical order, by vessel number, an entry for USS CINCINNATI (LCS 20);

■ b. In Table Four, under Paragraph 15, adding, in alpha numerical order, by vessel number, an entry for USS CINCINNATI (LCS 20);

■ c. In Table Four, under Paragraph 16, adding, in alpha numerical order, by vessel number, an entry for USS CINCINNATI (LCS 20);

■ d. In Table Four, under Paragraph 27, adding, in alpha numerical order, by vessel number, an entry for USS CINCINNATI (LCS 20); and

■ e. In Table Five, adding, in alpha numerical order, by vessel number, an entry for USS CINCINNATI (LCS 20).

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

* * * * *

TABLE ONE

| Vessel | No. | Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I |
|---|---|---|
| * * * * * * * | * | * |
| USS CINCINNATI | (LCS 20) | 4.2 |
| * * * * * * * | * | * |

* * * * *

15. * * *

TABLE FOUR

| Vessel | No. | Horizontal distances from the fore and aft centerline of the vessel in the athwartship direction |
|---|---|---|
| * * * * * * * | * | * |
| USS CINCINNATI | LCS 20 .. | Upper—0.20 meters.<br>Middle—1.3 meters.<br>Lower—1.3 meters. |
| * * * * * * * | * | * |

16. * * *

| Vessel | No. | Obstruction angle relative ship's headings |
|---|---|---|
| * * * * * * * | * | * |
| USS CINCINNATI | LCS 20 .. | 72° thru 74°.<br>286° thru 288°. |
| * * * * * * * | * | * |

* * * * *

27. On the following ships, the arc of visibility of the middle task light (restricted maneuverability), required by the rule 27(b)(i) and Annex I, paragraph 9(b)(i), may be obstructed at the following angles relative to ship's heading;

| Vessel | No. | Obstruction angle relative ship heading |
|---|---|---|
| USS CINCINNATI | LCS 20 .. | 47° thru 59°.<br>301° thru 313°. |

* * * * *

TABLE FIVE

| Vessel | No. | Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f) | Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a) | After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. 3(a) | Percentage horizontal separation attained |
|---|---|---|---|---|---|
| * * * * * * * | * | * | * | * | * |
| USS CINCINNATI | (LCS 20) | ..... | X | X | 15.2 |

TABLE FIVE—Continued

| Vessel | No. | Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f) | Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a) | After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. 3(a) | Percentage horizontal separation attained |
|---|---|---|---|---|---|
| * * * | * | * | * | * | * |

Approved: October 19, 2018.

**A.S. Janin,**

*Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).*

Dated: October 19, 2018.

**Meredith Steingold Werner,**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2018–23374 Filed 10–30–18; 8:45 am]

**BILLING CODE 3810–FF–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 141

**[EPA–HQ–OW–2018–0558; FRL–9985–19–OW]**

### Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures

*Correction*

In rule document 2018–22162, appearing on pages 51636 through 51652, in the issue of Friday, October 12, 2018, make the following corrections:

1. On page 51646, in the table labelled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.24(e)(1),'' for the Contaminant ''Atrazine'' and the Methodology ''Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS),'' the EPA Method should read ''525.3 [24], 523 [26]'' and the SM 21st edition [1] should be blank.

2. On page 51647, in the table labelled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.24(e)(1)—Continued,'' for the Contaminant ''Simazine'' and the Methodology ''Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS),'' the EPA Method should read ''525.3 [24], 523 [26]'' and the SM 21st edition [1] should be blank.

3. On the same page, in the same table, for the Contaminant ''Total Trihalomethanes'' and the Methodology ''Purge &Trap/Gas Chromatography/Mass Spectrometry,'' the EPA Method should read ''524.3 [9], 524.4 [29]'' and the SM 21st edition [1] should be blank.

4. On page 51649, in the table labelled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.131(b)(1)—Continued,'' the second Contaminant should read ''Chlorite—daily monitoring as prescribed in 40 CFR 141.132(b)(2)(i)(A)''.

5. On the same page, in the same table, on the same row, the Methodology should read ''Amperometric Titration'' and the EPA Method should be blank.

6. On page 51650, in the table labelled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 143.4(b),'' for the Contaminant ''Chloride'' and the Methodology ''Silver Nitrate Titration,'' the SM 21st edition [1] should read ''4500–$Cl^-$ B''.

7. On the same page, in the same table, on the same row, the SM 22nd edition,[28] SM 23rd edition [49] should read ''4500–$Cl^-$ B''.

[FR Doc. C1–2018–22162 Filed 10–30–18; 8:45 am]

**BILLING CODE 1301–00–D**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

### 48 CFR Parts 211 and 252

**[Docket DARS–2018–0048]**

**RIN 0750–AJ95**

### Defense Federal Acquisition Regulation Supplement: Repeal of DFARS Clause ''Acquisition Streamlining'' (DFARS Case 2018–D033)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove a clause that is no longer necessary.

**DATES:** Effective October 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carrie Moore, telephone 571–372–6093.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

DoD is amending the DFARS to remove DFARS clause 252.211–7000, Acquisition Streamlining, and the associated clause prescription at DFARS 211.002–70. This clause is included in all solicitations and contracts for systems acquisition programs and requires contractors to: Prepare acquisition streamlining recommendations in accordance with the performance work statement; format and submit the recommendations in accordance with the contract data requirements list of the contract; and include the clause in all subcontracts valued over $1.5 million that are awarded in the performance of the contract. DoD may accept, modify, or reject the contractor's recommendations.

This clause was added to the DFARS to implement a requirement of DoD Directive (DoDD) 5000.43, Acquisition Streamlining. DoDD 5000.43 has been cancelled and replaced by DoD Instruction 5000.02, Operation of the Defense Acquisition System, which requires contractors to submit acquisition streamlining recommendations. Additionally, Federal Acquisition Regulation (FAR) subpart 7.1, Acquisition Plans, already includes acquisition streamlining and industry engagement as considerations to be made when preparing a written acquisition plan. As the implementing DoDD has been cancelled and FAR subpart 7.1 addresses acquisition streamlining, this DFARS clause is unnecessary and can be removed.

The removal of this DFARS text supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, ''Enforcing the Regulatory Reform Agenda,'' which established a Federal policy ''to alleviate unnecessary regulatory burdens'' on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform

Task Force to review and validate DoD regulations, including the DFARS. A public notice of the establishment of the DFARS Subgroup to the DoD Regulatory Reform Task Force, for the purpose of reviewing DFARS provisions and clauses, was published in the **Federal Register** at 82 FR 35741 on August 1, 2017, and requested public input. The following public comment was received on this clause:

*Comment:* The respondent states that the clause is ineffective, because a contractor who has already been awarded a contract may have a vested interest in preserving the contract, as awarded, and may not be the best source for innovation. Instead, the respondent suggests that targeted surveys sent to both successful and unsuccessful offerors after award may be more effective than a mandatory clause for a single awardee.

*Response:* DoD will continue to encourage industry participation during the design and development of contract requirements and through other methods.

The DoD Task Force reviewed the requirements of DFARS clause 252.211–7000, Acquisition Streamlining, and determined that the DFARS coverage was unnecessary and recommended removal.

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

This rule only removes obsolete DFARS clause 252.211–7000, Acquisition Streamlining. Therefore, the rule does not impose any new requirements on contracts at or below the simplified acquisition threshold and for commercial items, including commercially available off-the-shelf items.

**III. Publication of This Final Rule for Public Comment Is Not Required by Statute**

The statute that applies to the publication of the FAR is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because DoD is not issuing a new regulation; rather, this rule merely removes an obsolete requirement from the DFARS.

**IV. Executive Orders 12866 and 13563**

E.O. 12866, Regulatory Planning and Review, and E.O. 13563, Improving Regulation and Regulatory Review, direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Management and Budget, Office of Information and Regulatory Affairs, has determined that this is not a significant regulatory action as defined under section 3(f) of E.O. 12866 and, therefore, was not subject to review under section 6(b). This rule is not a major rule as defined at 5 U.S.C. 804(2).

**V. Executive Order 13771**

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

**VI. Regulatory Flexibility Act**

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

**VII. Paperwork Reduction Act**

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

**List of Subjects in 48 CFR Parts 211 and 252**

Government procurement.

**Jennifer Lee Hawes,**

*Regulatory Control Officer, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 211 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 211 and 252 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

## PART 211—DESCRIBING AGENCY NEEDS

**211.002–70 [Removed]**

■ 2. Remove section 211.002–70.

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

**252.211–7000 [Removed and Reserved]**

■ 3. Remove and reserve section 252.211–7000.

[FR Doc. 2018–23678 Filed 10–30–18; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

### 48 CFR Part 219 and Appendix I to Chapter 2

**[Docket DARS–2018–0019]**

**RIN 0750–AJ25**

### Defense Federal Acquisition Regulation Supplement: Mentor-Protege Program Modifications (DFARS Case 2017–D016)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement sections of the National Defense Authorization Act for Fiscal Year 2017 that provide modifications to the DoD Pilot Mentor-Protégé Program.

**DATES:** Effective October 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer D. Johnson, telephone 571–372–6100.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

DoD published a proposed rule in the **Federal Register** at 83 FR 19677 on May 4, 2018, to implement section 1823 and paragraph (b) of section 1813 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017. Sections 1823 and 1813 provide modifications to the DoD Pilot Mentor-Protégé Program (''the Program''). Section 1823 revises the definition and

requirements associated with affiliation between mentor firms and their protégé firms. Both sections add new types of assistance for mentor firms to provide to their protégé firms.

**II. Discussion and Analysis**

One respondent submitted a public comment in response to the proposed rule. DoD reviewed the public comment in the development of the final rule.

*A. Summary of Significant Changes From the Proposed Rule*

There are no changes made to the final rule as a result of the public comment.

*B. Analysis of Public Comments*

*Comment:* The respondent recommended a change to the proposed text in Appendix I, section I–107, paragraph (h). Specifically, the respondent proposed limiting the assistance to be provided by the mentor firm regarding Federal contract regulations to ''guidance in obtaining training to enable understanding Federal contract regulations'' instead of ''assistance the mentor will provide to the protégé firm in understanding Federal contract regulations'' as stated in the proposed rule. The rationale was that the text in the proposed rule could potentially expose the mentor firm to liability when inevitable misunderstandings occur due to the complexity of the regulations.

*Response:* In drafting the text of I–107 paragraph (h), DoD used language that was very close to the text of section 1813 of the NDAA for FY 2017. The statutory language and, consequently, the draft DFARS text add to the mentor-protégé agreement an element in which the mentor will identify the assistance it will provide to the protégé in an effort to facilitate the protégé's understanding of Federal contract regulations. Such assistance could include guidance in obtaining training on the regulations, but it also could include other forms of assistance.

*C. Other Changes*

The final rule includes a minor editorial change. In section I–111, paragraph (e) is revised to update the reference to renumbered paragraphs in I–107.

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

This final rule does not add any new provisions or clauses or impact any existing provisions or clauses.

**IV. Executive Orders 12866 and 13563**

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

**V. Executive Order 13771**

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

**VI. Regulatory Flexibility Act**

A final regulatory flexibility analysis (FRFA) has been prepared consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

This final rule is necessary to implement statutory modifications to the DoD Pilot Mentor-Protégé Program (''the Program''). This rule amends the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 1823 and paragraph (b) of section 1813 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017, which provide modifications to the Program. Specifically, section 1823 revises the definition and requirements associated with affiliation between mentor firms and their protégé firms. Both sections add new types of assistance for mentors to provide to their protégés.

There were no issues raised by the public in response to the initial regulatory flexibility analysis provided in the proposed rule.

The rule will apply to small entities that participate in the Program. There are currently 72 small entities participating in the Program as protégé firms and six small entities participating as mentors.

The rule does not impose any reporting or recordkeeping requirements on any small entities.

DoD has not identified any alternatives that would meet the requirements of the applicable statute.

**VII. Paperwork Reduction Act**

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

**List of Subjects in 48 CFR Part 219 and Appendix I to Chapter 2**

Government procurement.

**Jennifer Lee Hawes,**

*Regulatory Control Officer, Defense Acquisition Regulations System.*

Therefore, 48 CFR part 219 and appendix I to chapter 2 are amended as follows:

■ 1. The authority citation for 48 CFR part 219 and appendix I to chapter 2 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

## PART 219—SMALL BUSINESS PROGRAMS

**219.7100 [Amended]**

■ 2. Amend section 219.7100 by removing ''November 25, 2015'' and adding ''December 23, 2016'' in its place.

■ 3. Amend appendix I to chapter 2 as follows:

■ a. In section I–101 by—

■ i. Redesignating sections I–101.1 through I–101.6 as sections I–101.2 through I–101.7, respectively; and

■ ii. Adding new section I–101.1.

■ b. In section I–102 by—

■ i. Redesignating paragraphs (e) and (f) as paragraphs (f) and (g), respectively;

■ ii. Adding new paragraph (e); and

■ iii. In newly redesignated paragraph (f), removing ''Subpart 9.4'' and adding ''subpart 9.4'' in its place.

■ c. In section I–106 by adding paragraph (d)(6)(v).

■ d. In section I–107 by—

■ i. Redesignating paragraphs (h) through (o) as paragraphs (i) through (p), respectively; and

■ ii. Adding new paragraph (h).

■ e. Amending section I–111 by removing ''I–107(k) through (m)'' from paragraph (e) and adding ''I–107(l) through (n)'' in its place.

The additions read as follows:

**Appendix I to Chapter 2—Policy and Procedures for the DoD Pilot Mentor Protégé Program**

* * * * *

**I–101.1 Affiliation.**

With respect to a relationship between a mentor firm and a protégé firm, a relationship described under 13 CFR 121.103.

* * * * *

**I–102 Participant eligibility.**

* * * * *

(e) A mentor firm may not enter into an agreement with a protégé firm if SBA has made a determination of affiliation. If SBA has not made such a determination and if the DoD Office of Small Business Programs (OSBP) has reason to believe, based on SBA's regulations regarding affiliation, that the mentor firm is affiliated with the protégé firm, then DoD OSBP will request a determination regarding affiliation from SBA.

* * * * *

**I–106 Development of mentor-protégé agreements.**

* * * * *

(d) * * *

(6) * * *

(v) Women's business centers described in section 29 of the Small Business Act (15 U.S.C. 656).

* * * * *

**I–107 Elements of a mentor-protégé agreement.**

* * * * *

(h) The assistance the mentor will provide to the protégé firm in understanding Federal contract regulations, including the FAR and DFARS, after award of a subcontract under the Program, if applicable;

* * * * *

[FR Doc. 2018–23673 Filed 10–30–18; 8:45 am]

BILLING CODE 5001–06p–P

## DEPARTMENT OF DEFENSE

## Defense Acquisition Regulations System

## 48 CFR Parts 228 and 252

**[Docket DARS–2018–0049]**

**RIN 0750–AJ98**

## Defense Federal Acquisition Regulation Supplement: Repeal of DFARS Provision ''Bonds or Other Security'' (DFARS Case 2018–D036)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove a provision that is no longer necessary.

**DATES:** Effective October 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carrie Moore, telephone 571–372–6093.

**SUPPLEMENTARY INFORMATION:**

### I. Background

DoD is amending the DFARS to remove DFARS provision 252.228–7004, Bonds or Other Security, and the associated clause prescription at DFARS 228.170. The Miller Act (40 U.S.C. 3131 to 3134) requires contractors on certain construction contracts to post bonds that guarantee performance of the contract and payment to subcontractors and suppliers. Several Federal Acquisition Regulation (FAR) clauses are available to implement these requirements on construction contracts. While the guarantees of the Miller Act do not apply to contracts for demolition, dismantling, or removal of improvements, FAR 37.302 permits the contracting officer to require a performance bond or other security, in accordance with FAR 28.103, on such contracts when it is necessary to ensure completion of the work or protect property or payment of suppliers.

For DoD, when performance bonds or other securities are necessary for contracts that involve dismantling, demolition, or removal of improvements, this DFARS provision is included in the solicitation. The provision requires offerors to furnish a bid guarantee with their offer; advises that, upon notice of award, the successful offeror shall provide the Government with the performance bond and any payment due within a set timeframe; and, identifies the acceptable sureties that can be used to support the bond.

In reviewing existing FAR provisions and clauses, it was determined that FAR clause 52.228–16, Performance and Payment Bonds—Other than Construction, and FAR provision 52.228–1, Bid Guarantee, provide the information contained in the DFARS provision and can be included in solicitations and contracts that involve dismantling, demolition, or removal of improvements. The FAR clause ensures completion of the work; protects property associated with the contract effort; requires the offeror to furnish a performance bond within a set amount of time after receiving a notice of award; and, specifies that bonds must be supported by specific sureties. The FAR provision requires offerors to provide a bid guarantee prior to the opening of bids; includes the form and amount of the guarantee to be provided; advises that a resultant contract may be terminated for failure to provide an executed bond after contract award; and, states that the bid guarantee will be used to offset cost in the event of a termination for default. Since the FAR provision and clause can be used to provide the same information included in DFARS provision, this DFARS provision is no longer necessary and can be removed.

The removal of this DFARS provision supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, ''Enforcing the Regulatory Reform Agenda,'' which established a Federal policy ''to alleviate unnecessary regulatory burdens'' on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform Task Force to review and validate DoD regulations, including the DFARS. A public notice of the establishment of the DFARS Subgroup to the DoD Regulatory Reform Task Force, for the purpose of reviewing DFARS provisions and clauses, was published in the **Federal Register** at 82 FR 35741 on August 1, 2017, and requested public input. No public comments were received on this provision. The DoD Task Force reviewed the requirements of DFARS provision 252.228–7004, Bonds and Other Security, and determined that the DFARS coverage was unnecessary and recommended removal.

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

This rule only removes obsolete DFARS provision 252.228–7004, Bonds or Other Security. Therefore, the rule does not impose any new requirements on contracts at or below the simplified acquisition threshold and for commercial items, including commercially available off-the-shelf items.

### III. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the FAR is Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because DoD is not issuing a new regulation; rather, this rule merely removes an obsolete requirement from the DFARS.

**IV. Executive Orders 12866 and 13563**

E.O. 12866, Regulatory Planning and Review, and E.O. 13563, Improving Regulation and Regulatory Review, direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Management and Budget, Office of Information and Regulatory Affairs, has determined that this is not a significant regulatory action as defined under section 3(f) of E.O. 12866 and, therefore, was not subject to review under section 6(b). This rule is not a major rule as defined at 5 U.S.C. 804(2).

**V. Executive Order 13771**

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

**VI. Regulatory Flexibility Act**

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

**VII. Paperwork Reduction Act**

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

**List of Subjects in 48 CFR Parts 228 and 252**

Government procurement.

**Jennifer Lee Hawes,**

*Regulatory Control Officer, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 228 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 228 and 252 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

## PART 228—BONDS AND INSURANCE

**228.170 [Removed]**

■ 2. Remove section 228.170.

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

**252.228–7004 [Removed and Reserved]**

■ 3. Remove and reserve section 252.228–7004.

[FR Doc. 2018–23679 Filed 10–30–18; 8:45 am]

**BILLING CODE 5001–06p–P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

### 48 CFR Parts 236 and 252

**[Docket DARS–2018–0050]**

**RIN 0750–AK03**

## Defense Federal Acquisition Regulation Supplement: Repeal of DFARS Clause ''Option for Supervision and Inspection Services'' (DFARS Case 2018–D041)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove a clause that is no longer necessary.

**DATES:** Effective October 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carrie Moore, telephone 571–372–6093.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

DoD is amending the DFARS to remove the DFARS clause 252.236–7009, Option for Supervision and Inspection Services, remove the associated clause prescription at DFARS 236.609–70(a)(1), and revise a cross reference in the introductory text to DFARS clause 252.236–7011. DFARS clause 252.236–7009 is used in fixed-price solicitations and contracts for architect-engineering services when the architect may also be required to provide supervision and inspection services during construction. The clause advises contractors that the Government may, at its option, direct the contractor to perform supervision and inspection services for the construction contract. If the need for such services arises, the Government will notify the contractor in writing and the contractor shall proceed with the services upon receipt of the written notification. A description of the scope of the supervision and inspection services is included as an appendix to the contract.

The need for architect-engineers to perform supervision and inspection services during construction is uncommon. When it is necessary, an option that accurately describes the scope of services can be included in the contract, pursuant to Federal Acquisition Regulation subpart 17.2, Options. Contracting activities can better address these services, to the extent they are needed and the procedures applicable to the requirement, within the scope of a contract. As such, this DFARS clause is unnecessary and can be removed.

The removal of this DFARS clause supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, ''Enforcing the Regulatory Reform Agenda,'' which established a Federal policy ''to alleviate unnecessary regulatory burdens'' on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform Task Force to review and validate DoD regulations, including the DFARS. A public notice of the establishment of the DFARS Subgroup to the DoD Regulatory Reform Task Force, for the purpose of reviewing DFARS provisions and clauses, was published in the **Federal Register** at 82 FR 35741 on August 1, 2017, and requested public input. No public comments were received on this clause. Subsequently, the DoD Task Force reviewed the requirements of DFARS clause 252.236–7009, Option for Supervision and Inspection Services, and determined that the DFARS coverage was unnecessary and recommended removal.

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

This rule only removes obsolete DFARS clause 252.236–7009, Option for Supervision and Inspection Services. Therefore, the rule does not impose any new requirements on contracts at or below the simplified acquisition threshold and for commercial items, including commercially available off-the-shelf items.

**III. Publication of This Final Rule for Public Comment Is Not Required by Statute**

The statute that applies to the publication of the FAR is Office of

Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because DoD is not issuing a new regulation; rather, this rule merely removes an obsolete requirement from the DFARS.

**IV. Executive Orders 12866 and 13563**

E.O. 12866, Regulatory Planning and Review, and E.O. 13563, Improving Regulation and Regulatory Review, direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Management and Budget, Office of Information and Regulatory Affairs, has determined that this is not a significant regulatory action as defined under section 3(f) of E.O. 12866 and, therefore, was not subject to review under section 6(b). This rule is not a major rule as defined at 5 U.S.C. 804(2).

**V. Executive Order 13771**

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

**VI. Regulatory Flexibility Act**

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section III. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

**VII. Paperwork Reduction Act**

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

**List of Subjects in 48 CFR Parts 236 and 252**

Government procurement.

**Jennifer Lee Hawes,**

*Regulatory Control Officer, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 236 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 236 and 252 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

## PART 236—CONSTRUCTION AND ARCHITECT—ENGINEER CONTRACTS

**236.609–70 [Amended]**

■ 2. Amend section 236.609–70 by—

■ a. In the section heading, removing ''and clause'';

■ b. Removing paragraph (a); and

■ c. Redesignating the introductory text of paragraph (b) as introductory text to the section.

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

**252.236—7009 [Removed and Reserved]**

■ 3. Remove and reserve section 252.236–7009.

**252.236–7011 [Amended]**

■ 4. Amend section 252.236–7011, in the introductory text, by removing ''236.609–70(b)'' and adding ''236.609–70'' in its place.

[FR Doc. 2018–23680 Filed 10–30–18; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

### 48 CFR Part 252

**[Docket DARS–2018–0051]**

**RIN 0750–AK34**

## Defense Federal Acquisition Regulation Supplement: Update of Clause on Section 8(a) Direct Award (DFARS Case 2018–D052)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to remove an obsolete requirement from a DFARS clause.

**DATES:** Effective October 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer D. Johnson, telephone 571–372–6100.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

DoD is amending the DFARS to remove an obsolete requirement from the clause at DFARS 252.219–7009, Section 8(a) Direct Award. The clause currently requires 8(a) contractors to obtain written approval from the Small Business Administration (SBA) and the contracting officer prior to subcontracting the performance of any contract requirements. This requirement no longer exists in SBA's regulations on the 8(a) Business Development Program at 13 CFR part 124.

**II. Discussion and Analysis**

This rule deletes paragraph (c)(2) of the clause at DFARS 252.219–7009. This paragraph contains the obsolete requirement for an 8(a) contractor to obtain written approval from SBA and the contracting officer prior to subcontracting performance of contract requirements. The remaining paragraphs (c) and (c)(1) are combined into a single paragraph (c). This rule also updates an outdated reference in paragraph (c)(1) and makes other minor editorial changes.

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

This rule revises the clause at DFARS 252.219–7009, Section 8(a) Direct Award. This clause currently applies to solicitations and contracts below the simplified acquisition threshold (SAT) and to the acquisition of commercial items, including commercially available off-the-shelf (COTS) items, as defined at Federal Acquisition Regulation (FAR) 2.101.

DoD is continuing to apply this clause to solicitations and contracts below the SAT and to the acquisition of commercial items, including COTS items. This rule merely removes an obsolete requirement to obtain approval from the contracting officer and SBA prior to subcontracting work under an 8(a) contract. Not applying this guidance to contracts below the SAT and to the acquisition of commercial items, including COTS items, would exclude contracts with 8(a) Program participants that are intended to be

covered by this rule and undermine the overarching purpose of the rule. Consequently, DoD plans to apply the rule to contracts below the SAT and to the acquisition of commercial items, including COTS items.

**IV. Expected Cost Savings**

This rule impacts only 8(a) Program participants who do business, or want to do business, with DoD. Currently, 8(a) Program participants who have DoD contracts must obtain written approval from SBA and the contracting officer before subcontracting the performance of any contract requirements in accordance with DFARS clause 252.219–7009. Removal of the requirement to obtain this approval is expected to result in savings for DoD contractors who are 8(a) Program participants.

The following is a summary of the estimated public and Government cost savings calculated in perpetuity in 2016 dollars at a 7-percent discount rate:

| Summary | Public | Government | Total |
|---|---|---|---|
| Present Value | ($9,713,886) | ($4,856,943) | ($14,570,829) |
| Annualized Costs | (679,972) | (339,986) | (1,019,958) |
| Annualized Value Costs (as of 2016 if Year 1 is 2019) | (555,060) | (277,530) | (832,590) |

To access the full Regulatory Cost Analysis for this rule, go to the Federal eRulemaking Portal at *www.regulations.gov,* search for ''DFARS Case 2018–D052,'' click ''Open Docket,'' and view ''Supporting Documents.''

**V. Executive Orders 12866 and 13563**

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

**VI. Executive Order 13771**

This final rule is considered to be an E.O. 13771 deregulatory action. The total annualized value of the cost savings is $832,590. Details on the estimated cost savings can be found in section IV. of this preamble.

**VII. Publication of This Final Rule for Public Comment Is Not Required by Statute**

The statute that applies to the publication of the FAR is Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because DoD is not issuing a new regulation; rather, this rule merely removes an obsolete requirement from the DFARS, updates an outdated reference and makes minor editorial changes.

**VIII. Regulatory Flexibility Act**

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section VII. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

**IX. Paperwork Reduction Act**

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

**List of Subjects in 48 CFR Part 252**

Government procurement.

**Jennifer Lee Hawes,**

*Regulatory Control Officer, Defense Acquisition Regulations System.*

Therefore, 48 CFR part 252 is amended as follows:

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for part 252 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

■ 2. Amend section 252.219–7009 by—

■ a. Removing the clause date of ''(SEP 2007)'' and adding ''(OCT 2018)'' in its place;

■ b. In paragraph (a), removing ''Partnership Agreement dated'' and adding ''Partnership Agreement'' in its place; and

■ c. Revising paragraph (c) to read as follows:

**252.219–7009 Section 8(a) direct award.**

* * * * *

(c.) The 8(a) Contractor agrees that it will notify the Contracting Officer, simultaneous with its notification to the SBA (as required by SBA's 8(a) regulations at 13 CFR 124.515), when the owner or owners upon whom 8(a) eligibility is based plan to relinquish ownership or control of the concern. Consistent with section 407 of Public Law 100–656, transfer of ownership or control shall result in termination of the contract for convenience, unless the SBA waives the requirement for termination prior to the actual relinquishing of ownership and control.

* * * * *

[FR Doc. 2018–23681 Filed 10–30–18; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

### 49 CFR Parts 172 and 175

**[Docket No. PHMSA–2015–0100 (HM–259)]**

**RIN 2137–AF10**

### Hazardous Materials: Notification of the Pilot-in-Command and Response to Air Related Petitions for Rulemaking

*Correction*

In rule document 2018–22114, appearing on pages 52878 through 52900 in the issue of Thursday, October 18, 2017, make the following correction:

On page 52895, between row four and row five, the table is corrected by inserting following the row as set forth below.

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hexafluorophosphoric acid ..... | 8 | UN1782 | II | 8 | A7, B2, IB2, N3, N34, T8, TP2 .. | None ..... | 202 | 242 | 1 L | 30 L | A | ..... |

[FR Doc. C1–2018–22114 Filed 10–30–18; 8:45 am]

BILLING CODE 1301–00–D

# Proposed Rules

Federal Register
Vol. 83, No. 211
Wednesday, October 31, 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.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

**[NRC–2018–0075]**

**RIN 3150–AK12**

### List of Approved Spent Fuel Storage Casks: NAC International NAC–UMS®; Universal Storage System, Certificate of Compliance No. 1015, Amendment No. 6

*Correction*

In proposed rule document 2018–22913 beginning on page 53191 in the issue of Monday, October 22, 2018, make the following correction:

On page 53192 the table should read as follows:

| Document | ADAMS accession No./web link/ **Federal Register** citation |
|---|---|
| Request to Amend Certificate of Compliance No. 1015 for the NAC–UMS® Cask System, dated May 23, 2017. | ML17145A380 |
| Revision of Request to Amend Certificate of Compliance No. 1015 for the NAC–UMS® Cask System, dated January 16, 2018. | ML18018A893 |
| Revision 11 to NAC–UMS® Final Safety Analysis Report for the UMS Universal Storage System. | ML16341B102 |
| Proposed CoC No. 1015, Amendment No. 6. | ML18088A174 |
| Proposed Technical Specifications | ML18088A176 |
| Appendix A—Proposed Technical Specifications. | ML18088A178 |
| Appendix B—Preliminary Safety Evaluation Report. | ML18088A181 |

[FR Doc. C1–2018–22913 Filed 10–30–18; 8:45 am]

**BILLING CODE 1301–00–D**

## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### 32 CFR Part 2402

### Implementing the Freedom of Information Act

**AGENCY:** Office of Science and Technology Policy.

**ACTION:** Notice of proposed rulemaking and request for public comment.

**SUMMARY:** The White House Office of Science and Technology Policy (OSTP) is amending its regulations to implement the FOIA Improvement Act of 2016. The regulations reflect OSTP's policy and practices and reaffirm its commitment to provide the fullest possible disclosure of records to the public.

**DATES:** Comments will be received through November 30, 2018.

**ADDRESSES:** Comments of approximately one page or less in length (4000 characters) are requested. All submissions must be in English. Comments may be submitted by any of the following methods:

*Email: ostpfoia@ostp.eop.gov.* Include ''FOIA PROPOSED RULEMAKING'' in the subject line of the message. OSTP does not currently accept attachments sent to the FOIA mailbox. Please paste the text of your comment into the message body of your email.

*Mail:* Office of Science and Technology Policy, Eisenhower Executive Office Building, 1650 Pennsylvania Avenue NW, Washington, DC 20502. Attention: ''FOIA PROPOSED RULEMAKING.''

*Fax:* (202) 395–1224. Please clearly label all submissions as ''FOIA PROPOSED RULEMAKING.''

**FOR FURTHER INFORMATION CONTACT:** Andrew Mendoza, 202–456–4444. Questions about the content of this document should be sent to *ostpfoia@ostp.eop.gov.* Include ''FOIA PROPOSED RULEMAKING'' in the subject line of the message. Questions may also be sent by mail (please allow additional time for processing) to: Office of Science and Technology Policy, Eisenhower Executive Office Building, 1650 Pennsylvania Avenue NW, Washington, DC 20502. Attention: ''FOIA PROPOSED RULEMAKING.''

**SUPPLEMENTARY INFORMATION:** OSTP is proposing new regulations to govern its implementation of the Freedom of Information Act (FOIA). In 2013, OSTP implemented its FOIA regulations, currently codified at 32 CFR part 2402. The FOIA Improvement Act of 2016, Pub. L. 114–185, requires each agency to review and update their FOIA regulations in accordance with its provisions. Among other things, the Act makes changes that require agencies to (1) withhold information only when it is reasonably foreseeable that disclosure would harm to an interest protected by an exemption; (2) allow a minimum of 90 days to file an appeal following an adverse determination; and (3) inform requesters of their right to seek dispute resolution services.

In connection with OSTP's review of its FOIA regulations, OSTP proposes the following rule to update its FOIA regulations, clarifying OSTP's process for responding to requests for information, incorporating new language on partial disclosures of information, increasing the period of time for a requester to appeal an adverse determination from 30 days to 90 days, and requiring OSTP to notify requesters of their right to seek dispute resolution services. Due to the scope of the proposed revisions, the proposed rule would replace OSTP's current FOIA regulations in their entirety. This proposed rule will update OSTP's regulations to reflect the statutory changes to FOIA and improve FOIA-related service and performance, thereby strengthening OSTP's compliance with FOIA. Accordingly, OSTP proposes these regulations implementing FOIA and submits them for public comment.

**Statutory and Executive Order Reviews**

*Executive Order 12866 and 13563*

These regulations have been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review,'' section 1(b), Principles of Regulation, and in accordance with Executive Order 13563, ''Improving Regulation and Regulatory Review,'' section 1(b), General Principles of Regulation. These regulations are not a significant regulatory action under section 3(f) of Executive Order 12866; accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB). Further, both 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. OSTP has assessed the costs and benefits of this regulation and believes that the regulatory approach selected maximizes net benefits.

*Paperwork Reduction Act*

OSTP has determined that the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* does not apply because these regulations do not contain any information collection requirements subject to OMB's approval.

*Executive Order 12988*

These regulations meet the applicable standards set forth in Executive Order 12988, Civil Justice Reform.

*Executive Order 13132*

These regulations will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, OSTP has determined that these regulations do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

*Regulatory Flexibility Act*

OSTP, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), has reviewed these proposed regulations and certifies that they will not have a significant economic impact on a substantial number of small entities because they pertain to administrative matters affecting the agency.

*Unfunded Mandates Reform Act of 1995*

These regulations will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501, *et seq.*

*Small Business Regulatory Enforcement Fairness Act of 1996*

These regulations are not major rules as defined by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. They will not result in an annual effect on the economy of $100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

*National Environmental Policy Act of 1969*

OSTP has reviewed this action for purposes of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4347, and has determined that this action will not have a significant effect on the human environment.

**List of Subjects in 32 CFR Part 2402**

Administrative practice and procedure, Freedom of information.

■ For the reasons set forth in the preamble, OSTP proposes to amend Chapter XXIV by revising 32 CFR part 2402 to read as follows:

## PART 2402—REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

Sec.



**Authority:** 5 U.S.C. 552; E.O. 13392, 70 FR 75373, 3 CFR, 2005 Comp., p. 216.

### § 2402.1 Purpose and scope.

The regulations in this part prescribe procedures by which individuals may obtain access to the Office of Science and Technology Policy (OSTP) agency records under the Freedom of Information Act, 5 U.S.C. 552, as amended (FOIA), as well as the procedures OSTP must follow in response to requests for records under FOIA. The regulations should be read together with the FOIA and the Office of Management and Budget's (OMB) ''Uniform Freedom of Information Fee Schedule and Guidelines,'' which provides information about access to records. All requests for access to information contained within a system of records pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, shall be processed in accordance with these regulations as well as those contained in 32 CFR part 2403.

### § 2402.2 Delegation of authority and responsibilities.

(a) The Director of OSTP designates the OSTP General Counsel as the Chief FOIA Officer, and hereby delegates to the Chief FOIA Officer the authority to act upon all requests for agency records and to re-delegate such authority at his or her discretion.

(b) The Chief FOIA Officer shall designate a FOIA Public Liaison, who shall serve as the supervisory official to whom a FOIA requester can raise concerns about the service the FOIA requester has received following an initial response. The FOIA Public Liaison will be listed on the OSTP website (*https://www.whitehouse.gov/ostp/foia*) and may re-delegate the FOIA Public Liaison's authority at his or her discretion.

(c) The Director establishes a FOIA Requester Service Center that shall be staffed by the Chief FOIA Officer and the FOIA Public Liaison. The contact information for the FOIA Requester Service Center is Office of Science and Technology Policy, Eisenhower Executive Office Building, 1650 Pennsylvania Avenue NW, Washington, DC 20504; Telephone: (202) 456–4444; Fax: (202) 395–1224; Email: *ostpfoia@ostp.eop.gov.* Updates to this contact information will be made on the OSTP website.

### § 2402.3 General policy and definitions.

(a) *Non-exempt records available to public.* Except for records exempt from disclosure by 5 U.S.C. 552(b) or published in the **Federal Register** under 5 U.S.C. 552(a)(1), OSTP's agency records subject to FOIA are available to any requester who requests them in accordance with these regulations.

(b) *Record availability on the OSTP website.* OSTP shall make records available on its website in accordance with 5 U.S.C. 552(a)(2), as amended, and other documents that, because of the nature of their subject matter, are likely to be the subject of FOIA requests. To save both time and money, OSTP strongly urges requesters to review documents available on the OSTP website before submitting a request.

(c) *Definitions.* For purposes of this part:

(1) All of the terms defined in the Freedom of Information Act, and the

definitions included in OMB's ''Uniform Freedom of Information Act Fee Schedule and Guidelines'' apply, unless otherwise defined in this subpart.

(2) The term ''agency record'' means records that are:

(i) Either created or obtained by OSTP; and

(ii) Under OSTP control at the time of the FOIA request.

(3) The term ''commercial use request'' means a request from or on behalf of a person who seeks information for a use or purpose that furthers his or her commercial, trade, or profit interests, which can include furthering those interests through litigation. OSTP shall determine, whenever reasonably possible, the use to which a requester will put the requested records. When it appears that the requester will put the records to a commercial use, either because of the nature of the request itself or because OSTP has reasonable cause to doubt a requester's stated use, OSTP shall provide the requester a reasonable opportunity to submit further clarification.

(4) The terms ''disclose'' or ''disclosure'' refer to making records available, upon request, for examination and copying, or furnishing a copy of records.

(5) The term ''direct cost'' means those expenditures by OSTP actually incurred in searching for and duplicating (and, in the case of commercial use requests, reviewing) records in response to the FOIA request. Direct costs include the salary of the employee or employees performing the work (*i.e.,* the basic rate of pay for the employee plus 16 percent of that rate to cover benefits) and the cost of operating computers and other electronic equipment, such as photocopiers and scanners. Direct costs do not include overhead expenses, such as the cost of space, heating, or lighting of the facility in which the records are stored.

(6) The term ''duplication'' means the making of a copy of a record, or of the information contained in it, necessary to respond to a FOIA request. Copies can take the form of paper, microform, audiovisual materials, or electronic records (for example, magnetic tape or disk), among others.

(7) The term ''educational institution'' means a preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education, or an institution of vocational education that operates a program of scholarly research. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought to further scholarly research.

(8) The term ''fee waiver'' means the waiver or reduction of processing fees if a requester can demonstrate that certain statutory standards are satisfied.

(9) The term ''FOIA Public Liaison'' means an agency official who is responsible for assisting requesters in defining the scope of their request to reduce processing time, increasing transparency and understanding of the status of requests, as well as assisting in the resolution of disputes.

(10) The term ''noncommercial scientific institution'' means an institution that is not operated on a ''commercial'' basis, as that term is defined in these regulations, and that is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scientific research.

(11) The term ''perfected request'' means a FOIA request for records that reasonably describes the records sought, that has been received by OSTP in accordance with the requirements set forth in § 2402.4.

(12) The terms ''representative of the news media'' or ''news media requester'' mean any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. In this clause, the term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of news) who make their products available for purchase by or subscription by or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve, such as through electronic or digital means, such news sources shall be considered to be news media entities. A freelance journalist shall be regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would present a solid basis for such an expectation; the Government may also consider the past publication record of the requester in making such a determination.

(13) The term ''requester'' means any person, including an individual, partnership, corporation, association, Native American tribe, or other public or private organization other than a Federal agency that requests access to records.

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

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

(16) The term ''working day'' means a regular Federal working day between the hours of 9:00AM and 5:00PM. It does not include Saturdays, Sundays, or legal Federal holidays. Any requests received after 5:00PM on any given working day will be considered received on the next working day.

**§ 2402.4 Procedure for requesting records.**

(a) *Format of requests*—(1) *In general.* Requests for information must be made in writing and may be delivered by mail, fax, or electronic mail, as specified in § 2402.2(c). All requests must be made in English. Requests for information may specify the preferred format (including electronic formats) of the response. When requesters do not specify the preferred format of the response, OSTP shall produce scanned records to be delivered electronically.

(2) *Electronic format records.* (i) OSTP shall provide the responsive records in the format requested if the record or records are readily reproducible by OSTP in that format. OSTP shall make reasonable efforts to maintain its records in formats that are reproducible for the purpose of disclosure. For purposes of this paragraph, the term readily reproducible means, with respect to electronic format, a record that can be downloaded or transferred intact to an

electronic medium using equipment currently in use by the office processing the request. Even though some records may initially be readily reproducible, the need to segregate exempt from nonexempt records may cause the releasable material to be not readily reproducible.

(ii) In responding to a request for records, OSTP shall make reasonable efforts to search for the records in electronic format, except where such efforts would interfere with the operation of the agency's automated information system(s). For purposes of this paragraph, the term ''search'' means to locate, manually or by automated means, agency records for the purpose of identifying those records that are responsive to a request.

(iii) Searches for records maintained in electronic format may require the application of codes, queries, or other minor forms of programming to retrieve the requested records.

(3) *Attachment restrictions.* To protect OSTP's computer systems, OSTP will not accept files sent as email attachments or as web links. Requesters can submit requests by postal mail, by fax, or in the body of the email text.

(b) *Contents.* A request must describe the records sought in sufficient detail to enable OSTP personnel to locate the records with a reasonable amount of effort. To the extent possible, requesters should include specific information that may assist OSTP personnel in identifying the requested records, such as the date, title or name, author, recipient, and subject matter of the record. In general, requesters should include as much detail as possible about the specific records or the types of records he or she is seeking. Before submitting a request, requesters may contact the OSTP FOIA Public Liaison to discuss the records they are seeking and to receive assistance in describing the records. If, after receiving a request, OSTP determines that it does not reasonably describe the records sought or that the request will be unduly burdensome to process, OSTP shall inform the requester what additional information is needed or how the request may be modified. Requesters who are attempting to reformulate or modify such a request may discuss their request with OSTP's FOIA Public Liaison, who is available to assist.

(c) *Date of receipt.* A request that complies with paragraphs (a) and (b) of this section is deemed a ''perfected request.'' A perfected request is deemed received on the actual date it is received by OSTP. A request that does not comply with paragraphs (a) and (b) of this section is deemed received when sufficient information to perfect the request is actually received by OSTP.

(d) *Contact information.* Requesters must provide contact information, such as the requester's phone number, email address, or mailing address, to enable OSTP to communicate with the requester about the request and provide released records. If OSTP cannot contact the requester, or the requester does not respond within 30 calendar days to OSTP's requests for clarification, OSTP will administratively close the request.

(e) *Types of records not available.* The FOIA does not require OSTP to:

(1) Compile or create records solely for the purpose of satisfying a request for records;

(2) Provide records not yet in existence, even if such records may be expected to come into existence at some future time;

(3) Restore records destroyed or otherwise disposed of, except that OSTP must notify the requester that the requested records have been destroyed or disposed.

**§ 2402.5 Responses to requests.**

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

(b) *Authority to grant or deny requests.* OSTP shall make initial determinations to grant or deny in whole or in part a request for records.

(c) *Granting of Requests.* When OSTP determines that any responsive records shall be made available, OSTP shall notify the requester in writing and provide copies of the requested records in whole or in part. Records disclosed in part shall be marked or annotated to show the exemption applied to the withheld information and the amount of information withheld unless to do so would harm the interest protected by an applicable exemption. If a requested record contains exempted material along with nonexempt material, all reasonable segregable material shall be disclosed.

(d) *Adverse determinations.* If OSTP makes an adverse determination denying a request in any respect, it must notify the requester of that adverse determination in writing. Adverse determinations include decisions that: The requested record is exempt from disclosure, in whole or in part; the request does not reasonably describe the records sought, but only if, after discussion with the FOIA Public Liaison, the requester refuses to modify the terms of the request; the information requested is not a record subject to the FOIA; the requested record does not exist, cannot be located, or has been destroyed; or the requested record is not readily reproducible in the form or format sought by the requester; denials involving fees or fee waiver matters; and denials of requests for expedited processing.

(e) *Content of adverse determinations.* Any adverse determination issued by OSTP must include:

(1) A brief statement of the reasons for the adverse determination, including any FOIA exemption applied by the agency in denying access to a record unless to do so would harm the interest protected by an applicable exemption;

(2) An estimate of the volume of any records or information withheld, such as the number of pages or other reasonable form of estimation, although such an estimate is not required if the volume is otherwise indicated by deletions marked on records that are disclosed in part or if providing an estimate would harm an interest protected by an applicable exemption;

(3) A statement that the adverse determination may be appealed under § 2402.8 and a description of the appeal requirements.

(4) A statement notifying the requester of the assistance available from OSTP's FOIA Public Liaison and the dispute resolution services offered by the Office of Government Information Services.

(f) *Consultations, referrals, and coordinations.* When OSTP receives a request for a record in its possession, it shall determine whether another agency of the Federal Government is better able to determine whether the record is exempt from disclosure under FOIA and, if so, whether it should be disclosed as a matter of administrative discretion. If OSTP determines that it is best able to process the record in response to the request, then it shall do so. If OSTP determines that it is not best able to process the record, then it shall proceed in one of the following ways:

(1) *Consultation.* When records originating with OSTP contain information of interest to another Federal agency, OSTP should typically consult with that Federal agency prior to making a release determination.

(2) *Referral.* (i) When OSTP believes that a different Federal agency is best able to determine whether to disclose the record, OSTP should typically refer the responsibility for responding to the request regarding that record to that agency. Ordinarily, the agency that originated the record is presumed to be the best agency to make the disclosure determination. If OSTP and another Federal agency jointly agree that the

agency processing the request is in the best position to respond regarding the record, then the record may be handled as a consultation.

(ii) Whenever OSTP refers any part of the responsibility for responding to a request to another agency, OSTP must document the referral, maintain a copy of the record that it refers, and notify the requester of the referral.

(iii) After OSTP refers a record to another Federal agency, the agency receiving the referral shall make a disclosure determination and respond directly to the requester. The referral of a record is not an adverse determination and no appeal rights accrue to the requester.

(3) *Coordination.* The standard referral procedure is not appropriate where disclosure of the identity of the Federal agency to which the referral would be made could harm an interest protected by an applicable exemption, such as the exemptions that protect personal privacy or national security interests. For example, if a non-law enforcement agency responding to a request for records on a living third party locates within its files records originating with a law enforcement agency, and if the existence of that law enforcement interest in the third party was not publicly known, then to disclose that law enforcement interest could cause an unwarranted invasion of the personal privacy of the third party. Similarly, if an agency locates within its files material originating with an Intelligence Community agency, and the involvement of that agency in the matter is classified and not publicly acknowledged, then to disclose or give attribution to the involvement of that Intelligence Community agency could cause national security harms. In such instances, in order to avoid harm to an interest protected by an applicable exemption, OSTP will coordinate with the originating agency to seek its views on disclosure of the record. OSTP will then notify the requester of the release determination for the record that is the subject of the coordination.

**§ 2402.6 Timing of Responses to Requests.**

(a) *In general.* OSTP shall ordinarily respond to requests according to their order of receipt.

(b) *Initial determinations.* OSTP will exercise all reasonable efforts to make an initial determination acknowledging, granting, partially granting, or denying a request for records within 20 working days after receiving a perfected request.

(c) *Extensions of response time in* ''*unusual circumstances.*'' (1) The 20 working day period provided in paragraph (b) of this section may be extended if unusual circumstances arise. If an extension is necessary, OSTP shall promptly notify the requester of the extension, briefly stating the reasons for the extension, and estimating when a response will be issued. Unusual circumstances warranting extension are:

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having a substantial subject-matter interest therein.

(2) After OSTP notifies the requester of the reasons for the delay, the requester will have an opportunity to modify the request or arrange for an alternative time frame for completion of the request. To assist in this process, OSTP shall advise the requester of the availability of OSTP's FOIA Public Liaison to aid in the resolution of any disputes between the requester and OSTP, and notify the requester of his or her right to seek dispute resolution services from the Office of Government Information Services.

(3) If no initial determination is made at the end of the 20 day period provided for in paragraph (b) of this section, including any extension, the requester may appeal the action to the FOIA Appeals Officer.

(d) *Expedited processing of request.* (1) A requester may make a request for expedited processing at any time.

(2) When a request for expedited processing is received, OSTP must determine whether to grant the request for expedited processing within ten (10) calendar days of its receipt. Requests will receive expedited processing if one of the following compelling needs is met:

(i) The requester can establish that failure to receive the records quickly could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) The requester is primarily engaged in disseminating information and can demonstrate that an urgency to inform the public concerning actual or alleged federal government activity exists.

(3) A requester who seeks expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for making the request for expedited processing. As a matter of administrative discretion, OSTP may waive the formal certification requirement.

(4) Administrative appeals of denials of expedited processing will be given expeditious consideration. If the FOIA Appeals Officer upholds the denial of expedited processing, that decision is immediately subject to judicial review in the appropriate Federal district court.

(e) *Multi-track processing.* (1) OSTP may use multi-track processing in responding to requests. Multi-track processing means placing simple requests that require limited review in one processing track and placing more voluminous and complex requests in one or more other tracks. Requests in each track are processed on a first-in/first-out basis.

(i) *Track one—expedited requests.* Track one is made up of requests that sought and received expedited processing as provided for in paragraph (d)(2) of this section.

(ii) *Track two—simple requests.* Track two is for requests of simple to moderate complexity that do not require consultations with other entities and do not involve voluminous records.

(iii) *Track three—complex requests.* Track three is for complex requests that involve voluminous records, require lengthy or numerous consultations, raise unique or novel legal questions, or require submitter review under § 2402.7.

(2) OSTP may provide requesters with requests in slower track(s) with an opportunity to limit the scope of their requests in order to qualify for faster processing within the specified limits of faster track(s). OSTP will do so by contracting the requester by letter, telephone, email, or facsimile, whichever is more efficient in each case. When providing a requester with the opportunity to limit the scope of a request, OSTP shall also advise the requester of OSTP's FOIA Public Liaison to aid in the resolution of any dispute arising between the requester and OSTP as well as the requester's right to seek dispute resolution services from the Office of Government Information Services.

(f) *Aggregating requests.* OSTP may aggregate requests if it reasonably appears that multiple requests submitted either by a single requester, or by a group of requesters acting in concert, involve related matters and constitute a single request that otherwise would involve unusual circumstances. For example, OSTP may aggregate multiple requests for similar

information filed by a single requester within a short period of time.

**§ 2402.7 Confidential commercial information.**

(a) *In general.* Business information obtained by OSTP from a submitter will be disclosed under FOIA only under this section.

(b) *Definitions.* For purposes of this section:

(1) *Confidential commercial information* means records provided to the government by a submitter that arguably contain material exempt from release under 5 U.S.C. 552(b)(4).

(2) *Submitter* means any person or entity from whom OSTP obtains confidential commercial information, directly or indirectly. The term includes corporations; state, local, and tribal governments; universities; non-profit organizations; associations; and foreign governments.

(c) *Designation of business information.* A submitter of business information will use good-faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, any portions of its submission that it considers to be protected from disclosure under 5 U.S.C. 552(b)(4). These designations will expire ten years after the date of the submission unless the submitter requests, and provides justification for, a longer designation period.

(d) *Notice to submitters.* OSTP shall provide a submitter with prompt written notice of a FOIA request or administrative appeal that seeks its business information, in order to give the submitter an opportunity to object to disclosure of any specified portion of that information. The notice shall either describe the business information requested or include copies of the requested records or record portions containing the information. When notification of a voluminous number of submitters is required, notification may be made by posting or publishing the notice in a place reasonably likely to accomplish it.

(e) *Where notice is required.* Notice shall be given to a submitter wherever:

(1) The information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(2) OSTP has reason to believe that the information may be protected from disclosure under Exemption 4.

(f) *Opportunity to object to disclosure.* OSTP will allow a submitter a reasonable time to respond to the notice described in paragraph (d) of this section and will specify that time period within the notice. If a submitter has any objection to disclosure, the submitter is required to provide a detailed written statement of objections. The statement must specify all grounds for withholding any portion of the information under any exemption of FOIA and, in the case of information withheld under 5 U.S.C. 552(b)(4), the submitter must demonstrate the reasons the submitter believes the information is a trade secret or commercial or financial information that is privileged or confidential. In the event that a submitter fails to adequately respond to the notice within the time specified, the submitter will be considered to have no objection to disclosure of the information. Information provided by the submitter that OSTP does not receive within the time specified shall not be considered by OSTP. Information provided by a submitter under this paragraph may itself be subject to disclosure under FOIA.

(g) *Notice of intent to disclose.* OSTP shall consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose business information. Whenever OSTP determines that disclosure is appropriate over the objection of a submitter, OSTP shall, within a reasonable number of days prior to disclosure, provide the submitter with written notice of the intent to disclose, which shall include:

(1) A statement of the reason(s) why each of the submitter's disclosure objections was not sustained;

(2) A description of the business information to be disclosed; and

(3) A specified disclosure date, which shall be a reasonable time subsequent to the notice.

(h) *Exceptions to notice requirements.* The notice requirements of paragraphs (d) and (g) of this section shall not apply if:

(1) OSTP determines that the information should not be disclosed;

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

(3) Disclosure of the information is required by statute (other than FOIA) or by a regulation issued in accordance with the requirements of Executive Order 12600 of June 23, 1987.

(4) The designation made by the submitter under paragraph (c) of this section appears obviously frivolous. In such a case, OSTP shall, within a reasonable time prior to a specified disclosure date, give the submitter written notice of any final decision to disclose the information within a reasonable number of days prior to the specified disclosure date, but no opportunity to object will be offered; or

(5) The information requested was not designated by the submitter as exempt from disclosure in accordance with this part, when the submitter had an opportunity to do so at the time of submission of the information or a reasonable time thereafter, unless OSTP has substantial reason to believe that disclosure of the information would result in competitive harm.

(i) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of business information, OSTP shall promptly notify the submitter.

(j) *Notice to requesters.* Whenever OSTP provides a submitter with notice and an opportunity to object to disclosure under paragraph (d) of this section, OSTP shall also notify the requester(s). Whenever OSTP notifies a submitter of its intent to disclose requested information under paragraph (g) of this section, OSTP shall also notify the requester(s). Whenever a submitter files a lawsuit seeking to prevent the disclosure of business information, OSTP shall notify the requester(s).

**§ 2402.8 Appeal of denials.**

(a) *Right to administrative appeal.* The requester has the right to appeal to the FOIA Appeals Officer any adverse determination.

(b) *Notice of appeal*—(1) *Time for appeal.* To be considered timely, an appeal must be postmarked, or in the case of electronic submissions, transmitted no later than ninety (90) calendar days after the date of the initial adverse determination or after the time limit for response by OSTP has expired. Prior to submitting an appeal, the requester must pay in full any outstanding fess associated with the request.

(2) *Form of appeal.* An appeal shall be initiated by filing a written notice of appeal. The notice shall specify the internal control number assigned to the FOIA request by OSTP and be accompanied by copies of the original request and adverse determination. To expedite the appellate process and give the requester an opportunity to present his or her arguments, the notice should contain a brief statement of the reasons why the requester believes the adverse determination to be in error. Requesters may submit appeals by mail or electronically. Appeals sent via electronic mail shall be submitted to *ostpfoia@ostp.eop.gov.* If sent by regular mail, appeals shall be sent to: Chief FOIA Officer, Office of Science and Technology Policy, Eisenhower

Executive Office Building, 1650 Pennsylvania Ave NW, Washington, DC 20504. Updates to this contact information will be made on the OSTP website. To facilitate handling, the requester should mark both the appeal letter and envelop or subject line of the electronic transmission ''Freedom of Information Act Appeal.''

(c) *Decisions on Appeals.* The Chief FOIA Officer (or designee) shall make a determination in writing on the appeal under 5 U.S.C. 552(a)(6)(A)(ii) within 20 working days after the receipt of the appeal. If the denial is wholly or partially upheld, the Chief FOIA Officer shall:

(1) Notify the requester that judicial review is available pursuant to 5 U.S.C. 552(a)(4)(B)–(G); and

(2) Notify the requester that the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and federal agencies as a non-exclusive alternative to litigation. Contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740, Email: *ogis@nara.gov,* Telephone: 202–741–5770, Facsimile: 202–741–5769, Toll-free: 1–877–684–6448.

(d) *Dispute resolution services.* Dispute resolution is a voluntary process. If OSTP agrees to participate in the dispute resolution services provided by the Office of Government Information Services, it will actively engage as a partner to the process in an attempt to resolve the dispute.

(e) *When appeal is required.* Before seeking judicial review by a court of OSTP's adverse determination, a requester generally must first submit a timely administrative appeal.

**§ 2402.9 Fees.**

(a) *Fees generally required.* OSTP shall use the most efficient and least costly methods to comply with requests for documents made under FOIA. OSTP shall charge fees in accordance with paragraph (b) of this section unless fees are waived or reduced in accordance with § 2402.10.

(b) *Calculation of fees.* In general, fees for searching, reviewing, and duplication will be based on the direct costs of these services, including the average hourly salary (basic pay plus 16% for benefits) for the employee(s) conducting the search, reviewing the records for exemption, or duplicating the records. Charges for time less than a full hour will be in increments of quarter hours.

(1) *Search fee.* Search fees may be charged even if responsive documents are not located or if they are located but withheld on the basis of an exemption. However, search fees shall be limited or not charged as follows:

(i) *Educational, scientific or news media requests.* No search fee shall be charged if the request is not sought for a commercial use and is made by an educational or scientific institution, whose purpose is scholarly or scientific research, or by a representative of the news media.

(ii) *Other non-commercial requests.* No search fee shall be charged for the first two hours of searching if the request is not for a commercial use and is submitted by an entity that is not an educational or scientific institution, or a representative of the news media.

(iii) *Requests for records about self.* No search fee shall be charged to search for records performed under the terms of the Privacy Act, 5 U.S.C. 552a(f)(5).

(2) *Review fee.* Review fees shall be assessed only with respect to those requesters who seek records for a commercial use. A review fee shall be charged for the initial examination of documents located in response to a request to determine whether the documents may be withheld from disclosure and for the redaction of document portions exempt from disclosure. Records or portions of records withheld in full under an exemption that is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs for such a subsequent review are also assessable.

(3) *Duplication fee.* Records will be photocopied at a rate of $0.10 per page. For other methods of reproduction or duplication, OSTP will charge the actual direct costs of producing the document(s). Duplication fees shall not be charged for the first 100 pages of copies unless the copies are requested for a commercial use.

(c) *Aggregation of requests.* When OSTP determines that a requester, or a group of requesters acting in concert, is attempting to evade the assessment of fees by submitting multiple requests in the place of a single more complex request, OSTP may aggregate any such requests and assess fees accordingly.

(d) *Fees likely to exceed $25.* If the total fee charges are likely to exceed $25, OSTP shall notify the requester of the estimated amount of the charges. The notification shall offer the requester an opportunity to confer with the FOIA Public Liaison to reformulate the request to meet the requester's needs at a lower cost. OSTP may administratively close a submitted FOIA request if the requester does not respond in writing within 30 calendar days after the date on which OSTP notifies the requester of the fee estimate.

(e) *Advance payments.* Fees may be paid upon provision of the requested records, except that payment may be required prior to that time if the requester has previously failed to pay fees or if OSTP determines that the total fee will exceed $250.00. When payment is required in advance of the processing of a request, the time limits prescribed in § 2402.6 shall not be deemed to begin until OSTP has received payment of the assessed fee. If the requester has previously failed to pay fees or charges are likely to exceed $250, OSTP shall notify the requester of the estimated cost and:

(1) Obtain satisfactory assurance from the requester, in writing, of full payment; or

(2) OSTP may require the requester to pay the full amount of any fees owed and/or make an advance payment of the full amount of OSTP's estimated charges.

(3) If OSTP does not receive an adequate response, assurance, or advanced payment within 30 calendar days of a fee determination or notification issued under the authority of this section, OSTP will administratively close the corresponding request.

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

(1) Certifying that records are true copies;

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

(g) *Remittances.* Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the Treasury of the United States and mailed to the Chief FOIA Officer, Office of Science and Technology Policy, Eisenhower Executive Office Building, 1650 Pennsylvania Avenue NW, Washington, DC 20504. Updates to this contact information will be made on the OSTP website.

(h) *Receipts and refunds.* A receipt for fees paid will be given upon request. A refund of fees paid for services actually rendered will not be made.

**§ 2402.10 Waiver of fees.**

(a) *In general.* OSTP shall waive part or all of the fees assessed under § 2402.9 if, based upon information provided by a requester or otherwise made known to

OSTP, the disclosure of the requested information is in the public interest. Disclosure is in the public interest if it is likely to contribute significantly to public understanding of government operations and is not primarily for commercial purposes. Requests for a waiver or reduction of fees shall be considered on a case by case basis. To determine whether a fee waiver requirement is met, OSTP shall consider the following factors:

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

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

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

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

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

(i) OSTP will identify whether the requester has any commercial interest that would be furthered by the requested disclosure. A commercial interest includes any commercial, trade, or profit interest. Requesters are encouraged to provide explanatory information regarding this consideration.

(ii) If there is an identified commercial interest, OSTP will determine whether that is the primary interest furthered by the request. OSTP will ordinarily presume that when a news media requester has satisfied factors in paragraphs (a)(1) and (2) of this section, the request is not primarily in the commercial interest of the requester. Data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest.

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

(b) *Clarification.* Where OSTP has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, OSTP may seek clarification from the requester before assigning the request to a specific category for fee assessment purposes.

(c) *Restrictions on charging fees.* Except as described in paragraphs (c)(1) through (3) of this section, if OSTP fails to comply with the FOIA's time limits for responding to a request, it may not charge search fees. In addition, subject to the exceptions set forth in (c)(1) through (3) of this section, if OSTP does not comply with the FOIA's time limits for responding to a request, it may not charge duplication fees when records are not sought for a commercial use and the request is made by an educational institution, non-commercial scientific institution, or representative of the news media.

(1) If OSTP determines that unusual circumstances, as defined by the FOIA, apply and provides timely written notice to the requester in accordance with the FOIA, then a failure to comply with the statutory time limit shall be excused for an additional 10 days.

(2) If OSTP determines that unusual circumstances, as defined by the FOIA, apply and more than 5,000 pages are necessary to respond to the request, then OSTP may charge search fees and duplication fees, where applicable, if the following steps are taken. OSTP must (1) provide timely written notice of unusual circumstances to the requester in accordance with the FOIA; and (2) discuss with the requester via written mail, email, or telephone (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5 U.S.C. 552(a)(6)(B)(ii).

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

**§ 2402.11 Maintenance of statistics.**

(a) OSTP shall maintain records that are sufficient to allow accurate reporting of FOIA processing statistics, as required under 5 U.S.C. 552(e) and all guidelines for the preparation of annual FOIA reports issued by the Department of Justice.

(b) OSTP shall annually, on or before February 1 of each year, prepare and submit to the Attorney General an annual report compiling the statistics maintained in accordance with paragraph (a) of this section for the previous fiscal year. A copy of the report will be available for public inspection at the OSTP website.

**§ 2402.12 Disclaimer.**

Nothing in this part shall be construed to entitle any person, as a right, to any service or to the disclosure of any record to which such person is not entitled under FOIA.

**Ted Wackler,**

*Deputy Chief of Staff and Assistant Director.*

[FR Doc. 2018–23606 Filed 10–30–18; 8:45 am]

**BILLING CODE 3270–F9–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 49 and 52

**[EPA–R10–OAR–2017–0347; FRL–9985–78–Region 10]**

### Indian Country: Air Quality Planning and Management; Federal Implementation Plan for the Kalispel Indian Community of the Kalispel Reservation, Washington; Redesignation to a PSD Class I Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve and seek public comment on the May 11, 2017, proposal by the Kalispel Indian Community of the Kalispel Reservation (herein referred to as the Kalispel Tribe of Indians or Kalispel Tribe) to redesignate lands within the exterior boundaries of the Kalispel Indian Reservation located in the State of Washington to Class I under the

Clean Air Act (Act or CAA) program for the prevention of significant deterioration (PSD) of air quality. Redesignation to Class I will result in lowering the allowable increases in ambient concentrations of particulate matter (PM), sulfur dioxide ($SO_2$), and nitrogen oxides ($NO_X$) on the Kalispel Indian Reservation. The EPA is proposing to codify the redesignation through a revision to the Federal Implementation Plan (FIP) currently in place for the Kalispel Indian Reservation. This FIP will be implemented by the EPA unless or until it is replaced by a Tribal Implementation Plan (TIP).

**DATES:** *Comments:* Written comments must be received on or before December 14, 2018.

*Public hearing:* A public hearing is offered to provide interested parties the opportunity to present information and opinions to the EPA concerning our proposal. Interested parties may also submit written comments, as discussed below. A public hearing on this matter will be held on December 6, 2018, between 6:00 p.m. and 9:00 p.m. Pacific Standard Time in the Newport Conference Room located in the Pend Oreille Public Utility District Building, 130 North Washington Street, Newport, Washington 83822. At the hearing, the hearing officer may limit oral testimony to 5 minutes per person. The hearing will be limited to the subject matter of this proposal, the scope of which is discussed below. Written comments may also be submitted at the hearing or by following the process described below. The EPA will not respond to comments during the public hearing. When we publish our final action, we will provide a written response to all relevant written or oral comments received on the proposal. The EPA will not be providing equipment for commenters to show overhead slides or make computerized slide presentations. A transcript of the hearing and written comments will be made available for copying during normal working hours at the address listed for inspection of documents, and also included in the docket for this proposed action. Any member of the public may provide written or oral comments and data pertaining to our proposal at the hearing. Note that any written comments and supporting information submitted during the comment period will be considered with the same weight as any oral comments presented at the public hearing.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R10–OAR–2017–0347 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information, the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

**FOR FURTHER INFORMATION CONTACT:** Sandra Brozusky at (206) 553–5317, or *brozusky.sandra@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Throughout this document, wherever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA.

**Table of Contents**



## I. Background

Part C of the CAA contains the PSD program. The intent of this part is to prevent deterioration of existing air quality in areas having relatively clean air, *i.e.* areas meeting the National Ambient Air Quality Standards (NAAQS). The Act provides for three basic classifications applicable to all lands of the United States. Associated with each classification are increments which represent the increase in air pollutant concentrations that would be considered significant. PSD Class I allows the least amount of deterioration of existing air quality. PSD Class II allows a moderate amount of deterioration, while PSD Class III allows the greatest amount of deterioration. Under the 1977 Amendments to the Clean Air Act, all areas of the country that met the NAAQS were initially designated as Class II, except for certain international parks, wilderness areas, national memorial parks and national parks, and any other areas previously designated Class I. The Act allows states and Indian governing bodies to redesignate areas under their jurisdiction to PSD Class I or PSD Class III to accommodate the social, economic, and environmental needs and desires of the local population.

On May 11, 2017, the Kalispel Tribe submitted to the EPA an official proposal to redesignate the original Kalispel Reservation from Class II to Class I. The original Kalispel Reservation was established by Executive Order No. 1904, signed by President Woodrow Wilson on March 23, 1914. A copy of this Executive Order is included in the docket for this proposed action. The Kalispel Tribe submitted a supplement to the official proposal on July 13, 2017. The Kalispel Reservation is located in the State of Washington. With their proposal and supplement, the Kalispel Tribe submitted an analysis of the impacts of the redesignation within and outside of the proposed Class I area, documentation of the delivery and publication of appropriate notices, a record of the public hearing held on April 10, 2017, and comments received by the Kalispel Tribe on the proposed redesignation. The following discusses the requirements for a redesignation and how the Kalispel Tribe complied with those requirements.

### *A. Statutory and Regulatory Requirements for Redesignation*

Section 164 of the CAA and 40 CFR 52.21(g) outline the requirements for redesignation of areas under the PSD program. Section 164(c) of the CAA provides that the lands within the exterior boundaries of the reservations of Federally-recognized Indian tribes may be redesignated only by the appropriate Indian governing body. Under section 164(b)(2) of the CAA, Congress generally established a narrow role for the EPA in reviewing state and tribal PSD redesignations. Congress explained that the EPA may disapprove a redesignation only if it finds, after notice and opportunity for hearing, that the redesignation does not meet the procedural requirements of section 164 of the Act or it is inconsistent with section 162(a) or 164(a) of the CAA. *See* 42 U.S.C. 7474(b)(2). Section 162(a) of the Act establishes mandatory Class I areas and section 164(a) of the CAA identifies areas that may not be redesignated to Class III. *See* 42 U.S.C. 7472(a) & 7474(a). Because of the nature of the area proposed for redesignation to Class I, neither of these sections prohibit the proposed redesignation.

The EPA is proposing this action in accordance with the requirements of section 164 of the CAA. In section 164

of the Act, Congress provides states and tribes the ultimate authority to reclassify any lands within their borders as Class I based on the following statutory and regulatory requirements:

(1) At least one public hearing must be held in accordance with procedures established in 40 CFR 51.102. *See* 40 CFR 52.21(g)(2)(i).

(2) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation must be notified at least 30 days prior to the public hearing. *See* 40 CFR 52.21(g)(2)(ii).

(3) At least 30 days prior to the Tribe's public hearing, a discussion of the reasons for the proposed redesignation including a satisfactory description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation must be prepared and made available for public inspection. *See* 40 CFR 52.21(g)(2)(iii).

(4) Prior to the issuance of the public notice for a proposed redesignation of an area that includes Federal lands, the Tribe must provide written notice to the appropriate Federal Land Manager and afford an adequate opportunity for the Federal Land Manager to confer with the Tribe and submit written comments and recommendations. *See* 40 CFR 52.21(g)(2)(iv).

(5) The proposal to redesignate has been made after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation. *See* 40 CFR 52.21(g)(2)(v).

(6) Prior to proposing the redesignation, the Indian Governing Body must consult with the State(s) in which the Indian Reservation is located and that border the Indian Reservation. *See* 40 CFR 52.21(g)(4)(ii).

(7) Following completion of the procedural steps and consultation, the Tribe must submit to the Administrator a proposal to redesignate the area. *See* 40 CFR 52.21(g)(4).

*B. Kalispel Tribe of Indians' Submittal*

The May 11, 2017, proposal for redesignation and the July 13, 2017, supplement, submitted by Mr. Glen Nenema, Chairman of the Kalispel Business Council, include evidence that all statutory and regulatory requirements for redesignation of an Indian Reservation from Class II to Class I have been met by the Kalispel Tribe of Indians. The Kalispel Tribe of Indians is a Federally-recognized Indian Tribe.[1] The Kalispel Business Council is the Indian governing body for the Kalispel Indian Reservation and only lands within the exterior boundaries of the Reservation are proposed for redesignation. The EPA proposes to find that the Tribe's submittal demonstrates that the Tribe met the requirements for redesignation discussed above, as follows:

*(1) At least one public hearing must be held in accordance with procedures established in 40 CFR 51.102. See 40 CFR 52.21(g)(2)(i).*

The Kalispel Tribe conducted a public hearing on April 10, 2017, at the Kalispel Tribe's Camas Center for Community Wellness in Cusik, Washington. Notice of the hearing appeared in the area newspaper on March 8, 2017, at least 30 days prior to the hearing. The notice appeared again in the same area newspaper on March 15, 2017. The newspaper notices contained the date, time, and place of the hearing. The notices also included instructions for submitting comments on the proposal. In addition, the newspaper notices informed the public of the availability of a report entitled ''Kalispel Indian Reservation Prevention of Significant Deterioration Program Class I Redesignation Technical Report, Usk, Washington'' (Technical Report). The contents of the Technical Report are discussed further in section I.B(3). The Kalispel Tribe provided notice of the hearing to the State of Washington Department of Ecology on March 6, 2017, and EPA Region 10 on March 8, 2017. The Kalispel Tribe's submittal includes a certification that the hearing was held in compliance with 40 CFR 51.102, as well as a transcript of the hearing, notices, invitations to consult, and copies of comments received. These documents are included in the docket for this proposed action. Accordingly, the EPA proposes to determine that the hearing held by the Kalispel Tribe satisfied the public hearing requirement in 40 CFR 52.21(g)(2)(i).

*(2) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation must be notified at least 30 days prior to the public hearing. See 40 CFR 52.21(g)(2)(ii).*

The Kalispel Tribe's submittal includes copies of letters sent to several entities potentially affected by the proposed redesignation. Specifically, on March 4, 2017, the Tribe sent letters to Jay Inslee, the Governor of Washington, Clement ''Butch'' Otter, the Governor of Idaho, Mike Marchand, Chair of the Confederated Tribes of the Colville Reservation Tribal Government, and Carol Evans, Chair of the Spokane Tribe of Indians Tribal Government. These letters invited the entities to consult with the Kalispel Tribe on the proposed redesignation. In addition, on March 6, 2017, the Kalispel Tribe sent similar letters to the Federal Land Managers for the Little Pend Oreille National Forest, Idaho Panhandle National Forest, Colville National Forest, as well as the Spokane Office of the Bureau of Land Management. None of the letter recipients requested consultation with the Kalispel Tribe regarding the proposal. As discussed in section I.B(1), the Kalispel Tribe also ran public service notices in the area newspaper on March 8, 2017 and March 15, 2017, announcing the public hearing. Based on the outreach to states, Indian governing bodies, and the Federal Land Managers whose lands may be affected by the proposed redesignation, the EPA proposes to determine that the Kalispel Tribe complied with the notice requirements of 40 CFR 52.21(g)(2)(ii).

(3) At least 30 days prior to the Tribe's public hearing, a discussion of the reasons for the proposed redesignation including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation must be prepared and made available for public inspection. See 40 CFR 52.21(g)(2)(iii).

In accordance with the requirement above, the Kalispel Tribe completed the Technical Report in February 2017. The Technical Report includes a description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation. At least 30 days prior to the public hearing, the Kalispel Tribe made the Technical Report available on its website, as well as in hard copy form at the Kalispel Tribal Headquarters in Cusick, Washington.[2] In addition, the Kalispel Tribe's May 11, 2017, proposal included documentation that availability of the Technical Report was sent to appropriate state, local, and Federal officials at least 30 days prior to the hearing.

The Technical Report includes analyses of the health, environmental, economic, social, and energy effects of the proposed redesignation. The Technical Report contains a detailed comparison of baseline conditions, including climate, air quality, fish and wildlife, human health, and socioeconomics, to anticipated conditions following the redesignation. Information sources used to derive baseline conditions in the Technical

[1] 82 FR 4915, 4917 (Jan. 17, 2017).

[2] *https://www.kalispeltribe.com/kalispel-natural-resources-department/air-quality/airshed-redesignation.* The Tribe's website also contains an Airshed FAQ and Class I Fact Sheet, which explain the basics of the PSD program, the reasons for the Tribe's proposal, as well as the potential effects if the Reservation is redesignated to Class I.

Report include ambient air quality monitoring data, potential emissions from sources located in or near the Reservation, wildlife surveys, census data, and commuting patterns.

The Technical Report analyzes how the proposed redesignation will impact the baseline conditions by addressing the anticipated health, environmental, economic, social, and energy effects. Specifically, the Technical Report discusses the health and environmental benefits of preserving the existing air quality in and around the Kalispel Reservation by assessing the adverse health effects of increased concentrations of criteria pollutants such as oxides of nitrogen and oxides of sulfur. The Technical Report also includes a discussion of the impact of redesignation on the current and anticipated future economic trends in the area. The Technical Report additionally describes the importance of maintaining good air quality to the social and cultural values and health of the Kalispel people.

The Kalispel Tribe also commissioned two supplemental analyses to address the energy and socioeconomic impacts of reclassification. The supplemental energy impact analysis employed air dispersion modeling to simulate the impacts of redesignating the area to Class I on two hypothetical energy projects. According to the supplemental analysis, the expected emissions from either project would not interfere with maintaining the Class I PSD increments. Our analysis found that the air dispersion modeling was performed in compliance with the EPA Guideline on Air Quality Modeling codified at 40 CFR part 51, Appendix W. The EPA's analysis of the modeling conducted for the Technical Report is included the docket for this proposed action. These supplemental analyses were included as appendices to the Technical Report. The Technical Report and supplemental analyses are included in the docket for this proposed action.

Based on the analyses discussed above, the Technical Report concludes that the redesignation will result in a reduction in future health problems for those residing in and around the Kalispel Reservation, enhanced protection for the health and cultural use of natural resources, and overall improved economic well-being with minimal damage to local economic vitality. Accordingly, we propose to determine that the Kalispel Tribe satisfied the requirement to make publicly available 30 days in advance of the public hearing a satisfactory description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation.

*(4) Prior to the issuance of the public notice for a proposed redesignation of an area that includes Federal lands, the Tribe must provide written notice to the appropriate Federal Land Manager (FLM) and afford an adequate opportunity for the FLM to confer with the Tribe and submit written comments and recommendations. See 40 CFR 52.21(g)(2)(iv).*

The Kalispel Tribe proposed to redesignate from Class II to Class I only those lands within the exterior boundaries of the Kalispel Indian Reservation. Therefore, the Kalispel Tribe is the Federal Land Manager for the lands subject to redesignation. Even so, as discussed in section I.B(2), the Kalispel Tribe offered several Forest Supervisors for neighboring National Forests the opportunity to confer prior to issuing the public notice. Therefore, we propose to determine that the Tribe has satisfied this requirement.

*(5) The proposal to redesignate has been made after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation. See 40 CFR 52.21(g)(2)(v).*

The regulation at 40 CFR 52.21(g)(2)(v) requires consultation with the elected leadership of the local and other substate general purpose government ''in the area covered by the proposed redesignation.'' The lands covered by the proposed redesignation lie wholly within the exterior boundaries of the Kalispel Indian Reservation. The Kalispel Business Council is the exclusive governing authority in the Kalispel Indian Reservation. There is no requirement for a finding on what areas may be affected by a proposed redesignation or notice to such government in such areas. Nevertheless, on March 6, 2017, the Kalispel Tribe sent a courtesy notice of the Tribe's intent to propose redesignation, as well as the date, time, and location for the public hearing and the availability of the Technical Report to several Pend Oreille County officials. The notice solicited the County's input on the proposed redesignation. The EPA is proposing to determine that the Kalispel Tribe satisfied the requirement to consult with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation prior to submitting the proposal.

*(6) Prior to proposing the redesignation, the Indian Governing Body must consult with the State(s) in which the Reservation is located and that border the Reservation. See 40 CFR 52.21(g)(4)(ii).*

The Kalispel Indian Reservation is located in the State of Washington. On March 4, 2017, the Kalispel Tribe sent a letter to the Governor of Washington inviting the State to consult with the Tribe on the proposal to redesignate the Kalispel Reservation to a Class I area. On the same date, the Tribe sent a similar letter to the Governor of Idaho, despite the fact that the Reservation does not border the State of Idaho. Neither the State of Washington, nor the State of Idaho requested consultation. Therefore, we are proposing to determine that the Kalispel Tribe satisfied this requirement.

*(7) Following completion of the procedural requirements, the Tribe must submit to the Administrator a proposal to redesignate the area. See 40 CFR 52.21(g)(4).*

On May 11, 2017, Glen Nenema, Chairman of the Kalispel Business Council, submitted to the EPA Region 10 Regional Administrator the Kalispel Tribe's proposal to redesignate the lands within the exterior boundaries of the Kalispel Indian Reservation to a Class I area under the CAA PSD program.[3] Chairman Nenema supplemented the initial proposal on July 13, 2017. The Kalispel Business Council is the official governing body of the Kalispel Tribe. Therefore, the EPA proposes to determine that the Kalispel Tribe complied with the requirement that the Tribe submit to the Administrator a proposal to redesignate the area.

## II. Proposed Action

The EPA's review has not found any procedural deficiencies associated with the Kalispel Tribe's proposal. Accordingly, pursuant to section 164 of the CAA and 40 CFR 52.21(g), the redesignation is hereby proposed for approval. The EPA is proposing to codify the redesignation through a revision to the FIP currently in place for the Kalispel Indian Reservation. *See* 40 CFR 49.10191–49.10220. This FIP will be implemented by the EPA unless or until it is replaced by a TIP. To ensure transparency, the EPA is also proposing a clarifying revision to the Washington State Implementation Plan at 40 CFR part 52 subpart WW, which would inform any party interested in Washington's significant deterioration of air quality provisions that the Kalispel Reservation is a Class I area for purposes of prevention of significant

[3] EPA Delegation of Authority 7–164 authorizes the Regional Administrator of EPA Region 10 to propose or take final action on a FIP under Section 301(d) of the Clean Air Act that applies only in Indian Country in Region 10.

deterioration of air quality. The public is invited to comment on whether the Kalispel Tribe has met all procedural requirements of section 164 of the CAA and 40 CFR 52.21(g), as well as the EPA's proposal to codify the redesignation through a revision to the FIP currently in place for the Kalispel Indian Reservation and proposed revision to the Washington State Implementation Plan.

## III. Statutory and Executive Order Reviews

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

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

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

This action is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

### *C. Paperwork Reduction Act*

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* We are not proposing to promulgate any new paperwork requirements (*e.g.,* monitoring, reporting, record keeping) as part of this proposed action. The regulation at 40 CFR 49.10198 incorporates by reference the Federal PSD program promulgated at 40 CFR 52.21. The Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations (40 CFR 52.21) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* and has assigned OMB control number 2060–0003, EPA ICR number 1230.32.

### *D. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.*

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedures Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For the purposes of assessing the impacts of this final action on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field. I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This proposed action will not impose any new requirements on small entities. If finalized, this proposed action would redesignate to Class I only those lands within the exterior boundaries of the Kalispel Indian Reservation under the CAA's PSD program. The PSD permitting requirements already apply on the Reservation as well as the surrounding area. In addition, the PSD permitting requirements only apply to the construction of new major stationary sources or major modifications to existing major stationary sources. Therefore, the EPA does not anticipate this proposed action having a significant economic impact on a substantial number of small entities.

### *E. Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. This proposed action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The proposed action imposes no enforceable duty on any state, local, or tribal governments or the private sector. Nor does this action create additional requirements beyond those already applicable under the existing PSD permitting requirements.

### *F. Executive Order 13132: Federalism*

This proposed action does not have Federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. This proposed action does not change the relationship between the states and the EPA regarding implementation of the PSD permitting requirements in the area. The EPA administers the PSD permitting requirements within the Kalispel Reservation. The States of Washington and Idaho administer the permitting requirements in the nearby areas.

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

This proposed action has tribal implications. However, it will neither impose substantial direct compliance cost on Federally-recognized tribal governments, nor preempt tribal law. The EPA is proposing this action in response to the Kalispel Tribe's proposal to redesignate the Kalispel Reservation from a Class II to a Class I area. If this proposed action is finalized, then major stationary sources proposed to be constructed within the boundaries of the Kalispel Reservation will be required to demonstrate that the source does not contribute to an exceedance of the lower PSD increments for Class I areas. Nonetheless, pursuant to the EPA Policy on Consultation and Coordination with Indian Tribes, the EPA consulted with tribal officials early in the process of developing this proposed action so that they could have meaningful and timely input into its development. The Kalispel Tribe submitted its proposal on May 11, 2017. Subsequent to receiving the submission, the EPA communicated and corresponded with the Tribe numerous times throughout the review process.

### *H. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks*

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. Redesignation of the Kalispel Indian Reservation to Class I from Class II will reduce the allowable increase in ambient concentrations of various types of pollutants. The reduction of allowable increases in these pollutants can only be expected to better protect the health of tribal members, members of the surrounding communities, and especially children and asthmatics. *See* 78 FR 3086 (regarding the specific human health consequences of exposure to elevated levels of coarse and fine particles); 82 FR 34,792 (regarding the specific human

health consequences of exposure to elevated levels of nitrogen dioxide); 75 FR 35,520 (regarding the specific human health consequences of exposure to elevated levels of sulfur dioxide).

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

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

*J. National Technology Transfer and Advancement Act*

This proposed action does not involve technical standards. This action merely proposes to redesignate the Kalispel Reservation as a Class I area for the purposes of the PSD permitting requirements.

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

The EPA believes that this proposed action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). Prior to this proposal, the EPA reviewed population centers within and around the Kalispel Indian Reservation to identify areas with environmental justice concerns. The results of this review are included in the docket for this proposed action.

Redesignating the Kalispel Indian Reservation will not have an adverse human health or environmental effect on residents within the Reservation or in the surrounding community. On the contrary, by lowering the applicable PSD increments, the redesignation will be more protective of air quality. The following pollutants are subject to the increment requirement: Fine Particulate Matter ($PM_{2.5}$), Coarse Particulate Matter ($PM_{10}$), Sulfur Dioxide ($SO_2$), and Nitrogen Dioxide ($NO_2$). Exposure to these pollutants is known to have a causal relationship with adverse health effects, such as premature mortality ($PM_{2.5}$, $PM_{10}$, $SO_2$), exacerbation of asthma ($NO_2$ and $SO_2$), and other respiratory effects ($NO_2$ and $SO_2$). *See* 78 FR 3086, 82 FR 34,792, and 75 FR 35,520. Therefore, a reduction of the allowable emissions of these pollutants in this area lowers the risk to the surrounding communities of adverse health effects.

## IV. Statutory Authority

The statutory authority for this proposed action is provided by sections 110, 301 and 164 of the CAA as amended (42 U.S.C. 7410, 7601, and 7474) and 40 CFR part 52.

**List of Subjects**

*40 CFR Part 49*

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

*40 CFR Part 52*

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

Dated: October 17, 2018.

**Chris Hladick,**

*Regional Administrator, Region 10.*

For the reasons stated in the preamble, 40 CFR parts 49 and 52 are proposed to be amended as follows:

## PART 49—INDIAN COUNTRY: AIR QUALITY PLANNING AND MANAGEMENT

■ 1. The authority citation for part 49 continues to read as follows:

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

### Subpart M—Implementation Plans for Tribes—Region X

■ 2. Revise § 49.10198 to read as follows:

**§ 49.10198 Permits to construct.**

(a) Permits to construct are required for new major stationary sources and major modifications to existing stationary sources pursuant to 40 CFR 52.21.

(b) In accordance with section 164 of the Clean Air Act and the provisions of 40 CFR 52.21(g), the original Kalispel Reservation, as established by Executive Order No. 1904, signed by President Woodrow Wilson on March 23, 1914, is designated as a Class I area for the purposes of prevention of significant deterioration of air quality.

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

### Subpart WW—Washington

■ 4. In § 52.2497, add paragraph (d) to read as follows:

**§ 52.2497 Significant deterioration of air quality.**

* * * * *

(d) The regulations at 40 CFR 49.10191 through 49.10220 contain the Federal Implementation Plan for the Kalispel Indian Community of the Kalispel Reservation, Washington. The regulation at 40 CFR 49.10198(b) designates the original Kalispel Reservation, as established by Executive Order No. 1904, signed by President Woodrow Wilson on March 23, 1914, as a Class I area for purposes of prevention of significant deterioration of air quality.

[FR Doc. 2018–23474 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

### 48 CFR Parts 206, 211, and 213

**[Docket DARS–2018–0052]**

**RIN 0750–AJ50**

### Defense Federal Acquisition Regulation Supplement: Brand Name or Equal (DFARS Case 2017–D040)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Proposed rule.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2017 that requires the use of brand name or equivalent descriptions or proprietary specifications or standards in solicitations to be justified and approved.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before December 31, 2018, to be considered in the formation of a final rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2017–D040, using any of the following methods:

○ *Federal eRulemaking Portal: http://www.regulations.gov.* Search for ''DFARS Case 2017–D040.'' Select ''Comment Now'' and follow the instructions provided to submit a comment. Please include ''DFARS Case 2017–D040'' on any attached documents.

○ *Email: osd.dfars@mail.mil.* Include DFARS Case 2017–D040 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Carrie Moore, OUSD(A&S)DPC/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Ms. Carrie Moore, telephone 571–372–6093.

**SUPPLEMENTARY INFORMATION:**

## I. Background

DoD is proposing to revise the DFARS to implement section 888(a) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Pub. L. 114–328). Section 888(a) requires that competition on DoD contracts not be limited through the use of brand name or equivalent descriptions, or proprietary specifications or standards, in solicitations, unless a justification for such specification is provided and approved in accordance with 10 U.S.C. 2304(f). The requirements of 10 U.S.C. 2304(f) are implemented in Federal Acquisition Regulation (FAR) sections 6.303 and 6.304, which address the content, format, and approval authorities for justifications for other than full and open competition.

## II. Discussion and Analysis

Currently, FAR 6.302–1(c)(2) states that brand name or equal descriptions, and other purchase descriptions that permit prospective contractors to offer products other than those specifically referenced by brand-name, provide for full and open competition and do not require justifications and approvals to support their use. This rule proposes to amend DFARS 206.302–1 to add a new paragraph (c)(2) to advise contracting officers that, notwithstanding FAR 6.302–1(c)(2), a justification and approval described at FAR 6.303 is required when using brand name or equal descriptions. A new paragraph (S–70) is also added to provide a similar instruction for proprietary specifications or standards.

FAR subpart 13.5 provides simplified procedures for certain commercial items. FAR 13.501(a) requires a justification and approval for sole source (including brand name) acquisitions. The content and approval requirements for these justifications are similar to those required under FAR 6.303, but cite to a different authority. This rule proposes to amend DFARS 213.501 to advise contracting officers that a justification and approval for brand name or equal descriptions or proprietary specifications or standards is required when using FAR subpart 13.5 simplified procedures for the acquisition of certain commercial items.

In addition, FAR section 11.104 addresses requirements for the use of brand name or equal purchase descriptions. As such, this rule proposes to add DFARS section 211.104 to direct contracting officers to the new requirements at 206.302–1 and 213.501 to complete a justification and approval prior to using brand name or equal purchase descriptions. Similar direction for use of proprietary specifications and standards is also provided in new DFARS section 211.170.

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

This rule does not propose to create any new DFARS clauses or amend any existing DFARS clauses.

## IV. Executive Orders 12866 and 13563

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

## V. Executive Order 13771

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

## VI. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule is only implementing changes to internal Government procedures. However, an initial regulatory flexibility analysis (IRFA) has been performed and is summarized as follows:

DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 888(a) of the National Defense Authorization Act for Fiscal Year 2017. Section 888(a) requires that competition in DoD contracts not be limited through the use of brand name or equivalent descriptions, or proprietary specifications or standards, in solicitations unless a justification for such specification is provided and approved in accordance with 10 U.S.C. 2304(f).

The objective of this proposed rule is to ensure that contracting officers execute a justification and approval in accordance with FAR 6.302–1 when including brand name or equal descriptions, or proprietary specifications or standards in a solicitation.

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The Federal Procurement Data System (FPDS) does not collect data on contracts awarded using brand name or equal descriptions or contracts that were competed and included proprietary specifications or standards. Currently, brand name or equal descriptions are procured through competitive procedures, but FPDS does not identify the subset of contracts that were awarded competitively using such descriptions.

FPDS can provide the number of offers received in response to a solicitation. This subset can help DoD better identify the number of competitive requirements that may have used such descriptions, specifications, or standards, but only received one offer for various reasons. According to FPDS, there were 127,536 contracts and orders competed and awarded in FY 2017 that only received one offer. Of the 127,536 new awards, 76,179 (60%) of these actions were awarded to 9,823 unique small business entities. The proposed rule applies to all entities who do business with the Federal Government and is not expected to have a significant impact on these entities, regardless of business size.

This proposed rule does not include any new reporting, recordkeeping, or other compliance requirements for small businesses. The proposed rule does not

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

DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2017–D040), in correspondence.

### VII. Paperwork Reduction Act

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

### List of Subjects in 48 CFR Parts 206, 211, and 213

Government procurement.

**Jennifer Lee Hawes,**

*Regulatory Control Officer, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 206, 211, and 213 are proposed to be amended as follows:

■ 1. The authority citation for 48 CFR parts 206, 211, and 213 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

## PART 206—COMPETITION REQUIREMENTS

■ 2. In section 206.302–1, paragraph (c) is added to read as follows:

**206.302–1 Only one responsible source and no other supplies or services will satisfy agency requirements.**

* * * * *

(c) *Application for brand-name descriptions.* (2) Notwithstanding FAR 6.302–1(c)(2), in accordance with section 888(a) of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114–328), the justification and approval addressed in FAR 6.303 is required in order to use brand name or equal descriptions.

(S–70) *Application for proprietary specifications or standards.* In accordance with section 888(a) of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114–328), the justification and approval addressed in FAR 6.303 is required in order to use proprietary specifications and standards.

* * * * *

## PART 211—DESCRIBING AGENCY NEEDS

■ 3. Section 211.104 is added to subpart 211.1 to read as follows:

**211.104 Use of brand name or equal purchase descriptions.**

A justification and approval is required to use brand name or equal purchase descriptions.

(1) See 206.302–1(c)(2) for justification requirements when using sealed bidding or negotiated acquisition procedures.

(2) See 213.501(a)(ii) for justification requirement when using simplified procedures for certain commercial items.

■ 4. Section 211.170 is added to subpart 211.1 to read as follows:

**211.170 Use of proprietary specifications or standards.**

A justification and approval is required to use proprietary specifications and standards.

(1) See 206.302–1(S–70) for justification requirements when using sealed bidding or negotiated acquisition procedures.

(2) See 213.501(a)(ii) for justification requirements when using simplified procedures for certain commercial items.

## PART 213—SIMPLIFIED ACQUISITION PROCEDURES

■ 5. Section 213.501 is amended by—

■ a. Designating paragraph (a) as paragraph (i); and

■ b. Adding new paragraph (ii) to read as follows:

**213.501 Special documentation requirements.**

* * * * *

(ii) In accordance with section 888(a) of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114–328), the justification and approval addressed in FAR 13.501(a) is required in order to use brand name or equal descriptions or proprietary specifications and standards.

[FR Doc. 2018–23676 Filed 10–30–18; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

### 48 CFR Parts 206, 215, 234, and 235

**[Docket DARS–2018–0053]**

**RIN 0750–AJ83**

## Defense Federal Acquisition Regulation Supplement: Amendments Related to General Solicitations (DFARS Case 2018–D021)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Proposed rule.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement sections of the National Defense Authorization Act for Fiscal Year 2018 by expanding the definition of other competitive procedures, and extending the term and increasing the dollar value under the contract authority for advanced development of initial or additional prototype units.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before December 31, 2018, to be considered in the formation of a final rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2018–D021, using any of the following methods:

○ *Federal eRulemaking Portal: http://www.regulations.gov.* Search for ''DFARS Case 2018–D021.'' Select ''Comment Now'' and follow the instructions provided to submit a comment. Please include ''DFARS Case 2018–D021'' on any attached documents.

*Email: osd.dfars@mail.mil.* Include DFARS Case 2018–D021 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Heather Kitchens, OUSD (A&S) DPC/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Ms. Heather Kitchens, telephone 571–372–6104.

**SUPPLEMENTARY INFORMATION:**

## I. Background

DoD is proposing to revise the DFARS to implement sections 221 and 861 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 (Pub. L. 115–91).

Section 221 amends 10 U.S.C. 2302(2)(B) to allow for an expanded application of other competitive procedures by replacing the words ''basic research'' with ''science and technology''. Competitive procedures are defined in 10 U.S.C. 2302(2) as ''. . . procedures under which the head of an agency enters into a contract pursuant to full and open competition.'' Changing the words ''basic research'' to ''science and technology'' expands the authority to use other competitive procedures for ''advanced technology development'' and ''advanced component development and prototypes'' research proposals, in addition to the previously authorized ''basic research'' and ''applied research'' proposals. One of the solicitation methods for research and development proposals, a broad agency announcement (BAA), is defined in the Federal Acquisition Regulation (FAR) as ''a general announcement of an agency's research interest including criteria for selecting proposals and soliciting the participation of all offerors capable of satisfying the Government's needs.'' Section 221 permits the use of BAAs for competitive selection of science and technology proposals by authorizing the use of the competitive procedures at 10 U.S.C. 2302(2)(B) that result from a general solicitation and peer or scientific review of such proposals—a key element of the BAA process.

Section 861 amends 10 U.S.C. 2302e to allow for an extended term limit and increased dollar threshold under the contract authority for advanced development of initial or additional prototype units awarded from a competitive selection, as specified in 10 U.S.C. 2302(2)(B). The statutory term limit extends from 12 months to 2 years and the dollar threshold increases from $20 million to $100 million in fiscal year 2017 constant dollars (10 U.S.C. 2302e). Section 861 also amends 10 U.S.C. 2302e to repeal the obsolete authority implemented by section 819 of the NDAA for FY 2010 (Pub. L. 111–84), thereby eliminating the expiration date of the authority.

## II. Discussion and Analysis

The proposed DFARS changes for the other competitive procedures authorized by section 221 and implemented at 10 U.S.C. 2302(2)(B) are as follows:

- DFARS section 206.102, Use of Competitive Procedures, is added with a statement at paragraph (d)(2) that, for DoD, the competitive selection of science and technology proposals resulting from a broad agency announcement with peer or scientific review, as described in 235.016(a), satisfies the requirement for full and open competition. This DFARS section is added, notwithstanding FAR 6.102(d)(2), which limits other competitive procedures to basic and applied research proposals.
- DFARS 215.371–4(a)(4) is revised to provide an only-one-offer exception for the acquisition of science and technology, as described in DFARS 235.016(a), instead of basic or applied research or development, as specified in FAR 35.016(a).
- DFARS 235.006–71 is added to direct contracting officers who are conducting acquisitions for research and development in accordance with FAR part 35 to DFARS 206.102(d)(2) regarding competitive procedures for science and technology proposals; and
- DFARS section 235.016, Broad Agency Announcement, is revised to provide that broad agency announcements with peer or scientific review may be used for science and technology proposals, including four categories of science and technology proposals and their corresponding budget activity codes.

The proposed changes to DFARS 234.005–1, Competition, for the contract authority for advanced development of initial or additional prototype units, authorized by section 861 and implemented at 10 U.S.C. 2302e, are as follows:

- The term ''general solicitation'' is replaced with ''broad agency announcement.''
- The term limit is changed from 12 months to 2 years.
- The dollar threshold is increased from $20 million to $100 million in fiscal year 2017 constant dollars.
- The expiration date of September 30, 2019, is deleted.

In summary, this proposed rule expands the application of other competitive procedures to include the competitive selection of science and technology proposals beyond ''basic research'' proposals. This proposed rule also expands the contract authority for advanced development of initial or additional prototype units. These procedures are internal to the Government with minimal impact to the public.

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

This rule does not propose to create any new provisions or clauses or impact any existing provisions or clauses.

## IV. Executive Orders 12866 and 13563

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

## V. Executive Order 13771

This rule is not anticipated to be an E.O. 13771 regulatory action, because this rule is not significant under E.O. 12866.

## VI. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* This rule impact internal Government procedures by expanding the use of other competitive procedures to include the competitive selection of science and technology proposals and expands the contract authority for advanced development of initial or additional prototype units. However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

This rule proposes to amend the DFARS to implement sections 221 and 861 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018.

Section 221 expands the definition of ''competitive procedures'' at 10 U.S.C. 2302(2)(B) by removing the term ''basic research'' and adding ''science and technology'' in its place. Section 861 implements a statutory modification to 10 U.S.C. 2302e to extend the term limit and dollar threshold for the contract authority for advanced development of

initial or additional prototype units from 12 months to 2 years and from $20 million to $100 million in fiscal year 2017 constant dollars (10 U.S.C. 2302e), respectively. The modification also repeals the obsolete authority of section 819 of the NDAA for FY 2010 (Pub. L. 111–84), thereby eliminating the expiration date of September 30, 2019, for the contract authority for advanced development of initial or additional prototype units.

The objective of this rule is to implement sections 221 and 861 to establish broad agency announcements as a competitive procedure that may be used to select science and technology proposals and to expand the term limit and dollar threshold for the contract authority for advanced development of initial or additional prototype units.

In FY 2017, DoD awarded 1,853 contracts for research and development, excluding Small Business Innovation Research (SBIR) and Small Technology Transfer Research (STTR) program requirements. Approximately 53% of those new contract actions were awarded to 1,005 of unique small business and nontraditional DoD entities. There were 2,858 new contract awards for SBIR and STTR program requirements for DoD. Approximately 66% of those new contract actions were awarded to 1,891 of unique small business and nontraditional DoD entities.

This proposed rule does not include any new reporting or recordkeeping requirements for small entities.

The rule does not duplicate, overlap, or conflict with any other Federal rules.

There are no known significant alternative approaches to the proposed rule that would meet the requirements of the applicable statute.

DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2018–D021), in correspondence.

## VII. Paperwork Reduction Act

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

**List of Subjects in 48 CFR Parts 206, 215, 234 and 235**

Government procurement.

**Jennifer Lee Hawes,**

*Regulatory Control Officer, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 206, 215, 234, and 235 are proposed to be amended as follows:

■ 1. The authority citation for 48 CFR parts 206, 215, 234, and 235 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

## PART 206—COMPETITION REQUIREMENTS

■ 2. Subpart 206.1 is added to read as follows:

### Subpart 206.1—Full and Open Competition

**206.102 Use of competitive procedures.**

(d) *Other competitive procedures.* (2) In lieu of FAR 6.102(d)(2), competitive selection of science and technology proposals resulting from a broad agency announcement with peer or scientific review, as described in 235.016(a) (10 U.S.C. 2302(2)(B)).

## PART 215—CONTRACTING BY NEGOTIATION

■ 3. In section 215.371–4, paragraph (a)(4) is revised to read as follows:

**215.371–4 Exceptions.**

(a) * * *

(4) Acquisitions of science and technology, as specified in 235.016(a); or

* * * * *

## PART 234—MAJOR SYSTEM ACQUISITION

■ 4. Section 234.005–1 is amended by—

■ a. Removing paragraph (2);

■ b. Redesignating paragraph (1) as introductory text;

■ c. In the newly redesignated introductory text, removing ''general solicitation'' and adding ''broad agency announcement'' in its place;

■ d. Redesignating paragraphs (i), (ii), and (iii) as paragraphs (1), (2), and (3), respectively;

■ e. In the newly redesignated paragraph (2), removing ''12 months'' and adding ''2 years'' in its place; and

■ f. Revising the newly redesignated paragraph (3) to read as follows:

**234.005–1 Competition.**

* * * * *

(3) The dollar value of the work to be performed pursuant to the contract line item or contract option shall not exceed $100 million in fiscal year 2017 constant dollars. (10 U.S.C. 2302e).

## PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

■ 5. Section 235.006–71 is amended by—

■ a. Designating the text as paragraph (b); and

■ b. Adding a new paragraph (a) to read as follows:

**235.006–71 Competition.**

(a) Use of a broad agency announcement with peer or scientific review for the award of science and technology proposals in accordance with 235.016(a) fulfills the requirement for full and open competition (see 206.102(d)(2)).

* * * * *

■ 6. Section 235.016 is added to read as follows:

**235.016 Broad agency announcement.**

(a) *General.* A broad agency announcement with peer or scientific review may be used for the award of science and technology proposals. Science and technology proposals include proposals for the following:

(i) Basic research (budget activity 6.1).

(ii) Applied research (budget activity 6.2).

(iii) Advanced technology development (budget activity 6.3).

(iv) Advanced component development and prototypes (budget activity 6.4).

[FR Doc. 2018–23677 Filed 10–30–18; 8:45 am]

**BILLING CODE 5001–06–P**

# Notices

Federal Register
Vol. 83, No. 211
Wednesday, October 31, 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

### Forest Service

### Information Collection; Request for Comment; Whole Enchilada Trail: Conditions, User Experience & Comment Survey 2019

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice, request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the new information collection; Whole Enchilada Trail: Conditions, User Experience & Comment Survey 2019.

**DATES:** Comments must be received in writing on or before December 31, 2018 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

**ADDRESSES:** Comments concerning this notice should be addressed to Zachary Lowe, Forest Service, USDA, P.O. Box 386, Moab, Utah 84532. Comments also may be submitted via facsimile to 435–636–7737 or by email to: *zklowe@fs.fed.us.*

The public may inspect comments received at Moab Ranger District, 62 E 100 North, Moab, Utah 84532 during normal business hours. Visitors are encouraged to call ahead to 435–259–7155 to facilitate an appointment and entry to the building.

**FOR FURTHER INFORMATION CONTACT:** Zachary Lowe: Natural Resource Specialist—Recreation. Moab Ranger District, 62 E 100 North, Moab, Utah 435–636–3335. Individuals who use TDD may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

**SUPPLEMENTARY INFORMATION:**

*Title:* The Whole Enchilada Trail: Conditions, User Experience & Comment Survey 2019.

*OMB Number:* 0596–New.

*Expiration Date of Approval:* N/A.

*Type of Request:* New.

*Abstract:* The Moab Ranger District of the Manti-La Sal National Forest, in southeastern Utah (Region 4) is looking to amend a *2013 Needs Assessment for Recreation Special Uses.* In order to increase commercial use on the Whole Enchilada trail, the 2013 Needs Assessment requires the Moab Ranger District to conduct a recreational carrying capacity study, of which the Whole Enchilada: Conditions, User Experience & Comment Survey 2019, is an integral part of that study. Furthermore, the requested information collection will provide baseline data of use and public perception that will help with future management on this increasingly popular trail. The Forest and Rangeland Renewable Resources Planning Act of 1974 (Pub. L. 93–278 Sec. 3), et al., authorizes the collection.

The Whole Enchilada is a multi-trail system that spans over 30 miles, descends more than 7000' in elevation, and traverses diverse ecosystems which are managed by two separate, yet cooperating governmental agencies—U.S. Department of Agriculture, Forest Service, and the U.S. Department of Interior, Bureau of Land Management (BLM). The popularity and subsequent use of this trail has dramatically increased on all sections of the trail. Thus, natural resource protection and maintaining positive user experiences needs to be, not only assessed, but become a priority management objective, especially for the Moab Ranger District of the Manti-La Sal National Forest.

The data will be collected via traditional paper survey to be conducted at certain trail heads and exit points along the Whole Enchilada trail system. The survey is designed to be completed on site. However, there will be a mail-in option available for those willing but unable to complete the survey on site. The survey consists of 5 pages with 20 questions. There will be tables and chairs set up at trailheads and exits to aid in survey completion. The surveys will be administered by the survey author, Zachary Lowe, by other USFS employees, and volunteers. The survey is scheduled to take place during the peak season of use on the trail system which is mid-September to mid-October of 2019. This survey is intended for use only in 2019 and not for subsequent years nor on any other trails on National Forest System (NFS) or BLM lands.

The survey seeks public input, specifically trial users, about the Whole Enchilada trail on NFS lands. The 20 questions have several formats such as multiple choice, binary (yes/no), open-ended, and likert scales (*i.e.,*1–5 satisfaction scale). The survey is intended for any user of the group willing to take the survey. The targeted user groups include: Individuals, commercially-guided individuals, special use permittees (*i.e.,* outfitters and guides, shuttle companies), non-governmental entities (*i.e.,* trail work organizations, user-group organizations, and/or environmental groups), and other non-Forest Service and Bureau of Land Management (BLM) affiliated individuals or groups (*i.e.,* other stakeholders and partners).

The survey asks for user type (hiker, biker, et al.), user experience levels (beginner, intermediate, et al.), user age and user sex. Access information—specific trailhead, mode of transport to trail heads, access road conditions, quantity of access—is also asked. Survey takers are asked to describe conditions of Forest Service trails and facilities as well as describe their experience and satisfaction on the Whole Enchilada. These questions ask users to rate the acceptability of the trail, facilities, overall use and management of trails, other user groups, user encounters and/or conflicts, perceptions of crowding. Several questions ask about acceptance of potential Forest Service actions to protect resources and provide the best user experience such as additional fees, increased Forest Service presence/patrols, increased trail work, restricted commercial use, increased commercial use, limitations on user type, and other use related issues.

The data and information will be complied and analyzed by the author of the survey. All collected data will be run through different statistical analyses by the author and volunteer statisticians to acquire useful and beneficial information about the trail. This data will be used in and presented as part of a recreational carrying capacity study for the Whole Enchilada trail system. The survey will help gauge the public's perception of conditions of trails, facilities, usage and Forest Service

managerial actions. The data collected from the public, in concert with the carrying capacity study, will help determine future management objectives and actions related to the Whole Enchilada trail system.

If the survey were not to occur, vital stakeholder information would be absent from the recreation carrying capacity study and would be incomplete for all intents and purposes. Without the survey, the subsequent carrying capacity study would be incomplete and lacking baseline data including public perceptions about use and conditions. The aforementioned *2013 Needs Assessment* that requires the Manti-La Sal National Forest to conduct a carrying capacity study, and by proxy, a public survey, would be unmet and the Forest Service could not potentially increase commercial use on the Whole Enchilada trail system. This trail has seen increased use and popularity in the last decade and current management standards may be inadequate for natural resource protection and public demand/access to this trail system.

*Estimate of Annual Burden:* Each survey will take anywhere from 15–20 minutes to complete fully.

*Type of Respondents:* Public individuals: Trail users (hikers, bikers, etc.), outfitter and guides (commercially using the trail), and local business owners (whom use the trail).

*Estimated Annual Number of Respondents:* 1,000 Maximum for one year in 2019.

*Estimated Annual Number of Responses per Respondent:* 1.

Estimated Total Annual Burden on Respondents*:* 20,000 minutes.

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget approval.

Dated: October 18, 2018.

**Gregory C. Smith,**

*Acting Associate Deputy Chief, National Forest System.*

[FR Doc. 2018–23827 Filed 10–30–18; 8:45 am]

**BILLING CODE 3411–15–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Payette National Forest; Idaho; Granite Meadows Project

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Payette National Forest will prepare an environmental impact statement (EIS) to document the potential effects of the Granite Meadows Project. The Granite Meadows Project is located north of New Meadows, Idaho and north and west of McCall, Idaho on the Boise Meridian, within Adams, Valley and Idaho Counties. The analysis will evaluate and disclose the effects of implementing treatments on the National Forest to meet the purpose and need for the project. Proposed treatments include timber harvest, thinning, prescribed fire, road treatments and road decommissioning, watershed improvement and restoration treatments, and recreation improvements. Coordination with existing permittees on grazing schedules would also be included to meet the purpose and need related to fuels reduction.

**DATES:** Comments concerning the scope of the analysis must be received by December 17, 2018. The draft EIS is expected in late July 2019, and the final EIS is expected in December 2019.

**ADDRESSES:** Send written comments to: Keith Lannom, Forest Supervisor, 500 N Mission Street, Building 2, McCall, Idaho 83638. Comments may also be sent via facsimile to 208–634–0744. Comments may also be submitted through the Granite Meadows Project web page at *http://www.fs.usda.gov/project/?project=54029.* To submit comments using the web form select ''Comment/Object on Project'' under ''Get Connected'' on the right panel of the project's web page.

**FOR FURTHER INFORMATION CONTACT:** Erin Phelps, New Meadows District Ranger, 208–347–0300, *ephelps@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday. Additional project information is available on the project page of the Payette National Forest website at: *http://www.fs.usda.gov/project/?project=54029.*

**SUPPLEMENTARY INFORMATION:** The Granite Meadows Project area totals approximately 83,000 acres, and includes approximately 70,000 acres of National Forest System (NFS) lands within the New Meadows and McCall Ranger Districts on the Payette National Forest. Additionally, the project area includes approximately 7,000 acres of state land and 6,000 acres of private land, where proposed treatments would be covered under the Wyden Authority (Wyden Amendment, Section 323(A) of the Department of Interior and Related Agencies Appropriations Act, 1999 as included in Pub. L. 105–277, Div. A, Section 101(e) as amended by Pub. L. 111–11, Section 3001). Actions proposed for use under the Wyden Authority would meet the intent and requirements of state and federal laws for actions on private and/or state lands. The project is located in the Hard Creek, Hartsell Creek-North Fork Payette River, Elk Creek-Little Salmon River, Lower Meadows Valley-Little Salmon River, Round Valley Creek-Little Salmon River, Sixmile Creek-Little Salmon River, Box Creek-North Fork Payette River, Fisher Creek, and Payette Lake subwatersheds with the Little Salmon and North Fork of the Payette subbasins.

**Purpose and Need for Action**

The Granite Meadows project is a landscape-scale effort to improve conditions across multiple resource areas. The need for the project is based on the difference between the existing and desired conditions. The desired conditions for this project are based upon the Payette Forest Plan (USDA Forest Service 2003), and the Watershed Condition Framework (USDA Forest Service 2011).

There is a need to increase the diversity and resilience of the landscape with an emphasis on promoting early seral and fire resistent species (*e.g.,* ponderosa pine and western larch), and improving watershed function and integrity. There is also a need to reduce the threat of unnaturally high wildfire intensity, especially in areas adjacent to communities. Additionally, there is a need to address the potential for user conflict and improve forest user safety, and effectively manage areas experiencing detrimental impacts from dispersed or unauthorized recreation. There is also a need for economic

stimulation for the communities adjacent to and within the project area.

The purpose of the Granite Meadows Project is to:

A. Move vegetation toward desired conditions defined in the Forest Plan with an emphasis on improving wildlife habitat; reducing the risk of uncharacteristic and undesirable wildland fire; returning fire to the ecosystem; promoting the development of large tree forest structures mixed with a mosaic of size classes; improving growth, maintaining and promoting seral species composition (*e.g.,* quaking aspen, whitebark pine, western larch, ponderosa pine, and Douglas-fir), and increasing resiliency to insects, disease, and fire.

B. Support the development of fire-adapted rural communities.

C. Provide for a safe, sustainable and efficient NFS transportation network for administration, utilization, and protection of NFS lands, and reduce road-related negative effects to resources.

D. Move subwatersheds within the project area toward the desired conditions for soil, water, riparian, and aquatic resources.

E. Implement site-specific streambank and wetland restoration activities where stream channels, wetlands, or riparian areas are in a degraded condition.

F. Manage recreation use by improving trails, addressing unauthorized trails, improving other recreation infrastructure, and thus improve soil and water conditions while also minmizing the potential for conflicts between users, and addressing the risk to forest users.

G. Contribute to the economic vitality of the communities adjacent to the Payette National Forest through improvements to recreational opportunities, timber sales, and other removals of forest products, which also fosters a resilient, adaptive ecosystem to mitigate wildfire risk and strengthen communities.

**Proposed Action**

The Proposed Action for the Granite Meadows project includes vegetative treatments (commerical, non-commerical, prescribed burning, and associated actions); watershed improvement and restoration treatments; and recreation improvements. Additionally, coordination with existing permittees on grazing programs would occur within the project area to meet the purpose and need of reducing the risk of uncharacteristic and undesirable wildland fire.

**Vegetative Treatments**

The Forest Service proposes a combination of commercial treatments, non-commerical treatments (NCT) and prescribed burning across the project area. Treatments would be designed to improve wildlife habitat conditions, increase growth rates and tree vigor, improve stand resiliency to natural disturbance, reduce density-related competition, reduce the likelihood of extreme fire behavior in thinned tree stands, and increase potential for firefighter and public safety through reduced fire intensity, if a wildfire should occur. Treatments could occur within the outer portions of some riparian conservation areas (RCAs) where necessary to meet the purpose and need. Treatments would incorporate mitigation measures to address potential effects to soil, water, riparian and aquatic resources. Recurrent application of the necessary treatments (primarily prescribed fire) every 5 to 20 years would maintain the desired condition.

*Commercial Vegetative Treatments:* Treatments would occur on approximately 25,000 acres and would a incorporate a variety of silvicultural systems, including both intermediate and regneration treatments, depending on stand conditions and species composition. The primary target for commercial treatments are accessible stands where removal of commercial sized trees would aid in achieving one or more of the following: Maintaining or restoring the desired vegetative conditions at the landscape scale; meeting wildland urban interface (WUI) objectives (*e.g.,* supports the development of fire-adapted rural communities and/or reduces the risk of uncharacteristic and undesirable wildland fire); and/or meeting recreation objectives, such as improving skier experience and safety at Brundage Ski Resort.

*Non-Commercial Treatments:* Non-commercial thinning (NCT) would occur on approximately 75,000 acres and would be completed in areas of commercial harvest as well as outside of commercial harvest. This would consist of trees generally less than ten inches diameter at breast height (DBH). Primary target acres for NCT consist of stands within ½ mile of structures; plantations; high-use recreation areas where vegetation management would maintain or enhance recreation objectives; areas with forest health concerns due to insect and disease; areas with with undesirable competition to early seral species; areas where density related stress/mortality is undesirable; and/or roadside treatments to improve ingress and egress routes.

*Prescribed Fire Treatments:* Prescribed fire treatments would occur on approximately 83,000 acres. Nearly all of the project area (excluding the Bruin Mountain Reasearch Natural Area and additional areas deemed unsuited or critical) would be considered for prescribed fire over the next 20 years. Commercial activities would generally be completed prior to the application of fire, except where the application of fire prior to thinning does not affect commercial activities. Approximately 500 to 10,000 acres of prescribed fire would be applied annually.

*Associated Actions:* Activities associated with implementing the above vegetative treaments include road maintenance and use; temporary roads, road relocation, rock pits, brush disposal, site preparation, and planting.

**Treatments on Private and State Lands Within the Project Area**

Through agreements between the USDA Forest Service, willing private landowners, county governments, and Idaho Department of Lands (*i.e.,* those identified within the project area boundary), treatments would seek to meet the purpose and need for the project and could include non-commercial thinning, prescribed fire, brush disposal, planting and seeding of native vegetation, watershed improvements (*e.g.,* culvert replacements and stream stabilization), and road repair. Actions proposed as part of this project would comply with all laws applicable to management of state and private land. Agreements under the Wyden Authority would not restrict or preclude these land owners from managing or implementing other additional activities on their lands. Funding for activities outside the scope or purpose authorized under the Wyden Authority would have to be funded by other sources.

**Watershed Improvement and Restoration Treatments**

These activities would include NFS road treatments, unauthorized route treatments, streambank and wetland restoration activities, and fish passage improvements. Road management actions for this project would utilize the McCall and New Meadows Ranger District Travel Analysis recommendations (completed in 2014 and 2015, respectively). Unauthorized routes not needed for future management would also be evaluated for some level of restoration treatment as required by Forest Service Manual 7734.01. and 7734.02. Site-specific

streambank and wetland restoration actions would occur in Sater Meadows, Mud Creek, or other areas across the project area where stream channels, wetlands, or riparian areas are in a degraded condition. Actions to improve stream channels, riparian habitat, and wetlands may include: Streambank stabilization, minor channel re-alignment, fence reconstruction, and planting native vegetation. These actions may also include placement of instream or streambank structures such as, but not limited to, rock, large woody debris, beaver dam analogs (BDAs), and barriers to prevent unauthorized motorized travel in sensitive areas. Road-crossing improvements have been identified in the project area to improve fish passage and hydrologic connectivity, including crossings in the Round Valley Creek Little Salmon River subwatershed, the Sixmile Creek Little Salmon River subwatershed, and in the Upper Goose Creek subwatershed.

**Recreation Improvements**

To meet the purpose and need for the project, recreation improvements would include:

(A) Improving the existing trail system by establishing user-created (unauthorized) trails as system trails where appropriate, converting some roads to trails, and removing user-created trails that negetatively impact watershed and soil health;

(B) replacing or repairing existing facilities, including restrooms and lake amenities;

(C) addressing dispersed recreation issues by enhancing sites, hardening sites, closing some sites, and/or sign installation;

(D) managing roads (including relocation), posting signage and/or considering closure orders (temporary and/or permanent) to address public safety in areas where conflicting use occurs; and

(E) improving skier experience and safety through vegetative treatments within the Brundage Mountain Resort's ski area.

More detailed information on the purpose and need for the project as well as the Proposed Action can be found on the project page of the Payette National Forest website at: *http://www.fs.usda.gov/project/?project=54029.*

**Responsible Official**

The Forest Supervisor of the Payette National Forest is the Responsible Official.

**Nature of Decision To Be Made**

The Responsible Official will decide whether or not, and in what manner, lands within the Granite Meadows project area would be treated to best meet the purpose and need. The decision will be based on a consideration of the environmental effects of implementing the proposed action or alternatives. The Responsible Official may select the proposed action, any alternative analyzed in detail, a modified proposed action or alternative, or no action. If an action alternative is selected, the Responsible Official will determine what design features, mitigation measures and monitoring requirements are included in the decision.

**Scoping Process**

This notice of intent initiates the scoping process, which helps guide the development of the environmental impact statement. It is important that reviewers provide their comments at such times and in such a manner that they are useful to the Agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this project. Comments submitted anonymously however will also be accepted and considered; however, anonymous comments will not provide the Agency with the ability to provide the respondent with subsequent information concerning the project.

Dated October 11, 2018.

**Allen Rowley,**

*Acting Associate Deputy Chief, National Forest System.*

[FR Doc. 2018–23826 Filed 10–30–18; 8:45 am]

**BILLING CODE 3411–15–P**

## DEPARTMENT OF AGRICULTURE

### Rural Business—Cooperative Service

### Information Collection Activity; Comment Request

**AGENCY:** Rural Business—Cooperative Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Rural Business—Cooperative Service, an agency of the United States Department of Agriculture's (USDA), invites comments on this information collection for which the Agency intends to request approval from the Office of Management and Budget (OMB).

**DATES:** Comments on this notice must be received by December 31, 2018.

Development Innovation Center—Regulatory Team, USDA, 1400 Independence Ave. SW, STOP 1522, Room 5162 South Building, Washington, DC 20250–1522. Telephone: (202) 690–1078. Email: *Michele.Brooks@wdc.usda.gov.*

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that the Agency is submitting to OMB for revision.

Comments are invited on (a) 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; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumption used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques on other forms and information technology. Comments may be sent to Michele Brooks, Team Lead, Rural Development Innovation Center—Regulatory Team, USDA, 1400 Independence Ave. SW, STOP 1522, Room 5162 South Building, Washington, DC 20250–1522. Telephone: (202) 690–1078. Email: *Michele.Brooks@wdc.usda.gov.*

*Title:* 7 CFR Part 4280–E, Rural Business Development Grants.

*OMB Control Number:* 0570–0070.

*Type of Request:* Extension of currently approved package.

*Abstract:* The Agricultural Act of 2014, Public Law 113–79 (2014 Farm Bill) (7 U.S.C. 1932(c)), authorizes the Rural Business Development Grant (RBDG) program to facilitate the development of small and emerging private businesses, industries, and related employment as well as identifying and analyzing business opportunities, establishing business

support centers, and providing training, technical assistance, and planning for improving the economy in rural communities.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 22.3 hours per responses.

*Estimated Number of Respondents:* 920.

*Estimated Number of Total Annual Responses per Respondents:* 20,517.

*Estimated Total Annual Burden on Respondents:* 64,773.

Copies of this information collection can be obtained from MaryPat Daskal, Rural Development Innovation Center—Regulatory Team, at (202) 720–7853. Email: *MaryPat.Daskal@.usda.gov.*

All responses to this information collection and recordkeeping notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: October 25, 2018.

**Bette Brand,**

*Administrator, Rural Business—Cooperative Service.*

[FR Doc. 2018–23835 Filed 10–30–18; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

### Information Collection Activity; Comment Request

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the United States Department of Agriculture (USDA) Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

**DATES:** Comments on this notice must be received by December 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Michele Brooks, Team Lead, Rural Development Innovation Center—Regulatory Team, USDA, 1400 Independence Ave. SW, STOP 1522, Room 5162, South Building, Washington, DC 20250–1522. Telephone: (202) 690–1078. FAX: (202) 720–4120. Email: *michele.brooks@wdc.usda.gov.*

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for reinstatement.

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 will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) 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 those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Michele Brooks, Team Lead, Rural Development Innovation Center—Regulatory Team, U.S. Department of Agriculture, STOP 1522, 1400 Independence Ave. SW, Washington, DC 20250–1522. Telephone: (202) 690–1078. FAX: (202) 720–8435. Email: *michele.broooks@wdc.usda.gov.*

*Title:* Lien Accommodations and Subordinations, 7 CFR 1717, Subparts R & S.

*OMB Control Number:* 0572–0100.

*Type of Request:* Revision of a currently approved collection.

*Abstract:* The Rural Electrification (RE) Act of 1936, as amended (7 U.S.C. 901 *et seq.*), authorizes and empowers the Administrator of RUS to make loans in the several United States and Territories of the United States for rural Electrification and the furnishing of electric energy to persons in rural areas who are not receiving central station service. The RE Act also authorizes and empowers the Administrator of RUS to provide financial assistance to borrowers for purposes provided in the RE Act by accommodating or subordinating loans made by the national Rural Utilities Cooperative Finance Corporation, the Federal Financing Bank, and other lending agencies. Title 7 CFR part 1717, subparts R & S sets forth policy and procedures to facilitate and support borrowers' efforts to obtain private sector financing of their capital needs, to allow borrowers greater flexibility in the management of their business affairs without compromising RUS loan security, and to reduce the cost to borrowers, in terms of time, expenses and paperwork, of obtaining lien accommodations and subordinations. The information required to be submitted is limited to necessary information that would allow the Agency to make a determination on the borrower's request to subordinate and accommodate their lien with other lenders.

*Estimate of Burden:* Public Reporting burden for this collection of information is estimated to average 19 hours per response.

*Respondents:* Not-for-profit institutions; Business or other for profit.

*Estimated Number of Respondents:* 1.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:* 19.25 hours.

Copies of this information collection can be obtained from Kimble Brown, Regulations Team, Innovation Center, at (202) 692–0043 or email: *Kimble.Brown@wdc.usda.gov.*

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.

Dated: October 18, 2018.

**Christopher A. McLean,**

*Acting Administrator, Rural Utilities Service.*

[FR Doc. 2018–23728 Filed 10–30–18; 8:45 am]

**BILLING CODE 3410–15–P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Missouri Advisory Committee To Discuss Civil Rights Topics in the State

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Missouri Advisory Committee (Committee) will hold a meeting on Friday, November 9, 2018, at 3:00 p.m. (Central) for the purpose discussing civil rights topics in the state.

**DATES:** The meeting will be held on Friday, November 9, 2018, at 3:00 p.m. (Central).

*Public Call Information:* Dial: 888–256–1007, Conference ID: 4021474.

**FOR FURTHER INFORMATION CONTACT:** David Barreras, DFO, at *dbarreras@usccr.gov* or 312–353–8311.

**SUPPLEMENTARY INFORMATION:** Members of the public can listen to the

discussion. This meeting is available to the public through the following toll-free call-in number: 888–256–1007, conference ID: 4021474. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

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

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Missouri Advisory Committee link (*https://facadatabase.gov/committee/committee.aspx?cid=258&aid=17*). Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

**Agenda**

Welcome and Roll Call

Discussion of Topics for Study

Next Steps

Public Comment

Adjournment

Dated: October 25, 2018.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2018–23727 Filed 10–30–18; 8:45 am]

**BILLING CODE P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Texas 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 a teleconference meeting of the Texas Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (CDT) Monday, November 19, 2018. The purpose of the meeting is to discuss the post-advisory memo activity and elect committee vice chair.

**DATES:** The meeting will be held on Monday, November 19, 2018, at 1:00 p.m. CDT.

*Public Call Information:*
*Dial:* 877–260–1479.
*Conference ID:* 6060733.

**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: 6060733. 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 meeting at *https://facadatabase.gov/committee/meetings.aspx?cid=276.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. 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. Elect Vice Chair
III. Discussion Regarding Post-Advisory Memo Activity
IV. Public Comment
V. Next Steps
VI. Adjournment

Dated: October 26, 2018.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2018–23838 Filed 10–30–18; 8:45 am]

**BILLING CODE 6335–01–P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meetings of the Arkansas Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Arkansas Advisory Committee (Committee) will hold a meeting on Wednesday November 14, 2018 at 2:30 p.m. Central time. The Committee will discuss next steps in their study of civil rights and criminal justice in the state.

**DATES:** The meeting will take place on Wednesday November 14, 2018 at 2:30pm Central. Public Call Information: Dial: 877–260–1479, Conference ID: 9012436.

**FOR FURTHER INFORMATION CONTACT:** Melissa Wojnaroski, DFO, at

*mwojnaroski@usccr.gov* or 312–353–8311.

**SUPPLEMENTARY INFORMATION:** Members of the public can listen to these discussions. These meetings are available to the public through the above call in numbers. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

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

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

### Agenda

Welcome and Roll Call
Civil Rights in Arkansas: Mass Incarceration
Future Plans and Actions
Public Comment
Adjournment

Dated: October 25, 2018.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2018–23726 Filed 10–30–18; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

**[Docket No.: 180928902–8902–01**

## Commerce Alternative Personnel System

**AGENCY:** Office of Administration, Office of Human Resources Management, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** This notice announces the expansion of employee coverage under the Commerce Alternative Personnel System (CAPS), formerly the Department of Commerce Personnel Management Demonstration Project, published in the **Federal Register** on December 24, 1997. This coverage is extended to include employees of the National Oceanic and Atmospheric Administration (NOAA), Office of Atmospheric Research (OAR) located in the Earth Systems Research Laboratory, the Great Lakes Environmental Research Laboratory, and the Pacific Marine Environmental Research Laboratory. This notice also serves to modify the plan to add the Investigative Analysis Series, 1805 to the Administrative (ZA) career path.

**DATES:** The amended Commerce Alternative Personnel System is effective October 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Department of Commerce—Sandra Thompson, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 51020, Washington, DC 20230, (202) 482–0056 or Valerie Smith at (202) 482–0272.

**SUPPLEMENTARY INFORMATION:**

### 1. Background

The Office of Personnel Management (OPM) approved the Department of Commerce (DoC) demonstration project for an alternative personnel management system, and published the final plan in the **Federal Register** on Wednesday, December 24, 1997 (62 FR 67434). The demonstration project was designed to simplify current classification systems for greater flexibility in classifying work and paying employees; establish a performance management and rewards system for improving individual and organizational performance; and improve recruiting and examining to attract highly-qualified candidates. The purpose of the project was to strengthen the contribution of human resources management and test whether the same innovations conducted under the National Institute of Standards and Technology alternative personnel management system would produce similarly successful results in other DoC environments. The project was implemented on March 29, 1998. The project plan has been modified twelve times to clarify certain DoC Demonstration Project authorities, and to extend and expand the project: 64 FR 52810 (September 30, 1999); 68 FR 47948 (August 12, 2003); 68 FR 54505 (September 17, 2003); 70 FR 38732 (July 5, 2005); 71 FR 25615 (May 1, 2006); 71 FR 50950 (August 28, 2006); 74 FR 22728 (May 14, 2009); 80 FR 25 (January 2, 2015); 81 FR 20322 (April 7, 2016); 81 FR 40653 (June 22, 2016); 81 FR 54787 (August 17, 2016); and 82 FR 1688 (January 6, 2017). With the passage of the Consolidated Appropriations Act, 2008, Public Law 110–161, on December 26, 2007, the project was made permanent (extended indefinitely) and renamed the Commerce Alternative Personnel System (CAPS).

CAPS provides for modifications to be made as experience is gained, results are analyzed, and conclusions are reached on how the system is working. This notice announces that the DoC expands CAPS to include additional bargaining unit and non-bargaining unit employees in the OAR, located in the Earth Systems Research Laboratory (ESRL), the Great Lakes Environmental Research Laboratory (GLERL), and the Pacific Marine Environmental Research Laboratory (PMEL); and adds the Investigative Analysis Series, 1805 to the Administrative (ZA) career path.

The DoC will follow the CAPS plan as published in the **Federal Register** on December 24, 1997, and subsequent modifications as listed in the Background Section of this notice.

**Kevin E. Mahoney,**

*Director for Human Resources Management and Chief Human Capital Officer.*

### Table of Contents



### I. Executive Summary

CAPS is designed to (1) improve hiring and allow DoC to compete more effectively for high-quality candidates through direct hiring, selective use of higher entry salaries, and selective use of recruitment incentives; (2) motivate and retain staff through higher pay potential, pay-for-performance, more

responsive personnel systems, and selective use of retention incentives; (3) strengthen the manager's role in personnel management through delegation of personnel authorities; and (4) increase the efficiency of personnel systems through the installation of a simpler and more flexible classification system based on pay banding through reduction of guidelines, steps, and paperwork in classification, hiring, and other personnel systems, and through automation.

The current participating organizations include 1 office of the Deputy Secretary in the Office of the Secretary, 6 offices of the Chief Financial Officer/Assistant Secretary for Administration in the Office of the Secretary; the Bureau of Economic Analysis; 2 units of the National Telecommunications and Information Administration (NTIA): the Institute for Telecommunication Sciences and the First Responder Network Authority (an independent authority within NTIA); and 12 units of the National Oceanic and Atmospheric Administration: Office of Oceanic and Atmospheric Research, National Marine Fisheries Service, the National Environmental Satellite, Data, and Information Service, National Weather Service—Space Environment Center, National Ocean Service, Program Planning and Integration Office, Office of the Under Secretary, Marine and Aviation Operations, Office of the Chief Administrative Officer, Office of the Chief Financial Officer, the Workforce Management Office, and the Office of the Chief Information Officer.

This amendment modifies the December 24, 1997, **Federal Register** notice. Specifically, it expands DoC CAPS to include additional OAR bargaining unit and non-bargaining unit employees located in the ESRL, GLERL, and the PMEL; and adds the Investigative Analysis Series, 1805 to the Administrative (ZA) career path

**II. Basis for CAPS Expansion**

A. Purpose

CAPS is designed to provide supervisors/managers at the lowest organizational level the authority, control, and flexibility to recruit, retain, develop, recognize, and motivate its workforce, while ensuring adequate accountability and oversight.

OAR is the primary research and development organization within NOAA. OAR research results allow decision makers to make effective judgements in order to prevent the loss of human life and conserve and manage natural resources while maintaining a strong economy. OAR conducts research programs in coastal, marine, atmospheric, and space sciences through its own laboratories and offices, as well as through networks of university-based programs. The work consists of research, modeling, and environmental observations relating to weather and air quality, climate, and ocean and coastal resources. Since the inception of the demonstration project in 1997, and subsequent modification/expansion notices, units of OAR have participated in CAPS, with the exception of the GLERL, and the PMEL. In October 2005, the ESRL was formed, which absorbed the following former demonstration project covered units: Aeronomy Laboratory, Air Resources Laboratory—Surface Radiation Research Branch, Climate Diagnostics Center, Climate Monitoring and Diagnostics Laboratory, Environmental Technology Laboratory, and the Forecast Systems Laboratory. Subsequent reorganizations have occurred within OAR, resulting in the alignment of additional bargaining and non-bargaining unit General Schedule (GS) employees under ESRL. With the majority of ESRL employees being covered by an alternative personnel management system, a determination was made to have one uniform pay system and to convert the remaining GS ESRL workforce under CAPS.

The expansion of CAPS coverage to include the remaining OAR laboratories and the bargaining unit and non-bargaining unit GS employees of ESRL will allow OAR to continue to benefit from the flexibilities provided by CAPS and should improve the organization's ability to recruit and retain a high-quality workforce by offering one uniform pay system throughout OAR.

DoC's CAPS allows for modifications of procedures if no new waiver from law or regulation is added. Given that this expansion and modification is in accordance with existing law and regulation and CAPS is a permanent alternative personnel system, the DoC is authorized to make the changes described in this notice.

B. Participating Employees

Employee notification of this expansion will be accomplished by providing a full set of briefings to employees and managers and providing them electronic access to all CAPS policies and procedures, including the twelve previous **Federal Register** Notices. A copy of this **Federal Register** notice will also be accessible electronically upon approval. Subsequent supervisor training and informational briefings for all employees will be accomplished prior to the implementation date of the expansion.

C. Labor Participation

Labor organizations were notified about the CAPS expansion pertaining to their bargaining unit membership. Bargaining-unit employees are covered by AFGE Local 2186, Boulder, Colorado, and AFGE Local 3908, Ann Arbor, Michigan.

**III. Changes to the Project Plan**

The CAPS at DoC, published in the **Federal Register** on December 24, 1997 (62 FR 67434), is amended as follows:

1. The following organization will be added to the project plan, Section II D—Participating Organizations

Within the National Oceanic and Atmospheric Administration (NOAA),

Office of Oceanic and Atmospheric Research, (OAR),

Great Lakes Environmental Research Laboratory (GLERL)

Pacific Marine Environmental Research Laboratory (PMEL)

Additional employees in the following:

Earth Science Research Laboratory (ESRL)

2. The following bargaining units are added to the project plan, Section II F—Labor Participation Table 4—Bargaining Unit Coverage.

ESRL . . . Boulder, CO AFGE Local 2186

GLERL . . . Ann Arbor, MI AFGE Local 3908

3. The following series is added to the project plan, Section II E. Participating Employees—Table 2.—Occupational Series by Career Path

Administrative (ZA) career path, 1805, Investigative Analysis

[FR Doc. 2018–23832 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–EA–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 2065]**

### Production Authority Not Approved; PBR, Inc. d/b/a SKAPS Industries; Foreign-Trade Zone 26; (Non-Woven Geotextiles); Athens, Georgia

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas,* the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United

States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas,* the Georgia Foreign-Trade Zone, Inc., grantee of FTZ 26, has requested production authority on behalf of PBR, Inc. d/b/a SKAPS Industries, located in Athens, Georgia (B–22–2014, docketed March 12, 2014);

*Whereas,* notice inviting public comment has been given in the **Federal Register** (79 FR 15725–15726, March 21, 2014; 79 FR 17500, March 28, 2014) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas,* the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations have not been satisfied;

*Now, therefore,* the Board hereby does not approve the application requesting production authority under zone procedures within FTZ 26 at the facility of PBR, Inc. d/b/a SKAPS Industries, located in Athens, Georgia, as described in the application and **Federal Register** notice.

Dated: October 25, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2018–23796 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 2071]**

### Restricted Approval for Production Authority; Foreign-Trade Zone 186; Flemish Master Weavers (Machine-Woven Area Rugs); Waterville, Maine

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas,* the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas,* the City of Waterville, Maine, grantee of Foreign-Trade Zone 186, has requested production authority on behalf of Flemish Master Weavers (FMW), within Subzone 186A in Sanford, Maine (B–28–2017, docketed April 18, 2017);

*Whereas,* notice inviting public comment has been given in the **Federal Register** (82 FR 26434, June 7, 2017; 83 FR 1608, January 12, 2018) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas,* the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations would be satisfied, and that the proposal would be in the public interest, if subject to the restrictions listed below;

*Now, therefore,* the Board hereby orders:

The application for production authority under zone procedures within Subzone 186A on behalf of FMW, as described in the application and **Federal Register** notice, is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to the following restrictions:

1. The annual quantitative volume of continuous filament polypropylene yarn that FMW may admit into Subzone 186A under nonprivileged foreign status (19 CFR 146.42) is limited to 3 million kilograms; and,

2. Approval is limited to an initial period of five years, subject to extension upon review.

Dated: October 25, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2018–23803 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[B–42–2018]**

### Foreign-Trade Zone (FTZ) 244—Riverside County, California; Authorization of Production Activity; ModusLink Corporation (Camera and Accessories Kitting), Riverside, California

On June 28, 2018, ModusLink Corporation submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 244—Site 11, in Riverside, California.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 31526–31527, July 6, 2018). On October 26, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The authorization is for the foreign-status components and finished products described in the notification, subject to a restriction requiring that textile bag packs; textile chest mount harnesses; bags, microfibers, and dive filters; camera cases; men's knitted shirts; men's t-shirts; women's t-shirts; men's sweatshirts; lithium-ion storage batteries; women's sweatshirts; and, men's jackets be admitted to the zone in privileged foreign status (19 CFR 146.41), with no further review by the FTZ Board.

Dated: October 26, 2018.

**Elizabeth Whiteman,**

*Acting Executive Secretary.*

[FR Doc. 2018–23799 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 2070]**

### Reorganization of Foreign-Trade Zone 29 Under Alternative Site Framework; Louisville, Kentucky

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas,* the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-

Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas,* the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

*Whereas,* the Louisville & Jefferson County Riverport Authority, grantee of Foreign-Trade Zone 29, submitted an application to the Board (FTZ Docket B–23–2018, docketed April 11, 2018, amended June 15, 2018) for authority to reorganize under the ASF with a service area of Anderson, Breckinridge, Bullitt, Butler, Carroll, Crittenden, Daviess, Franklin, Hancock, Henderson, Henry, Hopkins, Jefferson, McLean, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Spencer, Trimble, Union, Webster, and Woodford Counties, in and adjacent to the Louisville, Kentucky and Evansville, Indiana Customs and Border Protection ports of entry, FTZ 29's existing Sites 1, 4, 7, 9, 11 and 15 would be categorized as magnet sites, and existing Sites 5, 6, 8, 13 and 14 as usage-driven sites;

*Whereas,* notice inviting public comment was given in the **Federal Register** (83 FR 17142–17143, April 18, 2018) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas,* the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

*Now, therefore,* the Board hereby orders:

The application to reorganize FTZ 29 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, to an ASF sunset provision for magnet sites that would terminate authority for Sites 4, 7, 9, 11 and 15 if not activated within five years from the month of approval, and to an ASF sunset provision for usage-driven sites that would terminate authority for Sites 5, 6, 8, 13 and 14 if no foreign-status merchandise is admitted for a *bona fide* customs purpose within three years from the month of approval.

Dated: October 25, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2018–23795 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 2064]**

### Reorganization and Expansion of Foreign-Trade Zone 198 Under Alternative Site Framework, Volusia and Flagler Counties, Florida

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas,* the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas,* the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

*Whereas,* Volusia County, grantee of Foreign-Trade Zone 198, submitted an application to the Board (FTZ Docket B–29–2018, docketed May 7, 2018) for authority to reorganize and expand under the ASF with a service area of Volusia County, Florida, in and adjacent to the Daytona Beach International Airport Customs and Border Protection user-fee airport, and FTZ 198's existing Site 1 (as modified) would be categorized as a magnet site and Sites 2, 3, 4 and 5 would be removed from the zone;

*Whereas,* notice inviting public comment was given in the **Federal Register** (83 FR 22005, May 11, 2018) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas,* the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

*Now, therefore,* the Board hereby orders:

The application to reorganize and expand FTZ 198 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit for the zone.

Dated: October 25, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2018–23797 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[B–65–2018]**

### Foreign-Trade Zone (FTZ) 78—Nashville, Tennessee; Notification of Proposed Production Activity; Calsonic Kansei North America; (Automotive Parts); Shelbyville and Lewisburg, Tennessee

Calsonic Kansei North America (CKNA) submitted a notification of proposed production activity to the FTZ Board for its facilities in Shelbyville and Lewisburg, Tennessee. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on October 23, 2018.

The applicant indicates that it will be submitting a separate application for FTZ designation at the CKNA facilities under FTZ 78. The facilities will be used to produce a variety of automotive parts and subassemblies for use in the automotive industry. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt CKNA from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status materials/components noted below, CKNA would be able to choose the duty rates during customs entry procedures that apply to: Safety, warning, and identification labels; glove box dampers; rubber grommets, mounts and seals; air filters; steel hex screws; polypropylene+talc plastic fuse covers;

steel brackets; air vents; motor fan housings; air conditioner (a/c) blower fans; a/c evaporators with seals; a/c heater cores with seals; catalytic converters; evaporator expansion valves; electronic body control modules; plastic switch retaining brackets; airbag electronic control units; bumper brackets; center console boxes; plastic switch brackets; plastic covers; cover instruments; air duct center vents; dashboard speaker covers; cup holders; plastic lids; hinge plastic covers; console removable liners; air filter covers; windshield defrost ducts; dashboard pads; instrument panels; plastic center console pockets; motor fan splash guards; plastic radiator mount supports; radiator tank reserves; center console trays; air vents; plastic air intake doors; mechanical links and levers for intake doors; radiator with seals; steel mufflers end plates; steel exhaust tubes; steering column covers; steering members; radiator caps; air intake ducts; transmission oil coolers with seals; instrument cluster control switches; and, instrument cluster finishers (duty rate ranges from duty-free to 6%). CKNA would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Polypropylene+talc; blank labels; aluminum condensor seals; rubber radiator seals; vibration control rubber bumpers, mounting, and stoppers; steel flanges; zinc plated screw-taps; zinc plated bolts; steel screws; steel clips; steel brackets; flux cored wires; steel tubes; a/c blower fans; aluminum fan inserts; a/c blower fans with motors; air conditioner units; a/c amplifiers; connector liquid-tanks; heater cores with seals; evaporators; aluminum condensor pipe flanges; aluminum condensor header plates; condensor aluminum pipes; air filters; catalytic converters; steel catalytic converter housings; injection molds; muffler valves; evaporator expansion valves; electric fan motors; warning buzzers and speakers; radio units; antenna digital control modules; smart keyless antennae; air bag cut off indicators; capacitor-chips; resistors; printed circuit boards; instrument cluster switches; battery charging status warning indicators; audio control switches; manual a/c control units; automatic a/c control units; manual a/c controls; vehicle area network bridge controls; diodes; electronic frequency crystal-quartz; a/c controllers; body control module unit circuits; advanced driver assistance systems; electronic control unit occupant detection systems; integrated circuit-central processing units; airbag occupant electronic control units; sensors and diagnosis air bag service kits; air bag unit sensors; steering wire harnesses; a/c unit insulators; rear console finishers; instrument panel finishers; lid-fuse blocks; plastic instrument panel covers; door vents; a/c slide doors; steel radiator caps; aluminum radiator header plates; aluminum radiator core reinforcements; radiator with transmission oil coolers; aluminum radiator tubes; steel inlets and outlet diffuser exhaust tubes; flanges; steel insulators; steel exhaust pipes; aluminum condenser adapters; polypropulene+talc center duct adapters; steel boss oxygen exhaust manifolds; steel exhaust cap convertors; polypropulene+talc front cases; plastic air conditioner unit clips; stainless steel motor fan clips; zinc plated steel radiator support mounting collars; body control module connectors; ignition switch covers; connector covers; low density polyethylene duct aspirators; fan control modules; urethane foam grommet heater pipes; polyacetal hinge pins; nylon antenna holders; acrylonitrile ethylene styrene glove box lamp housings; automatic transmission controls; exhaust manifold steel joints; polycarbonate/acrylonitrile butadiene styrene and polyvinyl chloride instrument cluster skin lids; glove box lids; a/c motor/actuators; polypropulene+talc connector covers; acrylonitrile butadiene styrene switch covers; instrument clusters; polycarbonate/acrylonitrile butadiene styrene dashboard finishers; acrylonitrile butadiene styrene + polyethylene furanoate +polyvinyl chloride console panel covers; thermistor-type power temperature coefficient circuit breakers; instrument cluster pointer supports; a/c unit soft vinyl drain tubes; transmission oil cooler adapters; transmission oil coolers; intake sensor with clips; ambient in-car sensors; sun sensors; and, electronic a/c fan controls (duty rate ranges from duty-free to 7. The request indicates that certain materials/components are subject to special duties under Section 232 of the Trade Expansion Act of 1962 (Section 232) and Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 232 and Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is December 10, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov* or (202) 482–1963.

Dated: October 25, 2018.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2018–23801 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 2069]**

### Expansion of Foreign-Trade Zone 15; Under Alternative Site Framework Kansas City, Missouri

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas,* the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas,* the Board adopted the alternative site framework (ASF) (15 CFR S. 400.2(c)) as an option for the establishment or reorganization of zones;

*Whereas,* the Greater Kansas City Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 15, submitted an application to the Board (FTZ Docket B–70–2017, docketed November 8, 2017) for authority to modify the boundaries of existing Site 3 at the Kansas City International Airport facility by removing and adding acreage under the ASF, in the Kansas City Customs and Border Protection port of entry;

*Whereas,* notice inviting public comment was given in the **Federal Register** (82 FR 52878, November 15, 2017) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas,* the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

*Now, therefore,* the Board hereby orders:

The application to expand FTZ 15—Site 3 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit for the zone.

Dated: October 25, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance Alternate Chairman Foreign-Trade Zones Board.*

[FR Doc. 2018–23794 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[B–43–2018]**

### Foreign-Trade Zone (FTZ) 21—Charleston, South Carolina; Authorization of Production Activity; AGRU America Charleston, LLC; (Polyethylene Fittings and Floaters); North Charleston, South Carolina

On June 27, 2018, AGRU America Charleston, LLC, submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 21, Site 38, in North Charleston, South Carolina.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 31725, July 9, 2018). On October 25, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: October 25, 2018.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2018–23802 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 2068]**

### Reorganization and Expansion of Foreign-Trade Zone 25 Under Alternative Site Framework, Broward County, Florida

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas,* the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas,* the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

*Whereas,* Broward County, grantee of Foreign-Trade Zone 25, submitted an application to the Board (FTZ Docket B–36–2018, docketed May 30, 2018) for authority to reorganize and expand under the ASF with a service area of Broward County, in and adjacent to the Port Everglades Customs and Border Protection port of entry, and FTZ 25's existing Sites 1 (as modified), 2 through 11, and 13 through 20 would be categorized as magnet sites;

*Whereas,* notice inviting public comment was given in the **Federal Register** (83 FR 26256, June 6, 2018) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas,* the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

*Now, therefore,* the Board hereby orders:

The application to reorganize and expand FTZ 25 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, and to an ASF sunset provision for magnet sites that would terminate authority for Sites 2 through 11 and 13 through 20 if not activated within five years from the month of approval.

Dated: October 25, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2018–23798 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 2067]**

### Production Authority Not Approved; Kravet, Inc.; Subzone 38G; (Commercial Samples); Anderson, South Carolina

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the South Carolina State Ports Authority, grantee of FTZ 38, has requested production authority on behalf of Kravet, Inc., for its facility located in Anderson, South Carolina (B–40–2014, docketed May 20, 2014);

*Whereas*, notice inviting public comment has been given in the **Federal Register** (79 FR 30078–30079, May 27, 2014; 80 FR 15755, March 25, 2015) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations have not been satisfied;

*Now, therefore*, the Board hereby does not approve the application requesting production authority under zone procedures within Subzone 38G at the facility of Kravet, Inc., located in Anderson, South Carolina, as described in the application and **Federal Register** notice.

Dated: October 25, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2018–23793 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 2066]**

### Production Authority Not Approved; CSI Calendering, Inc., Foreign-Trade Zone 39, (Rubber Coated Textile Fabric), Arlington, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the Dallas/Fort Worth International Airport Board, grantee of FTZ 39, has requested production authority on behalf of CSI Calendering, Inc. for its facility located in Arlington, Texas (B–26–2014, docketed March 18, 2014);

*Whereas*, notice inviting public comment has been given in the **Federal Register** (79 FR 16278–16279, March 25, 2014; 79 FR 34285, June 16, 2014; 79 FR 41959, July 18, 2014) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations have not been satisfied;

*Now, therefore*, the Board hereby does not approve the application requesting production authority under zone procedures within FTZ 39 at the facility of CSI Calendering, Inc., located in Arlington, Texas, as described in the application and **Federal Register** notice.

Dated: October 25, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2018–23800 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–533–883]**

### Glycine From India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that glycine from India is being, or is likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) January 1, 2017, through December 31, 2017. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable October 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Kent Boydston or Edythe Artman, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5649 or (202) 482–3931, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on April 25, 2018.[1] On August 21, 2018, Commerce postponed the preliminary determination of this investigation and the revised deadline is now October 24, 2018.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

#### Scope of the Investigation

The product covered by this investigation is glycine from India. For a complete description of the scope of this investigation, *see* Appendix I.

#### Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[6] Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice.*

#### Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Export price was calculated in accordance with section 772(a) of the Act. Normal value (NV) was calculated in accordance with section 773 of the Act for Paras Intermediates Private Limited (Paras).

[1] *See Glycine from India, Japan, and Thailand: Initiation of Less-Than-Fair-Value Investigations,* 83 FR 17995 (April 25, 2018) (*Initiation Notice*).

[2] *See Glycine from India, Japan, and Thailand: Postponement of Preliminary Determinations of Antidumping Duty Investigations,* 83 FR 42259 (August 21, 2018).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Glycine from India'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *See* Memorandum, ''Glycine from India, Japan, the People's Republic of China and Thailand: Scope Comments Decision Memorandum for the Preliminary Determinations'' (Preliminary Scope Decision Memorandum), dated August 27, 2018.

Furthermore, pursuant to section 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available, with adverse inferences for Kumar Industries, India (Kumar). For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

**All-Others Rate**

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce preliminary assigned a rate based entirely on adverse facts available to Kumar. Therefore, the only rate that is not zero, *de minimis* or based entirely on facts otherwise available is the rate calculated for Paras. Consequently, the rate calculated for Paras is also assigned as the rate for all-other producers and exporters.

**Preliminary Determination**

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

| Exporter/producer | Estimated weighted-average dumping margin (percent) | Cash deposit rate (adjusted for subsidy offset(s)) (percent) |
|---|---|---|
| Kumar Industries, India | [7] 80.49 | 77.87 |
| Paras Intermediates Private Limited | [8] 10.86 | 8.24 |
| All-Others | 10.86 | 8.24 |

**Suspension of Liquidation**

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, adjusted for export subsidies, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins, adjusted for export subsidies, determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin, adjusted for export subsidies, established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin, adjusted for export subsidies.

Commerce normally adjusts the estimated weighted-average dumping margin by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce preliminarily made an affirmative determination for countervailable export subsidies, Commerce has offset the estimated weighted-average dumping margin by the appropriate CVD rate. Any such adjusted rates may be found in the ''Preliminary Determination'' section above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting estimated antidumping duty cash deposits unadjusted for countervailed export subsidies at the time that the provisional CVD measures expire. These suspension of liquidation instructions will remain in effect until further notice.

**Disclosure**

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

**Verification**

As provided in section 782(i) of the Act, Commerce intends to verify the information relied upon in making its final determination. Thus Commerce intends to verify the information provided by Paras. Furthermore, we are affording Kumar an opportunity to remedy deficiencies in its reporting for this preliminary determination. In the event we find Kumar's information to be satisfactory, then, as provided in section 782(i) of the Act, we intend to verify this information for our final determination.

**Public Comment**

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

**Postponement of Final Determination and Extension of Provisional Measures**

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary

[7] *See* ''Less-Than-Fair-Value Investigation of Glycine from India: Additional Analysis Regarding Preliminary Determination to Apply Adverse Facts Available to Kumar Industries, India'' dated concurrently with this memorandum.

[8] *See* Analysis Memorandum for Paras, ''Preliminary Determination Margin Calculation for Paras Intermediates Private Limited,'' dated concurrently with this memorandum.

[9] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On September 19, 2018, pursuant to 19 CFR 351.210(e), Paras requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[10] On September 21, 2018, Commerce received a like request from Kumar.[11] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

## International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

## Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

[10] *See* Letter from Paras, ''Glycine from India: Request for Postponement of Final Determination and Extension of Provisional Measures,'' dated September 19, 2018.

[11] *See* Letter from Kumar, ''Certain Glycine from India: Request for Postponement of Final Determination and Extension of Provisional Measures,'' dated September 21, 2018.

Dated: October 24, 2018.

**Gary Taverman,**

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

## Appendix I

### Scope of the Investigation

The merchandise covered by this investigation is glycine at any purity level or grade. This includes glycine of all purity levels, which covers all forms of crude or technical glycine including, but not limited to, sodium glycinate, glycine slurry and any other forms of amino acetic acid or glycine. Subject merchandise also includes glycine and precursors of dried crystalline glycine that are processed in a third country, including, but not limited to, refining or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope glycine or precursors of dried crystalline glycine. Glycine has the Chemical Abstracts Service (CAS) registry number of 56–40–6. Glycine and glycine slurry are classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2922.49.43.00. Sodium glycinate is classified in the HTSUS under 2922.49.80.00. While the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II

### List of Topics Discussed in the Preliminary Decision Memorandum



[FR Doc. 2018–23718 Filed 10–30–18; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–351–825]**

## Stainless Steel Bar From Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily finds that the sole exporter subject to this administrative review has made sales of subject merchandise at less than normal value during the period of review (POR) February 1, 2017, through August 8, 2017. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable October 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Hermes Pinilla, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3477.

**SUPPLEMENTARY INFORMATION:**

## Background

This review covers one producer/exporter of the subject merchandise, Villares Metals S.A. (Villares). When the review was initiated, the period of review (POR) was February 1, 2017 through January 31, 2018. However, on October 3, 2018, as a result of a five-year (sunset) review, Commerce revoked the antidumping duty order on imports of stainless steel bar (SSB) from Brazil, effective August 9, 2017. As a result, the POR was revised to February 1, 2017, through August 8, 2017.[1]

## Scope of the Order

The merchandise subject to the order is SSB. The SSB subject to the order is currently classifiable under subheadings 7222.10.00, 7222.11.00, 7222.19.00, 7222.20.00, 7222.30.00 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive. A full

[1] *See Stainless Steel Bar from Brazil, India, Japan, and Spain: Continuation of Antidumping Duty Order (India) and Revocation of Antidumping Duty Orders (Brazil, Japan, and Spain),* 83 FR 49910 (October 3, 2018) (*Revocation Notice*).

description of the scope of the order is contained in the Preliminary Decision Memorandum.[2]

## Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price and export price were calculated in accordance with section 772 of the Act. Normal value was calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in Commerce's Central Records Unit, located at Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/index.html.* A list of the topics discussed in the Preliminary Decision Memorandum is attached at the Appendix to this notice.

## Preliminary Results of Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists for Villares for the period February 1, 2017, through August 8, 2017.

| Producer/exporter | Weighted-average dumping margin (percent) |
|---|---|
| Villares Metals S.A | 1.67 |

## Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the preliminary results.[3]

## Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[4] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[5]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance. All documents must be filed electronically using ACCESS, which is available to registered users at *http://access.trade.gov.* An electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time, within 30 days after the date of publication of this notice.[6] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1) and (2).

## Assessment Rates

Upon issuance of the final results, Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries covered by this revised POR. If Villares' weighted-average dumping margin continues to be above *de minimis* in the final results of this review, we will calculate importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for each importers' examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[7] If Villares' weighted-average dumping margin is zero or *de minimis* in the final results of this review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews.*[8]

For entries of subject merchandise during the POR produced by Villares for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company or companies involved in the transaction.

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

## Cash Deposit Requirements

In the *Revocation Notice,* Commerce stated that it intends to issue instructions to CBP to terminate the suspension of liquidation and to discontinue the collection of cash deposits on entries of subject merchandise, entered or withdrawn from warehouse, on or after August 9, 2017.[9] Furthermore, because the antidumping duty order on SSB from Brazil has been revoked as a result of the *Revocation Notice,* Commerce will not issue cash deposit instructions at the conclusion of this administrative review.

## Notification to Importers

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

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1) and 351.221(b)(4).

Dated: October 25, 2018.

**Gary Taverman,**

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

## Appendix

### List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary

[2] *See* the Memorandum, ''Stainless Steel Bar from Brazil: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2017–2018,'' dated concurrently with, and hereby adopted by this notice (Preliminary Decision Memorandum).

[3] *See* 19 CFR 351.224(b).

[4] *See* 19 CFR 351.309(d).

[5] *See* 19 CFR 351.303 (for general filing requirements).

[6] *See* 19 CFR 351.310(c).

[7] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

[8] *See Final Modification for Reviews,* 77 FR at 8102.

[9] *See Revocation Notice,* 83 FR 49911.

[FR Doc. 2018–23792 Filed 10–30–18; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–549–837]**

### Glycine From Thailand: Preliminary Determination of Sales at Not Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that glycine from Thailand is not being, or is not likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) January 1, 2017, through December 31, 2017. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable October 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Brian Smith or Jesus Saenz, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1766 or (202) 482–8184, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on April 25, 2018.[1] On August 21, 2018, Commerce postponed the preliminary determination of this investigation to October 24, 2018.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

#### Scope of the Investigation

The product covered by this investigation is glycine from Thailand. For a complete description of the scope of this investigation, *see* Appendix I.

#### Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[6] Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice.*

#### Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Constructed export price was calculated in accordance with section 772(b) of the Act. Normal value was calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

#### Preliminary Negative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, we preliminarily determine that critical circumstances do not exist with regard to imports of glycine from Thailand. For a full discussion, *see* the Preliminary Decision Memorandum.

#### Preliminary Determination

For this preliminary determination, Commerce calculated a zero estimated weighted-average dumping margin for Newtrend Food Ingredient (Thailand) Co., Ltd. (Newtrend), the only mandatory respondent in this investigation.

| Exporter or producer | Estimated weighted-average dumping margin (percent) |
|---|---|
| Newtrend Food Ingredient (Thailand) Co., Ltd | 0.00 |

Consistent with section 733(d) of the Act, Commerce has not calculated an estimated weighted-average dumping margin for all-other producers and exporters because it has not made an affirmative preliminary determination of sales at LTFV.

#### Suspension of Liquidation

Because Commerce has made a negative preliminary determination of sales at LTFV with regard to subject merchandise, U.S. Customs and Border Protection will not be directed to suspend liquidation on entries of glycine from Thailand.

#### Disclosure

Commerce intends to disclose its calculations and analysis to interested parties in this preliminary determination within five days of any

[1] *See Glycine from India, Japan, and Thailand: Initiation of Less-Than-Fair-Value Investigations,* 83 FR 17995 (April 25, 2018) (*Initiation Notice*).

[2] *See Glycine from India, Japan, and Thailand: Postponement of Preliminary Determinations of Antidumping Duty Investigations,* 83 FR 42259 (August 21, 2018).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Glycine from Thailand'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *See* Memorandum, ''Glycine from India, Japan, the People's Republic of China and Thailand: Scope Comments Decision Memorandum for the Preliminary Determinations'' (Preliminary Scope Decision Memorandum), dated August 27, 2018.

public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

**Verification**

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

**Public Comment**

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation, unless otherwise indicated. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[7] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

**Postponement of Final Determination for Negative Preliminary Determination**

Section 735(a)(2)(B) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of a negative preliminary determination, a request for such postponement is made by the petitioners.[8] On September 14, 2018, the petitioners requested that Commerce postpone the final determination.[9] In accordance with section 735(a)(2)(B) of the Act, because the preliminary determination is negative, and the petitioners have requested the postponement of the final determination, Commerce is postponing the final determination. Accordingly, Commerce will make its final determination by no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

**International Trade Commission Notification**

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine 75 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

**Notification to Interested Parties**

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: October 24, 2018.

**Gary Taverman,**

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

## Appendix I

**Scope of the Investigation**

The merchandise covered by this investigation is glycine at any purity level or grade. This includes glycine of all purity levels, which covers all forms of crude or technical glycine including, but not limited to, sodium glycinate, glycine slurry and any other forms of amino acetic acid or glycine. Subject merchandise also includes glycine and precursors of dried crystalline glycine that are processed in a third country, including, but not limited to, refining or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope glycine or precursors of dried crystalline glycine. Glycine has the Chemical Abstracts Service (CAS) registry number of 56–40–6. Glycine and glycine slurry are classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2922.49.43.00. Sodium glycinate is classified in the HTSUS under 2922.49.80.00. While the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II

**List of Topics Discussed in the Preliminary Decision Memorandum**



[FR Doc. 2018–23719 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–DS–P**

[7] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[8] The petitioners are GEO Specialty Chemicals, Inc. and Chattem Chemicals, Inc.

[9] *See* Letter from the petitioners, ''Glycine from Thailand, Japan, and India: Request to Extend the Final Determinations in Glycine from Thailand, Japan and India,'' dated September 14, 2018.

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–588–878]**

### Glycine From Japan: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that glycine from Japan is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2017, through December 31, 2017. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable October 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Madeline Heeren or John McGowan, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9179 or (202) 482–3019, respectively.

**SUPPLEMENTARY INFORMATION:**

## Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on April 25, 2018.[1] On August 21, 2018, Commerce postponed the preliminary determination of this investigation and the revised deadline is now October 24, 2018.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

## Scope of the Investigation

The product covered by this investigation is glycine from Japan. For a complete description of the scope of this investigation, *see* Appendix I.

## Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[6] Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice.*

## Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Export price was calculated in accordance with section 772(a) of the Act. Normal value (NV) was calculated in accordance with section 773 of the Act for Yuki Gosei Kogyo Co., Ltd. (Yuki Gosei). Furthermore, pursuant to section 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available, with adverse inferences for Showa Denko K.K. (Showa Denko). For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

## All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce preliminarily assigned a rate based entirely on adverse facts available to Showa Denko. We did not calculate a company-specific rate for Nagase & Co., Ltd. (Nagase).[7] The cash deposit rate requirements for Nagase will be determined consistent with the Suspension of Liquidation section of this notice. Therefore, the only rate that is not zero, *de minimis* or based entirely on facts otherwise available is the rate calculated for Yuki Gosei. Consequently, the rate calculated for Yuki Gosei is also assigned as the rate for all-other producers and exporters.

## Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

| Exporter/producer | Estimated weighted-average dumping margin (percent) |
|---|---|
| Yuki Gosei Kogyo Co., Ltd[8] ..... | 53.66 |
| Showa Denko K.K ..... | 86.22 |
| All-Others ..... | 53.66 |

## Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register.** Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

## Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

## Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

## Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last

[1] *See Glycine from India, Japan, and Thailand: Initiation of Less-Than-Fair-Value Investigations,* 83 FR 17995 (April 25, 2018) (*Initiation Notice*).

[2] *See Glycine from India, Japan, and Thailand: Postponement of Preliminary Determinations of Antidumping Duty Investigations,* 83 FR 42259 (August 21, 2018).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Glycine from Japan'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice,* 83 FR at 17996.

[6] *See* Memorandum, ''Glycine from India, Japan, the People's Republic of China and Thailand: Scope Comments Decision Memorandum for the Preliminary Determination,'' dated August 27, 2018 (Preliminary Scope Decision Memorandum).

[7] *See* Preliminary Decision Memorandum at 4–5, and 13–14.

[8] *See* Memorandum, ''Preliminary Determination Margin Calculation for Yuki Gosei Kogyo Co., Ltd.'' dated concurrently with this memorandum.

verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

### Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On September 18, 2018, pursuant to 19 CFR 351.210(e), Yuki Gosei and Nagase requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[10] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

### International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

### Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: October 24, 2018.

**Gary Taverman,**

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

## Appendix I

### Scope of the Investigation

The merchandise covered by this investigation is glycine at any purity level or grade. This includes glycine of all purity levels, which covers all forms of crude or technical glycine including, but not limited to, sodium glycinate, glycine slurry and any other forms of amino acetic acid or glycine. Subject merchandise also includes glycine and precursors of dried crystalline glycine that are processed in a third country, including, but not limited to, refining or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope glycine or precursors of dried crystalline glycine. Glycine has the Chemical Abstracts Service (CAS) registry number of 56–40–6. Glycine and glycine slurry are classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2922.49.43.00. Sodium glycinate is classified in the HTSUS under 2922.49.80.00. While the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II

### List of Topics Discussed in the Preliminary Decision Memorandum



[FR Doc. 2018–23720 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–DS–P**

[9] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[10] *See* Letter from Yuki Gosei and Nagase, ''Glycine from Japan: Request to Postpone the Due Date for the Final Determination,'' dated September 18, 2018.

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

**RIN 0648–XG423**

## Endangered and Threatened Species: Take of Anadromous Fish

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

**ACTION:** Notice.

**SUMMARY:** NMFS has received an application for a new Enhancement of Survival Permit and a request for entry into an associated proposed Safe Harbor Agreement (Agreement) between the applicant and NMFS. The proposed Enhancement of Survival Permit and Agreement are intended to promote the survival and recovery of Central California Coast (CCC) Coho Salmon (*Oncorhynchus kisutch*) and CCC Steelhead (*O. mykiss*) listed as

endangered and threatened, respectively, under the Endangered Species Act (ESA). Information NMFS received as a part of the application is available upon request by contacting the NMFS West Coast Region (WCR) at its California Coastal Office in Santa Rosa, California (see **FOR FURTHER INFORMATION CONTACT**).

**DATES:** Comments or requests for a public hearing on the action proposed in the application or related matters must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on November 30, 2018.

**ADDRESSES:** You may submit comments on this document and requests for a public hearing by any of the following methods. Please identify comments as relating to the ''MacMurray Ranch Safe Harbor Agreement.''

*Electronic Submissions:* Submit all electronic comments via the Federal Rulemaking Portal. Go to *http://www.regulations.gov/,* click the ''Comment Now!'' icon, complete the required fields, and enter, or attach your comments.

*Mail, Email, Fax:* Submit written comments and requests for a public hearing to California Coastal Office, NMFS WCR, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404. Comments and requests may also be submitted via fax to 707–578–3435 or by email to *WCRMacMurraySHA.comments@noaa.gov.*

*Instructions:* Comments sent by any other methods, 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 part of the public record and will generally be posted for public viewing on *http://www.regulations.gov* without change. All personally 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).

**FOR FURTHER INFORMATION CONTACT:** Dan Wilson, Santa Rosa, CA, Telephone: 707–578–8555, Fax: 707–578–3435, email: W*CRMacMurrrayRanchSHA.comments@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

## Species Covered in This Notice

The proposed Enhancement of Survival Permit and Agreement are intended to promote the survival and recovery of endangered CCC Coho Salmon and threatened CCC Steelhead.

## Authority

Enhancement of Survival Permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing ESA-listed fish and wildlife permits (50 CFR parts 222–227). NMFS issues permits based on findings that such permits: (1) Were applied for in good faith; (2) if granted and exercised would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy set forth in section 2 of the ESA. The authority to take ESA-listed species is subject to conditions set forth in the permits.

Under a Safe Harbor Agreement, participating landowners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting species listed under the ESA (16 U.S.C. 1531 *et seq.*). Safe Harbor Agreements, and the subsequent Enhancement of Survival Permits that are issued pursuant to section 10(a)(1)(A) of the ESA, encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring property owners that they will not be subjected to increased property-use restrictions as a result of their efforts to attract listed species to their property and increase the numbers or distribution of these species already on their property. Application requirements and issuance criteria for Enhancement of Survival Permits through Safe Harbor Agreements are found in 50 CFR 222.308(b), 222.308(c), and the Announcement of Final Safe Harbor Policy published on June 17, 1999 (64 FR 32717). These permits allow any necessary future incidental take of covered species above the mutually agreed-upon baseline conditions for those species in accordance with the terms and conditions of the permits and accompanying agreements.

An interested party may submit data, views, arguments, or a request for a hearing with respect to the action proposed in the application or related matters. Anyone requesting a hearing on a matter pursuant to this notice should set out the specific reasons why a hearing on that matter would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

## Applications Received

*Permit 22362*

E. & J. Gallo Winery, (Applicant) is requesting that NMFS issue it an Enhancement of Survival Permit and approve an associated proposed Agreement that it developed with NMFS. The Enhancement of Survival Permit will facilitate implementation of the Agreement that is expected to promote the recovery of CCC Coho Salmon and CCC Steelhead on non-Federal property within Porter Creek on the Applicant's MacMurray Ranch. Porter Creek is a tributary to the Russian River in Sonoma County, California. The proposed duration of the Agreement and the associated Enhancement of Survival Permit is three years. The proposed Enhancement of Survival Permit would authorize the incidental taking of CCC Coho Salmon and CCC Steelhead that may be associated with covered activities including beneficial management activities (*i.e.,* reservoir releases) and the return of the enrolled property to baseline conditions at the end of the Agreement, as defined in the Agreement. The Agreement specifies the beneficial management activities to be carried out on the enrolled property and the schedule for implementing those activities.

The Agreement requires that the Applicant maintain baseline condition for the covered species habitat on the enrolled property. NMFS has reviewed the baseline condition for the enrolled property as it is defined in the Agreement. The Agreement also contains a monitoring component that requires the Applicant to ensure compliance with the terms and conditions of the Agreement, and that the baseline levels of habitat for the covered species occurs on the enrolled property. Results of the monitoring efforts will be provided to NMFS by the Applicant in an annual report for the duration of the three-year permit term.

Upon all parties' execution of this Agreement, and consistent with the NMFS' Safe Harbor Policy (64 FR 32717), NMFS will issue an Enhancement of Survival Permit to the Applicant. The Enhancement of Survival Permit will authorize the Applicant to take CCC Coho Salmon and CCC Steelhead incidental to the implementation of the covered activities specified in the Agreement, incidental to other lawful uses of the enrolled property, and to return to baseline conditions if desired at the end of the Agreement. In addition to meeting other criteria, actions to be performed under the Enhancement of Survival Permit

must not jeopardize the existence of Federally listed species.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments submitted to determine whether the application meets the applicable requirements of section 10(a) of the ESA and Federal regulations. NMFS' decision on whether to issue the permit will not be made until after the end of the 30-day comment period.

NMFS will publish notice of its final action in the **Federal Register**.

Dated: October 26, 2018.

**Angela Somma,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2018–23812 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Submission for OMB Review; Comment Request

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

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Pacific Islands Region Coral Reef Ecosystems Permit Form.

*OMB Control Number:* 0648–0463.

*Form Number(s):* None.

*Type of Request:* Regular (extension of a currently approved information collection).

*Number of Respondents:* 12.

*Average Hours per Response:* 2 hours per special permit application; 10 minutes per transhipment permit application.

*Burden Hours:* 31.

*Needs and Uses:* This request is for extension of a current information collection.

The National Marine Fisheries Service (NMFS) requires, as codified under 50 CFR part 665, any person (1) fishing for, taking, retaining, or using a vessel to fish for Western Pacific coral reef ecosystem management unit species in the designated low-use Marine Protected Areas, (2) fishing for any of these species using gear not specifically allowed in the regulations, or (3) fishing for, taking, or retaining any Potentially Harvested Coral Reef Taxa in the coral reef ecosystem regulatory area, to obtain and carry a permit. A receiving vessel owner must also have a transshipment permit for at-sea transshipment of coral reef ecosystem management unit species. The permit application form provides basic information about the permit applicant, vessel, fishing gear and method, target species, projected fishing effort, *etc.,* for use by NMFS and the Western Pacific Fishery Management Council in determining eligibility for permit issuance. The information is important for understanding the nature of the fishery and provides a link to participants. It also aids in the enforcement of Fishery Ecosystem Plan measures.

*Affected Public:* Business or other for-profit organizations and individuals or households.

*Frequency:* Annually.

*Respondent's Obligation:* Mandatory.

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

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: October 25, 2018.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2018–23830 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Submission for OMB Review; Comment Request

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

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Observer Programs' Information That Can Be Gathered Only Through Questions.

*OMB Control Number:* 0648–0593.

*Form Number(s):* None.

*Type of Request:* Regular (extension of a currently approved information collection).

*Number of Respondents:* 3,711.

*Average Hours per Response:* 75 minutes.

*Burden Hours:* 27,238.

*Needs and Uses:* The National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) deploys fishery observers on United States (U.S.) commercial fishing vessels and to fish processing plants in order to collect biological and economic data. NMFS has at least one observer program in each of its five Regions. These observer programs provide the most reliable and effective method for obtaining information that is critical for the conservation and management of living marine resources. Observer programs primarily obtain information through direct observations by employees or agents of NMFS; and such observations are not subject to the Paperwork Reduction Act (PRA). However, observer programs also collect the following information that requires clearance under the PRA: (1) Standardized questions of fishing vessel captains/crew or fish processing plant managers/staff, which include gear and performance questions, safety questions, and trip costs, crew size and other economic questions; (2) questions asked by observer program staff/contractors to plan observer deployments; (3) forms that are completed by observers and that fishing vessel captains are asked to review and sign; (4) questionnaires to evaluate observer performance; and (5) a form to certify that a fisherman is the permit holder when requesting observer data from the observer on the vessel. NMFS seeks to renew OMB PRA clearance for these information collections.

The information collected will be used to: (1) Monitor catch and bycatch in federally managed commercial fisheries; (2) understand the population status and trends of fish stocks and protected species, as well as the interactions between them; (3) determine the quantity and distribution of net benefits derived from living marine resources; (4) predict the biological, ecological, and economic impacts of existing management action and proposed management options; and (5) ensure that the observer programs can safely and efficiently collect the information required for the previous four uses. In particular, these biological and economic data collection programs contribute to legally mandated analyses required under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (RFA), Executive Order 12866 (E.O. 12866), as

well as a variety of state statutes. The confidentiality of the data will be protected as required by the MSA, Section 402(b).

*Affected Public:* Business or other for-profit organizations.

*Frequency:* On occasion.

*Respondent's Obligation:* Mandatory.

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

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: October 25, 2018.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2018–23829 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### National Sea Grant Advisory Board (NSGAB); Public Meeting of the National Sea Grant Advisory Board

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Office of Oceanic and Atmospheric Research (OAR), Department of Commerce (DOC).

**ACTION:** Notice of public meeting and notice of solicitation for nominations for the National Sea Grant Advisory Board.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Sea Grant Advisory Board (Board). Board members will discuss and provide advice on the National Sea Grant College Program (Sea Grant) in the areas of program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described in the agenda found on the Sea Grant website.

**DATES:** The meeting will be held Monday, December 10, 2018 from 4:00 p.m. ET to 5:30 p.m. ET. There is no due date for nominations. Applications will be kept on file for consideration of any Board vacancy for a period of three years from January 1, 2019.

**ADDRESSES:** The meeting will be held via conference call. Public access is available at 1315 East-West Highway, Bldg. 3, Room #01215, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Ms. Donna Brown, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 1315 East-West Highway, SSMC 3, Room 11717, Silver Spring, Maryland 20910. (Phone: 301–734–1088, Fax: 301–713–1031, Email: *Donna.Brown@noaa.gov*) or to attend in person or via conference call/webinar, please R.S.V.P. to Donna Brown (contact information above) by Wednesday, December 5, 2018. Nominations should be sent to the attention of Ms. Donna Brown, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 1315 East-West Highway, SSMC 3, Room 11717, Silver Spring, Maryland 20910 or *Donna.Brown@noaa.gov.*

**SUPPLEMENTARY INFORMATION:** The Board, which consists of a balanced representation from academia, industry, state government and citizens groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Pub. L. 94–461, 33 U.S.C. 1128). The Board advises the Secretary of Commerce and the Director of the NSGCP with respect to operations under the Act, and such other matters as the Secretary refers to them for review and advice. Individuals Selected for Federal Advisory Committee Membership: Upon selection and agreement to serve on the National Sea Grant Advisory Board, you become a Special Government Employee (SGE) of the United States Government. According to 18 U.S.C. 202(a), an SGE is an officer or employee of an agency who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, not to exceed 130 days during any period of 365 consecutive days, either on a full time or intermittent basis. Please be aware that after the selection process is complete, applicants selected to serve on the Board must complete the following actions before they can be appointed as a Board member:

(a) Security Clearance (online Background Security Check process and fingerprinting), and other applicable forms, both conducted through NOAA Workforce Management; and (b) Confidential Financial Disclosure Report as an SGE, you are required to file a Confidential Financial Disclosure Report annually to avoid involvement in a real or apparent conflict of interest. You may find the Confidential Financial Disclosure Form at the following website. *https://www2.oge.gov/web/oge.nsf/Confidential%20Financial%20Disclosure.*

*Matters to be Considered:* Board members will discuss and provide advice on the National Sea Grant College Program (NSGCP) in the areas of program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described in the agenda found on the NSGCP website at *http://seagrant.noaa.gov/WhoWeAre/Leadership/NationalSeaGrantAdvisoryBoard/UpcomingAdvisoryBoardMeetings.aspx.*

(2) This notice also responds to the Sea Grant Program Improvement Act of 1976, which requires the Secretary of Commerce to solicit nominations at least once a year for membership on the National Sea Grant Advisory Board. To apply for membership to the Board applicants should submit a current resume. A cover letter highlighting specific areas of expertise relevant to the purpose of the Board is helpful, but not required. Nominations will be accepted by email or U.S. mail (see **ADDRESSES** or Contact Information sections). NOAA is an equal opportunity employer.

*Status:* The meeting will be open to public participation with a 15-minute public comment period on December 10th at 4:45–5:00 p.m. ET. (check agenda using link in the Matters to be Considered section to confirm time.) The Board expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by Ms. Donna Brown by Wednesday, December 5, 2018 to provide sufficient time for Board review. Written comments received after the deadline will be distributed to the Board, but may not be reviewed prior to the meeting date. Seats for the meeting will be available on a first-come, first-serve basis.

*Special Accommodations:* The Board meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Donna Brown by Friday, November 30, 2018.

Dated: October 16, 2018.

**Eric Locklear,**

*Deputy Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.*

[FR Doc. 2018–23810 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–KA–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XG583**

### Atlantic Highly Migratory Species; Exempted Fishing, Scientific Research, Display, and Shark Research Fishery Permits; Letters of Acknowledgment

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

**ACTION:** Notice of intent; request for comments; public webinar.

**SUMMARY:** NMFS announces its intent to issue exempted fishing permits (EFPs), scientific research permits (SRPs), display permits, letters of acknowledgment (LOAs), and shark research fishery permits for Atlantic highly migratory species (HMS) in 2019. EFPs and related permits would authorize collection of a limited number of HMS, including tunas, swordfish, billfishes, and sharks, from Federal waters in the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico for the purposes of scientific research, data collection, the investigation of bycatch, and public display, among other things. LOAs acknowledge that scientific research activity aboard a scientific research vessel is being conducted. Generally, EFPs and related permits would be valid from the date of issuance through December 31, 2019, unless otherwise specified, subject to the terms and conditions of individual permits. This notice also schedules a public webinar/conference call for applicants, during which NMFS will provide a general overview of the EFP program and hold a question and answer session.

**DATES:** Written comments received in response to this notice will be considered by NMFS when issuing EFPs and related permits and must be received on or before *November 30, 2018*. NMFS also will host an operator-assisted public webinar/conference call on November 14, 2018, from 2 p.m. to 4 p.m. EDT, providing an opportunity for applicants to listen to a general overview of the EFP program and hold a question and answer session.

**ADDRESSES:** Comments may be submitted by any of the following methods:

- *Email: nmfs.hms.efp2019@noaa.gov*. Include in the subject line the following identifier: 0648–XG583.
- *Mail:* Craig Cockrell, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

*Instructions:* The public webinar/conference call information is phone number (888) 942–8612; participant passcode 6276326. Participants are strongly encouraged to log/dial in 15 minutes prior to the meeting. NMFS will show a brief overview presentation via webinar followed by a question and answer session: *https://noaaevents2.webex.com/noaaevents2/onstage/g.php?MTID=ee7c953be8b128d064d6557dbb5e5423b;* password: NOAA.

**FOR FURTHER INFORMATION CONTACT:** Craig Cockrell, phone: (301) 427–8503

**SUPPLEMENTARY INFORMATION:** Issuance of EFPs and related permits are necessary because HMS regulations (*e.g.,* regarding fishing seasons, prohibited species, authorized gear, closed areas, and minimum sizes) may otherwise prohibit the collection of live animals and/or biological samples for data collection and public display purposes or may otherwise prohibit certain fishing activity that NMFS has an interest in permitting or acknowledging. Pursuant to 50 CFR parts 600 and 635, a NMFS Regional Administrator or Director may authorize, for limited testing, public display, data collection, exploratory fishing, compensation fishing, conservation engineering, health and safety surveys, environmental cleanup, and/or hazard removal purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited. These permits exempt permit holders from the specific portions of the regulations that may otherwise prohibit the collection of HMS for public education, public display, or scientific research. Permit holders are not exempted from the regulations in their entirety. Collection of HMS under EFPs, SRPs, display, and shark research fishery permits represents a small portion of the overall fishing mortality for HMS, and this mortality is counted against the quota of the species harvested, as appropriate and applicable. The terms and conditions of individual permits are unique; however, all permits will include reporting requirements, limit the number and/or species of HMS to be collected, and only authorize collection in Federal waters of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

EFPs and related permits are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Regulations at 50 CFR 600.745 and 635.32 govern scientific research activity, exempted fishing, and exempted public display and educational activities with respect to Atlantic HMS. Because the Magnuson-Stevens Act states that scientific research activity which is conducted on a scientific research vessel is not fishing, NMFS issues LOAs and not EFPs for bona fide research activities (*e.g.,* scientific research being conducted from a research vessel and not a commercial or recreational fishing vessel) involving species that are only regulated under the Magnuson-Stevens Act (*e.g.,* most species of sharks) and not under ATCA. NMFS generally does not consider recreational or commercial vessels to be bona fide research vessels. However, if the vessels have been contracted only to conduct research and not participate in any commercial or recreational fishing activities during that research, NMFS may consider those vessels as bona fide research platforms while conducting the specified research. For example, in the past, NMFS has determined that commercial pelagic longline vessels assisting with population surveys for sharks may be considered ''bona fide research vessels'' while engaged only in the specified research. For such activities, NMFS reviews scientific research plans and may issue an LOA acknowledging that the proposed activity is scientific research under the Magnuson-Stevens Act. Examples of research acknowledged by LOAs include tagging and releasing sharks during bottom longline surveys to understand the distribution and seasonal abundance of different shark species, and collecting and sampling sharks caught during trawl surveys for life history and bycatch studies.

While scientific research is not defined as ''fishing'' subject to the MSA, scientific research is not exempt from regulation under ATCA. Therefore, NMFS issues SRPs that authorize researchers to collect HMS from bona fide research vessels for collection of species managed under this statute (*e.g.,* tunas, swordfish, and billfish). One example of research conducted under SRPs consists of scientific surveys of tunas, swordfish and billfish conducted from NOAA research vessels.

EFPs are issued for activities conducted from commercial or recreational fishing vessels. Examples of activities conducted under EFPs include collection of young-of-year bluefin tuna for genetic research; conducting billfish larval tows from private vessels to determine billfish habitat use, life history, and population structure, and

tagging sharks caught on commercial or recreational fishing gear to determine post-release mortality rates.

NMFS is also seeking public comment on its intent to issue display permits for the collection of sharks and other HMS for public display in 2019. Collection of sharks and other HMS sought for public display in aquaria often involves collection when the commercial fishing seasons are closed, collection of otherwise prohibited species (*e.g.,* sand tiger sharks), and collection of fish below the regulatory minimum size. Under Amendment 2 to the 2006 Consolidated Atlantic HMS Fishery Management Plan, NMFS determined that dusky sharks cannot be collected for public display.

The majority of EFPs and related permits described in this annual notice relate to scientific sampling and tagging of Atlantic HMS within existing quotas and the impacts of the activities to be conducted usually have been previously analyzed in various environmental assessments and environmental impact statements for Atlantic HMS management. In most such cases, NMFS intends to issue these permits without additional opportunity for public comment beyond what is provided in this notice. Occasionally, NMFS receives applications for research activities that were not anticipated, or for research that is outside the scope of general scientific sampling and tagging of Atlantic HMS, or rarely, for research that is particularly controversial. Should NMFS receive such applications, NMFS will provide additional opportunity for public comment, consistent with the regulations at 50 CFR 600.745.

On June 19, 2017, NMFS received an application for an EFP requesting an exemption from the regulations that prohibit the retention of bluefin tuna with unauthorized gear onboard. See 50 CFR 635.19(b). This application was submitted by the Cape Cod Commercial Fishermen's Alliance (CCCFA). The applicants suggested that with the use of electronic monitoring (EM) and through issuance of an EFP, there would be sufficient at-sea monitoring to verify the catch of bluefin tuna occurred with authorized gear (*e.g.,* rod and reel and harpoon gear) and not on the unauthorized gear onboard the vessel (*e.g.,* benthic longline, jigging machines, handgear, demersal gillnet, or otter trawl). An EFP was issued to the CCCFA on October 2, 2017 and exempted 5 vessels from 50 CFR 635.19(b). The permit was amended twice, to extend the expiration date to December 31, 2018 and add an additional vessel. To date no fishing has occurred under this permit. NMFS expects to receive an application to renew this EFP for 2019. Comments are invited specifically on these issues related to issuance of a similar permit to the CCCFA this year.

In addition, Amendment 2 to the 2006 Consolidated HMS Fishery Management Plan (FMP) implemented a shark research fishery. This research fishery is conducted under the auspices of the exempted fishing permit program. Shark research fishery permit holders assist NMFS in collecting valuable shark life history and other scientific data required in shark stock assessments. Since the shark research fishery was established in 2008, the research fishery has allowed for: The collection of fishery dependent data for current and future stock assessments; the operation of cooperative research to meet NMFS' ongoing research objectives; the collection of updated life-history information used in the sandbar shark (and other species) stock assessment; the collection of data on habitat preferences that might help reduce fishery interactions through bycatch mitigation; the evaluation of the utility of the mid-Atlantic closed area on the recovery of dusky sharks; the collection of hook-timer and pop-up satellite archival tag information to determine at-vessel and post-release mortality of dusky sharks; and the collection of sharks to update the weight conversion factor from dressed weight to whole weight. Fishermen who wish to participate must fill out an application for a shark research fishery permit under the exempted fishing program. Shark research fishery participants are subject to 100-percent observer coverage. All non-prohibited shark species brought back to the vessel dead must be retained and will count against the appropriate quotas of the shark research fishery participant. In recent years, all participants of the shark research fishery were limited to a very small number of dusky shark mortalities on a regional basis. Once the designated number of dusky shark mortalities occurs in a specific region certain terms and conditions are applied (*e.g.,* soak time limits). If subsequent interactions occur in the region all shark research fishery activities must stop within that region. Participants would continue to be limited to two sets per trip, with one set limited to 150 hooks and the second set limited to 300 hooks. All participants are also limited to a maximum of 500 hooks onboard the vessel while on a shark research fishery trip. A **Federal Register** notice describing the specific objectives for the shark research fishery in 2019 and requesting applications from interested and eligible shark fishermen is expected to publish in the near future. NMFS requests public comment regarding NMFS' intent to issue shark research fishery permits in 2019 during the comment period of this notice.

The authorized number of specimens that have been authorized thus far under EFPs and other related permits for 2018, as well as the number of specimens collected in 2017, is summarized in Table 1. The number of specimens collected in 2018 will be available when all 2018 interim and annual reports are submitted to NMFS. In 2017, the number of specimens collected was less than the number of authorized specimens for all permit types, other than SRPs issued for shark research.

In all cases, mortalities associated with EFPs, SRPs, or display permits (except for larvae) are counted against the appropriate quota. NMFS issued a total of 33 EFPs, SRPs, display permits, and LOAs in 2017 for the collection of HMS and 5 shark research fishery permits. As of October 3, 2018, NMFS has issued a total of 39 EFPs, SRPs, display permits, and LOAs and 6 shark research fishery permits.

TABLE 1—SUMMARY OF HMS EXEMPTED FISHING PERMITS ISSUED IN 2017 AND 2018, OTHER THAN SHARK RESEARCH FISHERY PERMITS

["HMS" refers to multiple species being collected under a given permit type]

| Permit type | 2017 | | | | | 2018 | |
|---|---|---|---|---|---|---|---|
| | Permits issued ** | Authorized fish (No.) | Authorized larvae (No.) | Fish kept/ discarded dead (No.) | Larvae kept (No.) | Permits Issued ** | Authorized fish (No.) ** |
| EFP: | | | | | | | |
| HMS | 4 | 357 | 0 | 17 | 0 | 2 | 162 |
| Shark | 4 | 57 | 0 | 85 | 0 | 4 | 0 |

TABLE 1—SUMMARY OF HMS EXEMPTED FISHING PERMITS ISSUED IN 2017 AND 2018, OTHER THAN SHARK RESEARCH FISHERY PERMITS—Continued

["HMS" refers to multiple species being collected under a given permit type]

| Permit type | 2017 | | | | | 2018 | |
|---|---|---|---|---|---|---|---|
| | Permits issued ** | Authorized fish (No.) | Authorized larvae (No.) | Fish kept/ discarded dead (No.) | Larvae kept (No.) | Permits Issued ** | Authorized fish (No.) ** |
| Tuna | 2 | 350 | 0 | 2 | 0 | 2 | 750 |
| SRP: | | | | | | | |
| HMS | 3 | 260 | 0 | 70 | 0 | 6 | 2,030 |
| Shark | 1 | 720 | 0 | 300 | 0 | 1 | 487 |
| Tuna | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| Display: | | | | | | | |
| HMS | 2 | 88 | 0 | 6 | 0 | 2 | 84 |
| Shark | 5 | 109 | 0 | 38 | 0 | 6 | 185 |
| Total | 21 | 1,941 | 0 | 518 | 0 | 24 | 3,698 |
| LOA: * | | | | | | | |
| Shark | 12 | 2,275 | 0 | 513 | 0 | 15 | 185 |

* LOAs acknowledge scientific research activity but do not authorize activity. Thus, the number of sharks in the authorized fish column are estimates of harvest under LOAs. Permittees are encouraged to report all fishing activities in a timely manner.

**Atlantic HMS larvae were authorized in one permit for collection but no limit on the number of larvae were set. Some shark EFPs and LOAs were issued for the purposes of tagging and the opportunistic sampling of sharks and were not expected to result in large amounts of mortality. Given this some mortality may occur throughout 2018 and will be accounted for under the 60 metric ton shark research and display quota.

Final decisions on the issuance of any EFPs, SRPs, display permits, and shark research fishery permits will depend on the submission of all required information about the proposed activities, NMFS' review of public comments received on this notice, an applicant's reporting history on past permits, if vessels or applicants were issued any prior violations of marine resource laws administered by NOAA, consistency with relevant NEPA documents, and any consultations with appropriate Regional Fishery Management Councils, states, or Federal agencies. NMFS does not anticipate any significant environmental impacts from the issuance of these EFPs, consistent with the assessment of such activities within the environmental impacts analyses in existing HMS actions, including the 1999 FMP, the 2006 Consolidated HMS FMP and its amendments, the Environmental Assessment for the 2012 Swordfish Specifications, and the Environmental Assessment for the 2015 Final Bluefin Tuna Quota and Atlantic Tuna Fisheries Management Measures.

NMFS is also planning to hold a public webinar/conference call for potential applicants to the EFP program due to requests for additional information from some of the current applicants and a need to clarify some terms and conditions and agency expectations. NMFS will present a brief overview of the program, clarify a number of issues we have encountered from applicants when they are applying for these permits, and conduct a question and answer session. Requests for language interpretation or other auxiliary aids should be directed to Craig Cockrell at 301–427–8503, at least 7 days prior to the meeting. A NMFS representative will attempt to structure the meeting so that all attending members of the public will be able to comment if they so choose. If attendees do not respect the ground rules they will be asked to leave the public webinar/conference call.

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

Dated: October 26, 2018.

**Karen H. Abrams,**

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

[FR Doc. 2018–23791 Filed 10–30–18; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF DEFENSE

### Department of the Army

### Performance Review Board Membership

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** Notice is given of the names of members of a Performance Review Board for the Department of the Army.

**DATES:** *Effective Date:* October 26, 2018.

**FOR FURTHER INFORMATION CONTACT:** Barbara Smith, Civilian Senior Leader Management Office, 111 Army Pentagon, Washington, DC 20310–0111.

**SUPPLEMENTARY INFORMATION:** Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service performance review boards. The boards shall review and evaluate the initial appraisal of senior executives' performance by supervisors and make recommendations to the appointing authority or rating official relative to the performance of these executives.

The Department of the Army Performance Review Board will be composed of a subset of the following individuals:

1. Ms. Delia A. Adams, Senior Contracting Executive, U.S. Army Installation Management Command, San Antonio, TX.
2. Ms. Lisha H. Adams, Executive Deputy to the Commanding General, U.S. Army Materiel Command, Redstone Arsenal, AL.
3. Mr. Stephen D. Austin, Assistant Chief of the Army Reserve, Office of the Chief Army Reserve, Washington, DC.
4. Mr. Mark F. Averill, Deputy Administrative Assistant to the Secretary of the Army/Director Resources & Program Agency, Office of the Administrative Assistant, Washington, DC.
5. Mr. Stephen G. Barth, Deputy Assistant Secretary of the Army (Cost And Economics), Office of the Assistant Secretary of the Army (Financial Management & Comptroller), Washington, DC.
6. LTG Scott D. Berrier, Deputy Chief of Staff, Office of the Deputy Chief of Staff G–2, Washington, DC.
7. LTG Gwendolyn Bingham, Assistant Chief of Staff for Installation Management, Office of the Assistant Chief of Staff, Installation Management, Washington, DC.
8. Ms. Carla Kay Coulson, Director, Installation Services, Assistant Chief of Staff for Installation Management, Washington, DC.
9. LTG Bruce T. Crawford, Chief Information Officer/G–6, Office of the Chief Information Officer/G–6, Washington, DC.
10. LTG Edward M. Daly, Deputy Commanding General/Chief of Staff, U.S. Army Materiel Command, Redstone Arsenal, AL.

11. Mr. John J. Daniels, Deputy Assistant Secretary for Plans, Programs and Resources, Office of the Assistant Secretary of the Army (Acquisition, Logistics & Technology), Washington, DC.

12. Ms. Karen L. Durhamaguilera, Executive Director of the Army National Cemeteries Program, Office of the Secretary of the Army, Arlington, VA.

13. Ms. Monique Y. Ferrell, Principal Deputy Auditor General, U.S. Army Audit Agency, Fort Belvoir, VA.

14. Mr. Gregory L. Garcia, Deputy Chief Information Officer, Office of the Chief Information Officer/G–6, Washington, DC.

15. Mr. Larry D. Gottardi, Director, Civilian Senior Leader Management Office, Office of the Deputy Under Secretary, Washington, DC.

16. Ms. Patricia A. Guitard, Special Advisor for Open Source Intelligence, U.S. Army Intelligence Security Command, Fort Belvoir, VA.

17. Mr. John E. Hall, Deputy to the Commanding General, U.S. Army Combined Arms Support Command, Fort Lee, VA.

18. Mr. Stuart A. Hazlett, Deputy Assistant Secretary of the Army (Procurement), Office of the Assistant Secretary of the Army (Acquisition, Logistics & Technology), Washington, DC.

19. Dr. David A. Horner, Director, Information Technology Laboratory, U.S. Army Engineer Research and Development Center, Vicksburg, MS.

20. HON R. D. James, Assistant Secretary of the Army (Civil Works), Office of the Assistant Secretary of the Army (Civil Works), Washington, DC.

21. HON Bruce D. Jette, Assistant Secretary of the Army (Acquisition, Logistics & Technology), Office of the Assistant Secretary of the Army (Acquisition, Logistics & Technology), Washington, DC.

22. Dr. Marti Jett-Tilton, Senior Research Scientist (Systems Biology), U.S. Army Medical Command, Fort Detrick, MD.

23. Mr. Thomas E. Kelly III, Deputy Under Secretary of the Army, Office of the Deputy Under Secretary, Washington, DC.

24. Ms. Krystyna M.A. Kolesar, Deputy Director, Program Analysis & Evaluation Directorate, Office of the Deputy Chief Of Staff, G–8, Washington, DC.

25. Mr. Jeffrey L. Langhout, Director for Systems Simulation, Software, and Integration, U.S. Army Research, Development, and Engineering Command, Redstone, AL.

26. Mr. Mark R. Lewis, Special Assistant to the Administrative Assistant to the Secretary of the Army, Office of the Secretary of the Army, Washington, DC.

27. Dr. George V. Ludwig, Principal Assistant for Research and Technology, U.S. Army Medical Command, Fort Detrick, MD.

28. Dr. David Markowitz, Assistant Deputy Chief of Staff for Programs, G–8, Office of the Deputy Chief of Staff, G–8, Washington, DC.

29. LTG Joseph M. Martin, Director of the Army Staff, Office of the Director of the Army Staff, Washington, DC.

30. LTG Theodore D. Martin, Deputy Commanding General/Chief of Staff, U.S. Army Training and Doctrine Command, Fort Eustis, VA.

31. Mr. Phillip E. Mcghee, Deputy Chief of Staff for Resource Management, G–8, U.S. Army Forces Command, Fort Bragg, NC.

32. HON James E. McPherson, General Counsel, Office of the General Counsel, Washington, DC.

33. Ms. Kathleen S. Miller, Assistant Deputy Chief of Staff for Operations, Office of the Deputy Chief of Staff, G–3/5/7, Washington, DC.

34. Mr. William F. Moore, Assistant Deputy Chief of Staff, G–4, Office of the Deputy Chief of Staff, G–4, Washington, DC.

35. Mr. Levator Norsworthy, Jr., Deputy General Counsel (Acquisition), Office of the General Counsel, Washington, DC.

36. LTG Paul A. Ostrowski, Military Deputy/Director, Acquisition and Contracting, Office of the Assistant Secretary of the Army (Acquisition, Logistics & Technology), Washington, DC.

37. Ms. Karen W. Pane, Director of Human Resources, U.S. Army Corps of Engineers, Washington, DC.

38. LTG Aundre F. Piggee, Deputy Chief of Staff, Office of the Deputy Chief of Staff, G–4, Washington, DC.

39. Mr. Ronald William Pontius, Deputy to Commanding General, Army Cyber Command, U.S. Army Cyber Command, Fort Belvoir, VA.

40. Mr. Michael T. Powers, Principal Deputy Assistant Secretary of the Army (Controls), Office of the Assistant Secretary of the Army (Financial Management & Comptroller), Washington, DC.

41. Mr. Jeffrey N. Rapp, Assistant Deputy Chief of Staff, G–2, Office of the Deputy Chief of Staff, G–2, Washington, DC.

42. Dr. Peter J. Reynolds, Senior Research Scientist (Physical Sciences), U.S. Army Research Laboratory, Durham, NC.

43. Ms. Anne L. Richards, The Auditor General, U.S. Army Audit Agency, Fort Belvoir, VA.

44. LTG Laura J. Richardson, Deputy Commanding General/Chief of Staff, U.S. Army Forces Command, Fort Bragg, NC.

45. Mr. J. Randall Robinson, Executive Deputy to the Commanding General, U.S. Army Installation Management Command, Fort Sam Houston, TX.

46. Dr. Paul D. Rogers, Director, U.S. Army Tank-Automotive Research, Development, and Engineering Center, Warren, MI.

47. Ms. Alexis Lasselle Ross, Deputy Assistant Secretary of the Army (Strategy and Acquisition Reform), Office of the Secretary of the Army, Washington, DC.

48. Dr. Thomas P. Russell, Deputy Assistant Secretary for Research and Technology/Chief Scientist, Office of the Assistant Secretary of the Army (Acquisition, Logistics & Technology), Washington, DC.

49. Mr. Bryan R. Samson, Deputy to the Commander, Surface Deployment and Distribution Command, U.S. Army Materiel Command, Scott Air Force Base, IL.

50. Mr. Robert J. Sander, Principal Deputy General Counsel, Office of the General Counsel, Washington, DC.

51. LTG Thomas C. Seamands, Deputy Chief of Staff, Office of the Deputy Chief of Staff, G–1, Washington, DC.

52. LTG Todd T. Semonite, Chief of Engineers/Commanding General, U.S. Army Corps of Engineers, Washington, DC.

53. Ms. Tanya M. Skeen, Executive Director, Rapid Capabilities Office, Office of the Assistant Secretary of the Army (Acquisition, Logistics & Technology), Washington, DC.

54. Ms. Cherie A. Smith, Program Executive Officer, Enterprise Information Systems, Office of the Secretary of the Army, Washington, DC.

55. Mr. Robin P. Swan, Deputy Director, Office of Business Transformation, Office of the Secretary of the Army, Washington, DC.

56. Dr. Mark B. Tischler, Senior Research Scientist (Rotorcraft Flight Dynamics and Control), U.S. Army Aviation And Missile Command, Moffett Field, CA.

57. MG Kirk F. Vollmecke, Program Executive Officer, Intelligence, Electronic Warfare, and Sensors, Office of the Secretary of the Army, Washington, DC.

58. Mr. Roy A. Wallace, Assistant Deputy Chief of Staff, Office of the Deputy Chief of Staff, G–1, Washington, DC.

59. HON Casey Wardynski, Jr., Assistant Secretary of the Army (Manpower and Reserve Affairs), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs), Washington, DC.

60. MG Michael C. Wehr, Deputy Chief of Engineers/Deputy Commanding General, U.S. Army Corps of Engineers, Washington, DC.

61. LTG Eric J. Wesley, Deputy Commanding General, Futures/Director, Army Capabilities Integration Center, U.S. Army Training and Doctrine Command, Fort Eustis, VA.

62. Dr. Bruce J. West, Senior Research Scientist (Mathematical Sciences), U.S. Army Research Laboratory, Durham, NC.

63. Mr. Jeffrey S. White, Principal Deputy Assistant Secretary of the Army (Acquisitions, Logistics & Technology), Office of the Assistant Secretary of the Army (Acquisition, Logistics & Technology), Washington, DC.

64. Mr. Marshall M. Williams, Principal Deputy Assistant Secretary of the Army (Manpower & Reserve Affairs), Office of the Assistant Secretary of the Army (Manpower & Reserve Affairs), Washington, DC.

65. Mr. John S. Willison, Deputy to the Commanding General, U.S. Army Reseearch Development and Engineering Command, U.S. Army Materiel Command, Redstone Arsenal, AL.

66. Mr. Max R. Wyche, Deputy Chief of Staff for Personnel, U.S. Army Materiel Command, Redstone Arsenal, AL.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2018–23806 Filed 10–30–18; 8:45 am]

**BILLING CODE 5001–03–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Charter Renewal of Department of Defense Federal Advisory Committees

**AGENCY:** Department of Defense.

**ACTION:** Renewal of Federal Advisory Committee.

**SUMMARY:** The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the United States Military Academy Board of Visitors (''the Board'').

**FOR FURTHER INFORMATION CONTACT:** Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

**SUPPLEMENTARY INFORMATION:** The Board's charter is being renewed, pursuant to 10 U.S.C. 4355 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(a). The Board's charter and contact information for the Board's Designated Federal Officer (DFO) can be found at *https://gsageo.force.com/FACA/apex/FACAPublicAgencyNavigation.*

The Board provides the President of the United States independent advice and recommendations on morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and any other matters relating to the Academy (the Academy) that the Board decides to consider. Pursuant to 10 U.S.C. 4355(d) and (f), the Board shall visit the Academy annually. With the approval of the Secretary of the Army, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy. The Board shall submit a written report to the President within 60 days after its annual visit to the Academy, to include the Board's views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within 60 days after the approval.

The Board is composed of no more than 15 members: (a) The Chair of the Committee on Armed Services of the Senate, or designee; (b) three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate; (c) the Chair of the Committee on Armed Services of the House of Representatives, or designee; (d) four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the Committee on Appropriations of the House of Representatives; and e. six persons designated by the President. Except for reimbursement of official Board-related travel and per diem, Board members serve without compensation.

The public or interested organizations may submit written statements to the Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Board. All written statements shall be submitted to the DFO for the Board, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: October 26, 2018.

**Aaron T. Siegel,**

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

[FR Doc. 2018–23833 Filed 10–30–18; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

### Intent To Prepare an Environmental Impact Statement for Nebraska Department of Transportation U.S. Highway 275 West Point to Scribner Project

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps) is preparing an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) for U.S. Highway 275 (US–275) West Point to Scribner Project (Project) sponsored by the Nebraska Department of Transportation (NDOT). NDOT proposes to expand US–275 from a two-lane highway to a four-lane expressway along an approximately 20-mile segment from northwest of West Point to southeast of Scribner, including a bypass around Scribner (referred to as ''Scribner Bypass''), in Cuming and Dodge Counties, Nebraska.

Construction of the Project is expected to impact jurisdictional waters of the United States, thereby requiring a Clean Water Act Section 404 permit. Additionally, NDOT is proposing to build segments of the Scribner Bypass on an existing federally authorized levee, which would require a Section 408 authorization. The Project may also affect Natural Resources Conservation Service (NRCS) Wetland Reserve Program (WRP) easements. Due to these requirements, the Corps has determined an EIS is necessary for the Project. The Corps has determined that the provisions of Executive Order 13807 (''One Federal Decision'') apply to this Project. One Federal Decision is intended to streamline federal permitting processes, including environmental reviews and authorization decisions, for major infrastructure projects.

**DATES:** A public scoping meeting will be held on Thursday, November 8, 2018 from 5:30 p.m.–7:30 p.m.

**ADDRESSES:** The public scoping meeting will be held at Mohr Auditorium located at 650 County Road 13 Boulevard, Scribner, NE 68057.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding the Project and the EIS should be addressed to Phil Rezac, Project Manager, U.S. Army Corps of Engineers, Nebraska Regulatory Office, Wehrspann Field Office, 8901 S 154th Street, Omaha, NE 68138–3621 or at (402) 896–0896; *Phil.M.Rezac@usace.army.mil.*

**SUPPLEMENTARY INFORMATION:** NDOT's stated Project purpose is to advance the Scribner to West Point segment of the Norfolk to Fremont Expressway, maximize utilization of existing transportation infrastructure and right-of-way, including connecting highways (N–9, N–32, and N–91), improve the safety and reliability of the roadway, provide a more efficient roadway that improves regional connectivity for the traveling public, including commercial traffic, in northeast Nebraska, and to fulfill the Nebraska Legislature mandates contained in Legislative Bill [LB] 632 and LB 84. The necessity for the expansion of this portion of US–275 arises from legislation, lack of connectivity between urban centers, and high average daily traffic use.

A public scoping meeting will be held Thursday, November 8, 2018 to describe why the Project is needed, preliminary alternatives, the NEPA compliance process, and to solicit input on the issues and alternatives to be evaluated and other related matters. Written comments will also be requested. The Corps has prepared handout materials and developed an EIS website to familiarize other agencies, the public, and interested organizations with the preliminary Project alternatives and potential environmental issues that may be involved. Copies of these handout materials will be available at the public scoping meeting or can be requested by mail. The EIS website can be found at *http://www.nwo.usace.army.mil/Missions/Regulatory-Program/Nebraska/.*

The Corps has invited Natural Resources Conservation Service, U.S. Environmental Protection Agency,

Federal Highway Administration, U.S. Fish and Wildlife Service, Nebraska Department of Environmental Quality, and Nebraska Game and Parks Commission to be cooperating agencies in the preparation of the EIS. Additionally, the Corps has invited the Nebraska State Historic Preservation Office and the Nebraska Department of Natural Resources to serve as commenting agencies during the preparation of the EIS.

**John L. Moeschen,**

*Nebraska State Program Manager, Regulatory Branch.*

[FR Doc. 2018–23451 Filed 10–30–18; 8:45 am]

**BILLING CODE 3720–58–P**

## DELAWARE RIVER BASIN COMMISSION

### Notice of Public Hearing and Business Meeting

November 14 and December 12, 2018

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, November 14, 2018. A business meeting will be held the following month on Wednesday, December 12, 2018. The hearing and meeting are open to the public and will take place at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pennsylvania.

*Public Hearing.* The public hearing on November 14, 2018 will begin at 1:30 p.m. Hearing items subject to the Commission's review will include draft dockets for withdrawals, discharges, and other projects that could have a substantial effect on the basin's water resources.

The list of projects scheduled for hearing, including project descriptions, will be posted on the Commission's website, *www.drbc.gov,* in a long form of this notice at least ten days before the hearing date.

Written comments on matters scheduled for hearing on November 14 will be accepted through 5 p.m. on November 19.

The public is advised to check the Commission's website periodically prior to the hearing date, as items scheduled for hearing may be postponed if additional time is deemed necessary to complete the Commission's review, and items may be added up to ten days prior to the hearing date. In reviewing docket descriptions, the public is also asked to be aware that project details commonly change in the course of the Commission's review, which is ongoing.

*Public Meeting.* The public business meeting on December 12, 2018 will begin at 10:30 a.m. and will include: Adoption of the Minutes of the Commission's September 13, 2018 Business Meeting, announcements of upcoming meetings and events, a report on hydrologic conditions, reports by the Executive Director and the Commission's General Counsel, and consideration of any items for which a hearing has been completed or is not required.

After all scheduled business has been completed and as time allows, the Business Meeting will be followed by up to one hour of Open Public Comment, an opportunity to address the Commission on any topic concerning management of the basin's water resources outside the context of a duly noticed, on-the-record public hearing.

There will be no opportunity for additional public comment for the record at the December 12 Business Meeting on items for which a hearing was completed on November 14 or a previous date. Commission consideration on December 12 of items for which the public hearing is closed may result in approval of the item (by docket or resolution) as proposed, approval with changes, denial, or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

*Advance Sign-Up for Oral Comment.* Individuals who wish to comment on the record during the public hearing on November 14 or to address the Commissioners informally during the Open Public Comment portion of the meeting on December 12 as time allows, are asked to sign-up in advance through EventBrite. Links to EventBrite for the Public Hearing and the Business Meeting are available at *www.drbc.gov.* For assistance, please contact Ms. Paula Schmitt of the Commission staff, at *paula.schmitt@drbc.gov.*

*Submitting Written Comment.* Written comment on items scheduled for hearing may be made through the Commission's web-based comment system, a link to which is provided at *www.drbc.gov.* Use of the web-based system ensures that all submissions are captured in a single location and their receipt is acknowledged. Exceptions to the use of this system are available based on need, by writing to the attention of the Commission Secretary, DRBC, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628. For assistance, please contact Paula Schmitt at *paula.schmitt@drbc.gov.*

*Accommodations for Special Needs.* Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the meeting or hearing should contact the Commission Secretary directly at 609–883–9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how we can accommodate your needs.

*Additional Information, Contacts.* Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Denise McHugh, 609–883–9500, ext. 240. For other questions concerning hearing items, please contact David Kovach, Project Review Section Manager at 609–883–9500, ext. 264.

Dated: October 24, 2018.

**Pamela M. Bush,**

*Commission Secretary and Assistant General Counsel.*

[FR Doc. 2018–23716 Filed 10–30–18; 8:45 am]

**BILLING CODE 6360–01–P**

## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2018–ICCD–0087]**

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; A Study of Reliability and Consequential Validity of a Mathematics Diagnostic Assessment System in Georgia

**AGENCY:** Institute of Education Sciences (IES), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

**DATES:** Interested persons are invited to submit comments on or before November 30, 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–0087. 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 Felicia Sanders, 202–245–6264.

**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:* A Study of Reliability and Consequential Validity of a Mathematics Diagnostic Assessment System in Georgia.

*OMB Control Number:* 1850–NEW.

*Type of Review:* A new information collection.

*Respondents/Affected Public:* Individuals or Households.

*Total Estimated Number of Annual Responses:* 44.

*Total Estimated Number of Annual Burden Hours:* 606.

*Abstract:* Several school districts in Georgia (including Forsyth and Jefferson Counties) currently use the Individual Knowledge Assessment of Number (IKAN; New Zealand Ministry of Education, 2011) and the Global Strategy Stage (GloSS; New Zealand Ministry of Education, 2012) as part of a diagnostic assessment system within their multi-tiered systems of support. The IKAN and GloSS assessments were designed for use in Grades K–8 (GaDOE, 2015).

IKAN provides information on students' number knowledge (that is, magnitude comparisons, knowledge of base 10 system and meaning of decimals and fractions), and the GloSS provides information on strategies students use when solving mathematical problems. When used together, the IKAN and GloSS assessments furnish teachers with information on how students solve mathematics problems and students' understanding of whole and rational number concepts. Teachers can then use the information from the assessments to tailor their instruction to students' levels of understanding and address problems that underlie lack of success with grade-level curriculum.

The Georgia Department of Education (GaDOE) has received positive feedback through testimonials from district-level personnel and math coaches supporting the use of IKAN/GloSS. Yet, very limited psychometric data exists to support the use of these measures. GaDOE has not conducted reliability or validity studies using its student population. While many studies have been conducted in New Zealand by the Ministry of Education, participating Georgia school districts and the GaDOE are interested in psychometric data using teachers and students in their state in the context of their state system of standards, assessments, and accountability. Thus, through the Improving Mathematics Research Alliance, the GaDOE requested REL Southeast conduct a study to determine the reliability and validity of the IKAN/GloSS diagnostic assessments.

The three research questions guiding the project relate to the inter-assessor reliability of the GloSS and IKAN assessments when administered by two assessors within a one-week period and the consequential validity of using IKAN and GloSS diagnostic assessments (that is, teachers' perception of their instructional utility for providing intervention).

Student data from the IKAN and GloSS assessments administered by teachers and mathematics coaches will be used to answer the two research questions related to the inter-assessor reliability studies.

Dated: October 25, 2018.

**Stephanie Valentine,**

*Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.*

[FR Doc. 2018–23763 Filed 10–30–18; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### Submission of Data by State Educational Agencies; Submission Dates for State Revenue and Expenditure Reports for Fiscal Year 2018, Revisions to Those Reports, and Revisions to Prior Fiscal Year Reports

**AGENCY:** National Center for Education Statistics, Institute of Education Sciences, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Secretary announces dates for State educational agencies (SEAs) to submit expenditure and revenue data and average daily attendance statistics on ED Form 2447 (the National Public Education Financial Survey (NPEFS)) for fiscal year (FY) 2018, revisions to those reports, and revisions to reports for previous fiscal years. The Secretary sets these dates to ensure that data are available to serve as the basis for timely distribution of Federal funds. The U.S. Census Bureau is the data collection agent for this request of the Department of Education's National Center for Education Statistics (NCES). The data will be published by NCES and will be used by the Secretary in the calculation of allocations for FY 2020 appropriated funds.

**DATES:** SEAs can begin submitting data on Thursday, January 31, 2019. SEAs are urged to submit accurate and complete data by Friday, March 29, 2019, to facilitate timely processing. The deadline for the final submission of all data, including any revisions to previously submitted data for FY 2017 and FY 2018, is Thursday, August 15, 2019. Any resubmissions of FY 2017 or FY 2018 data by SEAs in response to requests for clarification or reconciliation or other inquiries by NCES or the Census Bureau must be completed as soon as possible, but no later than Tuesday, September 3, 2019. All outstanding data issues must be reconciled or resolved by the SEAs, NCES, and the Census Bureau as soon as possible, but no later than September 3, 2019.

**ADDRESSES AND SUBMISSION INFORMATION:** SEAs may mail ED Form 2447 to: U.S. Census Bureau, ATTENTION: Economic Reimbursable Surveys Division, 4600 Silver Hill Road, Suitland, MD 20746.

If an SEA's submission is received by the Census Bureau after August 15, 2019, the SEA must show one of the following as proof that the submission was mailed on or before that date:

1. A legibly dated U.S. Postal Service postmark.

2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

3. A dated shipping label, invoice, or receipt from a commercial carrier.

4. Any other proof of mailing acceptable to the Secretary.

If the SEA mails ED Form 2447 through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

1. A private metered postmark.

2. A mail receipt that is not dated by the U.S. Postal Service.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an SEA should check with its local post office.

SEAs may submit data online using the interactive survey form on the NPEFS data collection website at: *http://surveys.nces.ed.gov/ccdnpefs.* The NPEFS interactive survey includes a digital confirmation page where a personal identification number (PIN) may be entered. A successful entry of the PIN serves as a signature by the authorizing official. Alternatively, a certification form also may be printed from the website, signed by the authorizing official, and mailed to the Economic Reimbursable Surveys Division of the Census Bureau at the Washington, DC, address provided above, within five business days after submission of the NPEFS web interactive form.

Alternatively, SEAs may hand-deliver submissions by 4:00 p.m. Washington, DC, time on August 15, 2019, to: U.S. Census Bureau, Economic Reimbursable Surveys Division, 4600 Silver Hill Road, Suitland, MD 20746.

**FOR FURTHER INFORMATION CONTACT:** Stephen Q. Cornman, NPEFS Project Director, National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education. Telephone: (202) 245–7753. Email: *stephen.cornman@ed.gov.* You may also contact an NPEFS team member at the Census Bureau. Telephone: 1–800–437–4196 or (301) 763–1571. Email: *erd.npefs.list@census.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** Under section 153(a)(1)(I) of the Education Sciences Reform Act of 2002, 20 U.S.C. 9543(a)(1)(I), which authorizes NCES to gather data on the financing and management of education, NCES collects data annually from SEAs through ED Form 2447. The report from SEAs includes attendance, revenue, and expenditure data from which NCES determines a State's ''average per-pupil expenditure'' (SPPE) for elementary and secondary education, as defined in section 8101(2) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 7801(2)).

In addition to using the SPPE data as general information on the financing of elementary and secondary education, the Secretary uses these data directly in calculating allocations for certain formula grant programs, including, but not limited to, title I, part A, of the ESEA, Impact Aid, and Indian Education programs. Other programs, such as the Education for Homeless Children and Youth program under title VII of the McKinney-Vento Homeless Assistance Act, and the Student Support and Academic Enrichment Grants under title IV, part A of the ESEA make use of SPPE data indirectly because their formulas are based, in whole or in part, on State title I, part A, allocations.

In January 2019, the Census Bureau, acting as the data collection agent for NCES, will email ED Form 2447 to SEAs, with instructions, and will request that SEAs commence submitting FY 2018 data to the Census Bureau on Thursday, January 31, 2019. SEAs are urged to submit accurate and complete data by Friday, March 29, 2019, to facilitate timely processing.

Submissions by SEAs to the Census Bureau will be analyzed for accuracy and returned to each SEA for verification. SEAs must submit all data, including any revisions to FY 2017 and FY 2018 data, to the Census Bureau no later than Thursday, August 15, 2019. Any resubmissions of FY 2017 or FY 2018 data by SEAs in response to requests for clarification or reconciliation or other inquiries by NCES or the Census Bureau must be completed by Tuesday, September 3, 2019. Between August 15, 2019, and September 3, 2019, SEAs may also, on their own initiative, resubmit data to resolve issues not addressed in their final submission of NPEFS data by August 15, 2019. All outstanding data issues must be reconciled or resolved by the SEAs, NCES, and the Census Bureau as soon as possible, but no later than September 3, 2019.

In order to facilitate timely submission of data, the Census Bureau will send reminder notices to SEAs in June and July of 2019.

Having accurate, consistent, and timely information is critical to an efficient and fair Department of Education (Department) allocation process and to the NCES statistical process. To ensure timely distribution of Federal education funds based on the best, most accurate data available, the Department establishes, for program funding allocation purposes, Thursday, August 15, 2019, as the final date by which the SEAs must submit data using either the interactive survey form on the NPEFS data collection website at: *http://surveys.nces.ed.gov/ccdnpefs* or ED Form 2447.

Any resubmissions of FY 2017 or FY 2018 data by SEAs in response to requests for clarification or reconciliation or other inquiries by NCES or the Census Bureau must be completed through the interactive survey form on the NPEFS data collection website or ED Form 2447 by Tuesday, September 3, 2019. If an SEA submits revised data after the final deadline that result in a lower SPPE figure, the SEA's allocations may be adjusted downward, or the Department may direct the SEA to return funds. SEAs should be aware that all of these data are subject to audit and that, if any inaccuracies are discovered in the audit process, the Department may seek recovery of overpayments for the applicable programs.

**Note:** The following are important dates in the data collection process for FY 2018 data and revisions to reports for previous fiscal years:

| Date | Activity |
|---|---|
| January 31, 2019 | SEAs can begin to submit accurate and complete data for FY 2018 and revisions to previously submitted data for FY 2017. |
| March 29, 2019 | Date by which SEAs are urged to submit accurate and complete data for FY 2017 and FY 2018. |
| August 15, 2019 | Mandatory final submission date for FY 2017 and FY 2018 data to be used for program funding allocation purposes. |
| September 3, 2019 | Mandatory final deadline for responses by SEAs to requests for clarification or reconciliation or other inquiries by NCES or the Census Bureau. All data issues must be resolved. |

*Accessible Format:* Individuals with disabilities may obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to: Stephen Q. Cornman, NPEFS Project Director, National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education. Telephone: (202) 245–7753. Email: *stephen.cornman@ed.gov.*

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register.** You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Authority:** 20 U.S.C. 9543.

Dated: October 26, 2018.

**Mark Schneider,**

*Director of the Institute of Education Sciences.*

[FR Doc. 2018–23834 Filed 10–30–18; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Hydrogen and Fuel Cell Technical Advisory Committee (HTAC)

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces an open meeting of the Hydrogen and Fuel Cell Technical Advisory Committee (HTAC). The Federal Advisory Committee Act requires notice of the meeting be announced in the **Federal Register**.

**DATES:** Wednesday, December 12, 2018, 8:30 a.m.–5:15 p.m.; Thursday, December 13, 2018, 8:30 a.m.–12:00 p.m.

**ADDRESSES:** National Renewable Energy Laboratory, 901 D Street SW, Suite 930, Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Email: *HTAC@nrel.gov* or at the mailing address: Shawna McQueen, Designated Federal Officer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, EE–3F, Washington, DC 20585.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Committee:* The Hydrogen and Fuel Cell Technical Advisory Committee (HTAC) was established under section 807 of the Energy Policy Act of 2005 (EPACT), Public Law 109–58; 119 Stat. 849, to provide advice and recommendations to the Secretary of Energy on the program authorized by Title VIII of EPACT.

*Tentative Agenda:* (updates will be posted on the web at: *http://hydrogen.energy.gov/advisory_htac.html*).

- HTAC Business (including public comment period)
- DOE Leadership Updates
- Program and Budget Updates
- Updates from Federal/State Governments and Industry
- HTAC Subcommittee Updates
- Open Discussion Period

*Public Participation:* The meeting is open to the public. Individuals who would like to attend and/or to make oral statements during the public comment period must register no later than 5:00 p.m. on Monday, December 3, 2018, by email at *HTAC@nrel.gov.* Entry to the meeting room will be restricted to those who have confirmed their attendance in advance. Please provide your name, organization, citizenship, and contact information. Anyone attending the meeting will be required to present government-issued identification. Those wishing to make a public comment are required to register. The public comment period will take place between 8:30 a.m. and 9:00 a.m. on December 12, 2018. Time allotted per speaker will depend on the number who wish to speak but will not exceed five minutes. Those not able to attend the meeting or have insufficient time to address the committee are invited to send a written statement to *HTAC@nrel.gov.*

*Minutes:* The minutes of the meeting will be available for public review at *http://hydrogen.energy.gov/advisory_htac.html.*

Signed in Washington, DC, on October 26, 2018.

**LaTanya Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2018–23811 Filed 10–30–18; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Agency Information Collection Reinstatement, With Change

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice and request for comments.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Department of Energy (DOE) will submit a request to the Office of Management and Budget (OMB) to review and approve a reinstatement, with change, of a previously approved information collection for which approval has expired regarding reports required pursuant to the Technology Transfer Commercialization Act of 2000.

**DATES:** Comments regarding this proposed information collection must be received on or before December 31, 2018. If you anticipate difficulty in submitting comments within that period, please contact Phillip Harmonick, Attorney-Examiner, Office of Hearings and Appeals, as listed below, as soon as possible.

**ADDRESSES:** Written comments may be sent to Phillip Harmonick, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; by fax at (202) 287–1415, or by email at *phillip.harmonick@hq.doe.gov.* Please refer to OMB Control No. 1910–5118 in all correspondence.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Phillip Harmonick at the address listed in **ADDRESSES**.

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

DOE's Alternative Dispute Resolution Office is one of four entities required by the Technology Transfer Commercialization Act of 2000 to collect reports from technology partnership ombudsmen at each DOE national laboratory. These reports are intended to demonstrate the extent to which each national laboratory has incorporated alternative dispute resolution techniques into its respective technology transfer program.

**B. Annual Reporting Burden**

DOE has previously collected reports from ombudsmen using a one-page form. DOE proposes replacing the existing form with a quarterly email concerning the number, nature, and resolution of disputes raised, in a format prescribed by DOE, from each technology partnership ombudsman.

The following estimates of the annual reporting burden reflect a reduced burden on the public:

*Respondents:* 17.
*Responses per Respondent:* 4.
*Annual Responses:* 68.
*Estimated Hours per Response:* 0.25.
*Estimated Annual Burden Hours:* 17.
*Estimated Cost per Hour:* $50.
*Estimated Startup and Maintenance Costs:* $0.
*Estimated Annual Reporting Cost Burden:* $850.

**C. Public Comments**

*Comments are particularly invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Requesters may obtain a copy of the information collection document from Phillip Harmonick at the address listed in **ADDRESSES**.

**Statutory Authority:** Section 11 of the Technology Transfer Commercialization Act of 2000, Public Law 106–404, codified at 42 U.S.C. 7261c(c)(3)(C).

Signed in Washington, DC, on October 25, 2018.

**Poli Marmolejos,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 2018–23809 Filed 10–30–18; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER17–814–002; ER17–815–002; ER17–816–002; ER10–2606–013.

*Applicants:* Verso Energy Services LLC, Verso Luke LLC, Verso Escanaba LLC, Consolidated Water Power Company.

*Description:* Supplement to June 29, 2018 Updated Market Power Analysis of the Verso Market-Based Rate Entities for Central Region.

*Filed Date:* 10/23/18.
*Accession Number:* 20181023–5373.
*Comments Due:* 5 p.m. ET 11/13/18.

*Docket Numbers:* ER18–2495–002.
*Applicants:* PacifiCorp.
*Description:* Tariff Amendment: Amendment 2 to SA 907 Orion Wind E&P to be effective 9/19/2018.
*Filed Date:* 10/24/18.
*Accession Number:* 20181024–5102.
*Comments Due:* 5 p.m. ET 11/14/18.

*Docket Numbers:* ER19–168–000.
*Applicants:* Midcontinent Independent System Operator, Inc., ALLETE, Inc.
*Description:* § 205(d) Rate Filing: 2018–10–23_SA 3195 MP–GRE T–L IA (Shoal Lake) to be effective 10/24/2018.
*Filed Date:* 10/23/18.
*Accession Number:* 20181023–5288.
*Comments Due:* 5 p.m. ET 11/13/18.

*Docket Numbers:* ER19–169–000.
*Applicants:* ISO New England Inc., New England Power Pool Participants Committee.
*Description:* § 205(d) Rate Filing: ISO–NE and NEPOOL; Filing re CSO Cover Changes to be effective 12/24/2018.
*Filed Date:* 10/23/18.
*Accession Number:* 20181023–5303.
*Comments Due:* 5 p.m. ET 11/13/18.

*Docket Numbers:* ER19–170–000.
*Applicants:* Gateway Energy Storage, LLC.
*Description:* Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 10/24/2018.
*Filed Date:* 10/23/18.
*Accession Number:* 20181023–5334.
*Comments Due:* 5 p.m. ET 11/13/18.

*Docket Numbers:* ER19–171–000.
*Applicants:* Southwestern Electric Power Company.
*Description:* § 205(d) Rate Filing: Amended and Restated NTEC PSA to be effective 5/31/2018.
*Filed Date:* 10/23/18.
*Accession Number:* 20181023–5336.
*Comments Due:* 5 p.m. ET 11/13/18.

*Docket Numbers:* ER19–172–000.
*Applicants:* Southern California Edison Company.
*Description:* § 205(d) Rate Filing: Amended CLGIA Mammoth Pacific Casa Diablo 4—ITCC to be effective 1/1/2018.
*Filed Date:* 10/24/18.
*Accession Number:* 20181024–5000.
*Comments Due:* 5 p.m. ET 11/14/18.

*Docket Numbers:* ER19–173–000.
*Applicants:* Southern California Edison Company.
*Description:* § 205(d) Rate Filing: Amended LGIAs under TO Tariff—ITCC to be effective 1/1/2018.
*Filed Date:* 10/24/18.
*Accession Number:* 20181024–5001.
*Comments Due:* 5 p.m. ET 11/14/18.

*Docket Numbers:* ER19–174–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: Amendment to WMPA SA No. 4503; Queue No. AB1–166 to be effective 6/27/2016.
*Filed Date:* 10/24/18.
*Accession Number:* 20181024–5031.
*Comments Due:* 5 p.m. ET 11/14/18.

*Docket Numbers:* ER19–175–000.
*Applicants:* Midcontinent Independent System Operator, Inc., ALLETE, Inc.
*Description:* § 205(d) Rate Filing: 2018–10–24_SA 3197 MP–GRE T–L IA (Pokegama) to be effective 10/25/2018.
*Filed Date:* 10/24/18.
*Accession Number:* 20181024–5052.
*Comments Due:* 5 p.m. ET 11/14/18.

*Docket Numbers:* ER19–176–000.
*Applicants:* Midcontinent Independent System Operator, Inc., ALLETE, Inc.
*Description:* § 205(d) Rate Filing: 2018–10–24_SA 3196 MP–GRE T–L IA (Shingobee) to be effective 10/25/2018.
*Filed Date:* 10/24/18.
*Accession Number:* 20181024–5057.
*Comments Due:* 5 p.m. ET 11/14/18.

*Docket Numbers:* ER19–177–000.
*Applicants:* Midcontinent Independent System Operator, Inc., ALLETE, Inc.
*Description:* § 205(d) Rate Filing: 2018–10–24_SA 3198 MP–GRE T–L IA (Hill City) to be effective 10/25/2018.
*Filed Date:* 10/24/18.
*Accession Number:* 20181024–5061.
*Comments Due:* 5 p.m. ET 11/14/18.

*Docket Numbers:* ER19–178–000.
*Applicants:* PACE RENEWABLE ENERGY 1 LLC.
*Description:* Baseline eTariff Filing: MBRA Tariff to be effective 10/25/2018.
*Filed Date:* 10/24/18.
*Accession Number:* 20181024–5067.
*Comments Due:* 5 p.m. ET 11/14/18.

*Docket Numbers:* ER19–179–000.
*Applicants:* California Independent System Operator Corporation.
*Description:* § 205(d) Rate Filing: 2018–10–24 Transferred Frequency Response Agreement with Bonneville to be effective 12/1/2018.
*Filed Date:* 10/24/18.
*Accession Number:* 20181024–5091.
*Comments Due:* 5 p.m. ET 11/14/18.

*Docket Numbers:* ER19–180–000.
*Applicants:* Metcalf Energy Center, LLC.
*Description:* Tariff Cancellation: Termination of Rate Schedule FERC No. 1 to be effective 12/31/2018.
*Filed Date:* 10/24/18.
*Accession Number:* 20181024–5103.

*Comments Due:* 5 p.m. ET 11/14/18.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES19–3–000.

*Applicants:* New Hampshire Transmission, LLC.

*Description:* Application for Authorization of Issuance of Long-Term Debt Securities under Section 204 of the Federal Power Act, et al. of New Hampshire Transmission, LLC.

*Filed Date:* 10/24/18.

*Accession Number:* 20181024–5045.

*Comments Due:* 5 p.m. ET 11/14/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 24, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018–23766 Filed 10–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER19–178–000]**

### Pace Renewable Energy 1 LLC: Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of PACE RENEWABLE ENERGY 1 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is November 14, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 25, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018–23767 Filed 10–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

**Filings Instituting Proceedings**

*Docket Numbers:* RP19–115–000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing: Negotiated Rate—Direct Energy 8953561 to be effective 11/1/2018.

*Filed Date:* 10/24/18.

*Accession Number:* 20181024–5023.

*Comments Due:* 5 p.m. ET 11/5/18.

*Docket Numbers:* RP19–116–000.

*Applicants:* DTE Midstream Appalachia, LLC.

*Description:* § 4(d) Rate Filing: Tariff Filing in Compliance Comm Order CP17–409 to be effective 11/30/2018.

*Filed Date:* 10/24/18.

*Accession Number:* 20181024–5130.

*Comments Due:* 5 p.m. ET 11/5/18.

*Docket Numbers:* RP19–117–000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing: PCB TETLP DEC 2018 Filing to be effective 12/1/2018.

*Filed Date:* 10/24/18.

*Accession Number:* 20181024–5132.

*Comments Due:* 5 p.m. ET 11/5/18.

*Docket Numbers:* RP19–118–000.

*Applicants:* Natural Gas Pipeline Company of America.

*Description:* § 4(d) Rate Filing: Negotiated Rate Agreement-CapacityRelease Macquarie to be effective 10/24/2018.

*Filed Date:* 10/24/18.

*Accession Number:* 20181024–5146.

*Comments Due:* 5 p.m. ET 11/5/18.

*Docket Numbers:* RP19–119–000.

*Applicants:* Southern LNG Company, L.L.C.

*Description:* § 4(d) Rate Filing: SLNG Electric Power Cost Adjustment—2018 to be effective 12/1/2018.

*Filed Date:* 10/25/18.

*Accession Number:* 20181025–5018.

*Comments Due:* 5 p.m. ET 11/6/18.

*Docket Numbers:* RP19–120–000.

*Applicants:* OkTex Pipeline Company, L.L.C.

*Description:* Pre-Arranged/Pre-Agreed (Petition for Approval of Settlement) Filing, et al. of OkTex Pipeline Company, L.L.C. under RP19–120.

*Filed Date:* 10/24/18.

*Accession Number:* 20181024–5191.

*Comments Due:* 5 p.m. ET 11/5/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern

time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 25, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018–23774 Filed 10–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. AC19–9–000]**

### Notice of Filing; Avista Corporation

Take notice that on October 17, 2018, Avista Corporation filed a request approval for electric companies to use Account 439, authorized by the Financial Accounting Standards Board.

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. Anyone filing a motion to intervene or protest must serve a copy of that document on 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.

*Comments:* 5:00 p.m. Eastern Time on November 16, 2018.

Dated: October 25, 2018.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2018–23768 Filed 10–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project Nos. 2391–048, 2425–054, 2509–048]**

### Notice of Intent To File License Application, Filing of Pre-Application Document, Approving Use of the Traditional Licensing Process; PE Hydro Generation, LLC

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project Nos.:* 2391–048, 2425–054, and 2509–048.

c. *Date Filed:* August 31, 2018.

d. *Submitted by:* PE Hydro Generation, LLC.

e. *Names and Locations of Projects:* Warren Hydroelectric Project No. 2391, located on the Shenandoah River, in Warren County, Virginia. Luray and Newport Hydroelectric Project No. 2425, located on the South Fork of the Shenandoah River, in Page County, Virginia. Shenandoah Hydroelectric Project No. 2509, located on the South Fork of the Shenandoah River in Page and Rockingham Counties, Virginia.

f. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

g. *Potential Applicant Contact:* Ms. Jody Smet, Cube Hydro Carolinas, 2 Bethesda Metro Center, Suite 1330, Bethesda, MD 20814; (804) 739–0654; email—*jsmet@cubecarolinas.com.*

h. *FERC Contact:* Jody Callihan at (202) 502–8278; or email at *jody.callihan@ferc.gov.*

i. PE Hydro Generation, LLC filed its request to use the Traditional Licensing Process on August 31, 2018, and provided public notice of its request on September 13, 2018. In a letter dated October 25, 2018, the Director of the Division of Hydropower Licensing approved PE Hydro Generation, LLC's request to use the Traditional Licensing Process.

j. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Virginia State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

k. With this notice, we are designating PE Hydro Generation, LLC as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

l. PE Hydro Generation, LLC filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

m. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (*http://www.ferc.gov*), using the eLibrary link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502- 8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph g.

n. The licensee states its unequivocal intent to submit an application for new licenses for Project Nos. 2391, 2425, and 2509. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for licenses for these projects must be filed by December 31, 2021.

o. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: October 25, 2018.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2018–23771 Filed 10–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

**Filings Instituting Proceedings**

*Docket Numbers:* RP19–110–000.

*Applicants:* Sea Robin Pipeline Company, LLC.

*Description:* § 4(d) Rate Filing: Sea Robin Housekeeping to be effective 11/23/2018.

*Filed Date:* 10/23/18.

*Accession Number:* 20181023–5063.

*Comments Due:* 5 p.m. ET 11/5/18.

*Docket Numbers:* RP19–111–000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing: Negotiated Rate—Entergy 911521 to be effective 12/1/2018.

*Filed Date:* 10/23/18.

*Accession Number:* 20181023–5193.

*Comments Due:* 5 p.m. ET 11/5/18.

*Docket Numbers:* RP19–112–000.

*Applicants:* Rockies Express Pipeline LLC.

*Description:* § 4(d) Rate Filing: Neg Rate 2018–10–23 CP, Encana to be effective 10/23/2018.

*Filed Date:* 10/23/18.

*Accession Number:* 20181023–5243.

*Comments Due:* 5 p.m. ET 11/5/18.

*Docket Numbers:* RP19–113–000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* § 4(d) Rate Filing: 102318 Negotiated Rates—Mieco Inc. R–7080–06 to be effective 11/1/2018.

*Filed Date:* 10/23/18.

*Accession Number:* 20181023–5248.

*Comments Due:* 5 p.m. ET 11/5/18.

*Docket Numbers:* RP19–114–000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* § 4(d) Rate Filing: 102318 Negotiated Rates—Mieco Inc. R–7080–05 to be effective 11/1/2018.

*Filed Date:* 10/23/18.

*Accession Number:* 20181023–5249.

*Comments Due:* 5 p.m. ET 11/5/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 24, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018–23759 Filed 10–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC19–9–000.

*Applicants:* CPV Fairview, LLC, Russell City Energy Company, LLC, Caledonia Generating, LLC.

*Description:* Notification of Change of GE Capital Global Holdings, LLC in October 11, 2018 Request for Authorization under Section 203 of the Federal Power Act.

*Filed Date:* 10/25/18.

*Accession Number:* 20181025–5045.

*Comments Due:* 5 p.m. ET 11/5/18.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER18–2328–001.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* Tariff Amendment: 2018–10–24_Interconnection Agr 2nd Amendment to Update Pro Forma Language to be effective 3/15/2018.

*Filed Date:* 10/24/18.

*Accession Number:* 20181024–5129.

*Comments Due:* 5 p.m. ET 11/14/18.

*Docket Numbers:* ER19–181–000.

*Applicants:* MidAmerican Energy Company.

*Description:* § 205(d) Rate Filing: Remote LBA Gen. Interchange Agt. (Ivester Wind) to be effective 9/10/2018.

*Filed Date:* 10/24/18.

*Accession Number:* 20181024–5148.

*Comments Due:* 5 p.m. ET 11/14/18.

*Docket Numbers:* ER19–182–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2018–10–25_SA 3190 Alta Farms Wind-Ameren Illinois GIA (J474) to be effective 10/15/2018.

*Filed Date:* 10/25/18.

*Accession Number:* 20181025–5042.

*Comments Due:* 5 p.m. ET 11/15/18.

*Docket Numbers:* ER19–183–000.

*Applicants:* NorthWestern Corporation.

*Description:* § 205(d) Rate Filing: Revised Standard LGIA (Montana) to Remove Appendix G pursuant to Order No. 827 to be effective 12/26/2018.

*Filed Date:* 10/25/18.

*Accession Number:* 20181025–5058.

*Comments Due:* 5 p.m. ET 11/15/18.

*Docket Numbers:* ER19–184–000.

*Applicants:* NorthWestern Corporation.

*Description:* Notice of Cancellation of Service Agreement No. 247 of Northwestern Corporation.

*Filed Date:* 10/25/18.

*Accession Number:* 20181025–5059.

*Comments Due:* 5 p.m. ET 11/15/18.

*Docket Numbers:* ER19–185–000.

*Applicants:* NorthWestern Corporation.

*Description:* § 205(d) Rate Filing: Revised LGIA (South Dakota) to remove

Appendix G pursuant to Order No. 827 to be effective 12/26/2018.

*Filed Date:* 10/25/18.

*Accession Number:* 20181025–5066.

*Comments Due:* 5 p.m. ET 11/15/18.

*Docket Numbers:* ER19–186–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2018–10–25_SA 3199 ATC–WPL EFCA (Northern Lights) to be effective 12/25/2018.

*Filed Date:* 10/25/18.

*Accession Number:* 20181025–5071.

*Comments Due:* 5 p.m. ET 11/15/18.

*Docket Numbers:* ER19–187–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: 3rd Quarterly 2018 Revisions to OA, Sch. 12 and RAA, Sch. 17 Members Lists to be effective 9/30/2018.

*Filed Date:* 10/25/18.

*Accession Number:* 20181025–5072.

*Comments Due:* 5 p.m. ET 11/15/18.

*Docket Numbers:* ER19–188–000.

*Applicants:* California Independent System Operator Corporation.

*Description:* § 205(d) Rate Filing: 2018–10–25 Transferred Frequency Response Agreement with Powerex Corp. to be effective 12/1/2018.

*Filed Date:* 10/25/18.

*Accession Number:* 20181025–5076.

*Comments Due:* 5 p.m. ET 11/15/18.

*Docket Numbers:* ER19–189–000.

*Applicants:* Gilroy Energy Center, LLC.

*Description:* § 205(d) Rate Filing: Revised RMR Agreement Filing to be effective 1/1/2019.

*Filed Date:* 10/25/18.

*Accession Number:* 20181025–5111.

*Comments Due:* 5 p.m. ET 11/15/18.

*Docket Numbers:* ER19–190–000.

*Applicants:* California Independent System Operator Corporation.

*Description:* § 205(d) Rate Filing: 2018–10–25 Transferred Frequency Response Agreement with City of Seattle to be effective 12/1/2018.

*Filed Date:* 10/25/18.

*Accession Number:* 20181025–5144.

*Comments Due:* 5 p.m. ET 11/15/18.

Take notice that the Commission received the following electric reliability filings:

*Docket Numbers:* RD19–1–000.

*Applicants:* North American Electric Reliability Corporation.

*Description:* Filing of the North American Electric Reliability Corporation for revisions to the Implementation Plans for MOD–026–1 and MOD–027–1 Reliability Standards.

*Filed Date:* 10/12/18.

*Accession Number:* 20181012–5113.

*Comments Due:* 5 p.m. ET 11/15/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 25, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018–23741 Filed 10–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project Nos. 14858–001 and 4093–035]**

### Notice of Availability of Environmental Assessment; McMahan Hydroelectric, LLC

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 the Bynum Hydroelectric Project, located on the Haw River, in Chatham County, North Carolina, and has prepared an Environmental Assessment (EA) for the project. The project would not occupy federal land.

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* toll-free at (866) 208–3676, or (202) 502–8659 (TTY).

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days of the issuance date of the EA or by November 24, 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–14858–001.

For further information, please contact Sean Murphy by telephone at (202) 502–6145 or by email at *sean.murphy@ferc.gov.*

Dated: October 25, 2018.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2018–23772 Filed 10–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. IC18–18–000]**

### Commission Information Collection Activities (FERC–545 and FERC–549C); Consolidated Comment Request; Extension

**AGENCY:** Federal Energy Regulatory Commission, Department of Energy.

**ACTION:** Comment request.

**SUMMARY:** In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is submitting its information collections FERC–545 [Gas Pipeline Rates: Rate Change (Non-formal)] and FERC–549C (Standards for Business Practices of Interstate Natural

Gas Pipelines) to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission previously issued a Notice in the **Federal Register** on August 16, 2018, requesting public comments. The Commission received no comments on either the FERC–545 or the FERC–549C and will make this notation in its submittals to OMB.

**DATES:** Comments on the collections of information are due by November 30, 2018.

**ADDRESSES:** Comments filed with OMB, identified by the OMB Control No. 1902–0154 (FERC–545) and 1902–0174 (FERC–549C), should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–8528.

A copy of the comments should also be sent to the Commission, in Docket No. IC18–18–000, by either of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

*Instructions:* All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

*Docket:* Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

**FOR FURTHER INFORMATION CONTACT:** Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

**SUPPLEMENTARY INFORMATION:**

**FERC–545, Gas Pipeline Rates: Rate Change (Non-formal)**

*Title:* FERC–545, Gas Pipeline Rates: Rate Change (Non-formal).

*OMB Control No.:* 1902–0154.

*Type of Request:* Three-year extension of the FERC–545 information collection requirements with no changes to the current reporting requirements.

*Abstract:* FERC–545 is required to implement sections 4, 5, and 16 of the Natural Gas Act (NGA), (15 U.S.C. 717c–717o, Pub. L. 75688, 52 Stat. 822 and 830). NGA sections 4, 5, and 16 authorize the Commission to inquire into rate structures and methodologies and to set rates at a just and reasonable level. Specifically, a natural gas company must obtain Commission authorization for all rates and charges made, demanded, or received in connection with the transportation or sale of natural gas in interstate commerce.

Under the NGA, a natural gas company's rates must be just and reasonable and not unduly discriminatory or preferential. The Commission may act under different sections of the NGA to effect a change in a natural gas company's rates. When the Commission reviews rate increases that a natural gas company has proposed, it is subject to the requirement of section 4(e) of the NGA. Under section 4(e), the natural gas company bears the burden of proving that its proposed rates are just and reasonable. On the other hand, when the Commission seeks to impose its own rate determination, it must do so in compliance with section 5(a) of the NGA. Under section 5, the Commission must first establish that its alternative rate proposal is both just and reasonable.

Section 16 of the NGA states that the Commission ''shall have the power to perform any and all acts, and to prescribe, issue, make, amend, and rescind such orders, rules, and regulations as it may find necessary or appropriate to carry out provisions of [the NGA].'' In other words, section 16 of the NGA grants the Commission the power to define accounting, technical and trade terms, prescribe forms, statements, declarations or reports, and to prescribe rules and regulations.

Pipelines adjust their tariffs to meet market and customer needs. The Commission's review of these proposed changes is required to ensure rates remain just and reasonable and that services are not provided in an unduly or preferential manner. The Commission's regulations in 18 CFR part 154 specify what changes are allowed and the procedures for requesting Commission approval.

The Commission uses information in FERC–545 to examine rates, services, and tariff provisions related to natural gas transportation and storage services. The following filing categories are part of FERC–545: (1) Tariff Filings—filings regarding proposed changes to a pipeline's tariff (including Cost Recovery Mechanisms for Modernization of Natural Gas Facilities filings in Docket No. PL15–1) and any related compliance filings; (2) Rate Filings—rate-related filings under NGA sections 4 and 5 and any related compliance filings and settlements; (3) Informational Reports; (4) Negotiated Rate and Non-Conforming Agreement Filings; and (6) Market-Based Rates for Storage Filings (Part 284.501–505). One-time compliance filings mandated in Order No. 587–W (Docket Nos. RM96–1–038 and RM14–2–003) and Order No. 801 (Docket No. RM14–21–000) are excluded from this data collection renewal.

*Type of Respondents:* Natural gas pipelines under the jurisdiction of NGA.

*Estimate of Annual Burden:* [1] The Commission estimates the annual public reporting burden and cost for the information collection as:

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

FERC–545—GAS PIPELINE RATES: RATE CHANGE (NON-FORMAL)

| | Number of respondents (1) | Average number of responses per respondent (2) = (3) ÷ (1) [2] | Total number of responses (3) | Average burden hours and cost ($) (rounded) per response [3] [4] (4) | Total annual burden hours and total annual cost ($) (rounded) (3) * (4) = (5) | Cost per respondent ($) (rounded) [5] (5) ÷ (1) |
|---|---|---|---|---|---|---|
| Tariff Filings | 124 | 2.597 | 322 | 211 hrs.; $24,054 | 67,942 hrs.; $7,745,388 | $62,463 |
| Rate Filings | 17 | 1.412 | 24 | 354 hrs.; $40,356 | 8,496 hrs.; $968,544 | 56,973 |
| Informational Reports | 101 | 2.347 | 237 | 235 hrs.; $26,790 | 55,695 hrs.; $6,349,230 | 62,864 |
| Negotiated Rates & Non-Conforming Agreement Filings. | 65 | 9.923 | 645 | 233 hrs.; $26,562 | 150,285 hrs.; $17,132,490 | 263,577 |
| Market-Base Rates for Storage Filings. | 4 | 1 | 4 | 230 hrs.; $26,220 | 920 hrs.; $104,880 | 26,220 |
| Total | | | 1,232 | | 283,338 hrs.; $32,300,532 | |

**FERC–549C, Standards for Business Practices of Interstate Natural Gas Pipelines**

*OMB Control No.:* 1902–0174.

*Abstract:* The business practice standards under FERC–549C are required to carry out the Commission's policies in accordance with the general authority in sections 4, 5, 7, 8, 10, 14, 16, and 20 of the Natural Gas Act (NGA), [6] and sections 311, 501, and 504 of the Natural Gas Policy Act of 1978 (NGPA). [7] The Commission adopted these business practice standards in order to update and standardize the natural gas industry's business practices and procedures in addition to improve the efficiency of the gas market and the means by which the gas industry conducts business across the interstate pipeline grid.

In various orders since 1996, the Commission has adopted regulations to standardize the business practices and communication methodologies of interstate natural gas pipelines. These standards were proposed by the North American Energy Standards Board (NAESB [8]) in order to create a more integrated and efficient pipeline industry.[9] Generally, when and if NAESB-proposed standards (*e.g.* consensus standards developed by the Wholesale Gas Quadrant (WGQ)) are approved by the Commission, the Commission incorporates them by reference into its approval. The process of standardizing business practices in the natural gas industry began with a Commission initiative to standardize electronic communication of capacity release transactions. The outgrowth of the initial Commission standardization efforts produced working groups composed of all segments of the natural gas industry and, ultimately, the Gas Industry Standards Board (GISB), a consensus organization open to all members of the gas industry, was created. GISB was succeeded by NAESB.

NAESB is a voluntary non-profit organization comprised of members from the retail and wholesale natural gas and electric industries. NAESB's mission is to take the lead in developing standards across these industries to simplify and expand electronic communication and to streamline business practices. NAESB's core objective is to facilitate a seamless North American marketplace for natural gas, as recognized by its customers, the business community, industry participants, and regulatory bodies.

NAESB has divided its efforts among four quadrants including two retail quadrants, a wholesale electric quadrant, and the WGQ. The NAESB WGQ standards are a product of this effort. Industry participants seeking additional or amended standards (to include principles, definitions, standards, data elements, process descriptions, and technical implementation instructions) must submit a request to the NAESB office, detailing the change, so that the appropriate process may take place to amend the standards.

Failure to collect the FERC–549C data would prevent the Commission from monitoring and properly evaluating pipeline transactions and/or meeting statutory obligations under both the NGA and NGPA.

*Type of Respondent:* Natural gas pipelines under the jurisdictions of NGA and NGPA.

*Estimate of Annual Burden:* The Commission estimates the annual public reporting burden and cost for the information collection as:

[2] The average number of responses per respondent was calculated by dividing the total number of responses (Column 3) in each category by the number of respondents (Column 1).

[3] The estimated hourly cost (salary plus benefits) provided in this section is based on the salary figures (*http://www.bls.gov/oes/current/naics2_22.htm*) and benefits (*http://www.bls.gov/news.release/ecec.nr0.htm*) for May 2017 posted by the Bureau of Labor Statistics for the Utilities sector. The hourly estimates for salary plus benefits are:

Computer and Mathematical (Occupation Code: 15–0000), $63.25.

Economist (Occupation Code: 19–3011), $71.98.

Legal (Occupation Code: 23–0000), $143.68.

Accountants and Auditors: 13–2011), $56.59.

The average hourly cost (salary plus benefits) is calculated weighting each of the aforementioned wage categories as follows: $63.25 (0.05) + $71.98 (0.3) + $143.68 (0.6) + $56.59 (0.05) = $113.79. The Commission rounds it to $114/hour.

[4] The average costs are rounded to the nearest dollar.

[5] The average costs per respondent are rounded to the nearest dollar.

[6] 15 U.S.C. 717c–717w.

[7] 15 U.S.C. 3301–3432.

[8] A standards organization accredited by the American National Standards Institute (ANSI).

[9] This series of orders began with the Commission's issuance of *Standards for Business Practices of Interstate Natural Gas Pipelines,* Order No. 587, FERC Stats. & Regs. 31,038 (1996).

FERC–549C: STANDARDS FOR BUSINESS PRACTICES OF INTERSTATE NATURAL GAS PIPELINES

| | Number of respondents | Average number of responses per respondent [10] | Total number of responses | Average burden hrs. & cost ($) per response [11] | Total annual burden hours & total annual cost ($) | Cost per respondent (rounded) ($) |
|---|---|---|---|---|---|---|
| | (1) | (2) = (3) ÷ (1) | (3) | (4) | (3) * (4) = (5) | (5) ÷ (1) |
| Standards for Business Practices of Interstate Natural Gas Pipelines. | 165 | 2.97 | 490 | 96 hrs.; $8,928 ..... | 47,040 hrs.; $4,374,720 ..... | $26,513 |

*Comments:* Comments are invited on: (1) Whether either collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and costs of the collection of information, including the validity of the methodology and assumptions used on each collection; (3) ways to enhance the quality, utility and clarity of either information collection; and (4) ways to minimize the burden of either collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: October 25, 2018.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2018–23770 Filed 10–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

[10] The average number of responses per respondent were calculated by dividing the total number of responses (Column 3) in each category by the number of responses (Column 1).

[11] The estimated hourly cost (salary plus benefits) provided in this section is based on the salary figures (*http://www.bls.gov/oes/current/naics2_22.htm*) and benefits (*http://www.bls.gov/news.release/ecec.nr0.htm*) for May 2017 posted by the Bureau of Labor Statistics for the Utilities sector. The hourly estimates for salary plus benefits are:

Petroleum Engineer (Occupation Code: 17–2171), $71.62

Computer Systems Analyst (Occupation Code: 15–1121), $67.82

Legal (Occupation Code: 23–0000), $143.68

Economist (Occupation Code: 19–3011), $71.98

The average hourly cost (salary plus benefits) is calculated weighting each of the aforementioned wage categories as follows: $71.62 (0.3) + $143.68 (0.3) + $67.82 (0.15) + $71.98 (0.25) = $92.76. The Commission rounds it to $93/hour.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER19–170–000]**

### Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization: Gateway Energy Storage, LLC

This is a supplemental notice in the above-referenced proceeding of Gateway Energy Storage, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is November 14, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 25, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018–23749 Filed 10–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CD19–1–000]**

### Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene; Haights Creek Irrigation Company

On October 12, 2018, the Haights Creek Irrigation Company, filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Haights Creek Micro-Hydropower Project would have a total installed capacity up to 24 kilowatts (kW), and would be located on the existing Haights Creek Irrigation Pipeline. The project would be located near the City of Kaysville in Davis County, Utah.

*Applicant Contact:* Dan Robinson, Haights Creek Irrigation Company, 820 East 200 North, Kaysville, UT 84037,

Phone No. (801) 546–4242, email: *dan@haightscreek.comcastbiz.*

*FERC Contact:* Robert Bell, Phone No. (202) 502–6062; Email: *robert.bell@ferc.gov.*

*Qualifying Conduit Hydropower Facility Description:* The proposed project would consist of: (1) Up to six 4-kW turbine-generators connected to an existing irrigation pipeline with a total generating capacity of up to 24 kW, and (2) appurtenant facilities. The proposed project would have an estimated annual generation of up to 105.42 megawatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

| Statutory provision | Description | Satisfies (Y/N) |
|---|---|---|
| FPA 30(a)(3)(A), as amended by HREA. | The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar man-made water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity. | Y |
| FPA 30(a)(3)(C)(i), as amended by HREA. | The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit. | Y |
| FPA 30(a)(3)(C)(ii), as amended by HREA. | The facility has an installed capacity that does not exceed 5 megawatts | Y |
| FPA 30(a)(3)(C)(iii), as amended by HREA. | On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA. | Y |

*Preliminary Determination:* The proposed Haights Creek Micro-Hydropower Project will not interfere with the primary purpose of the conduit, which is to transport water for irrigation by filling an equalizing reservoir, which in turn provides pressure for an irrigation zone in their service area. Therefore, based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

*Comments and Motions to Intervene:* Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

*Filing and Service of Responsive Documents:* All filings must (1) bear in all capital letters the COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY or MOTION TO INTERVENE, as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and 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 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. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

*Locations of Notice of Intent:* Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE, Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the eLibrary link. Enter the docket number (*i.e.,* CD19–1) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659.

[1] 18 CFR 385.2001–2005 (2018).

Dated: October 25, 2018.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2018–23769 Filed 10–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2014–0096; FRL–9984–04–OEI]**

## Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Iron and Steel Foundries Area Sources (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Iron and Steel Foundries Area Sources (EPA ICR Number 2267.05, OMB Control number 2060–0605), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. Public comments were previously requested via the **Federal Register** on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a

person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0096 to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed either online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

*Abstract:* The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries Area Sources (40 CFR part 63, subpart ZZZZZ) apply to both new and existing iron and/or steel foundries that are an area source of hazardous air pollutants (HAP) emissions. There are different requirements for foundries based on size. Existing foundries with an annual metal melt production greater that 20,000 tons and new foundries with an annual melt capacity of 10,000 tons are classified as large foundries. Existing foundries with an annual metal melt capacity of 10,000 tons or less are classified as small foundries. Research and development facilities are not covered by the rule. New facilities include those that commenced construction, modification or reconstruction after the date of proposal. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 63, subpart ZZZZZ.

*Form Numbers:* None.

*Respondents/affected entities:* Iron and steel foundries.

*Respondent's obligation to respond:* Mandatory (40 CFR part 63, subpart ZZZZZ).

*Estimated number of respondents:* 392 (total).

*Frequency of response:* Initially, occasionally, quarterly, semiannually, and annually.

*Total estimated burden:* 9,140 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* $1,000,000 (rounded) (per year). No annualized capital and/or operation & maintenance costs are included.

*Changes in the estimates:* There is an adjustment increase in the total estimated respondent burden compared with the ICR currently approved by OMB. While the overall number of respondents has decreased from 427 to 392 since the previous ICR renewal to account for shutdown facilities, this renewal includes a burden estimate for each existing respondent to familiarize themselves with regulatory requirements each year. As a result, there is a net increase in the burden hours as compared to the previous ICR renewal.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23757 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OAR–2004–0489; FRL–9984–88–OEI]**

## Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Air Emissions Reporting Requirements (AERR) (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Air Emissions Reporting Requirements (AERR) (EPA ICR No. 2170.07, OMB Control No. 2060–0580) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through December 31, 2018. Public comments were previously requested via the **Federal Register** on July 10, 2018, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2004–0489, to (1) EPA online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

The EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Marc Houyoux, Air Quality Assessment Division, Office of Air Quality Planning and Standards, (C339–02), Environmental Protection Agency, 109

TW Alexander Drive, RTP, NC 27711; telephone number: (919) 541–3649; email address: *houyoux.marc@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

*Abstract:* The EPA promulgated the Air Emissions Reporting Requirements (AERR) (40 CFR part 51, subpart A) to coordinate emissions inventory reporting requirements with existing requirements of the Clean Air Act and 1990 Amendments. Under this reporting, 55 state and territorial air quality agencies, including the District of Columbia, as well as an estimated 20 local air quality agencies, must submit emissions data every 3 years for all point, non-point, on-road mobile, and non-road mobile sources of volatile organic compounds, oxides of nitrogen, carbon monoxide, sulfur dioxide, particulate matter less than or equal to 10 micrometers in diameter, particulate matter less than or equal to 2.5 micrometers in diameter, ammonia, and lead. In addition, the air quality agencies must submit annually emission data for point sources with the potential to emit at greater than specified levels of those pollutants.

The data supplied to the emission reporting requirement is needed so that the EPA can compile and make available a national inventory of air pollutant emissions. A comprehensive inventory updated at regular intervals is essential to allow the EPA to fulfill its mandate to monitor and plan for the attainment and maintenance of the national ambient air quality standards established for criteria pollutants.

*Form Numbers:* None.

*Respondents/affected entities:* State, territorial and local government air quality managements programs. Tribal governments are not affected unless they have sought and obtained treatment as state status under the Tribal Authority Rule and on that basis, are authorized to implement and enforce the AERR rule.

*Respondent's obligation to respond:* Mandatory under 23 U.S.C. 101; 42 U.S.C 7401–7671q, and the authority of the AERR.

*Estimated number of respondents:* 75 (total).

*Frequency of response:* Annual.

*Total estimated burden:* 47,248 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* $4,513,390 (per year), includes $225,000 annualized capital or operation & maintenance costs.

*Changes in the Estimates:* Change in hours/cost is due to the reduction of the total estimated respondents from the ICR currently approved by OMB.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23745 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OARM–2018–0124; FRL–9983–16–OEI]**

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Contractor Cumulative Claim and Reconciliation (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Contractor Cumulative Claim and Reconciliation (EPA ICR No. 0246.13, OMB Control No. 2030–0016) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. Public comments were previously requested via the **Federal Register** on April 25, 2018, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OARM–2018–0124, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Thomas Valentino, Policy, Training and Oversight Division, Office of Acquisition Management (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–4522; email address: *valentino.thomas@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

*Abstract:* All contractors who have completed an EPA cost-reimbursement type contract will be required to submit EPA Form 1900–10. EPA Form 1900–10 summarizes all costs incurred in performance of the contract and sets forth the final indirect rates. This form is reviewed by the contracting officer to determine the final costs reimbursable to the contractor. The Federal Acquisition Regulation (FAR) 52.216–7 states that the Government will pay only the costs determined to be allowable by the contracting officer in accordance with FAR Subpart 31.2. Furthermore, FAR 52.216–7 states that indirect cost rates shall be established for each fiscal year at the close of a contractor's fiscal year. EPA Form 1900–10 summarizes this information for the entire contract period and provides a basis for cost review by contracting, finance, and audit personnel. In addition, FAR 4.804–5 mandates that the office administering the contract shall ensure that the costs and indirect cost rates are settled.

*Form Numbers:* EPA Form 1900–10.

*Respondents/affected entities:* All contractors who have completed an EPA cost-reimbursement type contract.

*Respondent's obligation to respond:* Mandatory (FAR 52.216–7).

*Estimated number of respondents:* 5 (total).

*Frequency of response:* Once, at the end of the contract.

*Total estimated burden:* 32 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* $4,602 (per year), includes $0 annualized capital or operation & maintenance costs.

*Changes in the Estimates:* There is no change in the hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23743 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2017–0201; FRL–9984–92–OEI]**

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Inorganic Arsenic Emissions From Primary Copper Smelters (Reinstatement)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Inorganic Arsenic Emissions from Primary Copper Smelters (EPA ICR No. 1089.05), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a request for approval of a reinstatement of a previously approved ICR. Public comments were previously requested, via the **Federal Register**, on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2017–0201, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

*Abstract:* The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Inorganic Arsenic Emissions from Primary Copper Smelters (40 CFR part 61, subpart O) apply to existing facilities and new facilities where the total arsenic charging rate for the copper converter department averaged over a 1-year period is greater than 75 kg/hr (165 lb/hr), as determined under 40 CFR 61.174(f). New facilities include those that commenced construction or reconstruction after the date of proposal. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 61, subpart O.

*Form Numbers:* None.

*Respondents/affected entities:* Owners and operators of primary copper smelter facilities.

*Respondent's obligation to respond:* Mandatory.

*Estimated number of respondents:* 3 (total).

*Frequency of response:* Initially, quarterly, and annually.

*Total estimated burden:* 2,380 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* $263,000 (per year), which includes $1,500 in annualized capital/setup and/or operation & maintenance costs.

*Changes in the Estimates:* This is a reinstatement of a previously approved collection. There is an adjustment decrease in the total estimated burden and cost previously identified in the OMB Inventory of Approved Burdens. This decrease is due to a decrease in the number of sources.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23755 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2014–0026; FRL–9985–57–OEI]**

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Metal Coil Surface Coating (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Metal Coil Surface Coating (EPA ICR No. 0660.13, OMB Control No. 2060–0107), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. Public comments were previously requested, via the **Federal Register**, on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the

ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0026, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

*Abstract:* The New Source Performance Standards (NSPS) for Metal Coil Surface Coating (40 CFR part 60, subpart TT) apply to the following surface coating lines in the metal coil surface coating industry: Each prime coat operation; each finish coat operation; and each prime and finish coat operation cured simultaneously, where the finish coat is applied wet-on-wet over the prime coat. In general, all NSPS standards require initial notification reports, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 60, subpart TT.

*Form Numbers:* None.

*Respondents/affected entities:* Metal coil surface coating facilities.

*Respondent's obligation to respond:* Mandatory (40 CFR part 60, subpart TT).

*Estimated number of respondents:* 158 (total).

*Frequency of response:* Initially, quarterly, occasionally, semiannually, and annually.

*Total estimated burden:* 16,200 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* $1,950,000 (per year), which includes $170,000 in annualized capital/startup and/or operation & maintenance costs.

*Changes in the Estimates:* There is an increase in the respondent burden currently identified in the OMB Inventory of Approved Burdens. The increase is attributed to several adjustments: (1) This renewal allows time for each source to re-familiarize themselves with the rule requirements each year; (2) this renewal adjusted the frequency of recordkeeping requirements to match the requirements in the rule; and (3) this renewal assumed 10 percent of the sources would have excess emissions and would have to report quarterly instead of semi-annually.

There is a decrease in the capital and O&M costs currently identified in the OMB Inventory of Approved Burdens. The decrease is attributed to an adjustment. The previous renewal had estimated O&M costs related to temperature monitoring for all sources; however, only 80 percent of the sources are anticipated to comply with the rule using incineration.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23753 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2013–0328; FRL–9985–40–OEI]**

## Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Vinyl Chloride (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Vinyl Chloride (EPA ICR No. 0186.14, OMB Control No. 2060–0071), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. Public comments were previously requested, via the **Federal Register**, on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0328, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200

Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov,* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

*Abstract:* The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Vinyl Chloride (40 CFR part 61, subpart F) apply to new and existing plants that produce: Ethylene dichloride (EDC) by reaction of oxygen and hydrogen chloride with ethylene; vinyl chloride (VC) by any process; and one or more polymers containing any fraction of polymerized VC. This Subpart does not apply to equipment used in research and development if the reactor used to polymerize the VC has a capacity of no more than 0.19 $m^3$. New facilities include those that commenced construction or reconstruction after the date of proposal. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 61, subpart F.

*Form Numbers:* None.

*Respondents/affected entities:* Ethylene dichloride, polyvinyl chloride and vinyl chloride plants.

*Respondent's obligation to respond:* Mandatory (40 CFR part 61, subpart F).

*Estimated number of respondents:* 16 (total).

*Frequency of response:* Initially, quarterly and occasionally.

*Total estimated burden:* 6,540 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* $1,410,000 (per year), which includes $720,000 in annualized capital/startup and/or operation & maintenance costs.

*Changes in the Estimates:* There is an adjustment decrease in the estimated respondent burden and costs as currently identified in the OMB Inventory of Approved Burdens. This is not due to any program changes. The change has occurred due to a decrease in the number of respondents complying with this rule. Based on the Agency's consultation with the Vinyl Institute, the number of sources has decreased from an average of 18 sources in the previous ICR to an average of 16 sources for the current ICR period.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23748 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2014–0057; FRL–9985–58–OEI]**

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Wood Furniture Manufacturing Operations (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Wood Furniture Manufacturing Operations (EPA ICR No. 1716.10, OMB Control No. 2060–0324), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. Public comments were previously requested via the **Federal Register** on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0057, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA, will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov,* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

*Abstract:* The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Wood Furniture Manufacturing Operations (40 CFR part 63, subpart JJ) apply to both existing and new wood furniture manufacturing operations that are major sources of hazardous air pollutants (HAPs). A ''major source'' is a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year (tpy) or more of a HAP or 25 tpy or more of a combination of HAPs. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. These standards also apply to existing and new incidental sources and to area sources. These sources are only required to maintain purchase or usage records demonstrating that they meet the definition for incidental or area sources. Incidental and area sources are not subject to any other provisions of these standards. An ''incidental source,'' as defined in these standards, is a major source that is primarily engaged in the manufacture of products other than wood furniture or wood furniture components, and that uses no more than 100 gallons per month of finishing

material or adhesives in the manufacture of wood furniture or wood furniture components. An ''area source'' is any stationary source that is not a major source.''

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 63, subpart JJ.

*Form Numbers:* None.

*Respondents/affected entities:* Wood furniture manufacturing facilities.

*Respondent's obligation to respond:* Mandatory (40 CFR part 63, subpart JJ).

*Estimated number of respondents:* 856 (total).

*Frequency of response:* Initially, occasionally, quarterly, semiannually, and annually.

*Total estimated burden:* 70,800 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* $7,780,000 (per year), which includes $24,600 in annualized capital/startup and/or operation & maintenance costs.

*Changes in the estimates:* The increase in burden hours and the number of responses from the most-recently approved ICR is due to several adjustments: (1) This ICR accounts for the time for each source to refamiliarize themselves with the regulatory requirements each year; and (2) this ICR added in one-time requirements for reconstructed and modified sources that were missing from the previous renewal and edited the frequency of records to better match regulatory requirements. Overall, these changes resulted in an increase of 4,565 hours.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23756 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2014–0040; FRL–9985–53–OEI]**

## Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Hot Mix Asphalt Facilities (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Hot Mix Asphalt Facilities (EPA ICR Number 1127.12, OMB Control Number 2060–0083), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. Public comments were previously requested, via the **Federal Register**, on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0040, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov,* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

*Abstract:* The New Source Performance Standards (NSPS) for Hot Mix Asphalt Facilities (40 CFR part 60, subpart I) apply to hot mix asphalt facilities that commenced construction or modification after June 11, 1973. A hot mix asphalt facility is comprised only of any combination of the following: Dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems. In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 60, subpart I.

*Form Numbers:* None.

*Respondents/affected entities:* Hot mix asphalt facilities.

*Respondent's obligation to respond:* Mandatory (40 CFR part 60, subpart I).

*Estimated number of respondents:* 4,955 (total).

*Frequency of response:* Initially.

*Total estimated burden:* 25,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* $2,620,000 (per year), which includes $0 annualized capital/startup and/or operation & maintenance costs.

*Changes in the estimates:* There is an adjustment increase in the estimated burden and number of responses as currently identified in the OMB

Inventory of Approved Burdens. The change in burden occurred because the number of respondents, subject to these standards, has increased since the last ICR renewal period. In addition, this ICR assumes all existing respondents will have to familiarize with the regulatory requirements each year.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23752 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2014–0042; FRL–9985–01–OEI]**

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Lime Manufacturing (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Lime Manufacturing (EPA ICR No. 1167.12, OMB Control No. 2060–0063), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. Public comments were previously requested, via the **Federal Register**, on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0042, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

*Abstract:* The New Source Performance Standards (NSPS) for Lime Manufacturing (40 CFR part 60, subpart HH) apply to each existing and new rotary lime kiln used in the manufacturing of lime. These standards do not apply to facilities used in the manufacture of lime at kraft pulp mills. New facilities include those that commenced construction, modification or reconstruction after the date of proposal. In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 60, subpart HH.

*Form Numbers:* None.

*Respondents/affected entities:* Lime manufacturing plants.

*Respondent's obligation to respond:* Mandatory (40 CFR part 60, subpart HH).

*Estimated number of respondents:* 41 (total).

*Frequency of response:* Initially and semiannually.

*Total estimated burden:* 3,820 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* $463,000 (per year), which includes $61,500 in annualized capital/startup and/or operation & maintenance costs.

*Changes in the estimates:* There is an adjustment increase in the respondent labor hours and costs as currently identified in the OMB Inventory of Approved Burdens. This increase is not due to any program changes. The change in the burden and cost estimates occurred due to a change in assumption. This ICR assumes all existing respondents will have to familiarize with the regulatory requirements each year.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23746 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2017–0200; FRL–9984–86–OEI]**

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Rubber Tire Manufacturing (Reinstatement)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Rubber Tire Manufacturing (EPA ICR No. 1982.02), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Public comments were requested previously, via the **Federal Register**, on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2017–0200, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to

*docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

*Abstract:* The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Rubber Tire Manufacturing (40 CFR part 63, subpart XXXX) apply to existing and new facilities that are involved in rubber processing, tire production, tire cord production, and puncture sealant application. New facilities include those that commenced construction or reconstruction after the date of proposal. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 63, subpart XXXX.

*Form Numbers:* None.

*Respondents/affected entities:* Rubber tire manufacturers.

*Respondent's obligation to respond:* Mandatory (40 CFR part 63, subpart XXXX).

*Estimated number of respondents:* 23 (total).

*Frequency of response:* Initially, occasionally, semiannually, and annually.

*Total estimated burden:* 6,520 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* $910,000 (per year), which includes $0 annualized capital/startup and/or operation & maintenance costs.

*Changes in the estimates:* This ICR reflects the requirements for on-going compliance (existing facilities) with the rule. The number of sources presented in this ICR reflects current data obtained from industry, including information on the use of compliance alternatives used by the affected facilities. Based on consultations with the trade group, no facilities are using control devices to comply with the requirements.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23754 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OAR–2018–0118; FRL–9985–42–OEI]**

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Servicing of Motor Vehicle Air Conditioners (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Servicing of Motor Vehicle Air Conditioners (EPA ICR No. 1617.09, OMB Control No. 2060–0247) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through December 31, 2018. Public comments were previously requested via the **Federal Register** on June 6, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2018–0118, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Christina Thompson, Stratospheric Protection Division, Office of Atmospheric Programs (Mail Code 6205T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–0983; fax number: (202) 343–2362; email address: *thompson.christina@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

*Abstract:* Section 609 of the Clean Air Act Amendments of 1990 (Act) provides general guidelines for the servicing of motor vehicle air conditioners (MVACs). It states that ''no person repairing or servicing motor vehicles for consideration may perform any service on a motor vehicle air conditioner involving the refrigerant for such air conditioner without properly using approved refrigerant recycling equipment and no such person may perform such service unless such person has been properly trained and certified.'' In 1992, EPA developed regulations under section 609 that were published in 57 FR 31242, and codified

at 40 CFR Subpart B (Section 82.30 *et seq.*). The information required to be collected under the section 609 regulations is: Approved refrigerant handling equipment; approved independent standards testing organizations; technician training and certification; and certification, reporting and recordkeeping.

*Form Numbers:* None.

*Respondents/affected entities:* The following is a list of NAICS codes for organizations potentially affected by the information requirements covered under this ICR. It is meant to include any establishment that may service or maintain motor vehicle air conditioners.

4411 Automobile Dealers

4413 Automotive Parts, Accessories, and Tire Stores

44711 Gasoline Stations with Convenience Stores

8111 Automotive Repair and Maintenance

811198 All Other Automotive Repair and Maintenance

Other affected groups include independent standards testing organizations and organizations with technician certification programs.

*Respondent's obligation to respond:* Mandatory (40 CFR 82.36, 82.38, 82.40, 82.42).

*Estimated number of respondents:* 45,902 (per year).

*Frequency of response:* On occasion, biennially, only once.

*Total estimated burden:* 4,130 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* $218,009 (per year), includes $0 annualized capital or operation & maintenance costs.

*Changes in estimates:* There is a decrease of 33 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due in part to a decrease in the number of new technician certifications and the time allotted for maintenance of the technician certification records. The time associated with the maintenance of these records has decreased, recognizing the move towards electronic recordkeeping which may be more efficient. Additionally, a decrease in the market for small containers of CFC–12 refrigerant has also decreased the burden.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23750 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–SFUND–2006–0361; FRL–9985–47–OEI]**

## Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Trade Secrets Claims for Community Right-to-Know and Emergency Planning (EPCRA Section 322) (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), Trade Secrets Claims for Community Right-to-Know and Emergency Planning (EPCRA Section 322) (EPA ICR Number 1428.11; OMB Control Number 2050–0078) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through December 31, 2018. Public comments were previously requested via the **Federal Register** on June 11, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–SFUND–2006–0361, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *superfund.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Wendy Hoffman, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–8794; fax number: (202) 564–2620; email address: *hoffman.wendy@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

*Abstract:* This information collection request pertains to trade secrecy claims submitted under Section 322 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). EPCRA contains provisions requiring facilities to report to state and local authorities, and EPA, the presence of extremely hazardous substances (Section 302), inventory of hazardous chemicals (Sections 311 and 312) and manufacture, process and use of toxic chemicals (Section 313). Section 322 of EPCRA allows a facility to withhold the specific chemical identity from these EPCRA reports if the facility asserts a trade secret for that chemic claim for that chemical identity. The provisions in Section 322 establish the requirements and procedures that facilities must follow to request trade secret treatment of chemical identities, as well as the procedures for submitting public petitions to the Agency for review of the ''sufficiency'' of trade secret claims.

Trade secret protection is provided for specific chemical identities contained in reports submitted under each of the following sections of EPCRA: (1) Section 303 (d)(2)—Facility notification of changes that have or are about to occur; (2) Section 303 (d)(3)—Local Emergency Planning Committee (LEPC) requests for facility information to develop or implement emergency plans; (3) Section 311—Material Safety Data Sheets (MSDSs) submitted by facilities, or lists of those chemicals submitted in place of the MSDSs; (4) Section 312—Emergency and hazardous chemical inventory forms (Tier I and Tier II); and (5) Section 313 Toxic chemical release inventory form.

*Form Numbers:* EPA Form 9510–1.

*Respondents/affected entities:* Manufacturer and non-manufacturer facilities subject to reporting under

sections 303, 311/312 or 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

*Respondent's obligation to respond:* Mandatory if a respondent decides to make a trace secret claim for the chemical identity for any of the chemicals in any of the reports the respondent is required to submit under EPCRA sections 303, 311/312 or 313.

*Estimated number of respondents:* 272 trade secret claims.

*Frequency of response:* Annual, with reports submitted under Sections 312 and 313.

*Total estimated burden:* 2,584 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* $151,047 (per year). There are no capital or operation and maintenance costs associated with this ICR.

*Changes in the estimates:* This ICR renewal estimates a total respondent burden of 2,584 hours, which is reduced from the previous ICR. The previous approved burden was 3,154 hours. The burden decreased because the actual number of claims submitted is lower than what EPA estimated in the previous ICR.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23751 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2014–0038; FRL–9985–38–OEI]**

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Inorganic Arsenic Emissions From Glass Manufacturing Plants (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Inorganic Arsenic Emissions from Glass Manufacturing Plants (40 CFR part 61, subpart N) (Renewal)'' (EPA ICR No. 1081.12, OMB Control No. 2060–0043), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through November 30, 2018. Public comments were previously requested, via the **Federal Register** (82 FR 29552), on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0038, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

*Abstract:* The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Inorganic Arsenic Emissions from Glass Manufacturing Plants (40 CFR part 61, subpart N) apply to each existing and new glass melting furnace that uses commercial arsenic as a raw material located at a glass manufacturing plant. These standards do not apply to pot furnaces; in addition, the standards do not consider re-bricking as construction or modification for the purposes of 40 CFR Section 61.05(a). New facilities include those that commenced construction or reconstruction after the date of proposal. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 61, subpart N.

*Form Numbers:* None.

*Respondents/affected entities:* Glass manufacturing plants.

*Respondent's obligation to respond:* Mandatory (40 CFR part 61, subpart N).

*Estimated number of respondents:* 16 (total).

*Frequency of response:* Initially, occasionally and semiannually.

*Total estimated burden:* 3,100 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* $382,000 (per year), which includes $56,000 in annualized capital/startup and/or operation & maintenance costs.

*Changes in the Estimates:* There is no change in labor hours or costs in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the industry is very low or non-existent, so there is no significant change in the overall burden.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23747 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2014–0037; FRL–9984–59–OEI]**

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Primary and Secondary Emissions From Basic Oxygen Furnaces (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Primary and Secondary Emissions from Basic Oxygen Furnaces (EPA ICR Number 1069.12, OMB Control Number 2060–0029), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. Public comments were previously requested, via the **Federal Register**, on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before November 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number HQ–OECA–2014–0037, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov,* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

*Abstract:* The New Source Performance Standards (NSPS) for Primary Emissions from Basic Oxygen Process Furnaces (Subpart N) apply to each basic oxygen process furnace (BOPF) in an iron and steel plant that commenced construction, modification, or reconstruction after the date of proposal. These standards were merged with Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities (Subpart Na). Subpart Na is applicable to any top-blown BOPF, and hot metal transfer station or skimming stations used with bottom-blown or top-blown BOPF's for which construction, reconstruction, or modification commenced after January 20, 1983. In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 60, subparts N and Na.

*Form Numbers:* None.

*Respondents/affected entities:* Owners and operators of basic oxygen process furnaces at iron and steel plants.

*Respondent's obligation to respond:* Mandatory (40 CFR part 60, subpart N and Na).

*Estimated number of respondents:* 18 (total).

*Frequency of response:* Initially, occasionally, and semiannually.

*Total estimated burden:* 6,280 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* $690,000 (per year), which includes $29,700 in annualized capital and/or operation & maintenance costs.

*Changes in the Estimates:* The increase in burden from the most recently approved ICR is due to an adjustment. Hours were added to approximate the time spent by each source each year to familiarize with the rule requirements, and the total hours were rounded to three significant digits, which resulted in a small increase in labor hours since the last renewal.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018–23744 Filed 10–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Deletion of Item From Sunshine Act Meeting

October 22, 2018.

The following item has been deleted from the list of items scheduled for consideration at the Tuesday, October 23, 2018, Open Meeting and previously listed in the Commission's Notice of October 16, 2018.

| | | |
|---|---|---|
| 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).<br>*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. |

Federal Communications Commission.

**Marlene Dortch,**

*Secretary.*

[FR Doc. 2018–23854 Filed 10–29–18; 11:15 am]

**BILLING CODE 6712–01–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Information Collection Activities: Submission for OMB Review; Comment Request (OMB No. 3064–0151)

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice and request for comment.

**SUMMARY:** The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collection described below (3064–0151). On August 7, 2018, the FDIC requested comment for 60 days on a proposal to renew the information collection described below. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of this collection, and again invites comment on this renewal.

**DATES:** Comments must be submitted on or before November 30, 2018.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Jennifer Jones (202–898–6768), Counsel, MB–3105, 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 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Jones, Counsel, 202–898–6768, *jennjones@fdic.gov,* MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:** On August 7, 2018, the FDIC requested comment for 60 days on a proposal to renew the information collection described below. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of this collection, and again invites comment on this renewal.

*Proposal to renew the following currently approved collection of information:*

1. *Title:* Notice Regarding Assessment Credits.

*OMB Number:* 3064–0151.

*Form Number:* None.

*Affected Public:* FDIC-Insured Institutions.

*Burden Estimate:*

SUMMARY OF ANNUAL BURDEN

| | Type of burden | Obligation to respond | Estimated number of respondents | Estimated frequency of responses | Estimated time per response | Frequency of response | Total annual estimated burden (hours) |
|---|---|---|---|---|---|---|---|
| Notice Regarding Assessment Credits. | Reporting ..... | Required to Obtain or Retain Benefits. | 2 | 1 | 2 | On Occasion ..... | 4 |
| Total Hourly Burden. | ..... | ..... | ..... | ..... | ..... | ..... | 4 |

*General Description of Collection:*

Section 7(e)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(e)(3)), as amended by the Federal Deposit Insurance Reform Act of 2005, requires that the FDIC provide by regulation an initial, one-time assessment credit to each ''eligible'' insured depository institution (or its successor) based on the assessment base of the institution as of December 31, 1996, as compared to the combined aggregate assessment base of all eligible institutions as of that date, taking into account such other factors as the FDIC Board of Directors determines to be appropriate. The one-time credits must, with certain exceptions, be applied by the FDIC to the maximum extent allowed by law to the assessments imposed on such institution that become due for assessment periods beginning after the effective date of the one-time credit regulations until such time as the credit is exhausted. For assessments that become due for assessment periods beginning in fiscal years 2008, 2009, and 2010 the FDI Act provides that credits may not be applied to more than 90 percent of an institution's assessment.

FDIC-insured institutions must notify the FDIC if their one-time assessment credit is transferred, *e.g.,* through a sale of the credits or through a merger, so that the FDIC can accurately track such transfers, apply available credits appropriately against institutions' deposit insurance assessments, and determine an institution's 1996 assessment base if the transaction involved both the base and the credit amount. The need for credit transfer information will expire when the credit pool has been exhausted.

There is no change in the method or substance of the collection and the burden remains unchanged from the previous Paperwork Reduction Act submission.

**Request for Comment**

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on October 29, 2018.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2018–23883 Filed 10–29–18; 4:15 pm]

**BILLING CODE 6714–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

### Patient Safety Organizations: Voluntary Relinquishment From Fides, LLC

**AGENCY:** Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

**ACTION:** Notice of delisting.

**SUMMARY:** The Patient Safety Rule authorizes AHRQ, on behalf of the Secretary of HHS, to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' by the Secretary if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. AHRQ has accepted a notification of voluntary relinquishment from Fides, LLC, PSO number P0134, of its status as a PSO, and has delisted the PSO accordingly.

**DATES:** The directories for both listed and delisted PSOs are ongoing and reviewed weekly by AHRQ. The delisting was effective at 12:00 Midnight ET (2400) on October 9, 2018.

**ADDRESSES:** Both directories can be accessed electronically at the following HHS website: *http://www.pso.ahrq.gov/listed.*

**FOR FURTHER INFORMATION CONTACT:** Eileen Hogan, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Room 06N94B, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov.*

**SUPPLEMENTARY INFORMATION:**

#### Background

The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b–21 to b–26, (Patient Safety Act) and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70732–70814, establish a framework by which hospitals, doctors, and other health care providers may voluntarily report information to Patient Safety Organizations (PSOs), on a privileged and confidential basis, for the aggregation and analysis of patient safety events.

The Patient Safety Act authorizes the listing of PSOs, which are entities or component organizations whose mission and primary activity are to conduct activities to improve patient safety and the quality of health care delivery.

HHS issued the Patient Safety Rule to implement the Patient Safety Act. AHRQ administers the provisions of the Patient Safety Act and Patient Safety Rule relating to the listing and operation of PSOs. The Patient Safety Rule authorizes AHRQ to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. Section 3.108(d) of the Patient Safety Rule requires AHRQ to provide public notice when it removes an organization from the list of federally approved PSOs.

AHRQ has accepted a notification from Fides, LLC, a component entity of Spectrum Medical Group, P.A., to voluntarily relinquish its status as a PSO. Accordingly, Fides, LLC, P0134, was delisted effective at 12:00 Midnight ET (2400) on October 9, 2018.

Fides, LLC has patient safety work product (PSWP) in its possession. The PSO will meet the requirements of section 3.108(c)(2)(i) of the Patient Safety Rule regarding notification to providers that have reported to the PSO and of section 3.108(c)(2)(ii) regarding disposition of PSWP consistent with section 3.108(b)(3). According to section 3.108(b)(3) of the Patient Safety Rule, the PSO has 90 days from the effective date of delisting and revocation to complete the disposition of PSWP that is currently in the PSO's possession.

More information on PSOs can be obtained through AHRQ's PSO website at *http://www.pso.ahrq.gov.*

**Francis D. Chesley, Jr.,**

*Acting Deputy Director.*

[FR Doc. 2018–23808 Filed 10–30–18; 8:45 am]

**BILLING CODE 4160–90–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[Docket No. CDC–2018–0101]**

### Vessel Sanitation Program: Annual Program Status Meeting; Request for Comment

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of public meeting and request for comment.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the 2019 Vessel Sanitation Program (VSP) public meeting. This meeting serves as a forum for HHS/CDC to present clarifications to the 2018 VSP Operations Manual and Construction Guidelines and the proposed fee schedule for fiscal year 2020. HHS/CDC is also opening a public docket so that additional comments and materials may be submitted. The official record of this meeting will remain open through February 22, 2019, so that materials or additional comments related to the matters discussed at the meeting may be submitted and made part of the record.

**DATES:** Written comments and all materials must be received on or before February 22, 2019.

The meeting will be held from 9:00 a.m. to 4:00 p.m. on January 16, 2019, in the Ballroom at the DoubleTree Grand Hotel Biscayne Bay, 1717 North Bayshore Drive, Miami, FL 33132. Information regarding logistics is available on the VSP website (*www.cdc.gov/nceh/vsp*).

*Deadline for Requests for Special Accommodations:* Persons wishing to participate in the public meeting who need special accommodations should contact Commander Aimee Treffiletti (*vsp@cdc.gov* or 954–356–6650 or 770–488–3141) by Monday, January 14, 2019.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2018–0101, by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Vessel Sanitation Program, National Center for Environmental Health, Centers for Disease Control and Prevention, 4770 Buford Highway NE, MS F–58, Atlanta, Georgia 30341.

*Instructions:* All submissions received must include the agency name and

Docket Number. All relevant comments received will be posted without change to *www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Commander Aimee Treffiletti, Vessel Sanitation Program, National Center for Environmental Health, Centers for Disease Control and Prevention, 4770 Buford Highway NE, MS F–58, Atlanta, Georgia 30341; phone: 954–356–6650 or 770–488–3141; email: *vsp@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to present VSP's clarifications to the 2018 Operations Manual and Construction Guidelines and the proposed fee schedule for fiscal year 2020.

The 2018 Operations Manual and Construction Guidelines went into effect on June 1, 2018. Since that time, small errors and the need for clarifications to some sections have been identified.

VSP issues a fee schedule annually and will propose changing the current fee schedule to include an additional size category for the largest cruise ships. Changes to the fee schedule are expected to take effect in fiscal year 2020.

*Matters to be Discussed:*

- Clarifications to the VSP 2018 Operations Manual and Construction Guidelines.
- Proposed fee schedule for fiscal year 2020.

*Meeting Accessibility:* The meeting is open to the public, but space is limited to approximately 70 people. Advanced registration is required. Information regarding logistics is available on the VSP website (*www.cdc.gov/nceh/vsp*). Attendees at the annual meeting normally include cruise ship industry officials, private sanitation consultants, and other interested parties.

Dated: October 17, 2018.

**Sandra Cashman,**

*Executive Secretary, Centers for Disease Control and Prevention.*

[FR Doc. 2018–23715 Filed 10–30–18; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Privacy Act of 1974; Matching Program

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

**ACTION:** Notice of a new matching program.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is providing notice of a new matching program between CMS and the Department of Defense (DoD), ''Verification of Eligibility for Minimum Essential Coverage Under the Patient Protection and Affordable Care Act Through a Department of Defense Health Benefits Plan.''

**DATES:** The deadline for comments on this notice is November 30, 2018. The re-established matching program will commence not sooner than 30 days after publication of this notice, provided no comments are received that warrant a change to this notice. The matching program will be conducted for an initial term of 18 months (from approximately December 2018 to June 2020) and within 3 months of expiration may be renewed for one additional year if the parties make no change to the matching program and certify that the program has been conducted in compliance with the matching agreement.

**ADDRESSES:** Interested parties may submit written comments on this notice, by mail or email, to the CMS Privacy Officer, Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Information Technology, Centers for Medicare & Medicaid Services, Location: N1–14–56, 7500 Security Blvd., Baltimore, MD 21244–1850, *Walter.Stone@cms.hhs.gov.*

**FOR FURTHER INFORMATION CONTACT:** If you have questions about the matching program, you may contact Jack Lavelle, Senior Advisor, Marketplace Eligibility and Enrollment Group, Centers for Consumer Information and Insurance Oversight, CMS, at (410) 786–0639, or by email at *Jack.Lavelle1@cms.hhs.gov,* or by mail at 7501 Wisconsin Ave., Bethesda, MD 20814.

**SUPPLEMENTARY INFORMATION:** The Privacy Act of 1974, as amended (5 U.S.C. 552a) provides certain protections for individuals applying for and receiving federal benefits. The law governs the use of computer matching by federal agencies when records in a system of records (meaning, federal agency records about individuals retrieved by name or other personal identifier) are matched with records of other federal or non-federal agencies. The Privacy Act requires agencies involved in a matching program to:

1. Enter into a written agreement, which must be prepared in accordance with the Privacy Act, approved by the Data Integrity Board of each source and recipient federal agency, provided to Congress and the Office of Management and Budget (OMB), and made available to the public, as required by 5 U.S.C. 552a(o), (u)(3)(A), and (u)(4).
2. Notify the individuals whose information will be used in the matching program that the information they provide is subject to verification through matching, as required by 5 U.S.C. 552a(o)(1)(D).
3. Verify match findings before suspending, terminating, reducing, or making a final denial of an individual's benefits or payments or taking other adverse action against the individual, as required by 5 U.S.C. 552a(p).
4. Report the matching program to Congress and the OMB, in advance and annually, as required by 5 U.S.C. 552a(o) (2)(A)(i), (r), and (u)(3)(D).
5. Publish advance notice of the matching program in the **Federal Register** as required by 5 U.S.C. 552a(e)(12).

This matching program meets these requirements.

**Barbara Demopulos,**

*CMS Privacy Advisor, Division of Security, Privacy Policy and Governance Information Security and Privacy Group, Office of Information Technology, Centers for Medicare & Medicaid Services.*

#### Participating Agencies

Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is the recipient agency, and the Department of Defense (DoD), Defense Manpower Data Center (DMDC) is the source agency.

#### Authority for Conducting the Matching Program

The matching program is authorized under 42 U.S.C. 18001, *et seq.*

#### Purpose(s)

The purpose of the matching program is to provide CMS with DoD data verifying individuals' eligibility for coverage under a DoD health benefits plan (*i.e.,* TRICARE), when requested by CMS and state-based administering entities (AE) for the purpose of determining the individuals' eligibility for insurance affordability programs under the Affordable Care Act (ACA). CMS and the requesting AE will use the DoD data to determine whether an enrollee in private health coverage under a qualified health plan through a federally-facilitated or state-based health insurance exchange is eligible for coverage under TRICARE, and the dates the individual was eligible for TRICARE coverage. DoD health benefit plans provide minimum essential coverage (MEC), and eligibility for such plans

usually precludes eligibility for financial assistance in paying for private coverage. CMS and AE will use the DoD data to authenticate identity, determine eligibility for financial assistance (including an advance tax credit and cost-sharing reduction, which are types of insurance affordability programs), and determine the amount of the financial assistance.

**Categories of Individuals**

The categories of individuals whose information is involved in the matching program are active duty service members and their family members and retirees and their family members whose TRICARE eligibility records at DoD match data provided to DoD by CMS (submitted by AEs) about individual consumers who are applying for or are enrolled in private health insurance coverage under a qualified health plan through a federally-facilitated or state-based health insurance exchange.

**Categories of Records**

The categories of records used in the matching program are identity records and minimum essential coverage period records. The data elements are as follows:

*A. From CMS to DoD*

For each applicant or enrollee seeking an eligibility determination, CMS will submit a request file to DoD that may contain, but is not limited to, the following specified data elements in a fixed record format: Transaction ID, social security number (SSN), first name, middle name, surname, date of birth, gender, requested qualified health plan (QHP) coverage effective date, requested QHP coverage end date.

*B. From DoD to CMS*

For each applicant or enrollee seeking an eligibility determination, DoD will provide CMS with data indicating whether or not the individual is eligible for MEC through TRICARE during the applicable QHP coverage period. The data may contain, but is not limited to, the following specified data elements in a fixed record format: Insurance end date, person SSN identification, response code, response code text.

**System(s) of Records**

The records used in this matching program are disclosed from the following systems of records, as authorized by routine uses published in the System of Records Notices (SORNs) cited below:

*A. CMS System of Records*

☐ MCMS Health Insurance Exchanges System (HIX), CMS System No. 09–70–0560, last published in full at 78 FR 63211 (Oct. 23, 2013), as amended at 83 FR 6591 (Feb. 14, 2018).

*B. DoD Systems of Records*

☐ SDMDC 02 DoD, Defense Enrollment Eligibility Reporting Systems (DEERS), 80 FR 68304 (Nov. 4, 2015), as amended at 81 FR 49210 (July 27, 2016).

[FR Doc. 2018–23780 Filed 10–30–18; 8:45 am]

**BILLING CODE 4120–03–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[[Docket No. FDA–2018–N–3844]**

### Science Advisory Board to the National Center for Toxicological Research Advisory Committee; Notice of Meeting

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) announces a forthcoming public advisory committee meeting of the Science Advisory Board (SAB) to the National Center for Toxicological Research (NCTR). The general function of the committee is to provide advice and recommendations to the Agency on research being conducted at the NCTR. At least one portion of the meeting will be closed to the public.

**DATES:** The meeting will be held on December 4, 2018, from 8:00 a.m. to 5:45 p.m., and on December 5, 2018, from 8:00 a.m. to 11:30 a.m.

**ADDRESSES:** Heifer Village, 1 World Avenue, Little Rock, AR 72202. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

**FOR FURTHER INFORMATION CONTACT:** Donna Mendrick, National Center for Toxicological Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 2208, Silver Spring, MD 20993–0002, 301–796–8892; or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

**SUPPLEMENTARY INFORMATION:**

*Agenda:* On December 4, 2018, the SAB Chairperson will welcome the participants, and the NCTR Director will provide a center-wide update on scientific initiatives and accomplishments during the past year. The SAB will be presented with an overview of the SAB Subcommittee Site Visit report and a response to this review. There will be updates from the NCTR research divisions and a public comment session.

On December 5, 2018, there will be a statement given by the FDA Chief Scientist. The Center for Biologics and Evaluation and Research, Center for Drug Evaluation and Research, Center for Devices and Radiological Health, Center for Food Safety and Applied Nutrition, and the Center for Tobacco Products will each briefly discuss their center-specific research strategic needs and potential areas of collaboration.

Following an open discussion of all the information presented, the open session of the meeting will close so the SAB members can discuss personnel issues at NCTR at the end of each day.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

*Procedure:* On December 4, 2018, from 8:00 a.m. to 5:45 p.m., and December 5, 2018, from 8:00 a.m. to 11:30 a.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 27, 2018. Oral presentations

from the public will be scheduled between approximately 1:15 p.m. and 2:15 p.m. on December 4, 2018. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 19, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 19, 2018.

*Closed Committee Deliberations:* On December 4, 2018, from 5:45 p.m. to 6:00 p.m., and December 5, 2018, from 11:30 a.m. to 12:00 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). This portion of the meeting will be closed to permit discussion of information concerning individuals associated with the research programs at NCTR.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Donna Mendrick at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 25, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018–23742 Filed 10–30–18; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

**[Document Identifier: OS–0990–0313]**

### Agency Information Collection Request: 30-Day 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 30, 2018.

**ADDRESSES:** Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:** Sherrette Funn, *Sherrette.Funn@hhs.gov* or (202) 795–7714. When submitting comments or requesting information, please include the document identifier 0990–0313–30D and project title for reference.

**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.

*Title of the Collection:* The Nation Blood Collection & Utilization Survey (NBCUS).

*Type of Collection:* Extension on a previously approved collection.

OMB No. 0990–0313- Office of the Assistant Secretary for Health—Office of HIV/AIDS and Infectious Disease Policy (OHAIDP).

*Abstract:* Length of request: 3 years. The Nation Blood Collection & Utilization Survey (NBCUS) is a biennial survey of the blood collection and utilization community to produce reliable and accurate estimates of national and regional collections, utilization and safety of all blood products. The 2019 NBCUS is funded by Department of Health and Human Services (DHHS/OASH) and performed by the Centers for Disease Control and Prevention (CDC). In previous years, a similar survey was performed under the auspices of the National Blood Data Resource Center (NBDRC), a private subsidiary of AABB (formerly known as the American Association of Blood Banks), with private funding. In 2005, 2007, 2009, and 2011 the survey was funded by HHS/OS/OASH and performed under contract by AABB. The CDC has since performed the 2013, 2015, and 2017 iterations of the NBCUS.

*Type of respondent:* U.S. Blood Collection Centers (number sampled: 70), U.S. Hospital Blood Banks (number sampled: 2850); frequency: biennial; and the affected public: private businesses.

**Estimated Annualized Burden Table**

| Type of respondent | Number of respondents | Number responses per respondent | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|
| Hospital Blood Banks | 2850 | 1 | 2 | 5700 |
| Blood Collection Centers | 70 | 1 | 2 | 140 |
| Total | 2920 | ..... | ..... | 5840 |

**Terry Clark,**

*Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.*

[FR Doc. 2018–23777 Filed 10–30–18; 8:45 am]

**BILLING CODE 4150–41–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute on Minority Health and Health Disparities; 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 materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Minority Health and Health Disparities Special Emphasis Panel; Innovations for Health Living—Improving Minority Health and Eliminating Health Disparities.

*Date:* December 4, 2018.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute on Minority Health and Health Disparities, 7201 Wisconsin Ave., Suite 525, Rm. 533K, Bethesda, MD 20814 (Telephone Conference Call).

*Contact Person:* Xinli Nan, Ph.D., Scientific Review Officer, National Institute on Minority Health and Health Disparities, National Institutes of Health, Scientific Review Branch, OERA, 7201 Wisconsin Ave., Suite 525, Bethesda, MD 20814, (301) 594–7784, *Xinli.Nan@nih.gov.*

*Name of Committee:* National Institute on Minority Health and Health Disparities Special Emphasis Panel; RCMI Research Coordinating Network (RRCN) (U54).

*Date:* December 12, 2018.

*Time:* 12:00 p.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Gateway Building, 7201 Wisconsin Ave, Suite 533, Bethesda, MD 20814 (Virtual Meeting).

*Contact Person:* Maryline Laude-Sharp, Ph.D., Scientific Review Officer, National Institute on Minority Health and Health Disparities, National Institutes of Health, 7201 Wisconsin Ave., Bethesda, MD 20814, (301) 451–9536, *mlaudesharp@nih.gov.*

*Name of Committee:* National Institute on Minority Health and Health Disparities Special Emphasis Panel; Special Emphasis Panel for Review of Research Conference (R13) Grant Applications.

*Date:* December 10, 2018.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Gateway Plaza, 7201 Wisconsin Avenue, Bethesda, MD 20817.

*Contact Person:* Deborah Ismond, Ph.D., Scientific Review Officer, Division of Scientific Programs, National Institute on Minority Health and Health Disparities, Gateway Plaza, 7201 Wisconsin Avenue, Bethesda, MD 20817, (301) 594–2704, *ismonddr@mail.nih.gov.*

Dated: October 25, 2018.

**David D. Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018–23738 Filed 10–30–18; 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; High-End (PAR 18–598) and Shared (PAR 18–600) Instrumentation Grant Programs: Electron Microscopes and Ancillary Equipment.

*Date:* November 19–20, 2018.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* David Balasundaram, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301–435–1022, *balasundaramd@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Cardiovascular Sciences.

*Date:* November 28–29, 2018.

*Time:* 12:00 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 (Virtual Meeting).

*Contact Person:* Chee Lim, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, Bethesda, MD 20892, 301–435–1850, *limc4@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 25, 2018.

**David D. Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018–23740 Filed 10–30–18; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Nursing Research; Notice To Close Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Nursing Research Special Emphasis Panel; Lasker Clinical Research Scholars Program.

*Date:* November 5, 2018.

*Time:* 11:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, One Democracy Boulevard, 6701 Democracy Boulevard, Suite 703, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Weiqun Li, MD, Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Boulevard, Suite 710, Bethesda, MD 20892, (301) 594–5966, *wli@mail.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. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: October 25, 2018.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018–23737 Filed 10–30–18; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Exploratory Clinical Trial SBIR Applications.

*Date:* November 14, 2018.

*Time:* 12:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7021, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.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.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Collaborative Clinical Research in Type 1 Diabetes: Living Biobank (R01).

*Date:* November 30, 2018.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7119, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: October 25, 2018.

**David D. Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018–23739 Filed 10–30–18; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

**[Docket No. USCG–2018–0793]**

### Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0108

**AGENCY:** Coast Guard, DHS.

**ACTION:** Sixty-day notice requesting comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0108, Standard Numbering System for Undocumented Vessels; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

**DATES:** Comments must reach the Coast Guard on or before December 31, 2018.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number [USCG–2018–0793] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

**FOR FURTHER INFORMATION CONTACT:** Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

**SUPPLEMENTARY INFORMATION:**

#### Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2018–0793], and must be received by December 31, 2018.

#### Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be

viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

**Information Collection Request**

*TITLE:* Standard Numbering System for Undocumented Vessels.

*OMB CONTROL NUMBER:* 1625–0108.

*SUMMARY:* The Standard Numbering System collects information on undocumented vessels and vessel owners operating on waters subject to the jurisdiction of the United States. Federal, State, and local law enforcement agencies use information from the system for enforcement of boating laws or theft and fraud investigations. Since the September 11, 2001 terrorist attacks on the United States, the need has increased for identification of undocumented vessels to meet port security and other missions to safeguard the homeland.

*NEED:* Subsection 12301(a) of Title 46, United States Code, requires undocumented vessels equipped with propulsion machinery of any kind to be numbered in State where the vessel is principally operated. In 46 U.S.C. 12302(a), Congress authorized the Secretary to prescribe, by regulation, a Standard Numbering System (SNS). The Secretary shall approve a State numbering system if that system is consistent with the SNS. The Secretary has delegated his authority under 46 U.S.C. 12301 and 12302 to Commandant of the U.S. Coast Guard. DHS Delegation No. 0170.1. The regulations requiring the numbering of undocumented vessels are in 33 CFR part 173, and regulations establishing the SNS for States to voluntarily carry out this function are contained in 33 CFR part 174.

In States that do not have an approved system, the Federal Government (U.S. Coast Guard) must administer the vessel numbering system. Currently, all 56 States and Territories have approved numbering systems. The approximate number of undocumented vessels registered by the States in 2017 was nearly 12 million.

The SNS collects information on undocumented vessels and vessel owners. States submit reports annually to the Coast Guard on the number, size, construction, etc., of vessels they have numbered. That information is used by the Coast Guard in (1) publication of an annual ''Boating Statistics'' report required by 46 U.S.C. 6102(b), and (2) for allocation of Federal funds to assist States in carrying out the Recreational Boating Safety (RBS) Program established by 46 U.S.C. chapter 131.

On a daily basis or as warranted, Federal, State, and local law enforcement personnel use SNS information from the States' numbering systems for enforcement of boating laws or theft and fraud investigations. In addition, when encountering a vessel suspected of illegal activity, information from the SNS increases officer safety by assisting boarding officers in determining how best to approach a vessel. Since, the September 11, 2001 terrorist attacks on the United States, the need has increased for identification of undocumented vessels and their owners for port security and other missions to safeguard the homeland, although the statutory requirement for numbering of vessels dates back to 1918.

*FORMS:* None.

*RESPONDENTS:* Owners of all undocumented vessels propelled by machinery are required by Federal law to apply for a number from the issuing authority of the State in which the vessel is to be principally operated. In addition, States may require other vessels, such as sailboats or even canoes and kayaks, to be numbered. ''Owners'' may include individuals or households, non-profit organizations, and small businesses (*e.g.,* liveries that offer recreational vessels for rental by the public) or other for-profit organizations.

*FREQUENCY:* On occasion.

*HOUR BURDEN ESTIMATE:* The estimated burden has decreased from 257,896 hours to 256,472 hours a year due to a decrease in the estimated annual number of respondents.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: October 25, 2018.

**James D. Roppel,**

*Acting Chief, U.S. Coast Guard, Office of Information Management.*

[FR Doc. 2018–23711 Filed 10–30–18; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

**[Docket No. TSA–2005–21866]**

### Intent To Request Extension From OMB of One Current Public Collection of Information: Enhanced Security Procedures at Ronald Reagan Washington National Airport

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** 60-Day notice.

**SUMMARY:** The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0035, abstracted below that we will submit to OMB for an extension in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection requires General Aviation (GA) aircraft operators who wish to fly into and out of Ronald Reagan Washington National Airport (DCA) to designate a security coordinator and adopt a DCA Access Standard Security Program (DASSP). The collection also involves obtaining information for Armed Security Officers (ASOs).

**DATES:** Send your comments by December 31, 2018.

**ADDRESSES:** Comments may be emailed to *TSAPRA@tsa.dhs.gov* or delivered to the TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

**FOR FURTHER INFORMATION CONTACT:** Christina A. Walsh at the above address, or by telephone (571) 227–2062.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

**Information Collection Requirement**

*OMB Control Number 1652–0035; Enhanced Security Procedures at Ronald Reagan Washington National Airport (DCA).* Each person who wishes to operate an aircraft into and out of DCA must designate a security coordinator and adopt the DASSP. *See* 49 CFR 1562.21 and 1562.23. Once aircraft operators have adopted the DASSP, the operators must request a tentative slot reservation from the Federal Aviation Administration (FAA) and request authorization from TSA to fly into or out of DCA. This information is collected under OMB control number 1652–0033 TSA Airspace Waiver Program. If TSA approves the flight, TSA will transmit that information to FAA.

*Applicant Collection for DCA Access Standard Security Program*

The DASSP application collects basic information about the applicant, the aircraft operator, and the security coordinator that the operator wishes to designate, as well as the identifier of the airport used as a base of operation and whether the operator presently complies with a TSA Standard Security Program.

TSA also requires the following individuals to submit fingerprints for a criminal history records check (CHRC) and other identifying information for a name-based security threat assessment: Individuals designated as security coordinators by Fixed Base Operators (FBOs) under 49 CFR 1562.25 [1] and GA aircraft operators under 1562.23; flight crewmembers who operate GA aircraft into and out of DCA in accordance with 49 CFR 1562.23 and DASSP; and ASOs approved in accordance with 49 CFR part 1562.29. For flight crewmembers, TSA also uses this information to check their FAA records to determine whether they have a record of violation of specified FAA regulations. As part of the threat assessment process, TSA shares the information with the Federal Bureau of Investigation (FBI) and the FAA.

Aircraft operators must also maintain CHRC records of all employees and authorized representatives for whom a CHRC has been completed. These records must be made available to TSA upon request.

*Applicant Collection for the Armed Security Officer Program*

Under the Armed Security Officers Program, established by 49 CFR 1562.29, aircraft operators and FBOs participating in this program can nominate the individuals they would like to be qualified as ASOs by submitting an ASO nomination form to TSA. Once nominated, the ASOs are required to submit fingerprints and identifying information, personal history information, a photograph, and weapon information before an ASO application can be approved. TSA uses the applicants' information to conduct a complete application vetting to include fingerprint-based CHRC and security threat assessment, including employment history verification check of all prior law enforcement positions. Upon successful completion of these checks and law enforcement employment history review, TSA makes the final determination of ASO applicant eligibility. All qualified applicants must then successfully complete a TSA-approved training course.

TSA estimates a total of 76 respondents annually for DASSP applications, with an annual hour burden estimate of 76. TSA adjusted the 2016 ICR submission respondent numbers to reflect a burden based on aircraft operators only. In addition, TSA estimates 84 respondents annually for ASO nominations, with an annual hour burden of 98. The total number of respondents is estimated to be 160, the annual burden hours is estimated to be 174 hours per year.

Dated: October 25, 2018.

**Christina A. Walsh,**

*TSA Paperwork Reduction Act Officer, Information Technology.*

[FR Doc. 2018–23813 Filed 10–30–18; 8:45 am]

**BILLING CODE 9110–05–P**

[1] An FBO is an airport-based commercial enterprise that provides support services to aircraft operators, such as maintenance, overnight parking, fueling and de-icing.

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

**[Docket No. TSA–2004–19147]**

### Extension of Agency Information Collection Activity Under OMB Review: Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** 30-Day notice.

**SUMMARY:** This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0021, abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of identifying information for background checks for all aliens and other designated individuals seeking flight instruction (''candidates'') from Federal Aviation Administration (FAA)-certificated flight training providers. Through the information collected, TSA will determine whether a candidate is a threat to aviation or national security, and thus prohibited from receiving flight training. Additionally, flight training providers are required to conduct a security awareness program for their employees and contract employees and to maintain records associated with this training.

**DATES:** Send your comments by November 30, 2018. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Christina A. Walsh, TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

**SUPPLEMENTARY INFORMATION:** TSA published a **Federal Register** notice,

with a 60-day comment period soliciting comments, of the following collection of information on July 6, 2018, 83 FR 31561.

**Comments Invited**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

**Information Collection Requirement**

*Title:* Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees.

*Type of Request:* Extension of a currently approved collection.

*OMB Control Number:* 1652–0021.

*Forms(s):* N/A.

*Affected Public:* Aliens and other designated individuals seeking flight instruction from FAA-certificated flight training providers; flight training providers required to conduct security awareness training and their employees.

*Abstract:* This information collection relates to regulations issued by TSA for flight schools. The collection, under 49 CFR part 1552, subpart A, relates to the security threat assessments (STAs) that TSA requires to determine whether candidates are a threat to aviation or national security, and thus prohibited from receiving flight training. This collection of information requires FAA-certificated flight training providers to provide TSA with the information necessary to conduct the STAs. The collection, under 49 CFR part 1552, subpart B, relates to security awareness training for flight school employees and contract employees, which includes maintaining records of all such training.

*Number of Respondents:* 53,900.

*Estimated Annual Burden Hours:* An estimated 50,667 hours annually.

*Estimated Annual Cost Burden:* $14,189,000.

Dated: October 25, 2018.

**Christina A. Walsh,**

*TSA Paperwork Reduction Act Officer, Information Technology.*

[FR Doc. 2018–23815 Filed 10–30–18; 8:45 am]

**BILLING CODE 9110–05–P**

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

### New Agency Information Collection Activity Under OMB Review: Law Enforcement Officers Safety Act and Retired Badge/Credential

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** 30-day Notice.

**SUMMARY:** This notice announces that the Transportation Security Administration (TSA) has forwarded the new Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of information from former employees who are interested in a Law Enforcement Officers Safety Act (LEOSA) Identification (ID) Card, a retired badge, and/or a retired credential.

**DATES:** Send your comments by November 30, 2018. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Christina A. Walsh, TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

**SUPPLEMENTARY INFORMATION:** TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on May 30, 2018, 83 FR 24814.

**Comments Invited**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

**Information Collection Requirement**

*Title:* Law Enforcement Officers Safety Act and Retired Badge/Credential.

*Type of Request:* New collection.

*OMB Control Number:* 1652–XXXX.

*Forms:* TSA Form 2825A; TSA Form 2808.

*Affected Public:* Former TSA employees.

*Abstract:* TSA Management Directive (MD) 3500.1, LEOSA Applicability and Eligibility (June 5, 2018), implements

the LEOSA [1] statute, DHS Directive 257–01 Law Enforcement Officers Safety Act (Dec. 22, 2017) and DHS Instruction Number 257–01–001, The Law Enforcement Officers Safety Act Instruction (Jan. 18, 2018). Under this MD, TSA issues photographic identification to retired LEOs who separated or retired from TSA in ''good standing'' and meet other qualification requirements identified in this MD.

Under TSA MD 2800.11, Badge and Credential Program (Jan. 27, 2014), an employee retiring from Federal service is eligible to receive a ''retired badge and/or credential'' if the individual: (1) Was issued a badge and/or credential, (2) qualifies for a Federal annuity under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS), and (3) meets all of the other qualification requirements under the MD.[2]

Under TSA's current application process for these two programs, qualified applicants may apply for a LEOSA ID Card, a Retired Badge, and/or a Retired Credential, as applicable, either while still employed by the Federal Government (shortly before separating or retiring from the position for which they held their badge and/or credential) or after they have separated or retired (after they become private citizens, *i.e.,* are no longer employed by the Federal Government).

The LEOSA Identification Card Application (TSA Form 2825A) requires collection of identifying information, contact information, official title, separation date, and last known field office. Similarly, TSA Form 2808–R, Retired Badge and/or Retired Credential Application,[3] requires collection of identifying information, contact information, TSA employment/position information (TSA component or Government agency), official title, and entry on duty date.

*Number of Respondents:* 62.

*Estimated Annual Burden Hours:* An estimated 5.17 hours annually.

Dated: October 25, 2018.

**Christina A. Walsh,**

*TSA Paperwork Reduction Act Officer, Information Technology.*

[FR Doc. 2018–23818 Filed 10–30–18; 8:45 am]

**BILLING CODE 9110–05–P**

[1] ''Qualified retired law enforcement officer'' may carry a concealed firearm in any jurisdiction in the United States, regardless of State or local laws, with certain limitations and conditions. *See* Pub. L. 108–277 (118 Stat. 865, July 22, 2004), codified in 18 U.S.C. 926B and 926C, as amended by the Law Enforcement Officers Safety Act Improvements Act of 2010 (Pub. L. 111–272, 124 Stat. 2855, Oct. 12, 2010) and National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239, 126 Stat. 1970, Jan. 2, 2013).

[2] These instructions are included in DHS Instruction: 121–01–002 (Issuance and Control of DHS Badges); DHS Instruction 121–01–008 (Issuance and Control of the DHS Credentials); and the associated Handbook for TSA MD 2800.11.

[3] Since the publication of the 60-day notice, the form title of TSA Form 2808, Personal Identify Verification (PIV) Card, Badge, Credential or Access Control Application, has been updated to TSA Form 2808–R, Retired Badge and/or Retired Credential Application.

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

### Extension of Agency Information Collection Activity Under OMB Review: Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP)

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** 30-Day notice.

**SUMMARY:** This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0044, abstracted below to OMB for review and approval of a extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of identifying and travel experience information by individuals requesting redress through the Department of Homeland Security (DHS) Traveler Redress Inquiry Program. The collection also involves two voluntary customer satisfaction surveys to identify areas for program improvement.

**DATES:** Send your comments by November 30, 2018. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Christina A. Walsh, TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@dhs.gov.*

**SUPPLEMENTARY INFORMATION:** TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on July 6, 2018, 83 FR 31559.

#### Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to:

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

#### Information Collection Requirement

*Title:* Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP).

*Type of Request:* Extension of a currently approved collection.

*OMB Control Number:* 1652–0044.

*Forms(s):* Traveler Inquiry and Survey Forms.

*Affected Public:* Traveling Public.

*Abstract:* DHS TRIP is a single point of contact for individuals who have inquiries or seek resolution regarding difficulties they have experienced during their travel screening. The TSA manages the DHS TRIP office on behalf of DHS. The collection of information includes: (1) A Traveler Inquiry Form (TIF), which includes the individual's identifying and travel experience information; and (2) two optional,

anonymous customer satisfaction surveys to allow the public to provide DHS feedback on its experience using DHS TRIP.

*Number of Respondents:* 15,000.

*Estimated Annual Burden Hours:* An estimated 15,500 hours annually.

*Estimated Cost Burden:* An estimated $14,490 annually.

Dated: October 25, 2018.

**Christina Walsh,**

*TSA Paperwork Reduction Act Officer, Information Technology.*

[FR Doc. 2018–23816 Filed 10–30–18; 8:45 am]

**BILLING CODE 9110–05–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

**[CIS No. 2631–18; DHS Docket No. USCIS–2018–0005]**

**RIN 1615–ZB78**

### Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Sudan, Nicaragua, Haiti, and El Salvador

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** Through this Notice, the Department of Homeland Security (DHS) announces actions to ensure its compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos* v. *Nielsen,* No. 18–cv–01554 (N.D. Cal. Oct. 3, 2018) (''preliminary injunction''). Beneficiaries under the Temporary Protected Status (TPS) designations for Sudan, Nicaragua, Haiti, and El Salvador will retain their TPS while the preliminary injunction remains in effect, provided that an individual's TPS status is not withdrawn under INA section 244(c)(3) or 8 CFR 244.14 because of ineligibility.

DHS is further announcing it is automatically extending through April 2, 2019, the validity of TPS-related Employment Authorization Documents (EADs), Forms I–797, Notice of Action (Approval Notice), and Forms I–94 (Arrival/Departure Record) (collectively ''TPS-Related Documentation''), as specified in this Notice, for beneficiaries under the TPS designations for Sudan and Nicaragua, provided that the affected TPS beneficiaries remain otherwise individually eligible for TPS. *See* INA section 244(c)(3). This Notice also provides information explaining DHS's plans to issue a subsequent notice that will describe the steps DHS will take after April 2, 2019 to continue its compliance with the preliminary injunction.

**DATES:** The TPS designations of Sudan, Nicaragua, Haiti, and El Salvador will remain in effect, as required by the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos* v. *Nielsen,* No. 18–cv–01554 (N.D. Cal. Oct. 3, 2018), so long as the preliminary injunction remains in effect. TPS for those countries will not be terminated unless and until any superseding, final, non-appealable judicial order permits the implementation of such terminations. Information on the status of the preliminary injunction will be available at *http://uscis.gov/tps.*

Further, DHS is automatically extending the validity of TPS-Related Documentation for those beneficiaries under the TPS designations for Sudan and Nicaragua, as specified in this Notice. Those documents will remain in effect for six months from the issuance of the preliminary injunction (which occurred on October 3, 2018), through April 2, 2019, provided the individual's TPS is not withdrawn under INA section 244(c)(3) or 8 CFR 244.14 because of ineligibility.

In the event the preliminary injunction is reversed and that reversal becomes final, DHS will allow for an orderly transition period, as described in the ''Possible Future Action'' section of this Notice.

**FOR FURTHER INFORMATION CONTACT:**

- You may contact Samantha Deshommes, Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, 20 Massachusetts Avenue NW, Washington, DC 20529–2060; or by phone at 800–375–5283.
- For further information on TPS, please visit the USCIS TPS web page at *http://www.uscis.gov/tps.* You can find specific information about this continuation of the TPS benefits for eligible individuals under the TPS designations for Sudan, Nicaragua, Haiti, and El Salvador by selecting the respective country's page from the menu on the left side of the TPS web page.
- If you have additional questions about Temporary Protected Status, please visit *uscis.gov/tools.* Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800–375–5283.
- Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).
- Further information will also be available at local USCIS offices upon publication of this Notice.

**SUPPLEMENTARY INFORMATION:**

#### Table of Abbreviations

BIA—Board of Immigration Appeals
CFR—Code of Federal Regulations
DHS—U.S. Department of Homeland Security
DOS—U.S. Department of State
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
Form I–94—Arrival/Departure Record
FR—Federal Register
Government—U.S. Government
IJ—Immigration Judge
INA—Immigration and Nationality Act
IER—U.S. Department of Justice Civil Rights Division, Immigrant and Employee Rights Section
SAVE—USCIS Systematic Alien Verification for Entitlements Program
Secretary—Secretary of Homeland Security
TNC—Tentative Nonconfirmation
TPS—Temporary Protected Status
TTY—Text Telephone
USCIS—U.S. Citizenship and Immigration Services

#### Background on Temporary Protected Status (TPS)

- TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the INA, or to eligible persons without nationality who last habitually resided in the designated country.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to obtain EADs so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion.
- The granting of TPS does not result in or lead to lawful permanent resident status.
- To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(1)–(2), 8 U.S.C. 1254a(c)(1)–(2).
- When the Secretary terminates a country's TPS designation, beneficiaries return to one of the following:
  - The same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or been terminated); or

○ Any other lawfully obtained immigration status or category they received while registered for TPS, as long as it is still valid on the date TPS terminates.

**Purpose of This Action**

Through this **Federal Register** Notice, the Department of Homeland Security (DHS) announces actions to ensure its compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos* v. *Nielsen,* No. 18–cv–01554 (N.D. Cal. Oct. 3, 2018) (''preliminary injunction''). Beneficiaries under the Temporary Protected Status (TPS) designations for Sudan, Nicaragua, Haiti, and El Salvador will retain their TPS while the preliminary injunction remains in effect, provided that an individual's TPS status is not withdrawn under INA section 244(c)(3) or 8 CFR 244.14 because of ineligibility.

DHS is further announcing it is automatically extending through April 2, 2019, the validity of TPS-related Employment Authorization Documents (EADs), Forms I–797, Notice of Action (Approval Notice), and Forms I–94 (Arrival/Departure Record) (collectively ''TPS-Related Documentation''), as specified in this Notice, for beneficiaries under the TPS designations for Sudan and Nicaragua, provided that the affected TPS beneficiaries remain otherwise individually eligible for TPS. *See* INA section 244(c)(3). This Notice also provides information explaining DHS's plans to issue a subsequent notice that will describe the steps DHS will take after April 2, 2019 to continue its compliance with the preliminary injunction.

**Automatic Extension of EADs**

Through this **Federal Register** Notice, DHS automatically extends through April 2, 2019, the validity of EADs with the category codes ''A–12'' or ''C–19'' and one of the expiration dates shown below that have been issued under the TPS designations of Sudan and Nicaragua:

11/02/2017
01/05/2018
11/02/2018
01/05/2019

Additionally, a beneficiary under the TPS designations for Sudan or Nicaragua who applied for a new EAD but who has not yet received his or her new EAD is also covered by this automatic extension, provided that the EAD he or she possesses contains one of the expiration dates noted in the chart above. Such individuals may show this **Federal Register** Notice and their EAD to employers to demonstrate that their TPS-Related Documentation and employment authorization has been extended through April 2, 2019. This Notice explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and how this affects the Form I–9, Employment Eligibility Verification, E-Verify, and USCIS Systematic Alien Verification for Entitlements (SAVE) processes.

**Automatic Extension of Forms I–94 (Arrival/Departure Record) and Forms I–797 (Notice of Action (Approval Notice))**

In addition, through this **Federal Register** Notice, DHS automatically extends through April 2, 2019, the validity periods of the following Forms I–94 and Forms I–797, Notice of Action (Approval Notice) previously issued to eligible beneficiaries granted TPS under the designations for Sudan and Nicaragua:

| Country | Beginning date of validity: | End date of validity: |
|---|---|---|
| Sudan ..... | May 3, 2016 | Nov. 2, 2017. |
| | Nov. 3, 2017 | Nov. 2, 2018. |
| Nicaragua ..... | July 6, 2016 | Jan. 5, 2018. |
| | Jan. 6, 2018 | Jan. 5, 2019. |

However, the extension of this validity period applies only if the eligible TPS beneficiary properly filed for TPS re-registration during the most recent DHS-announced registration period for the applicable country, or has a re-registration application that remains pending. In addition, the extension does not apply if the TPS of any such individual has been finally withdrawn. This Notice does not extend the validity date of any TPS-related Form I–94 or Form I–797, Notice of Action (Approval Notice) issued to a TPS beneficiary that contains an end date not on the chart above where the individual has failed to file for TPS re-registration, or where his or her re-registration request has been finally denied.

**Application Procedures**

Current beneficiaries under the TPS designations for Sudan and Nicaragua do not need to pay a fee or file any application, including the Application for Employment Authorization (Form I–765), to maintain their TPS benefits through April 2, 2019, if they have properly re-registered for TPS during the most recent DHS-announced registration period for their country. TPS beneficiaries who have failed to re-register properly for TPS during the last registration period may still file Form I–821 (Application for Temporary Protected Status) but must demonstrate ''good cause'' for failing to re-register on time, as required by law. *See* INA, section 244(c)(3)(C) (TPS beneficiary's failure to register without good cause in form and manner specified by DHS is ground for TPS withdrawal); 8 CFR 244.17(b) and Instructions to Form I–821. Any eligible beneficiary under the TPS designations for Sudan or Nicaragua who either does not possess an EAD that is automatically extended by this Notice, or wishes to apply for a new EAD may file Form I–765 with appropriate fee (or fee waiver request). If approved, USCIS will issue an EAD with an April 2, 2019, expiration date. Similarly, USCIS will issue an EAD with an April 2, 2019 expiration date for those with pending EAD applications that are ultimately approved.

**Possible Future Action**

If it becomes necessary to comply with statutory requirements for TPS re-registration during the pendency of the Court's Order or any superseding court order concerning the beneficiaries under the TPS designations for Sudan, Nicaragua, Haiti, and El Salvador, DHS may announce re-registration procedures in a future **Federal Register** Notice. *See* section 244(c)(3)(C) of the INA; 8 CFR 244.17.

In the event the preliminary injunction is reversed and that reversal becomes final, DHS will allow for an orderly transition period, ending on the later of (a) 120 days from the effective date of such a superseding, final order, or (b) on the Secretary's previously-announced effective date for the termination of TPS designations for each individual country, as follows:

- Sudan—N/A; [1]
- Nicaragua—N/A;
- Haiti—July 22, 2019;
- El Salvador—September 9, 2019.

To the extent that a **Federal Register** Notice has auto-extended TPS-Related Documentation beyond the 120-day orderly transition period, DHS reserves the right to issue a subsequent **Federal Register** Notice announcing an expiration date for the documentation that corresponds to the last day of the 120-day orderly transition period.

[1] Any 120-day transition period would end later than the Secretary's previously-announced effective dates for the termination of TPS designations for Sudan and Nicaragua (November 2, 2018, and January 5, 2019, respectively).

**Effect on TPS-Related Documentation for Beneficiaries Under the TPS Designations for Haiti and El Salvador**

If otherwise eligible, beneficiaries under the TPS designations for Haiti and El Salvador who either have been approved for re-registration or have pending TPS re-registration and EAD applications, either have or will receive TPS-Related Documentation that will remain in effect for more than six months. Specifically, such beneficiaries will have TPS-Related Documentation valid until July 22, 2019, for beneficiaries under the TPS designations for Haiti, or until September 9, 2019, for beneficiaries under the TPS designations for El Salvador. The automatic extensions announced in this Notice therefore do not apply to them.[2]

**Additional Notes**

Nothing in this Notice affects DHS's ongoing authority to determine on a case-by-case basis whether TPS beneficiaries continue to meet the individual eligibility requirements for TPS described in section 244(c) of the INA and the implementing regulations in part 244 of Title 8 of the Code of Federal Regulations.

**Notice of Compliance With Court Order Enjoining the Implementation and Enforcement of Determinations To Terminate the TPS Designations of Sudan, Nicaragua, Haiti, and El Salvador**

As required by the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos* v. *Nielsen,* No. 18–cv–01554 (N.D. Cal. Oct. 3, 2018), the previously-announced determinations to terminate the existing designations of TPS for Sudan, Nicaragua, Haiti, and El Salvador [3] will not be implemented or enforced unless and until the District Court's Order is reversed and that reversal becomes final for some or all of these four countries.

In further compliance with the Order, I am publishing this **Federal Register** Notice automatically extending the validity of the TPS-Related Documentation specified above in the Supplementary Information section of this Notice for six months from the date of the Order, October 3, 2018 through April 2, 2019, for eligible beneficiaries under the TPS designations for Sudan and Nicaragua.

Any termination of TPS-Related Documentation for beneficiaries under the TPS designations for Sudan, Nicaragua, Haiti, and El Salvador will go into effect on the later of: (a) 120 Days from the effective date any superseding, final, non-appealable judicial order that permits the implementation of such terminations, or (b) on the Secretary's previously-announced effective date for the termination of TPS designations for each individual country. To the extent that a subsequent **Federal Register** Notice has auto-extended TPS-Related Documentation beyond the 120-day orderly transition period, DHS reserves the right to issue another **Federal Register** Notice invalidating the documents at the end of the orderly transition period.

DHS will issue another **Federal Register** Notice approximately 30 days before April 2, 2019, that will extend TPS-Related Documentation for an additional nine months from April 2, 2019, for all affected beneficiaries under the TPS designations for Sudan, Nicaragua, Haiti, and El Salvador. DHS will continue to issue **Federal Register** Notices at nine-month intervals so long as the preliminary injunction remains in place and will continue its commitment to a 120-day orderly transition period, as described above.

All TPS beneficiaries must continue to maintain their TPS eligibility by meeting the requirements for TPS in INA section 244(c) and part 244 of Title 8 of the Code of Federal Regulations. DHS will continue to adjudicate any pending TPS re-registration and pending late initial applications for affected beneficiaries from the four countries, and continue to make appropriate individual TPS withdrawal decisions in accordance with existing procedures if an individual no longer maintains TPS eligibility. DHS may continue to announce periodic re-registration procedures for eligible TPS beneficiaries in accordance with the INA and DHS regulations. Should the preliminary injunction order remain in effect, DHS will take appropriate steps to continue its compliance with the preliminary injunction, and all statutory requirements.

**Claire M. Grady,**

*Acting Deputy Secretary.*

**Approved Forms To Demonstrate Continuation of Lawful Status and TPS-Related Employment Authorization**

- This **Federal Register** Notice (October 31, 2018)
  - Through operation of this **Federal Register** Notice, the existing EADs of affected TPS beneficiaries are automatically extended through April 2, 2019.
  - A beneficiary granted TPS under the designations for Sudan and Nicaragua may show a copy of this Notice, along with his or her specified EAD, to his or her employer to demonstrate identity and continued TPS-related employment eligibility for purposes of meeting the Employment Eligibility Verification (Form I–9) requirements.
  - Alternatively, such a TPS beneficiary may choose to show other acceptable documents that are evidence of identity and employment eligibility as described in the Instructions to Employment Eligibility Verification (Form I–9).
  - Finally, such a TPS beneficiary may show a copy of this Notice, along with his or her specified EAD, Form I–94, or Form I–797 Notice of Action (Approval Notice), as evidence of his or her lawful status, to law enforcement, federal, state, and local government agencies, and private entities.
- Employment Authorization Document (EAD)

*Am I eligible to receive an automatic extension of my current EAD through April 2, 2019, using this* ***Federal Register*** *Notice*?

Yes. Provided that you currently have a TPS-related EAD for Sudan or Nicaragua with the specified expiration dates described below, this **Federal Register** Notice automatically extends your EAD through April 2, 2019, if you:

- Are a national of Sudan or Nicaragua (or an alien having no nationality who last habitually resided in Sudan or Nicaragua) who has TPS, and your EAD contains a category code of A–12 or C–19 and one of the expiration dates shown below:

11/02/2017
01/05/2018
11/02/2018
01/05/2019

*When hired, what documentation may I show to my employer as evidence of employment authorization and identity when completing Employment Eligibility Verification (Form I–9)?*

[2] *See* Termination of the Designation of Haiti for Temporary Protected Status, 83 FR 2648 (Jan. 18, 2018) and Termination of the Designation of El Salvador for Temporary Protected Status, 83 FR 2654 (Jan. 18, 2018).

[3] *See* Termination of the Designation of Sudan for Temporary Protected Status, 82 FR 47228 (Oct. 11, 2017); Termination of the Designation of Nicaragua for Temporary Protected Status, 82 FR 59636 (Dec. 15, 2017); Termination of the Designation of Haiti for Temporary Protected Status, 83 FR 2648 (Jan. 18, 2018); Termination of the Designation of El Salvador for Temporary Protected Status, 83 FR 2654 (Jan. 18, 2018).

You can find a list of acceptable document choices on the ''Lists of Acceptable Documents'' for Form I–9 at *https://www.uscis.gov/i-9-central/acceptable-documents.* Employers must complete Form I–9 to verify the identity and employment authorization of all new employees. Within three days of hire, employees must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I–9 requirements.

You may present any document from List A (which provides evidence of both identity and employment authorization) or one document from List B (which provides evidence of your identity) together with one document from List C (which is evidence of employment authorization), or you may present an acceptable receipt for List A, List B, or List C documents as described in the Form I–9 Instructions. Employers may not reject a document based on a future expiration date. You can find additional detailed information about Form I–9 on USCIS' I–9 Central web page at *http://www.uscis.gov/I-9Central.*

An EAD is an acceptable document under List A.

| If your EAD has category code of A–12 or C–19 and an expiration date from the column below, you may show your expired EAD along with this **Federal Register** Notice to complete Form I–9: | Enter this date in Section 1 of Form I–9: | Your employer must reverify your employment authorization by: |
|---|---|---|
| 11/02/2017 | Apr. 2, 2019 | Apr. 3, 2019. |
| 01/05/2018 | Apr. 2, 2019 | Apr. 3, 2019. |
| 11/02/2018 | Apr. 2, 2019 | Apr. 3, 2019. |
| 01/05/2019 | Apr. 2, 2019 | Apr. 3, 2019. |

If you want to use your EAD with one of the specified expiration dates above, and that date has passed, then you may also provide your employer with a copy of this **Federal Register** Notice, which explains that your EAD has been automatically extended for a temporary period of time, through April 2, 2019.

What documentation may I present to my employer for Employment Eligibility Verification (Form I–9) if I am already employed but my current TPS-related EAD is set to expire?

Even though your EAD has been automatically extended, your employer is required by law to ask you about your continued employment authorization, and you will need to present your employer with evidence that you are still authorized to work. Once presented, you may correct your employment authorization expiration date in Section 1 and your employer should correct the EAD expiration date in Section 2 of Form I–9. *See* the subsection titled, ''What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my employment authorization has been automatically extended?'' for further information. You may show this **Federal Register** Notice to your employer to explain what to do for Form I–9 and to show that your EAD has been automatically extended through April 2, 2019. Your employer may need to re-inspect your automatically extended EAD to check the expiration date and Category code if your employer did not keep a copy of this EAD when you initially presented it.

The last day of the automatic EAD extension for eligible beneficiaries under the TPS designations for Sudan and Nicaragua is April 2, 2019. Before you start work on April 3, 2019, your employer is required by law to re-verify your employment authorization. At that time, you must present any document from List A or any document from List C on Form I–9 Lists of Acceptable Documents, or an acceptable List A or List C receipt described in the Form I–9 Instructions to reverify employment authorization.

By April 3, 2019, your employer must complete Section 3 of the current version of the form, Form I–9 07/17/17 N, and attach it to the previously completed Form I–9, if your original Form I–9 was a previous version. Your employer can check USCIS' I–9 Central web page at *http://www.uscis.gov/I-9Central* for the most current version of Form I–9.

Note that your employer may not specify which List A or List C document you must present and cannot reject an acceptable receipt.

Can I seek a new EAD?

You do not need to apply for a new EAD in order to benefit from this automatic extension. However, if you want to obtain a new EAD valid through April 2, 2019, you must file an Application for Employment Authorization (Form I–765) and pay the Form I–765 fee (or request a fee waiver). Note, if you do not want a new EAD, you do not have to file Form I–765 or pay the Form I–765 fee. If you do not want to request a new EAD now, you may also file Form I–765 at a later date and pay the fee (or request a fee waiver), provided that you still have TPS or a pending TPS application. You may file the application for a new EAD either before or after your current EAD has expired.

If you are unable to pay the application fee and/or biometric services fee, you may complete a Request for Fee Waiver (Form I–912) or submit a personal letter requesting a fee waiver with satisfactory supporting documentation. For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at *http://www.uscis.gov/tps.* Fees for the Form I–821, the Form I–765, and biometric services are also described in 8 CFR 103.7(b)(1)(i).

**Note:** If you have a Form I–821 and/or Form I–765 that was still pending as of October 2, 2018, then you should not file either application again. If your pending TPS application is approved, you will be granted TPS through April 2, 2019. Similarly, if you have a pending TPS-related application for an EAD that is approved, it will be valid through the same date.

Can my employer require that I provide any other documentation to prove my status, such as proof of my citizenship from Sudan, Nicaragua, Haiti, or El Salvador?

No. When completing Form I–9, including reverifying employment authorization, employers must accept any documentation that appears on the Form I–9 ''Lists of Acceptable Documents'' that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers need not reverify List B identity documents. Employers may not request documentation that does not appear on the ''Lists of Acceptable Documents.'' Therefore, employers may not request proof of citizenship or proof of re-registration for TPS when completing Form I–9 for new hires or reverifying the employment authorization of current employees. If presented with EADs that have been

automatically extended, employers should accept such documents as a valid List A document so long as the EAD reasonably appears to be genuine and relates to the employee. Refer to the Note to Employees section of this **Federal Register** Notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

How do my employer and I complete Employment Eligibility Verification (Form I–9) using my automatically extended employment authorization for a new job?

When using an automatically extended EAD to complete Form I–9 for a new job on or before April 2, 2019, you and your employer should do the following:

1. For Section 1, you should:

a. Check ''An alien authorized to work until'' and enter April 2, 2019, as the ''expiration date''; and

b. Enter your Alien Number/USCIS number or A-Number where indicated (your EAD or other document from DHS will have your USCIS number or A-Number printed on it; the USCIS number is the same as your A-Number without the A prefix).

2. For Section 2, your employer should:

a. Determine if the EAD is auto-extended:

An employee's EAD has been auto-extended if it contains a category code of A–12 or C–19 and an expiration date shown below:

11/02/2017
01/05/2018
11/02/2018
01/05/2019

If it has been auto-extended, the employer should:

b. Write in the document title;

c. Enter the issuing authority;

d. Provide the document number; and

e. Write April 2, 2019, as the expiration date.

Before the start of work on April 3, 2019, employers are required by law to reverify the employee's employment authorization in Section 3 of Form I–9.

*What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my employment authorization has been auto-extended?*

If you presented a TPS-related EAD that was valid when you first started your job and your EAD has now been automatically extended, your employer may need to re-inspect your current EAD if they do not have a copy of the EAD on file. You may, and your employer should, correct your previously completed Form I–9 as follows:

1. For Section 1, you may:

a. Draw a line through the expiration date in Section 1;

b. Write April 2, 2019, above the previous date; and

c. Initial and date the correction in the margin of Section 1.

2. For Section 2, employers should:

a. Determine if the EAD is auto-extended:

An employee's EAD has been auto-extended if it contains a category code of A–12 or C–19 and an expiration date shown below:

11/02/2017
01/05/2018
11/02/2018
01/05/2019

If it has been auto-extended:

b. Draw a line through the expiration date written in Section 2;

c. Write April 2, 2019, above the previous date; and

d. Initial and date the correction in the Additional Information field in Section 2.

**Note:** This is not considered a reverification. Employers do not need to complete Section 3 until either this Notice's automatic extension of EADs has ended or the employee presents a new document to show continued employment authorization, whichever is sooner. By April 3, 2019, when the employee's automatically extended EAD has expired, employers are required by law to reverify the employee's employment authorization in Section 3.

If I am an employer enrolled in E-Verify, how do I verify a new employee whose EAD has been automatically extended?

Employers may create a case in E-Verify for these employees by providing the employee's Alien Registration number (A#) or USCIS number as the document number on Form I–9 in the document number field in E-Verify.

If I am an employer enrolled in E-Verify, what do I do when I receive a ''Work Authorization Documents Expiration'' alert for an automatically extended EAD?

If you have employees who provided a TPS-related EAD with an expiration date that has been auto-extended by this Notice, you should dismiss the ''Work Authorization Documents Expiring'' case alert. Before this employee starts to work on April 3, 2019, you must reverify his or her employment authorization in Section 3 of Form I–9. Employers should not use E-Verify for reverification.

**Note to All Employers**

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This **Federal Register** Notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888–464–4218 (TTY 877–875–6028) or email USCIS at *I9Central@dhs.gov.* Calls and emails are accepted in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I–9 and E-Verify), employers may call the U.S. Department of Justice's Civil Rights Division, Immigrant and Employee Rights Section (IER) (formerly the Office of Special Counsel for Immigration-Related Unfair Employment Practices) Employer Hotline at 800–255–8155 (TTY 800–237–2515). IER offers language interpretation in numerous languages. Employers may also email IER at *IER@usdoj.gov.*

**Note to Employees**

For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY 877–875–6028) or email USCIS at *I–9Central@dhs.gov.* Calls are accepted in English, Spanish, and many other languages. Employees or applicants may also call the IER Worker Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin, including discrimination related to Employment Eligibility Verification (Form I–9) and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Employment Eligibility Verification (Form I–9) Instructions. Employers may not require extra or additional documentation beyond what is required for Form I–9 completion. Further,

employers participating in E-Verify who receive an E-Verify case result of ''Tentative Nonconfirmation'' (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from an employee's Form I–9 differs from records available to DHS.

Employers may not terminate, suspend, delay training, withhold pay, lower pay, or take any adverse action against an employee because of the TNC while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY 877–875–6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER's Worker Hotline at 800–255–7688 (TTY 800–237–2515). Additional information about proper nondiscriminatory Form I–9 and E-Verify procedures is available on the IER website at *https://www.justice.gov/ier* and on the USCIS and E-Verify websites at *https://www.uscis.gov/i-9-central* and *https://www.e-verify.gov.*

**Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)**

While Federal Government agencies must follow the guidelines laid out by the Federal Government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary, show you are authorized to work based on TPS or other status, and/or that may be used by DHS to determine whether you have TPS or other immigration status. Examples of such documents are:

(1) Your current EAD;

(2) A copy of this **Federal Register** Notice, providing an automatic extension of your currently expired or expiring EAD;

(3) A copy of your Form I–94, (Arrival/Departure Record), or Form I–797, Notice of Action (Approval Notice), that has been auto-extended by this Notice and a copy of this Notice;

(4) Any other relevant DHS-issued document that indicates your immigration status or authorization to be in the United States, or that may be used by DHS to determine whether you have such status or authorization to remain in the United States. Check with the government agency regarding which document(s) the agency will accept.

Some benefit-granting agencies use the SAVE program to confirm the current immigration status of applicants for public benefits. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but, occasionally, verification can be delayed. You can check the status of your SAVE verification by using CaseCheck at the following link: *https://save.uscis.gov/casecheck/,* then by clicking the ''Check Your Case'' button. CaseCheck is a free service that lets you follow the progress of your SAVE verification using your date of birth and one immigration identifier number. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request to correct records under the Freedom of Information Act can be found on the SAVE website at *http://www.uscis.gov/save.*

[FR Doc. 2018–23892 Filed 10–30–18; 8:45 am]

BILLING CODE 9111–97–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R8–ES–2018–N094; FXES11140800000–178–FF08E00000]**

### Draft City of Rancho Palos Verdes Natural Community Conservation Plan and Habitat Conservation Plan and Draft Environmental Assessment, City of Rancho Palos Verdes, Los Angeles County, California

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for public comment.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the receipt and availability of a draft Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and draft environmental assessment (EA), which evaluates the impacts of, and alternatives to, the proposed City of Rancho Palos Verdes (City of RPV) NCCP/HCP. The City of RPV NCCP/HCP was submitted by the City of Rancho Palos Verdes in support of an application under the Endangered Species Act, for a permit authorizing the incidental take of 10 covered species resulting from covered projects/activities and a permit under the State of California's Natural Community Conservation Planning Act of 2002. We request review and comment on the City of RPV NCCP/HCP and the draft EA from local, State, and Federal agencies; Tribes; and the public.

**DATES:** To ensure consideration, please send your written comments by December 31, 2018.

**ADDRESSES:**

*Obtaining Documents:* You may obtain copies of the City of RPV NCCP/HCP and the draft EA by the following methods. Please specify that your request pertains to the City of RPV NCCP/HCP.

- *Email: katiel@rpvca.gov.*
- *Internet: http://www.rpvca.gov/490/Palos-Verdes-Nature-Preserve-NCCP-PUMP-H.*
- *U.S. Mail:* A limited number of CD–ROM and printed copies are available, by request, from the following locations:
  - Carlsbad Fish and Wildlife Office, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008;
  - Rancho Palos Verdes City Hall (see address under *In-Person,* below).
- *In-Person:* Copies are available for public inspection and review at the following locations, by appointment and written request only:
  - Rancho Palos Verdes City Hall, 30940 Hawthorne Blvd., Rancho Palos Verdes, CA 90275 (telephone: 310–554–5267; 7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Friday); and
  - Palos Verdes Peninsula Land Conservancy, 916 Silver Spur Road, Suite 207, Rolling Hills Estates, CA 90274 (9:30 a.m. to 5 p.m., Monday through Friday).

*Submitting Comments:* You may submit comments by one of the following methods:

- *Email: fw8cfwocomments@fws.gov;* please include ''City of RPV NCCP/HCP'' in the subject line.
- *U.S. Mail:* Karen Goebel, Attn: City of RPV NCCP/HCP (use the Carlsbad

Fish and Wildlife Office address under *Obtaining Documents*).

• *Telephone:* Karen Goebel, 760–431–9440.

**FOR FURTHER INFORMATION CONTACT:** Mary Beth Woulfe, 760–431–9440.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), announce the receipt and availability of a draft Natural Community Conservation Plan/Habitat Conservation Plan (HCP/NCCP) and draft environmental assessment (EA), which evaluates the impacts of, and alternatives to, the proposed City of Rancho Palos Verdes (RPV) NCCP/HCP. The City of RPV NCCP/HCP was submitted by the City of Rancho Palos Verdes in support of an application under section 10 of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), for a permit authorizing the incidental take of 10 covered species resulting from covered projects/activities. The proposed City of RPV NCCP/HCP plan area encompasses approximately 8,616.6 acres on the Palos Verdes Peninsula, Los Angeles County, California.

## Introduction

Under section 10(c) of the ESA and under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), this notice advises the public of the receipt and availability for public review of the draft City of RPV NCCP/HCP and draft EA, which evaluates the impacts of, and alternatives to, the City of RPV NCCP/HCP, submitted with an application for a permit to authorize the incidental take of federally listed covered species resulting from covered projects/activities within the plan area. The Service is the Lead Agency pursuant to NEPA. The proposed Federal action is issuance of an incidental take permit (ITP) under section 10(a)(1)(B) of the ESA to the City of Rancho Palos Verdes and their habitat manager, Palos Verdes Peninsula Land Conservancy.

## Background

Section 9 of the ESA prohibits ''take'' of fish and wildlife species listed as endangered under section 4 (16 U.S.C. 1538, 1533, respectively). Section 10(a)(1)(B) of the ESA provides for the issuance of a permit for the taking of listed fish and wildlife species that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity (''incidental take''). The ESA implementing regulations extend, under certain circumstances, the prohibition of take to threatened species (50 CFR 17.31). Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32. For more about the HCP program, go to *http://www.fws.gov/endangered/esa-library/pdf/hcp.pdf.*

Under section 10(a) of the ESA, the Service may issue permits to authorize incidental take of listed fish and wildlife species. Section 10(a)(2)(B) of the ESA contains criteria for issuing ITPs to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met:

• The taking will be incidental;

• The applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking;

• The applicant will develop an HCP and ensure that adequate funding for the plan will be provided;

• The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

• The applicant will carry out any other measures that the Secretary may require as being necessary or appropriate for the purposes of the HCP.

The purpose of issuing an ITP to the City of Rancho Palos Verdes would be to permit incidental take of the covered species resulting from identified covered City of Rancho Palos Verdes and private projects/activities within the plan area. Implementation of the City of RPV NCCP/HCP is intended to maximize conservation for covered species while providing cost-savings and reducing potential time-delays associated with processing individual ITPs for each covered project/activity within the plan area.

The proposed City of RPV NCCP/HCP includes measures intended to minimize and mitigate the impacts of the taking to the maximum extent practicable from covered City of Rancho Palos Verdes and private projects/activities within the plan area.

## Proposed Action

The proposed action is the issuance of an ITP by the Service to City of Rancho Palos Verdes and their habitat manager, Palos Verdes Peninsula Land Conservancy, for the incidental take of covered species from identified covered projects/activities, including the avoidance, minimization, and mitigation of impacts to covered species within the 8,616.6-acre plan area for 40 years. The proposed City of RPV NCCP/HCP is a conservation plan for the following 10 species:

*Federally listed as endangered:*
Palos Verdes blue butterfly
El Segundo blue butterfly
*Federally listed as threatened:*
Coastal California gnatcatcher
*Unlisted:*
Cactus wren
Aphanisma
South coast salt scale
Catalina crossosoma
Island green dudleya
Santa Catalina Island desert-thorn
Woolly seablite

There are 17 City of Rancho Palos Verdes projects/activities and 5 private projects/activities proposed to be covered by the ITP. The City of Rancho Palos Verdes projects/activities include landslide abatement, drainage improvement, dewatering wells, road and canyon repairs, fuel modification, and maintenance; private projects/activities include development, remedial grading, and fuel modification. Public use is also identified as a conditionally allowable use. Potential impacts to covered species include disruption of normal behavior by covered projects/activities and injury or death due to construction activities. The City of RPV NCCP/HCP provides a comprehensive approach to the conservation and management of these species and their habitat within the plan area.

The plan area is approximately 8,616.6 acres and includes the entire boundary of the City of Rancho Palos Verdes. The plan area is constant for all of the alternatives analyzed in the EA. The City of RPV NCCP/HCP quantifies the expected loss of habitat and the proposed mitigation, including management and monitoring of the preserve.

## Alternatives

We considered five alternatives in the EA: (1) No Action Alternative; (2) Alternative A, Peninsula NCCP Working Group Alternative; (3) Alternative B, Landowner Alternative; (4) Alternative C, The City of Rancho Palos Verdes' Alternative; and (5) Alternative D, The Proposed Action.

Under the No Action Alternative, the City of Rancho Palos Verdes NCCP/HCP would not move forward for approval and an ITP would not be issued. All projects/activities proposed in City of RPV NCCP/HCP would continue to be reviewed in accordance with existing State land use and environmental regulations. Alternative A was developed by the working group, which consisted of stakeholders within the City of Rancho Palos Verdes, and included the largest preserve area, totaling about 1,559.1 acres. Alternative B was developed by the major landowners in 1999 and proposed the smallest preserve area of all of the alternatives. Alternative C was developed by the City of Rancho Palos

Verdes and was a compromise of Alternative A and B. The preserve size under Alternative C is slightly larger than that under the Proposed Action (Alternative D), but the total amount of coastal sage scrub habitat under Alternative C is slightly lower than that in the Proposed Action (Alternative D).

The Proposed Action (Alternative D) is the same as Alternative C, with the following exceptions: (1) A 27.0-acre parcel in the Upper Filiorum property has been removed from the preserve and is now identified as a covered project, including the associated dedication of 30 acres of functional and connected habitat; (2) 40.0 acres of a former archery range property have been removed from the preserve due to landslide and legal constraints; and (3) 61.5 acres of Malaga Canyon have been purchased by the City of Rancho Palos Verdes and have been incorporated into the preserve. The preserve in Alternative D totals 1,402.4 acres.

**Request for Comments**

Consistent with section 10(c) of the ESA, we invite your submission of written comments, data, or arguments with respect to the City of Rancho Palos Verdes' permit application, the City of RPV NCCP/HCP, and proposed permitting decision.

**Public Availability of Comments**

Written comments we receive become part of the public record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

**Next Steps**

Issuance of an incidental take permit is a Federal proposed action subject to compliance with NEPA. We will evaluate the application, associated documents, and any public comments we receive to determine whether the application meets the requirements of section 10(a) of the ESA. If we determine that those requirements are met, we will issue a permit to the applicant for the incidental take of the covered species. We will make our final permit decision no sooner than 60 days after the public comment period closes.

**Authority**

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

**Scott Sobiech,**

*Acting Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.*

[FR Doc. 2018–23762 Filed 10–30–18; 8:45 am]

**BILLING CODE 4333–15–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R8–R–2018–N122; FF08RSDC00–190–F1611MD–FXRS12610800000]**

### Otay River Estuary Restoration Project, South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge, California; Record of Decision

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; record of decision.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of the record of decision (ROD) for the San Diego Bay National Wildlife Refuge—Otay River Estuary Restoration Project final environmental impact statement (EIS). The ROD explains that, of the three alternatives examined in the final EIS, the chosen alternative is the environmentally preferred alternative.

**ADDRESSES:** *Document Availability:* The ROD is available at:

- *Internet: https://www.fws.gov/refuge/San_Diego_Bay/what_we_do/Resource_Management/Otay_Restoration.html.*
- *In Person:*

o San Diego National Wildlife Refuge Complex Headquarters, 1080 Gunpowder Point Drive, Chula Vista, CA 91910; telephone: 619–476–9150, extension 103.

**FOR FURTHER INFORMATION CONTACT:** Brian Collins, Refuge Manager, San Diego Bay National Wildlife Refuge at 619–575–2704, extension 302 (telephone) or *brian_collins@fws.gov* (email); or Andy Yuen, Project Leader, 619–476–9150, extension 100 (telephone), or *andy_yuen@fws.gov* (email).

**SUPPLEMENTARY INFORMATION:**

**Background**

In 2006, we completed the San Diego Bay National Wildlife Refuge (NWR) Comprehensive Conservation Plan (CCP) and final EIS/ROD to guide the management of the San Diego Bay NWR over a 15-year period (71 FR 64552, November 2, 2006). The wildlife and habitat management goal of the selected management alternative in the CCP for the South San Diego Bay Unit is to ''Protect, manage, enhance, and restore . . . coastal wetlands . . . to benefit the native fish, wildlife, and plant species supported within the South San Diego Bay Unit.'' One of the strategies identified to meet this goal is to restore native habitats in the Otay River floodplain and the salt ponds.

On September 29, 2010, the San Diego NWR Complex and Poseidon Resources (Channelside) LP (Poseidon) entered into a memorandum of understanding to establish a partnership to facilitate the restoration of property within the San Diego Bay NWR, consistent with the CCP and Poseidon's restoration requirements from the California Coastal Commission (Commission) in an approved coastal development permit (CDP No. E–06–013) related to the construction and operation of a desalination plant in Carlsbad, California.

We published a notice of intent (NOI) to prepare an EIS for the Otay River Estuary Restoration Project on November 14, 2011 (76 FR 70480), followed by a second NOI on January 8, 2013 (78 FR 1246), when the project was expanded to include the restoration of Pond 15. We published a notice of availability (NOA) of the draft EIS for the project on October 21, 2016 (81 FR 72817), and an NOA of the final EIS on May 18, 2018 (83 FR 23289).

**Project**

The project site is located at the south end of San Diego Bay, San Diego County, California, within the South San Diego Bay Unit of the San Diego Bay NWR. Restoration activities will occur at two separate locations within the Refuge: The 34-acre Otay River Floodplain Site, located to the west of Interstate 5 between Main Street to the north and Palm Avenue to the south in the City of San Diego, and the 91-acre Pond 15 Site, an active solar salt pond, located in the northeastern portion of the Refuge to the northwest of the intersection of Bay Boulevard and Palomar Street in the City of Chula Vista.

**Alternatives**

We analyzed three alternatives in the final EIS, including the no action alternative and two action alternatives, for restoring the two areas on the San Diego Bay NWR that comprise the restoration project. In addition to a no-action alternative, the action alternatives include an intertidal alternative and a subtidal alternative.

*Alternative B: Intertidal Alternative (Selected Alternative)*

The Intertidal Alternative (Alternative B) proposes to lower the elevation and re-contour the Otay River Floodplain Site to create approximately 30 acres of tidally influenced habitat consisting of approximately 5 acres of intertidal mudflat and 25 acres of intertidal salt marsh habitat, 1 acre of transitional habitat and high tide refugia, and 4 acres of upland habitat.

Approximately 320,000 cubic yards of soil would be excavated from the Otay River Floodplain Site to achieve elevations suitable for sustaining intertidal wetlands. The majority of the excavated material, approximately 260,000 cubic yards, would be transported to Pond 15 to be beneficially used as fill within the Pond 15 Site, as well as to reinforce existing levees around the pond. Pond 15 would be filled and contoured to achieve elevations required to support approximately 10 acres of subtidal habitat, 18 acres of intertidal mudflat, 57 acres of intertidal salt marsh habitat, 1.6 acres of transitional habitat and high tide refugia, and 4 acres of upland habitat.

The combination of the wetlands created at the Otay River Floodplain Site and Pond 15 Site under this alternative would be consistent with the intent of the CCP and would provide sufficient mitigation credit to meet Poseidon's Coastal Development Permit requirements.

*Alternative C: Subtidal Alternative*

The Subtidal Alternative (Alternative C), which would include a subtidal channel within the Otay River Floodplain Site, would result in the restoration of approximately 4.5 acres of subtidal habitat, 6.5 acres of intertidal mudflat, 18 acres of intertidal salt marsh habitat, and 4 acres of upland habitat. Within the Pond 15 Site, tidally influenced habitat would be similar to that proposed under Alternative B, with approximately 10 acres of subtidal habitat, 16 acres of intertidal mudflat, 59 acres of intertidal salt marsh, 2 acres of high-tide refugia, and 4 acres of upland habitat.

Implementation of this alternative would involve the excavation of approximately 370,000 cubic yards of material from the Otay River Site, of which approximately 310,000 cubic yards of this material would be transported to the Pond 15 Site for beneficial use in creating tidal elevations that would support the desired intertidal habitats and improving levees to separate Pond 15 from the remaining active solar salt operation.

The combination of the wetlands created at the Otay River Floodplain Site and Pond 15 Site under this alternative would also provide sufficient mitigation credit to meet the Commission's permit requirements.

**Selected Alternative**

The ROD identifies the intertidal alternative (Alternative B) as the selected alternative. This alternative was also identified as the environmentally preferred alternative in the final EIS. The basis for the decision, descriptions of the alternatives considered, an overview of the measures to be implemented to avoid and minimize environmental effects, and a summary of the public involvement process are provided in the ROD.

**Authority**

We publish this notice under the authority of the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*) and the Department of the Interior's implementing regulations in title 43 of the Code of Federal Regulations (43 CFR part 46).

**Jody Holzworth,**

*Regional Director, Pacific Southwest Region.*

[FR Doc. 2018–23823 Filed 10–30–18; 8:45 am]

**BILLING CODE 4333–15–P**

## DEPARTMENT OF THE INTERIOR

### Geological Survey

**[GX14BA02EEW0200; OMB Control Number 1028–0103]**

### Agency Information Collection Activities; USA National Phenology Network—The Nature's Notebook Plant and Animal Observing 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, the U.S. Geological Survey (USGS) is proposing to renew an information collection (IC).

**DATES:** Interested persons are invited to submit comments on or before December 31, 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 1028–0103 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Jake F. Weltzin by email at *jweltzin@usgs.gov,* or by telephone at 520–626–3821.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Geological Survey, in accordance with the Paperwork Reduction Act of 1995, 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 USA–NPN is a program sponsored by the USGS that uses standardized forms for tracking plant

and animal activity as part of a project called Nature's Notebook. The Nature's Notebook forms are used to record phenology (*e.g.,* timing of leafing or flowering of plants and reproduction or migration of animals) as part of a nationwide effort to understand and predict how plants and animals respond to environmental variation and changes in weather and climate. Contemporary data collected through Nature's Notebook are quality-checked, described and made publicly available; data are used to inform decision-making in a variety of contexts, including agriculture, drought monitoring, and wildfire risk assessment. Phenological information is also critical for the management of wildlife, invasive species, and agricultural pests, and for understanding and managing risks to human health and welfare, including allergies, asthma, and vector-borne diseases. Participants may contribute phenology information to Nature's Notebook through a browser-based web application or via mobile applications for iPhone and Android operating systems, meeting GPEA and Privacy Act requirements. The web application interface consists several components: User registration, a searchable list of 1,260 plant and animal species which can be observed; a ''profile'' for each species that contains information about the species including its description and the appropriate monitoring protocols; a series of interfaces for registering as an observer, registering a site, registering plants and animals at a site, generating datasheets to take to the field, and a data entry page that mimics the datasheets.

*Title of Collection:* USA NATIONAL PHENOLOGY NETWORK—THE NATURE'S NOTEBOOK PLANT AND ANIMAL OBSERVING PROGRAM

*OMB Control Number:* 1028–0103.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Members of the public, registered with *Nature's Notebook,* state Cooperative Extension employees and tribal members.

*Total Estimated Number of Annual Respondents:* 7,581.

*Total Estimated Number of Annual Responses:* 4,093,314.

*Estimated Completion Time per Response:* When joining the program, responders spend 13 minutes each to register and read guidelines and 83 minutes to watch all training videos. After that responders may spend about 2 minutes per record to observe and submit phenophase status record.

*Total Estimated Number of Annual Burden Hours:* 138,857.

*Respondent's Obligation:* Voluntary.

*Frequency of Collection:* On occasion; depends on the seasonal activity of plants and animals.

*Total Estimated Annual Non-hour Burden Cost:* $11,484.

TABLE—ANNUAL RESPONSES AND BURDEN HOURS

| Response type | Annual responses (projected) | Completion time per response (minutes) | Annual burden (hours) |
|---|---|---|---|
| Registrations | 7,581 | 13 minutes (3 minutes to register + 10 minutes to read guidelines) | 1,643 |
| Training videos | 758 | 83 minutes (to watch entire set of videos) | 1,049 |
| Observation records | 4,084,975 | 2 minutes (includes observation and reporting time) | 136,166 |
| Total | 4,093,314 | | 138,857 |

TABLE—ANNUAL NON-HOUR BURDEN COSTS

| | Cost per unit | Number of respondents expected to use | Non-hour burden cost |
|---|---|---|---|
| Clipboard | $2.23 | 4,245 | $9,467 |
| Pencils | 0.10 | 4,245 | 425 |
| Flags | 0.05 | 1,516 | 76 |
| Markers | 0.10 | 1,516 | 152 |
| Stakes | 0.30 | 1,516 | 455 |
| Tags | 0.30 | 1,516 | 455 |
| Popsicle Sticks | 0.30 | 1,516 | 455 |
| Average Marking Material Cost | 0.19 | | |
| Cost per Response | 2.52 | | |
| Total Non-Hour Burden Cost | | | 11,484 |

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.*).

**Jake Weltzin,**

*Program Manager, Status & Trends Program.*

[FR Doc. 2018–23824 Filed 10–30–18; 8:45 am]

**BILLING CODE 4338–11–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLWO260000 L10600000.PC0000; OMB Control Number 1004–0042]**

### Agency Information Collection Activities; Protection, Management, and Control of Wild Horses and Burros

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** 60-Day notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act, the Bureau of Land Management (BLM) is proposing an early revision to an information collection.

**DATES:** Interested persons are invited to submit comments on or before December 31, 2018.

**ADDRESSES:** Send your comments on this information collection request (ICR) by mail, fax, or electronic mail.

*Mail:* U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW, Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

*Fax:* to Jean Sonneman at 202–245–0050.

*Electronic mail: jesonnem@blm.gov.*

Please reference OMB Control Number 1004–0042 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Holle Waddell by email at *hwaddell@blm.gov,* or by telephone at 405–579–1860.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comments addressing the following issues: (1) Is the collection necessary to the proper functions of the BLM; (2) can this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BLM enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BLM minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize comments in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* This notice pertains to the collection of information that enables the BLM to administer its program for wild horses and burros in compliance with the Wild Free-Roaming Horses and Burros Act (16 U.S.C. 1331–1340). In addition to seeking renewal of control number 1004–0042, the BLM requests revision of an existing information-collection activity and form, and requests the addition of an information-collection form that has been in use without a control number.

OMB has approved Form 4710–10 and its information-collection activity previously with the title, ''Application for Adoption of Wild Horse(s) or Burro(s).'' The BLM proposes that the information-collection activity and form be revised to enable both adoptions and purchases of wild horses or burros, as authorized by 43 U.S.C. 1333(d) and (e). The revised form that includes sales is titled, ''Application for Adoption & Sale of Wild Horses and Burros.''

The form that has been in use without a control number is Form 4710–24, ''BLM Facility Requirement Form'' for use by individuals and non-governmental organizations that participate along with the BLM in joint training programs to increase the number of trained animals available for adoption or purchase.

*Title of Collection:* Protection, Management, and Control of Wild Horses and Burros (43 CFR part 4700).

*OMB Control Number:* 1004–0042.

*Form Numbers:* 4710–10 and 4710–24.

*Type of Review:* Renewal and revision of a currently approved collection.

*Respondents/Affected Public:* Those who wish to adopt and or purchase wild horses and burros.

*Total Estimated Number of Annual Respondents:* 7,943.

*Total Estimated Number of Annual Responses:* 7,943.

*Estimated Completion Time per Response:* Varies from 10 minutes to 30 minutes, depending on activity.

*Total Estimated Number of Annual Burden Hours:* 3,822.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* On occasion.

*Total Estimated Annual Non-hour Burden Cost:* $2,400.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

**Jean Sonneman,**

*Information Collection Clearance Officer, Bureau of Land Management.*

[FR Doc. 2018–23837 Filed 10–30–18; 8:45 am]

**BILLING CODE 4310–84–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLES962000 L14400000 BJ0000 18X]**

### Notice of Filing of Plat Survey; Eastern States

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of official filing; Louisiana and New York.

**SUMMARY:** The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of land Management (BLM), Eastern States Office, Washington, DC, 30 days from the date of this publication.

**DATES:** Unless there are protests of this action, the filing of the plats described in this notice will happen on November 30, 2018.

**ADDRESSES:** Written notices protesting these surveys must be sent to the State Director, BLM Eastern States, Suite 950, 20 M Street SE, Washington, DC 20003.

**FOR FURTHER INFORMATION CONTACT:** Dominica Van Koten, Chief Cadastral Surveyor for Eastern States; (202) 912–7756; email: *dvankote@blm.gov;* or U.S. Postal Service: BLM–ES, Suite 950, 20 M Street SE, Washington, DC 20003. Attn: Cadastral Survey. Persons who use a telecommunications device for the deaf may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:**

The lands surveyed are:

**Louisiana Meridian, Louisiana**

T. 14 S, R. 9 E

The plat, incorporating the field notes describe the dependent resurvey of a portion of the subdivisional lines and the survey of section 58, Township 14 South, Range 9 East, of the Louisiana Meridian, Louisiana; accepted September 29, 2017. The survey was requested by the Southeastern States District Office, BLM.

**Allegany and Cattaraugus Counties, New York**

The plat, incorporating the field notes of the dependent resurvey of the Oil Springs Indian Reservation; in the state of New York; accepted September 1, 2017. The survey was requested by the Bureau of Indian Affairs.

A person or party who wishes to protest the above surveys must file a

written protest 30 calendar days from the date of this publication at the address listed in the **ADDRESSES** section of this notice. A statement of reasons for the protest may be filed with the notice of protest and must be filed within 30 calendar days after the protest is filed. If a protest against a survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your comment, please be aware that your entire protest, 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.

A copy of the described plats will be placed in the open files, and available to the public as a matter of information.

**Authority:** 43 U.S.C. Chap. 3.

**Leon W. Chmura,**

*Acting Chief Cadastral Surveyor.*

[FR Doc. 2018–23825 Filed 10–30–18; 8:45 am]

**BILLING CODE 4310–GJ–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–PWR–PWRO–26857; PPWONRADE2, PMP00EI05.YP0000]**

### Notice of Intent To Prepare an Environmental Impact Statement for a General Management Plan Amendment, Point Reyes National Seashore and North District of Golden Gate National Recreation Area, Marin County, California

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of intent.

**SUMMARY:** The National Park Service (NPS) is preparing a General Management Plan Amendment (GMP Amendment) and Environmental Impact Statement (EIS) for all lands currently under agricultural lease/permits within Point Reyes National Seashore and the north district of Golden Gate National Recreation Area.

**DATES:** The NPS requests that comments be submitted by November 30, 2018. Open houses will be announced in local media.

**ADDRESSES:** Information will be available for public review online at *http://parkplanning.nps.gov/POREGMPA* and in the Office of the Superintendent, 1 Bear Valley Road, Point Reyes Station, CA 94956 (415–464–5120, telephone). You may submit your comments by any one of several methods. You may comment online at *http://parkplanning.nps.gov/POREGMPA.* You may mail or hand deliver comments to the Superintendent, Point Reyes National Seashore, 1 Bear Valley Road, Point Reyes Station, CA 94956. Written comments will also be accepted at the public open houses.

**FOR FURTHER INFORMATION CONTACT:** Melanie Gunn, Outreach Coordinator, Point Reyes National Seashore, 1 Bear Valley Road, Point Reyes Station, CA 94956 (415–464–5131, telephone).

**SUPPLEMENTARY INFORMATION:** Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C) (NEPA), and the terms of a Settlement Agreement approved by the U.S. District Court for the Northern District of California on July 14, 2017 (*Resource Renewal Institute et al.,* v. *National Park Service,* Case No. 16–cv–00688–SBA (KAW) (N.D. Cal.)) (Agreement), the NPS is preparing an EIS for lands currently leased for ranching within Point Reyes National Seashore and the north district of Golden Gate National Recreation Area (planning area). In preparing the EIS, the NPS will follow all applicable laws and policies and will comply with the terms of the Agreement. The Agreement requires the EIS to address the statutory elements for General Management Plans, unless inapplicable, and to consider three specific alternatives. The EIS will amend the 1980 GMP for the planning area.

This notice also terminates the GMP EIS process for Point Reyes National Seashore initiated by the NPS on October 14, 1997 (62 FR 53336), updated on May 24, 1999 (64 FR 28008), and expanded to include the north district of Golden Gate National Recreation Area lands on February 3, 2000 (65 FR 5365–5366).

#### Background

Legislation authorizing the establishment of Point Reyes National Seashore (Point Reyes or Seashore) was enacted in 1962 (16 U.S.C. 459c) for the purpose of preserving ''a portion of the diminishing seashore of the United States that remains undeveloped.'' The Seashore includes more than 71,000 acres of beaches, coastal cliffs and headlands, marine terraces, coastal uplands, forests, and includes all tide and submerged lands to 0.25 miles offshore. The Seashore administers an additional 15,000 acres of the north district of Golden Gate National Recreation Area (Golden Gate NRA) under a Regional Directive for Management. Congress established Golden Gate NRA in 1972 and expanded it in 1980 to include lands within the planning area. The Golden Gate NRA legislation directs the NPS ''to preserve for public use and enjoyment certain areas of Marin and San Francisco Counties, California, possessing outstanding natural, historic, scenic, and recreational values . . . .'' and to ''preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area.'' 16 U.S.C. 460bb.

Specific provisions of both the Point Reyes and Golden Gate NRA enabling legislation (16 U.S.C. 459c–5 and 460bb–2(j)) authorize the issuance of lease/special use permits (lease/permits) for agricultural, ranching, or dairying purposes. Approximately 28,000 acres of National Park Service lands, including 18,000 acres of Point Reyes National Seashore and 10,000 acres within the north district of Golden Gate National Recreation Area, are currently utilized for beef and dairy ranching under agricultural lease/permits.

In the spring of 2014, the NPS initiated development of a Ranch Comprehensive Management Plan to address high priority management needs associated with the approximately 28,000 acres of active beef and dairy ranching on NPS lands within Point Reyes and the north district of Golden Gate NRA. The planning effort also addressed concerns related to the expansion of free-range tule elk into the park ranch lands, as well as other issues including lease duration, succession, and ranch operational flexibility and diversification.

In February 2016, litigation was brought against the NPS related to the ranch planning process and the ongoing use of lands within the planning area for ranching and dairying. The plaintiffs and the NPS, together with the ranchers and the County of Marin, entered into settlement negotiations in an effort to resolve the litigation. As referenced in the Supplementary Information section above, a multi-party Agreement was approved by the U.S. District Court on July 14, 2017. Per the Agreement, the NPS agreed that in lieu of the Ranch Comprehensive Management Plan, the NPS would prepare a GMP Amendment and EIS addressing the management of the lands currently leased for ranching

within the Seashore and the north district of Golden Gate NRA.

**Purpose and Need**

*Purpose*

The purpose of the EIS for the General Management Plan Amendment is to establish guidance for the preservation of natural and cultural resources and the management of infrastructure and visitor use within the planning area. The alternatives evaluated in the EIS will also address the future management of tule elk and leased ranch lands.

*Need*

Action is needed at this time to address the park's highest priority planning issues which include the management of approximately 28,000 acres of land currently leased for ranching. Action is also needed to comply with the terms of the Agreement which requires that the GMP Amendment and EIS be completed on or before July 14, 2021.

*Alternatives*

The Agreement requires the NPS to give full consideration to and disclose the impacts of three alternatives: (1) No ranching; (2) no dairy ranching; and (3) reduced ranching. These alternatives must not be conditioned on the discretionary termination of agricultural lease/permits by ranchers. The Agreement expressly preserves the NPS's right to give full consideration to other potential action alternatives. It also allows the NPS to consider agricultural diversification, increased operational flexibility, the promotion of sustainable operational practices, succession planning, and similar ranch management practices as part of any action alternative, except the no ranching alternative. Each of the action alternatives considered in the EIS must also address the four statutorily required elements for GMPs, to the extent applicable. These elements are: Measures to preserve park resources, guidance regarding the types and levels of public use and development, discussion of visitor carrying capacities, and potential external boundary modifications.

**Elements Common to All Action Alternatives**

The NPS would identify opportunities to improve the visitor experience in the planning area such as enhanced trail connections, improved signage, and new interpretive waysides. The NPS would identify broad management strategies that would be undertaken to preserve park resources, as well as indicators and standards to guide visitor carrying capacities. The NPS has done some initial boundary analysis and does not expect to propose any external boundary modifications under any of the alternatives.

*Proposed Action*—Based on the purpose and need for action, the NPS proposed action includes the Elements Common to All Action Alternatives and the following additional elements:

- Issue agricultural lease/permits with 20 year terms to existing ranch families to continue beef and dairy operations on approximately 27,000 acres within the planning area.
- The proposed action would include opportunities for operational flexibility and diversification, establish approximately 900 acres of resource protection buffers, and provide programmatic review of best management practices.
- Implement a land management framework on ranch lands allowing for different intensities of land use depending on the zone (ranch core, pasture, and range). Diversification activities (*e.g.* poultry) would be allowed in the ranch core zone. Pasture areas would allow for some increased pasture management activities. Range areas would be dedicated to livestock grazing.
- Take actions to minimize elk-related impacts including: Hazing, fence repair and modification, water development, habitat improvement, and other measures as appropriate. The Drakes Beach free-range tule elk herd would be managed at a level compatible with authorized ranching operations. The NPS would manage within that range using translocation outside of the park if practicable, or agency-managed lethal removal methods. Additionally, the NPS will evaluate management of tule elk from the Limantour free-range herd if they affect ranchlands.

The proposed action represents one alternative that will be considered during the EIS process, and it will be further developed and refined throughout the process. In addition to the proposed action, the NPS is considering the following additional alternative concepts.

*No Action*—This alternative is required by NEPA and would continue the issuance of short-term agricultural lease/permits for ongoing activities, with limited management of free-range tule elk affecting park ranch lands, consistent with current management. This alternative would continue to maintain existing operations, management of park resources and visitor use generally at current levels. The NPS would maintain the existing Seashore boundary. Under this alternative, beef and dairy ranching operations would continue to be authorized on approximately 27,000 acres within the planning area under 5 and 10 year agricultural lease/permits.

*Action Alternatives*

Continued Ranching and Removal of the Drakes Beach Tule Elk Herd—Existing ranch families would be authorized to continue beef and dairy operations under agricultural lease/permits as described in the proposed action. Under this alternative, the Drakes Beach tule elk herd would be removed using translocation outside of the park if practicable, or agency-managed lethal methods. The NPS would continue to manage the Limantour herd as in the proposed action. Under this alternative, approximately 27,000 acres of beef and dairy ranching operations would be authorized under agricultural lease/permits within the planning area.

*Reduced Ranching and Management of the Drakes Beach Tule Elk Herd*—A reduced ranching alternative is required by the Agreement. Under this alternative, cessation of grazing operations would occur on approximately 7,500 acres within the planning area. The areas identified for closure to grazing would minimize the overall impact to the Point Reyes Peninsula Dairy Ranches Historic District and Olema Valley Dairy Ranches Historic District. Most of the areas identified for closure do not have developed complexes or permitted residential uses. For areas remaining in agricultural use, agricultural lease/permits would be offered as described under the proposed action. Tule elk would be managed consistent with the actions described in the proposed action but under population targets commensurate with the level of ranching operations in this alternative. Under this alternative, approximately 19,500 acres of beef and dairy ranching operations would be authorized under agricultural lease/permits within the planning area.

*No Dairy Ranching and Limited Management of the Drakes Beach Tule Elk Herd*—A no dairy ranching alternative is required by the Agreement. Under this alternative, all beef cattle grazing operations would continue. The six active dairies within Point Reyes would cease operations. Dairy operators would be eligible to convert operations to beef cattle grazing over a period of 5 years. For areas remaining in agricultural use, agricultural lease/permits would be offered as described above for the proposed action. The NPS would take

limited action to manage the geographic extent of all free-range tule elk, but only where management is needed to support other resource protection and park goals. Under this alternative, approximately 27,000 acres of beef grazing operations would be authorized under agricultural lease/permits within the planning area.

*No Ranching and Expansion of Tule Elk in the Planning Area*—A no ranching alternative is required by the Agreement. Under this alternative, ranching in all areas of the Seashore and the north district of Golden Gate NRA would cease. With the exception of the two locations with life-estates, most operations would be phased out over a period of 5 years. The NPS anticipates many of the areas and their associated facilities would be converted and offered for public not-for-profit education, research and outdoor experiential activities and other public recreation and visitor opportunities. The EIS will evaluate these actions at the programmatic level. The NPS would take limited action to manage the geographic extent of the free-range tule elk herd, but only where management is needed to support other resource protection and park goals.

Each of the action alternatives will also include the Elements Common to All Action Alternatives. The alternative concepts and management tools under consideration may change based upon input received during public scoping and throughout the development of the EIS. The NPS will also consider other alternatives that are suggested during the scoping period, as appropriate. The NPS will not select an alternative for implementation until after a final EIS is completed.

**Public Comment**

*How to Provide Comments*—During the scoping period, maps and other project information will be available on the project's website (*http://parkplanning.nps.gov/POREGMPA*). Public open houses will be conducted to provide an opportunity for the public to share their comments and learn more about activities within the planning area. Details regarding the exact times and locations of these meetings will be announced on the project website and through local and regional media. The meetings will also be announced through email notification to individuals and organizations on the initial distribution list.

If you wish to comment on the purpose, need, preliminary alternatives, or on any other issues associated with development of the draft GMP Amendment EIS, you may submit your comments by any one of several methods. The preferred method for commenting is online at *http://parkplanning.nps.gov/POREGMPA.* You may also mail or hand deliver comments to the Superintendent, Point Reyes National Seashore, 1 Bear Valley Road, Point Reyes Station, CA 94956. Written comments will also be accepted at the public open houses. Comments will not be accepted by fax, email, or by any method other than those specified above. Bulk comments in any format (hard copy or electronic) submitted on behalf of others will not be accepted.

*Public Availability of Comments*—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.

**Authority:** 40 CFR 1501.7.

Dated: October 19, 2018.

**Colin Smith,**

*Acting Regional Director, Pacific West Region, National Park Service.*

[FR Doc. 2018–23807 Filed 10–30–18; 8:45 am]

**BILLING CODE 4312–52–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–1074]**

### Certain Industrial Automation Systems and Components Thereof Including Control Systems, Controllers, Visualization Hardware, Motion and Motor Control Systems, Networking Equipment, Safety Devices, and Power Supplies; Notice of Request for Statements on the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the presiding administrative law judge has issued a final Initial Determination on section 337 violation and a Recommended Determination on remedy and bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief, should the Commission find a section 337 violation. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to Commission rules.

**FOR FURTHER INFORMATION CONTACT:** Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may also be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), provides that if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. 19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is soliciting comments on public interest issues raised by the recommended relief, should the Commission find a violation, *i.e.:* (1) A general exclusion order (''GEO'') against certain industrial automation systems and components thereof including control systems, controllers, visualization hardware, motion and motor control systems, networking equipment, safety devices, and power supplies; and (2) a cease and desist order (''CDO'') against one of the defaulted respondents, namely, Fractioni (Hongkong) Ltd.

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, parties are to file public interest submissions pursuant to pursuant to 19 CFR 210.50(a)(4). In addition, members of the public are

hereby invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on remedy and bonding issued in this investigation on October 23, 2018. Comments should address whether issuance of the GEO and CDO in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the GEO and CDO would impact consumers in the United States.

Written submissions from the public must be filed no later than close of business on Friday, November 16, 2018.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–1074'') in a prominent place on the cover page and/or the first page. *See* Handbook on Filing Procedures, (*https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

By order of the Commission.

Issued: October 25, 2018.

**Jessica Mullan,**

*Attorney Advisor.*

[FR Doc. 2018–23761 Filed 10–30–18; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–614 and 731–TA–1431 (Preliminary)]**

## Magnesium From Israel; Institution of Anti-Dumping 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–614 and 731–TA–1431 (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 magnesium from Israel, provided for in subheadings 8104.11.00, 8104.19.00, and 8104.30.00 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 Government of Israel. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by December 10, 2018. The Commission's views must be transmitted to Commerce within five business days thereafter, or by December 17, 2018.

**DATES:** October 24, 2018.

**FOR FURTHER INFORMATION CONTACT:** Julie Duffy ((202) 708–2579), 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 a petition filed on October 24, 2018, by US Magnesium LLC, Salt Lake City, Utah.

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 Wednesday, November 14, 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 9, 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 19, 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 25, 2018.

**Jessica Mullan,**

*Attorney Advisor.*

[FR Doc. 2018–23758 Filed 10–30–18; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Stipulation Under the Clean Air Act, the Emergency Planning and Community Right-to-Know Act of 1986, and the Comprehensive Environmental Response, Compensation, and Liability Act

On October 23, 2018, the Department of Justice lodged a proposed Stipulation (''Stipulation'') with the United States District Court for the District of Massachusetts in the lawsuit entitled *United States* v. *Stavis Seafoods, Inc.,* Civil Action No. 1:18-cv-12199. In the Complaint, the United States, on behalf of the U.S. Environmental Protection Agency (''EPA''), alleges that Stavis Seafoods, Inc. (''Stavis'') violated the Clean Air Act, 42 U.S.C. 7412(r)(1), for a release of anhydrous ammonia and associated violation of the requirements under the Clean Air Act's General Duty Clause, such as a failure to conduct a process hazard analysis, failure to maintain the facility in the adequate manner, and failure to minimize the consequences of a release. The Complaint also contains allegations under the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11022, and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9603(a) for Stavis' failure to properly report its inventory of hazardous substances and for failing to comply with emergency notification requirements. The proposed Stipulation in this case requires Stavis to pay a civil penalty of $700,000.

The publication of this notice opens a period for public comment on the proposed Stipulation. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Stavis Seafoods, Inc.,* D.J. Ref. No. 90–5–2–1–11574. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

| *To submit comments:* | *Send them to:* |
|---|---|
| By email ..... | *pubcomment-ees.enrd@usdoj.gov.* |
| By mail ..... | Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611. |

During the public comment period, the proposed Stipulation may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed Stipulation upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $9.50 (25 cents per page reproduction cost), payable to the United States Treasury.

**Robert Maher,**

*Assistant Section Chief, Environmental Enforcement Section, Environment & Natural Resources Division.*

[FR Doc. 2018–23736 Filed 10–30–18; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On October 17, 2018, the Department of Justice lodged a Consent Decree agreed to with defendant Exxon Mobil Corporation (''ExxonMobil'') in the United States District Court for the Northern District of West Virginia. The Consent Decree resolves the United States' claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9606 and 9607, for the performance of response actions and for payment of response costs incurred in connection with the release of hazardous substances at the Sharon Steel Corp/Fairmont Coke Works Superfund Site, located in Fairmont, West Virginia. The Consent Decree also resolves related claims brought by the State of West Virginia, through the West Virginia Department of Environmental Protection. The Complaint filed concurrently with the Consent Decree alleges that ExxonMobil, through a predecessor company, owned and operated a production facility at the Site that processed coal to produce coke. The by-products produced from the coke-making process included coal tar, phenol, ammonium sulfate, benzene, toluene, and xylene. The production waste was disposed of in on-site landfills, sludge ponds, and waste piles. The proposed Consent Decree obligates Exxon to pay for all future EPA and WVDEP response cost, and reimburse $250,000 of the United States' past response costs. ExxonMobil will perform the work at the Site pursuant to the proposed Consent Decree.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America, et al* v. *Exxon Mobil Corporation,* Civil Action No. 1:18–cv–00195 (N.D. W.Va.), DOJ number 90–11–3–06663/2. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

| *To submit comments:* | *Send them to:* |
|---|---|
| By email ..... | *pubcomment-ees.enrd@usdoj.gov.* |
| By mail ..... | Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611. |

Under Section 7003(d) of RCRA, 42 U.S.C. 6973(d), a commenter may request an opportunity for a public meeting in the affected area.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $59.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $10.50.

**Jeffrey Sands,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2018–23765 Filed 10–30–18; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF JUSTICE

**[OMB Number 1121–0312]**

### Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection: 2018–2020 Survey of State Criminal History Information Systems (SSCHIS)

**AGENCY:** Bureau of Justice Statistics, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until December 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Devon Adams, Supervisory Program Manager, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: *devon.adams@ojp.usdoj.gov;* telephone: (202–305–0765).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently collection approved collection.

(2) *The Title of the Form/Collection:* 2018–2020 Survey of State Criminal History Information Systems (SSCHIS).

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is N/A. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents are state government agencies, primarily state criminal history record repositories. The SSCHIS report, the most comprehensive data available on the collection and maintenance of information by state criminal history record systems, describes the status of such systems and record repositories on a biennial basis. Data collected from state record

repositories serves as the basis for estimating the percentage of total state records that are immediately available through the FBI's Interstate Identification Index (III), and the percentage of arrest records that include dispositions. Other data presented include the number of records maintained by each state, the percentage of automated records in the system, and the number of states participating in the National Fingerprint File and the National Crime Prevention and Privacy Compact which authorizes the interstate exchange of criminal history records for noncriminal justice purposes. The SSCHIS also contains information regarding the timeliness and completeness of data in state record systems and procedures employed to improve data quality.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The total number of respondents is 56. The average length of time per respondent is 6.75 hours. This estimate is based on the average amount of time reported by five states that reviewed the survey.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total burden associated with this collection is estimated to be 378 hours.

*If additional information is required contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: October 26, 2018.

**Melody Braswell.**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2018–23779 Filed 10–30–18; 8:45 am]

**BILLING CODE 4410–18–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under The Clean Air Act, The Comprehensive Environmental Response, Compensation, and Liability Act, and The Emergency Planning and Community Right-To-Know Act

On October 24, 2018, the Department of Justice and the State of Mississippi filed a complaint and lodged a proposed Consent Decree with the United States District Court for the Northern District of California (''Court'') in the matter of *United States of America and the State of Mississippi* v. *Chevron U.S.A. Inc.,* Civil Action No. 4:18–cv–06506 (N.D. Cal.).

The proposed Consent Decree resolves certain claims brought under Section 112(r)(7) of the Clean Air Act (''CAA''), 42 U.S.C. 7412(r)(7), at the four petroleum refineries owned and operated by Chevron U.S.A. Inc. (''Chevron''), which are located in Richmond, California; El Segundo, California; Pascagoula, Mississippi; and Salt Lake City, Utah; as well as a fifth petroleum refinery formerly owned and operated by Chevron, located in Kapolei, Hawaii. The State of Mississippi is also resolving its related state law claims at the refinery located in Pascagoula, Mississippi. The proposed Consent Decree also resolves certain claims brought under Section 112(r)(1) of the Clean Air Act, 42 U.S.C. 7412(r)(1), at the refineries located in Richmond, California, and Pascagoula, Mississippi; under Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9603, at the refinery located in Richmond, California; and under Section 304 of the Emergency Planning and Community Right-to-Know Act (''EPCRA''), 42 U.S.C. 11004, at the refinery located in Richmond, California; and certain findings of violation previously issued by the U.S. Environmental Protection Agency (''EPA'') in Richmond, California. The claims alleged in the complaint and resolved in the proposed Consent Decree concern Chevron's prevention and mitigation of accidental chemical releases, including actual releases that occurred in Richmond, California in 2012, in El Segundo, California in 2013, and in Pascagoula, Mississippi in 2013.

The Consent Decree requires Chevron to perform safety improvements to all its U.S. petroleum refineries. These improvements include the replacement of vulnerable pipes, the implementation of ''integrity operating window'' parameters and alarms, the conducting of additional corrosion inspections, the implementation of additional employee training, and the centralization of safety authority within the corporation. The Consent Decree also requires Chevron to pay a civil penalty of $2,950,000, of which $2,492,750 will be paid to the United States and $457,250 to the State of Mississippi; and requires Chevron to perform Supplemental Environmental Projects valued at $10,000,000, consisting of the provision of emergency response equipment to local jurisdictions surrounding the five refineries at issue in the complaint.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America and the State of Mississippi* v. *Chevron U.S.A. Inc.,* D.J. Ref. No. 90–5–2–1–11576. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

| *To submit comments:* | *Send them to:* |
|---|---|
| By email ..... | *pubcomment-ees.enrd@usdoj.gov.* |
| By mail ..... | Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611. |

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.usdoj.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $25.00 (25 cents per page reproduction cost) payable to the United States Treasury.

**Jeffrey Sands,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2018–23735 Filed 10–30–18; 8:45 am]

**BILLING CODE 4410–15–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice: (18–085)]**

### NASA Advisory Council; Regulatory and Policy Committee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces the first meeting of the Regulatory and Policy Committee of the NASA Advisory Council. This Committee reports to the NAC.

**DATES:** Friday, November 16, 2018, from 2:00–5:00 p.m., Eastern Time.

**ADDRESSES:** NASA Headquarters, Program Review Center (PRC), Room 9H40, 300 E Street SW, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Mr. Andrew Rowe, Designated Federal Officer, Office of Legislative and Intergovernmental Affairs, NASA Headquarters, Washington, DC 20546, (202) 358–4269 or *andrew.rowe@nasa.gov.*

**SUPPLEMENTARY INFORMATION:** This meeting will be open to the public up to the capacity of the meeting room. This meeting is also available telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the toll number 1–415–228–4998 or toll free number 1–888–810–9156 and then the numeric passcode 9872135, followed by the # sign, on both days. NOTE: If dialing in, please ''mute'' your phone. To join via WebEx, the link is *https://nasaenterprise.webex.com/.* The meeting number is 906 737 987 and the meeting password is 2wMGyBh@ (case sensitive).

The agenda for the meeting will include:

—Export Control Issues

—Intellectual Property Waivers

—Stimulating Commercial Activities on the International Space Station

—Leveraging Excess Commercial Crew Seats to Support Private Sector Habitats and Free-Flying Commercial Space Station Development and Utilization

—Use of the NASA Logo

—Branding and Endorsements Review

Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID to NASA Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees that are U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status no less than 3 working days prior to the meeting. Information should be sent to Mr. Andrew Rowe, at *andrew.rowe@nasa.gov.*

**Patricia Rausch,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 2018–23724 Filed 10–30–18; 8:45 am]

**BILLING CODE 7510–13–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice: (18–086)]**

### Notice of Information Collection

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of information collection.

**SUMMARY:** The National Aeronautics and Space Administration, 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:** All comments should be submitted within 60 calendar days from the date of this publication.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to NASA Paperwork Reduction Act Clearance Officer, Code JF000, National Aeronautics and Space Administration, Washington, DC 20546–0001 or *Gatrie.Johnson@nasa.gov.*

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Gatrie Johnson, NASA Clearance Officer, NASA Headquarters, 300 E Street SW, JF000, Washington, DC 20546, or *Gatrie.Johnson@nasa.gov.*

**SUPPLEMENTARY INFORMATION:**

#### I. Abstract

The NASA Ames Research Center, Human Systems Integration Division, manages voluntary safety reporting systems to collect and share safety information including, but not limited to, the NASA Aviation Safety Reporting System (ASRS) and the Confidential Close Call Reporting System (C3RS). Both systems are voluntary reporting systems for the reporting of safety incidents, events, or situations. Respondents include, but are not limited to, any participant involved in safety-critical domains such as aviation or railway operations including commercial and general aviation pilots, drone operators, air traffic controllers, flight attendants, ground crews, maintenance technicians, dispatchers, train engineers, conductors, and other members of the public.

The collected safety data are used by NASA, Federal Aviation Administration (FAA), Federal Railroad Administration (FRA), and other organizations that are engaged in research and the promotion of safety. The data are used to (1) Identify deficiencies and discrepancies so that these can be remedied by appropriate authorities, (2) Support policy formulation and planning for improvements and, (3) Strengthen the foundation of human factors safety research. Respondents are not reimbursed for associated cost to provide the information. Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

#### II. Method of Collection

NASA collects this information electronically and that is the preferred manner, however information may also be collected via mail.

#### III. Data

*Title:* NASA ASRS and Related Voluntary Safety Reporting Systems.

*OMB Number:*

*Type of Review:* Existing Information Collection in use without OMB Approval.

*Affected Public:* Individuals.

*Estimated Number of Respondents:* 100,000 annually.

*Estimated Time per Response:* 30 minutes.

*Estimated Total Annual Burden Hours:* 50,000 hours.

*Estimated Total Annual Cost:* $3.88 M.

#### IV. Request for Comments

*Comments are invited on:* (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collection has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the propose collection of information; (3) ways to minimize the burden of the collection of information on respondents. Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information

collection. They will also become a matter of public record.

**Gatrie Johnson,**

*NASA PRA Clearance Officer.*

[FR Doc. 2018–23723 Filed 10–30–18; 8:45 am]

**BILLING CODE 7510–13–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice: (18–087)]**

### Notice of Information Collection

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of information collection.

**SUMMARY:** The National Aeronautics and Space Administration, 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.

**DATES:** All comments should be submitted within 60 calendar days from the date of this publication.

**ADDRESSES:** All comments should be addressed to Gatrie Johnson, National Aeronautics and Space Administration, 300 E Street SW, Washington, DC 20546–0001.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Gatrie Johnson, NASA Clearance Officer, NASA Headquarters, 300 E Street SW, JF0000, Washington, DC 20546 or email *Gatrie.Johnson@NASA.gov.*

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This is a request for authorization to collect information under the NASA Federal Acquisition Regulation Supplement (NFS) Clause, 1852.223–70, Safety and Health Measures and Mishap Reporting, formerly entitled ''Safety and Health.'' While the clause is proposed to be revised to eliminate some information collected requirements, two distinct information collection requirements will remain 1) notification of a Type A, B, C, or D Mishap, or a close call as defined in NASA Procedural Requirements (NPR) 8621.1 Mishap and Close Call Reporting, Investigating and Recordkeeping, and 2) quarterly reports specifying lost-time frequency rate, number of lost-time injuries, exposure, and accident/incident dollar losses.

**II. Methods of Collection**

Electronic.

**III. Data**

*Title:* Safety and Health Measures and Mishap Reporting.

*OMB Number:* 2700–0160.

*Type of review:* Renewal.

*NSF clause 1852.223–70, Safety and health measures and mishap reporting.* Under this clause, NASA contractors are to immediately notify the contracting officer when a mishap (Type A, B, C, D or Close Call) occurs. The data the contractors provide to NASA includes incident location, date and time of incident, number of fatalities if known, number of hospitalized employees if known, type of injury if known, type of damage if known, contact person, contact person phone, number, and brief description of the incident.

NASA estimates that the notification of a mishap will take a contractor approximately 4 hours, counting initial notifications, supervisory notifications, and contracting officer notifications. The chart below shows the number of mishaps, by category, reported by NASA contractors for calendar years 2013 and 2014. The Federal Procurement Data System data for fiscal year 2015 shows award of approximately 154 contract actions involved performance on a NASA facility.

| Classification | 2013 | 2014 |
|---|---|---|
| Type A | 0 | 1 |
| Type B | 3 | 1 |
| Type C | 125 | 139 |
| Type D | 166 | 160 |
| Total | 294 | 301 |

The purpose of tracking mishaps is for oversight of safety measures of current contractors working on Federal facilities and data for future source selections. For purposes of calculating burden, we estimate a given contractor may submit two mishaps notifications in a year and that this will take each notification approximately 4 hours to collect the information needed, review it, and provide it to the contracting officer. Generally, the contractor's supervisory personnel would collect the information. It is likely the firm's safety manager or equivalent position would review the information before submitting it to the contracting officer.

NASA estimates that it will take a contractor approximately 5 hours to prepare and deliver the quarterly report.

*A. Annual Information Collection Reporting Burden*

1852.223–70—Safety and Health Measures and Mishap Reporting

| Reporting requirement | Respondents | Responses per respondent | Total responses | Hours per response | Hours estimated |
|---|---|---|---|---|---|
| 1. Notification of a Type A, B, C, or D Mishap, or close call | 154 | 2 | 308 | 4 | 1,232 |
| 2. Quarterly reports specifying lost-time frequency rate, number of lost-time injuries, exposure, and accident/incident dollar losses | 154 | 4 | 616 | 5 | 3,080 |
| Total | | *6* | *924* | **5* | *4,312* |

**This is an average for the total number of hours (4,313) divided by the total number of responses (924) resulting in 4.67 total hours per responses, rounded up to the nearest whole number or 5.

For notifying the contracting officer of a mishap, it is estimated a company supervisor would collect the information, then the company Occupational Health and Safety Specialist would review the information before it is submitted to the Government.

For calculating the quarterly reports, specifying lost-time frequency rate, number of lost-time injuries, exposure, and accident/incident dollar losses, it is estimated to take approximately 5 hours. This includes an Occupational Health and Safety Specialist gathering the records, analyzing the data, and a company official reviewing the data before the report is submitted to the Government.

| Labor category | Mishap notification/year | | | Quarterly report/year | | |
|---|---|---|---|---|---|---|
| | Time (hours) | Hourly rate | Total cost | Time (hours) | Hourly rate | Total cost |
| Occupational Health and Safety Specialist | 7 | $45.49 | $318.43 | 18 | $45.49 | $818.82 |
| Manager | 1 | 63.03 | 63.03 | 2 | 63.03 | 126.06 |
| Total | 8 | | 381.46 | 20 | | 944.88 |

Generally, two labor categories will be involved in the requirements of this information collection: Occupational Health and Safety Specialist and a company supervisor or manager. The Occupational Health and Safety Specialist is estimated to be equivalent to the mid-point (step 5) of the General Schedule (GS) GS–12 with an hourly rate of $33.39 (from the 2015 OPM GS Salary Table). The manager/supervisor is estimated to be equivalent to the mid-point for a GS–14 at an hourly rate of $46.92. For both labor categories, the overhead/burden rate of 36.25%, based on the OMB-mandated burden rate for A–76 public-private competitions, is added (*e.g.,* GS 12, Step 5 $33.39/hour × 1.3625 = $45.49 burdened hourly rate. For a manager/supervisor at a rate of $46.92, the burdened hourly rate is $63.03.

*Estimated Summary of Annual Total Cost to the Public of Information Collection Reporting Burden:*

*Number of respondents:* 154.

*Responses per respondent:* 6.

*Total annual responses:* 924.

*Average number of hours per response:* 4.67.

*Total hours:* 4,312.

*Rate per hour (average):* $54.

*Total annual cost to public:* $232,848.

It is estimated that approximately 154 respondents will provide a total of 308 notifications of Type A, B, C, or D Mishap, or Close Call notifications (approximately 2 notifications per respondent per year). Additionally, each of 154 respondents will submit one quarterly report four times a year. Thus, responses from respondents are estimated to include 2 mishap notifications and 4 quarterly reports for a total of 6 responses annually per respondent. Based on these figures, the combine total number of responses per year for all respondents will be 308 mishap reports and 616 quarterly reports for a total of 924 total responses for all respondents. It is estimated to take a respondent approximately 4 hours to gather the required information and notify the contracting officer of a Type A, B, C, or D Mishap or Close Call. It is estimated to take respondents approximately 5 hours to prepare and submit each quarterly report specifying lost- time frequency rate, number of lost-time injuries, exposure, and accident/incident dollar losses.

*B. Estimated Annual Information Collection Reporting Cost to the Government*

| Clause requirement | Responses | Hours per response | Government hours | $/Hour | Government $ |
|---|---|---|---|---|---|
| Mishap Notification | 308 | 1 | 308 | $45.49 | $14,011 |
| Quarterly Report Total annual Government cost | 616 | 2 | 1,232 | $45.49 | $56,044 |

* The Government used a rate equivalent to a GS–12.

*Total Estimated Summary of the Annual Cost to the Government for Information Collection Reporting and Recordkeeping Burdens:*

Total hours: 1,540.

Total annual Government cost: $70,054.60.

* The Government used a rate equivalent to a GS–12.

*Total Estimated Summary of the Annual Cost to the Government for Information Collection Reporting and Recordkeeping Burdens:*

Total hours: 1,540.

Total annual Government cost: $70,054.60.

The estimates assume that not all efforts, such as retrieving and retaining records, are attributed solely to this information collection; only those actions resulting from this rule that are not customary to normal business practices are attributed to this estimate.

## IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

**Gatrie Johnson,**

*NASA PRA Clearance Officer.*

[FR Doc. 2018–23783 Filed 10–30–18; 8:45 am]

**BILLING CODE 7510–13–P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

**[NARA–2019–002]**

## Records Schedules; Availability and Request for Comments

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly

of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when agencies no longer need them for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice in the **Federal Register** for records schedules in which agencies propose to destroy records they no longer need to conduct agency business. NARA invites public comments on such records schedules.

**DATES:** NARA must receive requests for copies in writing by November 30, 2018. Once NARA finishes appraising the records, we will send you a copy of the schedule you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send to you these requested documents in which to submit comments.

**ADDRESSES:** You may request a copy of any records schedule identified in this notice by contacting Records Appraisal and Agency Assistance (ACRA) using one of the following means:

*Mail:* NARA (ACRA), 8601 Adelphi Road, College Park, MD 20740–6001.

*Email: request.schedule@nara.gov.*

*Fax:* 301–837–3698.

You must cite the control number, which appears in parentheses after the name of the agency that submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

**FOR FURTHER INFORMATION CONTACT:** Margaret Hawkins, Director, by mail at Records Appraisal and Agency Assistance (ACRA), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001, by phone at 301–837–1799, or by email at *request.schedule@nara.gov.*

**SUPPLEMENTARY INFORMATION:** NARA publishes notice in the **Federal Register** for records schedules they no longer need to conduct agency business. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing records retention periods and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize the agency to dispose of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless otherwise specified. An item in a schedule is media neutral when an agency may apply the disposition instructions to records regardless of the medium in which it creates or maintains the records. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is expressly limited to a specific medium. (See 36 CFR 1225.12(e).)

Agencies may not destroy Federal records without Archivist of the United States' approval. The Archivist approves destruction only after thoroughly considering the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value.

In addition to identifying the Federal agencies and any subdivisions requesting disposition authority, this notice lists the organizational unit(s) accumulating the records (or notes that the schedule has agency-wide applicability when schedules cover records that may be accumulated throughout an agency); provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction); and includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it also includes information about the records. You may request additional information about the disposition process at the addresses above.

**Schedules Pending**

1. Department of Agriculture, Forest Service (DAA–0095–2018–0017, 1 item, 1 temporary item). General correspondence, internal policies, and administrative studies related to wildland fire management program administration.

2. Department of Agriculture, Forest Service (DAA–0095–2018–0018, 1 item, 1 temporary item). Wildfire prevention plans, policies, procedures, correspondence, and records documenting cost-efficient reduction of fire suppression expenditures.

3. Department of Agriculture, Forest Service (DAA–0095–2018–0021, 2 items, 2 temporary items). Fire organization records, general correspondence, reports, plans, administrative policies, and procedures related to the wildland fire suppression and fire management programs.

4. Department of Agriculture, Forest Service (DAA–0095–2018–0046, 1 item, 1 temporary item). Cost analysis and backup working papers related to timber accounting.

5. Department of Agriculture, Forest Service (DAA–0095–2018–0050, 1 item, 1 temporary item). General procedures, mitigation reports, personnel tracking, and promotional records related to safety and occupational health.

6. Department of Agriculture, Forest Service (DAA–0095–2018–0052, 2 items, 2 temporary items). General correspondence, preparation, improvement, and production survey and report records relating to silvicultural practices.

7. Department of Agriculture, Forest Service (DAA–0095–2018–0053, 1 item, 1 temporary item). General correspondence related to radioactive material use permits and safety procedures.

8. Department of Agriculture, Forest Service (DAA–0095–2018–0055, 1 item, 1 temporary item). General correspondence, data analysis and reports, and standards of operation related to water resource management.

9. Department of Homeland Security, Transportation Security Administration (DAA–0560–2018–0015, 1 item, 1 temporary item). Records related to the voluntary reassignment of employees.

10. Bureau of Consumer Financial Protection, Office of the Chief Information Officer (DAA–0587–2018–0001, 1 item, 1 temporary item). Public website content duplicative of original information maintained by program offices.

11. National Archives and Records Administration, Research Services (N2–169–18–1, 1 item, 1 temporary item). Oscar S. Cox personal and official files. Records will be disposed of by donation

to the Franklin Delano Roosevelt Presidential Library.

**Laurence Brewer,**

*Chief Records Officer for the U.S. Government.*

[FR Doc. 2018–23760 Filed 10–30–18; 8:45 am]

**BILLING CODE 7515–01–P**

## NATIONAL SCIENCE FOUNDATION

### Agency Information Collection Activities: Comment Request; Education and Human Resources Program Monitoring Clearance

**AGENCY:** National Science Foundation.

**ACTION:** Notice.

**SUMMARY:** The National Science Foundation (NSF) is announcing plans to renew this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

**DATES:** Written comments on this notice must be received by December 31, 2018 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

**FOR FURTHER INFORMATION CONTACT:** Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite W18253, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

**SUPPLEMENTARY INFORMATION:**

*Comments:* Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NCSES, including whether the information will have practical utility; (b) the accuracy of the NCSES's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology.

*Title of Collection:* Education and Human Resources Program Monitoring Clearance.

*OMB Approval Number:* 3145–0226.

*Expiration Date of Approval:* April 30, 2019.

*Type of Request:* Intent to seek renewal of an information collection.

*Abstract:* The National Science Foundation (NSF) requests re-clearance of program accountability data collections that describe and track the impact of NSF funding that focuses on the Nation's science, technology, engineering, and mathematics (STEM) education and STEM workforce. NSF funds grants, contracts, and cooperative agreements to colleges, universities, and other eligible institutions, and provides graduate research fellowships to individuals in all parts of the United States and internationally.

The Directorate for Education and Human Resources (EHR), a unit within NSF, promotes rigor and vitality within the Nation's STEM education enterprise to further the development of the 21st century's STEM workforce and public scientific literacy. EHR does this through diverse projects and programs that support research, extension, outreach, and hands-on activities that service STEM learning and research at all institutional (*e.g.,* pre-school through postdoctoral) levels in formal and informal settings; and individuals of all ages (birth and beyond). EHR also focuses on broadening participation in STEM learning and careers among United States citizens, permanent residents, and nationals, particularly those individuals traditionally underemployed in the STEM research workforce, including but not limited to women, persons with disabilities, and racial and ethnic minorities.

The scope of this information collection request will primarily cover descriptive information gathered from education and training (E&T) projects that are funded by NSF. NSF will primarily use the data from this collection for program planning, management, and audit purposes to respond to queries from the Congress, the public, NSF's external merit reviewers who serve as advisors, including Committees of Visitors (COVs), the NSF's Office of the Inspector General, and as a basis for either internal or third-party evaluations of individual programs.

*The collections will generally include three categories of descriptive data:* (1) Staff and project participants (data that are also necessary to determine individual-level treatment and control groups for future third-party study or for internal evaluation); (2) project implementation characteristics (also necessary for future use to identify well-matched comparison groups); and (3) project outputs (necessary to measure baseline for pre- and post- NSF-funding-level impacts).

*Use of the Information:* This information is required for effective administration, communication, program and project monitoring and evaluation, and for measuring attainment of NSF's program, project, and strategic goals, and as identified by the President's Accountability in Government Initiative; GPRA, and the NSF's Strategic Plan. The Foundation's FY 2014–2018 Strategic Plan may be found at: *http://www.nsf.gov/pubs/2014/nsf14043/nsf14043.pdf.*

Since this collection will primarily be used for accountability and evaluation purposes, including responding to queries from COVs and other scientific experts, a census rather than sampling design typically is necessary. At the individual project level funding can be adjusted based on individual project's responses to some of the surveys. Some data collected under this collection will serve as baseline data for separate research and evaluation studies.

NSF-funded contract or grantee researchers and internal or external evaluators in part may identify control, comparison, or treatment groups for NSF's E&T portfolio using some of the descriptive data gathered through this collection to conduct well-designed, rigorous research and portfolio evaluation studies.

*Respondents:* Individuals or households, not-for-profit institutions, business or other for profit, and Federal, State, local or tribal government.

*Number of Respondents:* 2,160.

*Burden on the Public:* NSF estimates that a total reporting and recordkeeping burden of 39,802 hours will result from activities to monitor EHR STEM education programs. The calculation is shown in table 1.

TABLE 1—ANTICIPATED PROGRAMS THAT WILL COLLECT DATA ON PROJECT PROGRESS AND OUTCOMES ALONG WITH THE NUMBER OF RESPONDENTS AND BURDEN HOURS PER COLLECTION PER YEAR

| Collection title | Number of respondents | Number of responses | Annual hour burden |
|---|---|---|---|
| Centers of Research Excellence in Science and Technology (CREST) and Historically Black Colleges and Universities Research Infrastructure for Science and Engineering (HBCU–RISE) Monitoring System | 30 | 30 | 1,650 |
| Integrative Graduate Education and Research Traineeship Program (IGERT) Monitoring System | 35 | 35 | 1,890 |
| Louis Stokes Alliances for Minority Participation (LSAMP) Monitoring System | 602 | 602 | 13,846 |
| Louis Stokes Alliances for Minority Participation Bridge to the Doctorate (LSAMP–BD) Monitoring System | 56 | 56 | 2,128 |
| Robert Noyce Teacher Scholarship Program (Noyce) Monitoring System | 460 | 460 | 6,440 |
| Scholarships in Science, Technology, Engineering, and Mathematics (S–STEM) Monitoring System | 700 | 1,750 | 4,200 |
| Science, Technology, Engineering, and Mathematics Talent Expansion Program (STEP) Monitoring System | 277 | 277 | 6,648 |
| Total | 2,160 | 3,210 | 39,802 |

Dated: October 26, 2018.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2018–23784 Filed 10–30–18; 8:45 am]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

**[License No. XW019; Docket No. 11005986; NRC–2018–0245]**

### Perma-Fix Northwest Richland, Inc.; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Export license application; opportunity to comment, request a hearing, and petition for leave to intervene; extension of comment period and correction.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** (FR) on October 24, 2018, regarding the review of an export license application (XW019), submitted by Perma-Fix Northwest Richland, Inc. (PFNW). This action is necessary to correct the *Regulations.gov* Docket ID provided to the public for obtaining information and submitting comments through the Federal rulemaking website. In addition, the NRC is extending the period for commenting, requesting a hearing, and petitioning for leave to intervene.

**DATES:** The comment period and the date to request a hearing, and petition for leave to intervene in the document published on October 24, 2018 (83 FR 53666) is extended. Comments must be filed by November 30, 2018. Requests for a hearing or petition for leave to intervene must be filed by November 30, 2018. The correction is effective October 31, 2018.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0245. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: hearing.docket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

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

**FOR FURTHER INFORMATION CONTACT:** Andrea R. Jones, Office of International Programs, telephone: 404–997–4443; email: *Andrea.Jones2@nrc.gov,* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:** In the FR on October 24, 2018 (83 FR 53666), correct the Federal rulemaking website Docket ID from ''NRC–2012–7946'' to ''NRC–2018–0245.''

Dated at Rockville, Maryland, this 25th day of October 2018.

For the Nuclear Regulatory Commission.

**Cindy K. Bladey,**

*Federal Register Liaison Officer, Division of Rulemaking, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2018–23828 Filed 10–30–18; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 40–3392; NRC–2017–0143]**

### Honeywell, International, Inc.; Metropolis Works Uranium Conversion Facility

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft environmental assessment and draft finding of no significant impact; request for comments.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft environmental assessment (EA) and draft finding of no significant impact (FONSI) for the proposed renewal of NRC source materials license SUB–526 for Honeywell, International, Inc.'s Metropolis Works uranium conversion facility. The draft EA, ''Draft Environmental Assessment for the Proposed Renewal of Source Materials License SUB–526, Metropolis Works Uranium Conversion Facility (Massac County, Illinois),'' documents the NRC staff's environmental review of the license renewal application.

**DATES:** Comments must be filed no later than November 30, 2018. Comments received after this date will be

considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0143. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.
- *Email comments to: Honeywell-MTW-EA@nrc.gov.*

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

**FOR FURTHER INFORMATION CONTACT:** Christine Pineda, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6789; email: *Christine.Pineda@nrc.gov*; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:**

## I. Obtaining Information and Submitting Comments

### *A. Obtaining Information*

Please refer to Docket NRC–2017–0143 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0143.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

### *B. Submitting Comments*

Please include Docket ID NRC–2017–0143 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

## II. Introduction

The NRC is considering a request for the renewal of Honeywell International, Inc.'s (Honeywell's) source materials license SUB–526, which authorizes Honeywell to operate a uranium hexafluoride processing (or uranium conversion) plant at the Metropolis Works Facility, located near Metropolis, in Massac County, Illinois. The facility was constructed in 1958, and uranium hexafluoride was first produced for several years beginning in 1959 for the U.S. Government. In 1968, the facility began producing uranium hexafluoride for commercial purposes.

In accordance with the NRC's regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' that implement the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), the NRC staff has prepared a draft EA documenting its environmental review of the license renewal application (ADAMS Accession Nos. ML17048A243, ML17048A244, and ML18029A119). Based on the environmental review, the NRC has made a preliminary determination that the proposed action will not significantly affect the quality of the human environment and that a FONSI is therefore appropriate.

By this notice, the NRC is requesting public comment on the draft FONSI and supporting draft EA.

## III. Summary of Draft Environmental Assessment

The draft EA is publicly available in ADAMS using ADAMS Accession No. ML18283B378, or at this link: *https://www.nrc.gov/docs/ML1828/ML18283B378.pdf.* A summary description of the proposed action and expected environmental impacts is provided below.

### *Description of the Proposed Action*

The proposed Federal action is approval of Honeywell's license renewal request, which if granted would allow Honeywell to continue conversion of uranium ore concentrates, also known as yellowcake, to uranium hexafluoride. The proposed action analyzed in the draft EA accounts for a renewed license term of 40 years, which is the term Honeywell has requested. The proposed action and proposed license conditions, would allow Honeywell to continue to receive, possess, store, use, and ship source material. Honeywell would continue the conversion of uranium ore concentrates to uranium hexafluoride at an authorized capacity of 15,000 metric tons (16,535 tons). Honeywell would continue to ship the uranium hexafluoride product to enrichment facilities for processing into enriched uranium.

### *Environmental Impacts of the Proposed Action*

In the draft EA, the NRC staff assessed the potential environmental impacts from the proposed license renewal associated with the following resource areas: Land use; geology and soils; water resources; ecological resources; cultural resources; air quality; socioeconomics; environmental justice; scenic and visual resources; public and occupational health; transportation; and waste management. The NRC staff also considered the cumulative impacts from past, present, and reasonably foreseeable future actions when combined with the proposed action.

The NRC staff determined that continued Honeywell operations would not result in significant environmental impacts, as described in the EA. The staff concluded that approval of the proposed action would not result in a significant increase in short-term or long-term radiological risk to public health or the environment. Furthermore, the NRC staff found that the incremental impacts from the proposed action, when

added to the impacts of other past, present, and reasonably foreseeable future actions, would not contribute significantly to cumulative environmental impacts.

*Environmental Impacts of the Alternatives to the Proposed Action*

As one alternative to the proposed action, the NRC staff considered denial of Honeywell's license renewal request (*i.e.,* the ''no-action'' alternative). Under the no-action alternative, Honeywell would need to stop operations permanently and submit a decommissioning plan. Under this alternative, Honeywell would need to submit a decommissioning plan for NRC review and approval. This would entail an environmental review to assess the potential impacts associated with the proposed decommissioning action. The NRC determined for this EA that the potential environmental impacts of the no-action alternative (prior to decommissioning) would not be significant.

As another alternative, the NRC considered approval of Honeywell's renewal request, but for a duration of less than 40 years (the ''reduced duration alternative''). Honeywell would continue operating for a period of less than 40 years, resulting in potential impacts that would be similar to or less than the impacts of the proposed action.

## IV. Draft Finding of No Significant Impact

In accordance with NEPA and 10 CFR part 51, the NRC staff has conducted an environmental review of Honeywell's request to renew NRC source materials license SUB–526 to allow Honeywell to continue its uranium conversion operations. Based on its environmental review of the proposed action, as documented in the draft EA, the NRC staff preliminarily determined that granting the requested license renewal would not significantly affect the quality of the human environment. Therefore, the NRC staff makes its preliminary determination, pursuant to 10 CFR 51.31, that the preparation of an environmental impact statement (EIS) is not required for the proposed action and a FONSI is appropriate.

The draft FONSI and supporting draft EA are a preliminary analysis of the environmental impacts of the proposed action and its alternatives. Based on comments received on the draft FONSI and draft EA, the staff may publish a final FONSI and final EA, or instead may find that preparation of an EIS is warranted should significant impacts resulting from the proposed action be identified. Should an EIS be warranted, a Notice of Intent to prepare the EIS will be published in the **Federal Register**.

Pursuant to 10 CFR 51.33(a), the NRC staff is making the draft FONSI and draft EA available for public review and comment.

Dated at Rockville, Maryland, this 25th day of October 2018.

For the Nuclear Regulatory Commission.

**Brian W. Smith,**

*Acting Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2018–23781 Filed 10–30–18; 8:45 am]

**BILLING CODE 7590–01–P**

## OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

### Privacy Act of 1974; System of Records

**AGENCY:** Occupational Safety and Health Review Commission.

**ACTION:** Notice of a Modified System of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Occupational Safety and Health Review Commission (OSHRC) is revising the notice for Privacy Act system-of-records OSHRC–5.

**DATES:** Comments must be received by OSHRC on or before November 30, 2018. The revised system of records will become effective on that date, without any further notice in the **Federal Register**, unless comments or government approval procedures necessitate otherwise.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Email: rbailey@oshrc.gov.* Include ''PRIVACY ACT SYSTEM OF RECORDS'' in the subject line of the message.
- *Fax:* (202) 606–5417.
- *Mail:* One Lafayette Centre, 1120 20th Street NW, Ninth Floor, Washington, DC 20036–3457.
- *Hand Delivery/Courier:* Same as mailing address.

*Instructions:* All submissions must include your name, return address, and email address, if applicable. Please clearly label submissions as ''PRIVACY ACT SYSTEM OF RECORDS.''

**FOR FURTHER INFORMATION CONTACT:** Ron Bailey, Attorney-Advisor, Office of the General Counsel, via telephone at (202) 606–5410, or via email at *rbailey@oshrc.gov.*

**SUPPLEMENTARY INFORMATION:** The Privacy Act of 1974, 5 U.S.C. 552a(e)(4), requires federal agencies such as OSHRC to publish in the **Federal Register** notice of any new or modified system of records. As detailed below, OSHRC is revising Office of the General Counsel Records, OSHRC–5, to accurately reflect the authorities for maintaining this system and its categories of records; to revise storage, safeguarding, and retrieval methods based on changes in practices; and to incorporate references to applicable General Records Schedules for disposal of records. In addition, OSHRC has previously relied on blanket routine uses to describe the circumstances under which records may be disclosed. Going forward, as revised notices are published for new and modified systems of records, a full description of the routine uses—rather than a reference to blanket routine uses—will be included in each notice. This is simply a change in format that has not resulted in any substantive changes to the routine uses for this system of records.

The notice for OSHRC–5, provided below in its entirety, is as follows.

**SYSTEM NAME AND NUMBER:**

**Office of the General Counsel Records, OSHRC–5.**

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Office of the General Counsel, OSHRC, 1120 20th Street NW, Ninth Floor, Washington, DC 20036–3457.

**SYSTEM MANAGER(S):**

Office of the General Counsel, OSHRC, 1120 20th Street NW, Ninth Floor, Washington, DC 20036–3457; (202) 606–5100.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 5 U.S.C. 552; 29 U.S.C. 661; 44 U.S.C. 3101.

**PURPOSE(S) OF THE SYSTEM:**

This system of records is maintained to assist management in making decisions with respect to case processing activities; to assist OSHRC attorneys in organizing their work product; and to assist in other matters assigned to the Office of the General Counsel, such as processing FOIA requests.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

This system of records covers current and former OSHRC attorneys (including supervising attorneys), Commission members, and Administrative Law Judges (ALJs); Freedom of Information Act requesters; and parties in cases that have been, or presently are, before OSHRC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records contains documents—filings and other materials—pertaining to cases before OSHRC. These documents may include the following categories of records: (1) The names and locations (city and state) of the individuals representing each party; (2) the names of sole proprietors cited by OSHA, as well as employees and other witnesses, and information describing those individuals, including job title and duties, medical history, and other descriptive information that is relevant to the disposition of a case; (3) the names and job titles of the Commissioners and ALJs. This system also contains other matters that have been assigned to the Office of the General Counsel for processing, such as FOIA requests, which include the names of FOIA requesters, contact information, and information concerning the requests. Finally, this system includes documents necessary for managerial oversite, such as charts relating to workflow and teleworking. These documents may include the names of OSHRC employees and the cases assigned to them, as well as the employees' contact information.

**RECORD SOURCE CATEGORIES:**

Information in this system is derived from the individual to whom it applies or is derived from case processing records maintained by the Office of the Executive Secretary and the Office of the General Counsel.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to disclosures generally permitted under 5 U.S.C. 552a(b), all or a portion of the records or information contained in this system of records may be disclosed as a routine use pursuant to 5 U.S.C. 552a(b)(3) under the circumstances or for the purposes described below, to the extent such disclosures are compatible with the purposes for which the information was collected:

(1) To the Department of Justice (DOJ), or to a court or adjudicative body before which OSHRC is authorized to appear, when any of the following entities or individuals—(a) OSHRC, or any of its components; (b) any employee of OSHRC in his or her official capacity; (c) any employee of OSHRC in his or her individual capacity where DOJ (or OSHRC where it is authorized to do so) has agreed to represent the employee; or (d) the United States, where OSHRC determines that litigation is likely to affect OSHRC or any of its components—is a party to litigation or has an interest in such litigation, and OSHRC determines that the use of such records by DOJ, or by a court or other tribunal, or another party before such tribunal, is relevant and necessary to the litigation.

(2) To an appropriate agency, whether federal, state, local, or foreign, charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes civil, criminal or regulatory violations, and such disclosure is proper and consistent with the official duties of the person making the disclosure.

(3) To a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information, such as current licenses, if necessary to obtain information relevant to an OSHRC decision concerning the hiring, appointment, or retention of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance of a license, grant or other benefit.

(4) To a federal, state, or local agency, in response to that agency's request for a record, and only to the extent that the information is relevant and necessary to the requesting agency's decision in the matter, if the record is sought in connection with the hiring, appointment, or retention of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance of a license, grant or other benefit by the requesting agency.

(5) To an authorized appeal grievance examiner, formal complaints manager, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee, only to the extent that the information is relevant and necessary to the case or matter.

(6) To OPM in accordance with the agency's responsibilities for evaluation and oversight of federal personnel management.

(7) To officers and employees of a federal agency for the purpose of conducting an audit, but only to the extent that the record is relevant and necessary to this purpose.

(8) To OMB in connection with the review of private relief legislation at any stage of the legislative coordination and clearance process, as set forth in Circular No. A–19.

(9) To a Member of Congress or to a person on his or her staff acting on the Member's behalf when a written request is made on behalf and at the behest of the individual who is the subject of the record.

(10) To the National Archives and Records Administration (NARA) for records management inspections and such other purposes conducted under the authority of 44 U.S.C. 2904 and 2906.

(11) To appropriate agencies, entities, and persons when: (a) OSHRC suspects or has confirmed that there has been a breach of the system of records; (b) OSHRC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, OSHRC, the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with OSHRC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(12) To NARA, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with FOIA, and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

(13) To another federal agency or federal entity, when OSHRC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) 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 stored on paper in offices and file cabinets at OSHRC's National Office in Washington, DC, and electronically on an access-restricted shared OSHRC drive.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records may be retrieved manually or electronically by case name, docket number, name of OSHRC attorney or supervising attorney, or by the names of other individuals, such as FOIA requesters.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Paper and electronic records are maintained in accordance with General Records Schedules 4.2 and 5.1, or for as long as needed for business use.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Paper records are maintained in offices and file cabinets. During duty hours, the records are under surveillance of personnel charged with their custody. After duty hours, the offices are accessible only using an office key or access card. Access to electronic records maintained on an OSHRC shared drive is restricted to personnel who require access to perform their official functions.

**RECORD ACCESS PROCEDURES:**

Individuals who wish to gain access to their records should notify: Privacy Officer, OSHRC, 1120 20th Street NW, Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.6 (procedures for requesting records).

**CONTESTING RECORD PROCEDURES:**

Individuals who wish to contest their records should notify: Privacy Officer, OSHRC, 1120 20th Street NW, Ninth Floor, Washington, DC 20036–3457. For an explanation on the specific procedures for contesting the contents of a record, refer to 29 CFR 2400.8 (Procedures for requesting amendment), and 29 CFR 2400.9 (Procedures for appealing).

**NOTIFICATION PROCEDURES:**

Individuals interested in inquiring about their records should notify: Privacy Officer, OSHRC, 1120 20th Street NW, Ninth Floor, Washington, DC 20036–3457. For an explanation on how such requests should be drafted, refer to 29 CFR 2400.5 (notification), and 29 CFR 2400.6 (procedures for requesting records).

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

April 14, 2006, 71 FR 19556; August 4, 2008, 73 FR 45256; October 5, 2015, 80 FR 60182; and September 28, 2017, 82 FR 45324.

Dated: October 24, 2018.

**Nadine N. Mancini,**

*General Counsel, Senior Agency Official for Privacy.*

[FR Doc. 2018–23729 Filed 10–30–18; 8:45 am]

**BILLING CODE 7600–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–84487; File No. SR–ISE–2018–87]**

## Self–Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchanges Schedule of Fees To Modify the Crossing Fee Cap

October 25, 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, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self–Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Schedule of Fees to modify the Crossing Fee Cap, as described further below.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self–Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self–Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Schedule of Fees to exclude Non-Nasdaq ISE Market Makers [3] from the Crossing Fee Cap in Section IV.H.

By way of background, Crossing Orders are contracts that are submitted as part of a Facilitation, Solicitation, Price Improvement Mechanism (''PIM''), Block or QCC order. As set forth in Section IV.H of the Schedule of Fees, the Exchange currently caps Crossing Order fees at $90,000 per month per member on all Firm Proprietary and Non-Nasdaq Market Maker transactions that are part of the originating or contra side of a Crossing Order.[4] The following fees are not included in the calculation of the monthly Crossing Fee cap: (1) Fees for Responses to Crossing Orders, (2) surcharge fees for licensed products and the fees for index options as set forth in Section III, and (3) service fee.[5] For purposes of the Crossing Fee Cap the Exchange attributes eligible volume to the ISE Member on whose behalf the Crossing Order was executed.[6] The Exchange now seeks to exclude Non-Nasdaq ISE Market Maker transactions from the Crossing Fee Cap, and make related changes to remove references to Non-Nasdaq ISE Market Maker contracts throughout its Schedule of Fees where the Crossing Fee Cap is described.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[8] in particular, in that it

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A ''Non-Nasdaq ISE Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange.

[4] Members that elect prior to the start of the month to pay $65,000 per month will have these crossing fees capped at that level instead. All eligible volume from affiliated Members will be aggregated for purposes of the Crossing Fee Cap, provided there is at least 75% common ownership between the Members as reflected on each Member's Form BD, Schedule A.

[5] A service fee of $0.00 per side applies to all order types that are eligible for the fee cap. The service fee does not apply once a Member reaches the fee cap level and does apply to every contract side above the fee cap. A Member who does not reach the monthly fee cap will not be charged the service fee. Once the fee cap is reached, the service fee applies to eligible Firm Proprietary and Non-Nasdaq ISE market Maker orders in all Nasdaq ISE products. The service fee is not calculated in reaching the cap.

[6] The Exchange's fee cap is functionally similar to the Clearing Trading Permit Holder Fee Cap in place at Cboe Exchange (''CBOE''), and the Monthly Firm Fee Cap in place at Nasdaq PHLX (''Phlx''). *See* CBOE Fees Schedule, Equity Options Rate Table, Clearing Trading Permit Holder Fee Cap, footnote 11; and Phlx Pricing Schedule, Section II, Monthly Firm Fee Cap.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4) and (5).

provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Crossing Fee Cap was established to reward members for executing a high volume of Firm Proprietary and Non-Nasdaq ISE Market Maker Crossing Orders on the Exchange. However, the Exchange has determined that this program has not proven to be effective in encouraging Non-Nasdaq ISE Market Maker volume in Crossing Orders and therefore believes it is reasonable to eliminate the Crossing Fee Cap for these market participants. Furthermore, the Exchange believes that it is reasonable to no longer apply the Crossing Fee Cap to Non-Nasdaq ISE Market Maker transactions because other options exchanges offer similar fee caps that only apply to firm proprietary orders.[9]

The Exchange further believes that the proposed fee change is equitable and not unfairly discriminatory because it would apply uniformly to all members engaged in Firm Proprietary trading in options classes traded on the Exchange. The Exchange's decision to no longer apply the Crossing Fee Cap to Non-Nasdaq ISE Market Maker orders is not unfairly discriminatory because as noted above, the Exchange has determined that this program has not proven to be effective in encouraging Non-Nasdaq ISE Market Maker volume in Crossing Orders and as a matter of practice, members submitting Firm Proprietary orders are most likely to use or pre-pay the Crossing Fee Cap. As such, the Exchange believes there will be minimal impact on removing this fee cap for Non-Nasdaq ISE Market Maker orders. Moreover, the proposed variance between Firm Proprietary and Non-Nasdaq ISE Market Maker participants does not misalign pricing in that Firm Proprietary orders already benefit from certain pricing advantages that Non-Nasdaq ISE Market Makers do not also enjoy, such as a PIM and Facilitation rebate as well as a lower complex order maker fee.[10] Such differentiated pricing exists today on another options exchange.[11] The Exchange believes there is nothing impermissible about ISE offering the Crossing Fee Cap solely to Firm Proprietary transactions given that this practice is consistent with the above examples and the fee caps in place at other options exchanges.[12] Furthermore, to the extent the Crossing Fee Cap provides an incentive for Firm Proprietary orders to transact order flow on the Exchange, such order flow brings increased liquidity to the benefit of all market participants, including Non-Nasdaq ISE Market Makers.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Although the Exchange is no longer including Non-Nasdaq ISE Market Maker transactions in the Crossing Fee Cap, as described above, the Exchange notes that other options exchanges offer similar fee caps that apply only to firm proprietary orders and the Exchange therefore seeks to modify its fee cap for competitive reasons.[13] The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. For the reasons discussed above, the Exchange believes that the proposed fee change reflects this competitive environment.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[14] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2018–87 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.

[9] *See* CBOE Fees Schedule, Equity Options Rate Table, Clearing Trading Permit Holder Fee Cap, footnote 11 (providing in relevant part that the ''. . . Clearing Trading Permit Holder Fee Cap in all products except Underlying Symbol List A (34) excluding binary options (the ''Fee Cap'') and Sector Indexes (47), the Cboe Options Proprietary Products Sliding Scale for Clearing Trading Permit Holder Proprietary Orders (the ''Proprietary Products Sliding Scale''), the Clearing Trading Permit Holder Proprietary VIX Sliding Scale (the ''VIX Sliding Scale''), and the Supplemental VIX Total Firm Discount (the Supplemental VIX Discount'') apply to (i) Clearing Trading Permit Holder proprietary orders (''F'' origin code), and (ii) orders of Non-Trading Permit Holder Affiliates of a Clearing Trading Permit Holder. A ''Non-Trading Permit Holder Affiliate'' for this purpose is a 100% wholly owned affiliate or subsidiary of a Clearing Trading Permit Holder that is registered as a United States or foreign broker-dealer and that is not a Cboe Options Trading Permit Holder. Only proprietary orders of the Non-Trading Permit Holder Affiliate that clear through a Cboe Options-registered OCC clearing number(s) will be included in calculating the Fee Cap, Proprietary Products Sliding Scale, VIX Sliding Scale, and Supplemental VIX Discount.''). In addition, Phlx's Monthly Firm Fee Cap is only offered to firm proprietary orders. *See* Phlx Pricing Schedule, Section II, Monthly Firm Fee Cap.

[10] *See* Schedule of Fees, Section IV.B. *See* Schedule of Fees, Section II (assessing Non-Nasdaq ISE Market Maker orders a complex order maker fee of $0.20 per contract in Select Symbols, while Firm Proprietary orders are assessed the lower $0.10 per contract maker fee).

[11] CBOE assesses a reduced transaction fee to Clearing Trading Permit Holder Proprietary participants, which clear in the Firm range at The Options Clearing Corporation, of $0.43 per contract for electronic Penny Classes and $0.70 per contract for electronic Non-Penny Classes. In contrast, CBOE assesses Non-Trading Permit Holder Market Makers a $0.47 per contract fee for electronic Penny Classes and a $0.75 per contract fee for electronic Non-Penny Classes. *See* CBOE Fees Schedule.

[12] *See* note 9 above.

[13] *See* note 9 above.

[14] 15 U.S.C. 78s(b)(3)(A)(ii).

All submissions should refer to File Number *SR–ISE–2018–87.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number *SR–ISE–2018–87* and should be submitted on or before November 21,2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018–23732 Filed 10–30–18; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–84486; File No. SR–NYSEArca–2018–75]**

## Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Regarding Certain Investments of the PGIM Ultra Short Bond ETF

October 25, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on October 12, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes certain changes regarding investments of the PGIM Ultra Short Bond ETF (the ''Fund''), a series of PGIM ETF Trust (the ''Trust''), and shares of which are currently listed and traded on the Exchange under NYSE Arca Rule 8.600–E (''Managed Fund Shares''). The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes certain changes, described below under ''Application of Generic Listing Requirements,'' regarding investments of the Fund. The shares (''Shares'') of the Fund are currently listed and traded on the Exchange under Commentary .01 to NYSE Arca Rule 8.600–E,[4] which provides generic criteria applicable to the listing and trading of Managed Fund Shares.[5] The Commission has previously approved a proposed rule change regarding certain changes that would result in the portfolio for the Fund not meeting all of the ''generic'' listing requirements of Commentary .01 to NYSE Arca Rule 8.600–E applicable to the listing of Managed Fund Shares.[6]

PGIM Investments LLC (the ''Adviser'') is the investment adviser for the Fund. PGIM Fixed Income (the ''Subadviser''), a unit of PGIM, Inc., is the subadviser to the Fund. The Adviser and the Subadviser are indirect wholly-owned subsidiaries of Prudential Financial, Inc.[7]

As stated in the Prior Releases, the Fund may invest in derivatives to (i) provide exposure to the ''Principal Investment Instruments'' (as defined in the Prior Releases), and (ii) enhance returns, manage portfolio duration, or manage the risk of securities price fluctuations. Derivatives that the Fund may enter into include only: Over-the-counter (''OTC'') deliverable and non-deliverable foreign exchange forward contracts; listed futures contracts on one

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Shares of the Fund commenced trading on the Exchange on April 10, 2018 pursuant to Commentary .01 to NYSE Arca Rule 8.600–E.

[5] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1) (the ''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Rule 5.2–E(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[6] *See* Amendment No. 1 to SR–NYSEArca–2018–15, available at *https://www.sec.gov/comments/sr-nysearca-2018-15/nysearca201815-3510337-162292.pdf* (''Prior Amendment''); Securities Exchange Act Release No. 83319 (May 24, 2018), 83 FR 25097 (May 31, 2018) (SR–NYSEArca–2018–15), (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, to Continue Listing and Trading Shares of the PGIM Ultra Short Bond ETF Under NYSE Arca Rule 8.600–E) (''Approval Order'' and, together with the Prior Amendment, the ''Prior Releases''). The Prior Releases stated that the Fund's portfolio would meet all requirements of Commentary .01 to NYSE Arca Rule 8.600–E except for those set forth in Commentary .01(a)(1), Commentary .01(b)(4) and Commentary .01(b)(5).

[7] The Trust is registered under the 1940 Act. On March 26, 2018, the Trust filed with the Commission Pre-Effective Amendment No. 1 to the Trust's registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act''), and under the 1940 Act relating to the Fund (File Nos. 333–222469 and 811–23324) (''Registration Statement''). The Trust will file an amendment to the Registration Statement as necessary to conform to the representations in this filing. The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the1940 Act. *See* Investment Company Act Release No. 31095 (June 24, 2014) (File No. 812–14267).

or more Principal Investment Instruments securities (including Treasury securities and foreign government securities), indices relating to one or more Principal Investment Instruments, interest rates, financial rates and currencies; listed or OTC options (including puts or calls) or swaptions (*i.e.,* options to enter into a swap) on one or more Principal Investment Instruments, indices relating to one or more Principal Investment Instruments, interest rates, financial rates, currencies and futures contracts on one or more Principal Investment Instruments; and listed or OTC swaps (including total return swaps) on securities, indices relating to one or more Principal Investment Instruments, interest rates, financial rates, currencies and debt and credit default swaps on single names, baskets and indices on one or more Principal Investment Instruments (both as protection seller and as protection buyer).[8]

Investments in derivative instruments will be made in accordance with the 1940 Act and consistent with the Fund's investment objective and policies.

**Application of Generic Listing Requirements**

The Exchange proposes that up to 50% of the Fund's assets (calculated as the aggregate gross notional value) may be invested in OTC derivatives, including forwards, OTC options and OTC swaps, that are used to reduce currency, interest rate, credit or duration risk arising from the Fund's investments (that is, ''hedge''). The Fund's investments in OTC derivatives, other than OTC derivatives used to hedge the Fund's portfolio against currency, interest rate, credit or duration risk will be limited to 20% of the assets in the Fund's portfolio, calculated as the aggregate gross notional value of such OTC derivatives.

The Exchange is submitting this proposed rule change because the change described in the preceding paragraph would not conform to the Exchange's representations regarding the Fund's portfolio in the Prior Amendment. In the Prior Amendment, the Exchange stated that, other than Commentary .01(a)(1), Commentary .01(b)(4) and Commentary .01(b)(5), the Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Rule 8.600–E. However, the proposed change described in the preceding paragraph would not meet the requirements set forth in Commentary .01(e).[9] Specifically, the aggregate gross notional value of the Fund's investments in OTC derivatives may exceed 20% of Fund assets, calculated as the aggregate gross notional value of such OTC derivatives.

The Adviser and Subadviser believe that it is important to provide the Fund with additional flexibility to manage risk associated with its investments. Depending on market conditions, it may be critical that the Fund be able to utilize available OTC derivatives for this purpose to attempt to reduce impact of currency, interest rate, credit or duration fluctuations on Fund assets. OTC derivatives provide the Fund with additional flexibility as well as a more precise means to effectively attempt to reduce currency, interest rate, credit or duration fluctuations on Fund assets. Generally, OTC derivatives can be customized to a greater degree than exchange-traded derivatives and can provide a better hedge on Fund assets as well as allow for more control over the duration of the hedge which can also mitigate trading costs. Therefore, the Exchange believes it is appropriate to apply a limit of up to 50% of the Fund's assets to the Fund's investments in OTC derivatives (calculated as the aggregate gross notional value of such OTC derivatives), including forwards, options and swaps, that are used for hedging purposes, as described above.[10]

The Adviser and Subadviser represent that deviations from the generic requirements are necessary for the Fund to achieve its investment objective in a manner that is cost-effective and that maximizes investors' returns because OTC derivatives generally provide the Fund with more flexibility to negotiate the exact exposure and duration that the Fund requires, and minimize trading costs because OTC derivatives are not subject to costs of rolling that are associated with listed derivatives. Further, the proposed alternative requirements are narrowly tailored to allow the Fund to achieve its investment objective in manner that is consistent with the principles of Section 6(b)(5) of the Act. As a result, it is in the public interest to approve listing and trading of Shares of the Fund on the Exchange pursuant to the requirements set forth herein.

Because the Fund, in furtherance of its investment objective, may invest a substantial percentage of its investments in Principal Investment Instruments with a maturity of one year or more, the 20% limit in Commentary .01(e) to Rule 8.600 could result in the Fund being unable to fully pursue its investment objective while attempting to sufficiently mitigate investment risks. The inability of the Fund to adequately hedge its holdings would effectively limit the Fund's ability to invest in certain instruments, or could expose the Fund to additional investment risk. For example, if the Fund's assets (on a gross notional value basis) were $100 million and no listed derivative were suitable to hedge the Fund's risk, under the generic listing criteria, the Fund would be limited to holding up to $20 million gross notional value in OTC derivatives ($100 million * 20%). Accordingly, the maximum amount the Fund would be able to invest in Principal Investment Instruments with a maturity of one year or more while remaining adequately hedged would be $20 million. The Fund then would hold $60 million in assets that could not be hedged, other than with listed derivatives, which, as noted above, might not be sufficiently tailored to the specific instruments to be hedged.

In addition, by applying the 20% limitation in Commentary .01(e) to Rule 8.600, the Fund would be less able to protect its holdings from more than one risk simultaneously. For example, if the Fund's assets (on a gross notional basis) were $100 million and the Fund held $20 million in Principal Investment Instruments with a maturity of one year

[8] Because the markets for the Principal Investment Instruments, or the Principal Investment Instruments themselves, may be unavailable or cost prohibitive as compared to derivative instruments, suitable derivative transactions may be an efficient alternative for the Fund to obtain the desired asset exposure to Principal Investment Instruments.

[9] Commentary .01(e) to NYSE Arca Rule 8.600–E provides that a portfolio may hold OTC derivatives, including forwards, options and swaps on commodities, currencies and financial instruments (*e.g.,* stocks, fixed income, interest rates, and volatility) or a basket or index of any of the foregoing; however, on both an initial and continuing basis, no more than 20% of the assets in the portfolio may be invested in OTC derivatives. For purposes of calculating this limitation, a portfolio's investment in OTC derivatives will be calculated as the aggregate gross notional value of the OTC derivatives.

[10] The Commission has previously approved an exception from requirements set forth in Commentary .01(e) relating to investments in OTC derivatives similar to those proposed with respect to the Fund in Securities Exchange Act Release No. 80657 (May 11, 2017), 82 FR 22702 (May 17, 2017) (SR–NYSEArca–2017–09) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, Regarding Investments of the Janus Short Duration Income ETF Listed Under NYSE Arca Equities Rule 8.600). *See also,* Securities Exchange Act Release No. 84047 (September 6, 2018), 83 FR 46200 (September 12, 2018) (SR–NASDAQ–2017–128) (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 3, to List and Trade Shares of the Western Asset Total Return ETF), in which the Nasdaq Stock Market LLC proposed that there would be no limit on the fund's investments in Interest Rate and Currency Derivatives, and that the aggregate weight of all OTC Derivatives other than Interest Rate and Currency Derivatives will not exceed 10% of the fund's assets).

or more with two types of risks (*e.g.,* duration and credit risk) which could not be hedged using listed derivatives, the Fund would be faced with the choice of either holding $20 million aggregate gross notional value in OTC derivatives to mitigate one of the risks while passing the other risk to its shareholders, or, for example, holding $10 million aggregate gross notional value in OTC derivatives on each of the risks while passing the remaining portion of each risk to the Fund's shareholders.

The Exchange accordingly believes that it is appropriate and in the public interest to approve continued listing and trading of Shares of the Fund on the Exchange notwithstanding that the Fund would not meet the requirements of Commentary .01(e) to Rule 8.600–E. The Exchange notes that, other than Commentary .01(e) and, as described in the Prior Releases, with the exception of the requirements of Commentary .01(a)(1), Commentary .01(b)(4) and Commentary .01(b)(5), the Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Rule 8.600–E.

The Adviser and Subadviser represent that the proposed change described above is consistent with the Fund's investment objective, and will further assist the Adviser and Subadviser to achieve such investment objective. Except for the changes noted above, all other representations made in the Prior Releases remain unchanged. All terms referenced but not defined in this proposed rule change are defined in the Prior Releases.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) of the Act that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that it is appropriate and in the public interest to allow the Fund, for hedging purposes only, to exceed the 20% limit in Commentary .01(e) to Rule 8.600 of portfolio assets that may be invested in OTC derivatives to a maximum of 50% of Fund assets (calculated as the gross notional value). As noted above, the Adviser and Subadviser believe that it is in the best interests of the Fund's shareholders for the Fund to be allowed to reduce the currency, interest rate, credit or duration risk arising from the Fund's investments using the most efficient financial instruments. While certain risks can be hedged via listed derivatives, OTC derivatives (such as forwards, options and swaps) can be customized to hedge against precise risks. Accordingly, the Adviser and Subadviser believe that OTC derivatives may frequently be a more efficient hedging vehicle than listed derivatives. Depending on market conditions, it may be critical that the Fund be able to utilize available OTC derivatives for this purpose to attempt to reduce impact of currency, interest rate, credit or duration fluctuations on Fund assets. Therefore, the Exchange believes that increasing the percentage limit in Commentary .01(e), as described above, to the Fund's investments in OTC derivatives, including forwards, options and swaps, that are used specifically for hedging purposes would help protect investors and the public interest.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the continued listing and trading of an actively-managed exchange-traded product that, through permitted use of an increased level of OTC derivatives above that currently permitted by the generic listing requirements of Commentary .01 to NYSE Arca Rule 8.600–E, will enhance competition among market participants, to the benefit of investors and the marketplace.

*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 a change to the Fund's investments similar to investments of another actively managed ETF, shares of which have been approved for Exchange listing and trading,[11] that principally holds fixed income securities, and that will enhance competition among market participants, to the benefit of investors and the marketplace.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

[11] *See* note 10, *supra.*

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2018–75 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2018–75. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for

inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2018–75, and should be submitted on or before November 21, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018–23730 Filed 10–30–18; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–84490; File No. SR–CBOE–2018–067]**

## Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to List and Trade Options That Overlie the S&P Communication Services Select Sector Index

October 25, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 15, 2018, Cboe Exchange, Inc. (''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) 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 change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change is provided below in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange is currently authorized to list for trading options on ten S&P Select Sector Indexes.[5] The purpose of this proposed rule change is to amend certain rules to authorize the Exchange to list for trading options on a recently added eleventh S&P Select Sector Index—the S&P Communication Services Select Sector Index. Each S&P Select Sector Index represents the performance of companies that are components of the Standard & Poor's 500 Index (''S&P 500'') within a specific sector (each of which is referred to as an ''S&P Select Sector Index''). Each constituent of an S&P Select Sector Index is a constituent of the S&P 500, and each S&P Select Sector Index is a subindex of the S&P 500. S&P Dow Jones Indices[6] assigns each constituent to a S&P Select Sector Index(es) based on the constituent's classification under a global industry classification standard. S&P Dow Jones Indices monitors and maintains each Select Sector Index and rebalances each S&P Select Sector Index quarterly. S&P Dow Jones Indices recently added an eleventh sector. As a result, the following represents the current breakdown of the sectors and the components of each sector:

| Sector | Symbol[7] | Number of components |
|---|---|---|
| Financial | IXM | 68 |
| Energy | IXE | 31 |
| Technology | IXT | 76 |
| Health Care | IXV | 63 |
| Utilities | IXU | 29 |
| Consumer Staples | IXR | 32 |
| Industrials | IXI | 70 |
| Consumer Discretionary. | IXY | 80 |
| Materials | IXB | 24 |
| Real Estate | IXRE | 32 |
| Communication Services. | IXC | 26 |

Initial and Maintenance Listing Criteria

The S&P Communication Services Select Sector Index meets the definition of a narrow-based index as set forth in Rule 24.1(i)(2) (an index designed to be representative of a particular industry or a group of related industries and include indices having component securities that are all headquartered with in a single country). Additionally, the S&P Communication Services Select Sector Index satisfies the initial listing criteria of a narrow-based index, as set forth in Rule 24.2(b):

(1) Options will be A.M.-settled;

(2) the index is capitalization-weighted, price-weighted, equal dollar-weighted, or modified capitalization-weighted, and consists of ten or more component securities (the S&P Communication Services Select Sector Index is modified capitalization-weighted);

(3) each component security has a market capitalization of at least $75 million, except that for each of the lowest weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index, the market capitalization is at least $50 million;

(4) trading volume of each component security has been at least one million shares for each of the last six months, except that for each of the lowest weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index, trading volume has been at least 500,000 shares for each of the last six months;

(5) in a capitalization-weighted index or a modified capitalization-weighted index, the lesser of the five highest weighted component securities in the index or the highest weighted component securities in the index that in the aggregate represent at least 30%

[12] 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)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Rule 24.9(a); *see also* Securities Exchange Act Release No. 34–81879 (October 16, 2017), 82 FR 48858 (October 20, 2017) (SR–CBOE–2017–065).

[6] S&P Dow Jones Indices is the reporting authority for the S&P Select Sector Indexes, including the S&P Communication Services Select Sector Index. *See* proposed Rule 24.1, Interpretation and Policy .01.

[7] These symbols represent the index. The corresponding option symbols are SIXM, SIXE, SIXT, SIXV, SIXU, SIXR, SIXI, SIXY, SIXB, SIXRE, and SIXC respectively.

of the total number of component securities in the index each have had an average monthly trading volume of at least 2,000,000 shares over the past six months;

(6) no single component security represents more than 25% of the weight of the index, and the five highest weighted component securities in the index do not in the aggregate account for more than 50% (60% for an index consisting of fewer than 25 component securities) of the weight of the index;

(7) component securities that account for at least 90% of the weight of the index and at least 80% of the total number of component securities in the index satisfy the requirements of Rule 5.3 applicable to individual underlying securities;

(8) all component securities are ''reported securities'' as defined in Rule 11A a3–1 under the Exchange Act;

(9) non-U.S. component securities (stocks or ADRs) that are not subject to comprehensive surveillance agreements do not in the aggregate represent more than 20% of the weight of the index;

(10) the current underlying index value will be reported at least once every fifteen seconds during the time the index options are traded on the Exchange;

(11) an equal dollar-weighted index will be rebalanced at least once every calendar quarter; and

(12) if an underlying index is maintained by a broker-dealer, the index is calculated by a third party who is not a broker-dealer, and the broker-dealer has erected a ''Chinese Wall'' around its personnel who have access to information concerning changes in and adjustments to the index.

The S&P Select Sector Index options will be subject to the maintenance listing standards set forth in Rule 24.2(c):

(1) The conditions stated in (1), (3), (6), (7), (8), (9), (10), (11) and (12) above must continue to be satisfied, provided that the conditions stated in (6) above must be satisfied only as of the first day of January and July in each year;

(2) the total number of component securities in the index may not increase or decrease by more than 33 ⅓% from the number of component securities in the index at the time of its initial listing, and in no event may be less than nine component securities;

(3) trading volume of each component security in the index must be at least 500,000 shares for each of the last six months, except that for each of the lowest weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index, trading volume must be at least 400,000 shares for each of the last six months; and

(4) in a capitalization-weighted index or a modified capitalization-weighted index, the lesser of the five highest weighted component securities in the index or the highest weighted component securities in the index that in the aggregate represent at least 30% of the total number of stocks in the index each have had an average monthly trading volume of at least 1,000,000 shares over the past six months.[8]

Expiration Months, Settlement, and Exercise Style

Consistent with existing rules for certain index options, the Exchange will allow up to twelve near-term expiration months for the S&P Communication Services Select Sector Index options.[9] The Exchange elects to have the ability to list up to twelve near-term expiration months, as that is the same amount the Rules permit for options on the S&P 500 (''SPX options'') and the other S&P Select Sector Indexes. The S&P Select Sector Indexes consist of the same components as the S&P 500, as discussed above. Because of the relation between the S&P Communication Services Select Sector Index, the other S&P Select Sector Indexes, and the S&P 500, which will likely result in market participants' investment and hedging strategies consisting of options over all, the Exchange believes it is appropriate to permit the same number of monthly expirations for the S&P Communication Services Select Sector Index options as SPX options and the other S&P Select Sector Index options.

The S&P Communication Services Select Sector Index options will be A.M., cash-settled contracts with European-style exercise.[10] A.M.-settlement is consistent with the generic listing criteria for industry-based indexes[11] (as well as broad-based indexes[12]), and thus it is common for index options to be A.M.-settled. The Exchange proposes to amend Rule 24.9(a)(4) to add the S&P Communication Services Select Sector Index options to the list of other A.M.-settled options. Standard third-Friday SPX options and the other S&P Select Sector Index options are A.M.-settled. European-style exercise is consistent with many index options, as set forth in Rule 24.9(a)(3). Standard third-Friday SPX options and the other S&P Select Sector Index options are A.M.-settled with European-style exercise. The Exchange proposes to amend Rule 24.9(a)(3) to add the S&P Communication Services Select Sector Index options to the list of other European-style index options. Because of the relation between the S&P Communication Services Select Sector Index, the other S&P Select Sector Indexes, and the S&P 500, which will likely result in market participants' investment and hedging strategies consisting of options over both, the Exchange believes it is appropriate to list the S&P Communication Services Select Sector Index options with the same settlement and exercise style as the other S&P Select Sector Index options and SPX options.

Trading Hours

The Exchange proposes to amend Rule 24.6(b) to add the S&P Communication Services Select Sector Index options to the list of index options that may trade on the Exchange from 8:30 a.m. until 3:00 p.m. Chicago time.[13] The Exchange understands that investors who plan to trade options on the S&P Communication Services Select Sector Index would often use the prices of the stock components of the Index to price options rather than futures on the Index (which are often used to price index options, such as options on the S&P 500). Investors similarly use pricing of underlying stocks to price shares of exchange-traded funds (''ETFs'') derived from the S&P Communication Services Select Sector Index (*e.g.,* Communication Services Select Sector SPDR ETF), the components of which are stocks that are components of the S&P Communication Services Select Sector Index. The underlying stocks end regular trading at 3:00 p.m. Chicago time each day. Closing trading in the S&P Communication Services Select Sector Index options at the same time the stocks end regular trading[14] will

[8] As is the case with other index options authorized for listing and trading on Cboe Options, in the event the S&P Communication Services Select Sector Index fails to satisfy the maintenance listing standards, the Exchange will not open for trading any additional series of options of that class unless such failure is determined by the Exchange not to be significant and the Commission concurs in that determination, or unless the continued listing of that class of index options has been approved by the Securities and Exchange Commission (the ''Commission'') under Section 19(b)(2) of the Securities and Exchange Act (the ''Act'').

[9] *See* proposed Rule 24.9(a)(2).

[10] *See* proposed Rule 24.9(a)(3)(cxxiv) and (4)(xcxix).

[11] *See* Rule 24.2(b)(1).

[12] *See* Rule 24.2(f)(2).

[13] *See* proposed Rule 24.6(b)(lii). The proposed rule change also corrects a numbering error in other subparagraphs of Rule 24.6(b).

[14] While the stocks may continue to trade in an aftermarket trading session on the listing exchanges, there is less liquidity in aftermarket trading, which

Continued

ensure investors have access to robust pricing of the underlying stock components they use to price the options, thus reducing investors' price risk. Various other index options, including the other S&P Select Sector Index options and other narrow-based index options, may trade from 8:30 a.m. to 3:00 p.m. Chicago time.[15]

Appointment Costs

The Exchange proposes a Market-Maker appointment cost of .001 for the S&P Communication Services Select Sector Index options, and each will have a Market-Maker appointment cost of .001.[16] This is the same appointment cost as the other S&P Select Sector Index options. The Exchange determines appointment costs of Tier AA classes based on several factors, including, but not limited to, competitive forces and trading volume. The Exchange believes the proposed initial appointment cost for the S&P Communication Services Select Sector Index options will foster competition by incentivizing Market-Makers to obtain an appointment in these newly listed options, which may increase liquidity in the new class.

Capacity

The Exchange has analyzed its capacity and represents that it believes the Exchange and OPRA have the necessary systems capacity to handle the additional traffic associated with the listing of new series that would result from the introduction of the S&P Communication Services Select Sector Index options up to the proposed number of possible expirations. Because the proposal is limited to one class, the Exchange believes any additional traffic that would be generated from the introduction of the S&P Communication Services Sector Index options would be manageable.

generally leads to wider spreads and more volatile pricing.

[15] *See* Rule 24.6(b) (for example, options on the S&P transportation, retail, health care, banking, insurance, and chemical indices, and the Cboe PowerPacks SM bank, biotechnology, gold, internet, iron & steel, oil, oil services, pharmaceuticals, retail, semiconductor, technology, and telecom indices).

[16] *See* proposed Rule 8.3(c)(i). S&P Communication Services Select Sector Index options will be in Tier AA (as are other S&P index options, including the other S&P Select Sector Index options). While the appointment costs of Tier AA classes are not subject to quarterly rebalancing under Rule 8.3(c)(iv), the Exchange regularly reviews the appointment costs of Tier AA classes to ensure that they continue to be appropriate. The Exchange determines appointment costs of Tier AA classes based on several factors, including, but not limited to, competitive forces and trading volume.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[17] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[18] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[19] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed rule change will protect investors, as the Exchange believes there is unmet market demand for exchange-listed security options listed on this new sector index. Sector SPDRs and E-mini S&P future products for the S&P Communication Services Select Sector are listed and traded on other exchanges.[20] As a result, the Exchange believes that the S&P Communication Services Select Sector Index options are designed to provide different and additional opportunities for investors to hedge or speculate on the market risk associated with this index by listing an option directly on this index. Because of the relation between the S&P Communication Services Select Sector, the other S&P Select Sector Indexes, and the S&P 500, the Exchange believes the proposed rule change will benefit investors, as it will provide market participants' with additional investment and hedging strategies consisting of options over each of these indexes. The Exchange notes it is currently authorized to list options on ten S&P Select Sector Indexes (subject to the same terms as those proposed for the S&P Communication Services Select Sector Index options).

The Exchange believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, because the proposed rule change is consistent with current Rules, which were previously filed with approved as consistent with the Exchange Act by the Commission. The S&P Communication Services Select Sector Index options satisfy the initial listing standards for narrow-based indexes in the Exchange's current Rules, which the Commission previously deemed consistent with Act.[21] The proposed rule change merely adds the S&P Communication Services Select Sector Index to the table regarding reporting authorities for indexes, to the rule regarding number of permissible expirations, to the list of European-style exercise index options, and to the list of A.M.-settled index options. These changes are consistent with existing Rules and index options currently authorized and listed for trading on the Exchange, including the other S&P Select Sector Index options. The Exchange notes, with respect to these changes, standard third-Friday SPX options (which overly the S&P 500, which consist of the same components as the S&P Select Sector Indexes, including the S&P Communication Services Select Sector Index) and the other S&P Select Sector Index options currently have the same reporting authority, the same number of permissible expirations, the same settlement, and the same exercise style.[22] The Exchange has observed no trading or capacity issues in SPX trading given the number of permissible expirations, a.m. settlement, and European-style exercise. Because of the relation between the S&P Communication Services Select Sector, the other S&P Select Sector Indexes, and the S&P 500, which will likely result in market participants' investment and hedging strategies consisting of options over each of these indexes, the

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *Id.*

[20] The primary listing exchange for the Communication Services Select Sector SPDR Fund (and the other Select Sector SPDR Funds) is NYSE Arca (trading under symbol XLC). See the Fund's prospectus, available at *https://us.spdrs.com/public/SPDR_SELECT%20SECTOR_PROSPECTUS.pdf.* The contract specifications for the E-mini Communication Services Select Sector Futures Contract, which trades on the Chicago Mercantile Exchange (''CME''), is available at *https://www.cmegroup.com/trading/equity-index/select-sector-index/e-mini-communication-services-select-sector-index_contract_specifications.html; see also* Chapter 369 of the CME Rulebook.

[21] *See* Securities Exchange Act Release No. 34–34157 (June 3, 1994), **Federal Register** Volume 59, Issue 111 (June 10, 1994) (SR–CBOE–93–59) (order approving generic listing standards for options on narrow-based indexes).

[22] *See* Rules 24.1, Interpretation and Policy .01 and 24.9(a)(2) through (4).

Exchange believes it is appropriate to have the same number of expiration, settlement, and exercise style for options on each of these indexes. The Exchange also represents that it has the necessary systems capacity to support the new option series given these proposed specifications.

The Exchange believes the proposed trading hours for the S&P Communication Services Select Sector Index options are reasonable and will protect investors, as closing trading in these options at the same time the stocks end regular trading will ensure investors have access to robust pricing of the underlying stock components they use to price the options, which protects investors by reducing their price risk. Various other index options, including the other S&P Select Sector Index options and other narrow-based index options, may trade from 8:30 a.m. to 3:00 p.m. Chicago time.[23]

The Exchange believes the proposed initial low appointment cost for the S&P Communication Services Select Sector Index options promotes competition and efficiency by incentivizing more Market-Makers to obtain an appointment in the newly listed class. The Exchange believes this may result in liquidity and competitive pricing in this class, which ultimately benefits investors. The proposed rule change does not result in unfair discrimination, as the appointment cost will apply to all Market-Makers in this class. Additionally, the proposed appointment cost is the same as the appointment cost for each of the other S&P Select Sector Index options.[24]

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The S&P Communication Services Select Sector Index satisfies initial listing standards set forth in the Rules, and the proposed number of expirations, settlement, and exercise style are consistent with current rules applicable to index options, including the other S&P Select Sector Index options and standard third-Friday SPX options. Because of the relation between the S&P Communication Services Select Sector Index, the other S&P Select Sector Indexes, and the S&P 500, which will likely result in market participants' investment and hedging strategies consisting of options over each of these indexes, the Exchange believes it is appropriate to have the same number of expirations, settlement, and exercise style for options on each index. The S&P Communication Services Select Sector Index options will provide investors with different and additional opportunities to hedge or speculate on the market associated with the this index.

With respect to the proposed trading hours, all market participants will be able to trade options on the S&P Communication Select Services Sector Index during the same trading hours. Various other index options, including the other S&P Select Sector Index options and other narrow-based index options, may trade from 8:30 a.m. to 3:00 p.m. Chicago time.[25] The Exchange believes the proposed rule change will promote competition, as it brings the trading hours for the S&P Communication Services Select Sector Index options in line with those of the other S&P Select Sector Index options as well as competitive products trading on other exchanges. Additionally, the S&P Communication Services Select Sector Index options will trade exclusively on Cboe Options. To the extent that the proposed changes make Cboe Options a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Cboe Options market participants.

The Exchange believes the proposed initial low appointment cost for the S&P Communication Services Select Sector Index options promotes competition and efficiency by incentivizing more Market-Makers to obtain an appointment in the newly listed class. The Exchange believes this may result in liquidity and competitive pricing in this class, which ultimately benefits investors. The proposed rule change does not result in unfair discrimination, as the appointment cost will apply to all Market-Makers in this class. Additionally, as discussed above, the proposed appointment cost for the S&P Communication Services Select Sector Index options is the same as the appointment cost for the other S&P Select Sector Index options.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[26] and Rule 19b–4(f)(6) thereunder.[27]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2018–067 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2018–067. 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

[23] *See supra* note 15.

[24] *See* Rule 8.3(c)(i).

[25] *See supra* note 15.

[26] 15 U.S.C. 78s(b)(3)(A).

[27] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2018–067 and should be submitted on or before November 21, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018–23734 Filed 10–30–18; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–84489; File No. SR–NYSEARCA–2018–76]**

## Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the NYSE Arca Options Fee Schedule

October 25, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on October 17, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE Arca Options Fee Schedule (''Fee Schedule''). The Exchange proposes to implement the fee change effective October 17, 2018. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of this filing is to modify the Fee Schedule, effective October 17, 2018, to eliminate obsolete charges. Specifically, the Exchange proposes to remove Royalty fees for products the Exchange no longer trades.

Pursuant to the current Fee Schedule, the Exchange charges Royalty Fees on certain trades in proprietary products for which the Exchange has a license, namely: NDX, MNX, KBW Bank Index (BKK) and the Russell Index (RUT).[4] The Exchange proposes to modify the Fee Schedule to remove NDX, MNX, and the Russell Index (RUT), as these products are no longer licensed to the Exchange. As proposed, the Royalty Fees section will only include reference to KBW Bank Index (BKK), as this product continues to be licensed to the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act, in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposal to remove references to products that the Exchange is no longer licensed to trade is reasonable, equitable, and not unfairly discriminatory because it provides clarity and transparency to the Fee Schedule as it relates to Royalty Fees.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

In accordance with Section 6(b)(8) of the Act,[5] the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the proposed change is meant to add clarity and transparency to the Fee Schedule to the benefit of all market participants that trade on the Exchange.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[6] of the Act and subparagraph (f)(2) of Rule 19b–4[7] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the

[28] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Fee Schedule, NYSE Arca OPTIONS: TRADE–RELATED CHARGES FOR STANDARD OPTIONS, Royalty Fees, *available at, https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf.* Royalty Fees will be assessed on a per contract basis for firm, broker/dealer, and Market Maker transactions. For electronic executions in issues included in the Penny Pilot, Royalty Fees will be passed through to the trading participant on the ''Take'' side of the transaction. *See id.* Royalty Fees are not assessed on the customer side of transactions and information about Royalty Fees as associated with Options Strategy Transactions are set forth in the ''Limit of Fees on Options Strategy Executions'' section of this schedule. *See id.,* fn. 11.

[5] 15 U.S.C. 78f(b)(8).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(2).

public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[8] of the Act to determine whether the proposed rule change should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2018–76 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2018–76. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2018–76 and should be submitted on or before November 21, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018–23733 Filed 10–30–18; 8:45 am]

**BILLING CODE 8011–01–P**

[8] 15 U.S.C. 78s(b)(2)(B).

[9] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–84488; File No. SR–NASDAQ–2018–082]**

## Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Derivative Securities Traded Under Unlisted Trading Privileges

October 25, 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 12, 2018, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

## I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Nasdaq Rule 5740 related to derivative securities traded under unlisted trading privileges (''UTP'') to remove the requirement in Rule 5740(a)(1) for the Exchange to file with the Commission a Form 19b–4(e) for each ''new derivative securities product'' as defined in Rule 19b–4(e) under the Act[3] (''Derivative Security'') traded under UTP and renumber the remaining provisions of Rule 5740(a) to maintain an organized rule structure. The Exchange has designated this rule change as ''non-controversial'' under Section 19(b)(3)(A) of the Act[4] and provided the Commission with the notice required by Rule 19b–4(f)(6) thereunder.[5]

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self–Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule change is to amend Rule 5740 related to derivative securities traded under UTP by removing the requirement in Rule 5740(a)(1) for the Exchange to file with the Commission a Form 19b–4(e) for each Derivative Security, and renumbering the remaining rules of Rule 5740(a) to maintain an organized rule structure, as described below.

Rule 5740(a)(1) sets forth the requirement for Nasdaq to file with the Commission a Form 19b–4(e) with respect to each Derivative Security that is traded under UTP. However, Nasdaq believes that it should not be necessary to file a Form 19b–4(e) with the Commission if it begins trading a Derivative Security on a UTP basis, because Rule 19b–4(e)(1) under the Act refers to the ''listing and trading'' of a ''new derivative securities product.'' The Exchange believes that the requirements of that rule refers to when an exchange lists and trades a Derivative Security, and not when an exchange seeks only to trade such product on a UTP basis pursuant to Rule 12f–2 under the Act.[6] Therefore, Nasdaq proposes to delete the requirement in current Rule 5740(a)(1) for Nasdaq to file a Form 19b–4(e) with the Commission with respect to each Derivative Security it begins trading on a UTP basis. In addition, as a result of the deletion of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(e)

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6).

[6] 17 CFR 240.12f–2.

current Rule 5740(a)(1) Nasdaq proposes to renumber current Rules 5740(a)(2)–(6), as Rules 5740(a)(1)–(5) respectively.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6(b)[7] of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, eliminating the requirement to file a Form 19b–4(e) for each Derivative Security the Exchange begins trading on a UTP basis removes an unnecessary regulatory requirement thereby providing for a more efficient process for adding Derivative Securities to trading on the Exchange on a UTP basis.

In addition, the Exchange notes that a substantially identical proposed rule change by NYSE National, Inc. (''NYSE National'') was recently approved by the Commission.[9] In particular, the Commission noted in the approval order that it ''believes that the filing of a Form 19b–4(e) is not required when an Exchange is trading a new derivative securities product on a UTP basis only''[10] and also found that the NYSE National's proposed rule change is ''consistent with the requirements of Section 6(b)(5) of the Act.''[11]

With respect to the renumbering of current Rules 5740(a)(2)–(6) as Rules 5740(a)(1)–(5), the Exchange believes that these changes are consistent with the Act because they will allow the Exchange to maintain a clear and organized rule structure, thus preventing investor confusion.

For these reasons, Nasdaq believes 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*

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, removing the requirement to file a Form 19b–4(e) will serve to enhance competition by providing for the efficient addition of Derivative Securities for trading under UTP on Nasdaq. To the extent that a competitor marketplace believes that the proposed rule change places it at a competitive disadvantage, it may file with the Commission a proposed rule change to adopt the same or similar rule.

In addition, the proposal to renumber the current Rules 5740(a)(2)–(6) as Rules 5740(a)(1)–(5) does not impact competition in any respect since it merely maintains a clear and organized rule structure.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[12] and subparagraph (f)(6) of Rule 19b–4 thereunder.[13]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that the Exchange's proposal is similar to a proposal the Commission has previously approved.[14] Accordingly, the Commission believes that the proposal raises no new or novel regulatory issues and waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission therefore waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2018–082 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2018–082. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *See* Securities Exchange Act Release No. 83289 (May 17, 2018), 83 FR 23968 (May 23, 2018) (Order Approving File No. SR–NYSENAT–2018–02).

[10] *See supra* note 9 at page 23975 at footnote 149.

[11] *See supra* note 9 at page 23975–6.

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] *See supra* note 9.

[15] 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).

submissions should refer to File Number SR–NASDAQ–2018–082 and should be submitted on or before November 21, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018–23731 Filed 10–30–18; 8:45 am]

**BILLING CODE 8011–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Certification: Airmen Other Than Flight Crewmembers, Subpart C, Aircraft Dispatchers and App. A Aircraft Dispatcher

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 23, 2018. The collection involves the information that each applicant for an aircraft dispatcher certificate or FAA approval of an aircraft dispatcher course must submit to the FAA. These applications, reports and training course materials are provided to the local Flight Standards District Office of the FAA that oversees the certificate and FAA approvals. The information to be collected will be used to and/or is necessary to determine qualification and the ability of the applicant to safely dispatch aircraft. Without this collection of information, applicants for a certificate or course approval would not be able to receive certification or approval. The collection of information for those who choose to train aircraft dispatcher applicants is to protect the applicants by ensuring that they are properly trained.

**DATES:** Written comments should be submitted by November 30, 2018.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**FOR FURTHER INFORMATION CONTACT:** Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2120–0648.

*Title:* Certification: Airmen Other Than Flight Crewmembers, Subpart C, Aircraft Dispatchers and App. A Aircraft Dispatcher.

*Form Numbers:* There are no forms associated with this collection.

*Type of Review:* Renewal of an information collection.

*Background:* The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 23, 2018 (83 FR 42758). This collection involves the information that each applicant for an aircraft dispatcher certificate or FAA approval of an aircraft dispatcher course must submit to the FAA to comply with 14 CFR part 65, subpart C and Appendix A. These applications, reports and training course materials are provided to the responsible Flight Standards Office of the FAA that oversees the certificates and FAA approvals.

This collection involves the knowledge testing that each applicant for an aircraft dispatcher certificate must successfully complete or information required to obtain FAA approval of an aircraft dispatcher course in order to comply with 14 CFR part 65, subpart C and Appendix A. These applications, reports and training course materials are provided to the responsible Flight Standards Office of the FAA which oversees the certificates and FAA approvals.

The collection is necessary for the FAA to determine qualification and the ability of the applicant to safely dispatch aircraft. Without this collection of information, applicants for a certificate or course approval would not be able to receive certification or approval. The collection of information for those who choose to train aircraft dispatcher applicants is to protect the applicants by ensuring that they are properly trained.

*Respondents:* 1,288.

*Frequency:* On occasion.

*Estimated Average Burden per Response:* 4.8 hours.

*Estimated Total Annual Burden:* 6,351.47 hours.

Issued in Washington, DC, on October 24, 2018.

**Barbara Hall,**

*FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.*

[FR Doc. 2018–23722 Filed 10–30–18; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Certification of Airmen for the Operation of Light-Sport Aircraft

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 27, 2018.

This collection involves the submission of forms and other reporting and recordkeeping activities. The information to be collected is necessary to ensure compliance with regulations governing the manufacture and certification of light-sport aircraft, the training and certification of light-sport pilots and instructors, and the certification of light-sport aircraft Designated Pilot Examiners.

**DATES:** Written comments should be submitted by November 30, 2018.

[16] 17 CFR 200.30–3(a)(12).

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**FOR FURTHER INFORMATION CONTACT:** Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2120–0690.

*Title:* Certification of Airmen for the Operation of Light-Sport Aircraft.

*Form Numbers:* FAA Form 8130–15, 8710–11, 8710–12

*Type of Review:* Renewal of an information collection.

*Background:* The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 27, 2018 (83 FR 43725). That rule generated a need for new designated pilot examiners and designated airworthiness representatives to support the certification of new light-sport aircraft, pilots, flight instructors, and ground instructors. This information collection requires applicants for certification as sport pilots to complete FAA form 8710–11, log training, take and pass a knowledge test, and requires organizations to develop and maintain training courses for sport pilots.

This collection also requires light-sport aircraft owners and manufacturers to submit FAA form 8130–15, which is used to process an applicant's request to obtain a Special Airworthiness certificate for Light Sport Aircraft. FAA Airworthiness inspectors and designated inspectors review the required data submissions to determine that aviation products and their manufacturing facilities comply with ASTM requirements, and that the products have no unsafe features

Finally, this collection requires applicants for the authorities and privileges of Designated Pilot Examiners to submit FAA form 8710–12, Light-Sport Standardization Board-Designated Pilot Examiner Candidate Application.

*Respondents:* Manufacturers, aircraft owners, pilots, flight instructors with a sport pilot rating, and maintenance personnel.

*Frequency:* Information is collected on occasion.

*Estimated Average Burden per Response:* 2.2 Hours.

*Estimated Total Annual Burden:* Sport pilot applicants: 3,289 hours. Sport pilot instructor applicants: 1,176 hours. Special Light-Sport Airworthiness certification applicants: 3,782 hours. Designated Pilot Examiner applicants: 20 hours. *Total burden:* 8,267.

Issued in Washington, DC, on October 24, 2018.

**Barbara Hall,**

*FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.*

[FR Doc. 2018–23721 Filed 10–30–18; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Notice of Final Federal Agency Actions of Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans).

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final. The actions relate to a proposed highway project (Interstate 405 [I–405]) from Interstate 5 (I–5) to State Route 55 [SR–55]) in the Cities of Irvine and Costa Mesa, in the County of Orange, State of California. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. § 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before April 1, 2019. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: Smita Deshpande, Branch Chief, Generalist Branch—Division of Environmental Analysis, Caltrans District 12; 1750 East 4th Street, Suite 100, Santa Ana, CA 92705, 8:00 a.m. to 5:00 p.m., (657) 328–6151, *smita.deshpande@dot.ca.gov.*

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: Caltrans proposes to add a single general-purpose lane in the northbound and southbound direction of the highway, approximately 8.5 miles. The purpose of the project is to add mainline capacity, reduce corridor congestion, improve mobility, improve ramp capacity and operations, and improve freeway operations including weaving, merging, and diverging. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI), approved on August 17, 2018. The EA with FONSI, and other documents are available by contacting Caltrans at the address provided above. The Caltrans EA with FONSI can be viewed and downloaded from the project website at *http://www.dot.ca.gov/d12/DEA/405/0K710.* The notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality regulations;
2. National Environmental Policy Act (NEPA);
3. Moving Ahead for Progress in the 21st Century Act (MAP–21);
4. Department of Transportation Act of 1966;
5. Federal Aid Highway Act of 1970;
6. Clean Air Act Amendments of 1990;
7. Noise Control Act of 1970;
8. 23 CFR part 772 FHWA Noise Standards, Policies and Procedures;
9. Department of Transportation Act of 1966, Section 4(f);
10. Clean Water Act of 1977 and 1987;
11. Endangered Species Act of 1973;

12. Migratory Bird Treaty Act;
13. National Historic Preservation Act of 1966, as amended;
14. Historic Sites Act of 1935;
15. Executive Order 13112, Invasive Species; and
16. Title VI of the Civil Rights Act of 1964.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. § 139(l)(1).

**Tashia J. Clemons,**

*Director, Planning and Environment, Federal Highway Administration, Sacramento, California.*

[FR Doc. 2018–23819 Filed 10–30–18; 8:45 am]

**BILLING CODE 4910–RY–P**

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

### Agency Information Collection Activities: Revision of an Approved Information Collection; Comment Request; Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions With Total Consolidated Assets of $100 Billion or More Under the Dodd-Frank Wall Street Reform and Consumer Protection Act

**AGENCY:** Office of the Comptroller of the Currency, Treasury (OCC).

**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC 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.

The OCC is soliciting comment concerning a revision to a regulatory reporting requirement for national banks and federal savings associations titled, ''Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $100 Billion or More under the Dodd-Frank Wall Street Reform and Consumer Protection Act.''

**DATES:** Comments must be received by December 31, 2018.

**ADDRESSES:** Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0319, 400 7th Street SW, suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

*Instructions:* You must include ''OCC'' as the agency name and ''1557–0319'' in your comment. In general, the OCC will publish your comment on *www.reginfo.gov* without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection [1] by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0319'' or ''Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $100 Billion or More under the Dodd-Frank Wall Street Reform and Consumer Protection Act.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

**FOR FURTHER INFORMATION CONTACT:** Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7 St. SW, Washington, DC 20219. In addition, copies of the templates referenced in this notice can be found on the OCC's website under News and Issuances (*http://www.occ.treas.gov/tools-forms/forms/bank-operations/stress-test-reporting.html*).

**SUPPLEMENTARY INFORMATION:** The OCC is requesting comment on the following revision to an approved information collection:

*Title:* Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $100 Billion or More under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

*OMB Control No.:* 1557–0319.

*Description:* Section 165(i)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act [2] (Dodd-Frank Act) requires certain financial companies, including national banks and federal savings associations, to conduct annual stress tests [3] and requires the primary financial regulatory agency [4] of those financial companies to issue regulations implementing the stress test requirements.[5] Under section 165(i)(2), a covered institution is required to submit to the Board of Governors of the Federal Reserve System (Board) and to its primary financial regulatory agency a report at such time, in such form, and containing such information as the primary financial regulatory agency may require.[6]

On October 9, 2012, the OCC published in the **Federal Register** a final

[1] Following the close of the 60-Day comment period for this notice, the OCC will publish a notice for 30 days of comment for this collection.

[2] Public Law 111–203, 124 Stat. 1376, July 2010.
[3] 12 U.S.C. 5365(i)(2)(A).
[4] 12 U.S.C. 5301(12).
[5] 12 U.S.C. 5365(i)(2)(C).
[6] 12 U.S.C. 5365(i)(2)(B).

rule implementing the section 165(i)(2) annual stress test requirement.[7] This rule describes the reports and information collections required to meet the reporting requirements under section 165(i)(2). These information collections will be given confidential treatment (5 U.S.C. 552(b)(4)) to the extent permitted by law.

On May 24, 2018, the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA) amended provisions in the Dodd-Frank Act and provided that, eighteen months after EGRRCPA's enactment, financial companies with total consolidated assets of less than $250 billion that are not bank holding companies will no longer be subject to the company-run stress testing requirements in section 165(i)(2) of the Dodd-Frank Act. In contrast, on EGRRCPA's date of enactment, bank holding companies under $100 billion in total consolidated assets were no longer subject to section 165(i)(2). In order to avoid unnecessary burden for depository institutions and to maintain consistency between bank holding companies and depository institutions, the OCC, Board, and Federal Deposit Insurance Corporation extended the deadlines for all regulatory requirements related to company-run stress testing for depository institutions with average total consolidated assets of less than $100 billion until November 25, 2019 (at which time both statutory exemptions will be in effect). The OCC, in coordination with the Board and Federal Deposit Insurance Corporation, is in the process of revising its stress testing regulation to incorporate EGRRPCA's amendments.

In 2012, the OCC first implemented the reporting templates referenced in the final rule. *See* 77 FR 49485 (August 16, 2012) and 77 FR 66663 (November 6, 2012). The OCC is now revising them as described below.

The OCC intends to use the data collected to assess the reasonableness of the stress test results of covered institutions and to provide forward-looking information to the OCC regarding a covered institution's capital adequacy. The OCC also may use the results of the stress tests to determine whether additional analytical techniques and exercises could be appropriate to identify, measure, and monitor risks at the covered institution. The stress test results are expected to support ongoing improvement in a covered institution's stress testing practices with respect to its internal assessments of capital adequacy and overall capital planning.

The OCC recognizes that many covered institutions with total consolidated assets of $100 billion or more are required to submit reports using Comprehensive Capital Analysis and Review (CCAR) reporting form FR Y–14A.[8] The OCC also recognizes the Board has proposed to modify the FR Y–14A and, to the extent practical, the OCC will keep its reporting requirements consistent with the Board's FR Y–14A in order to minimize burden on covered institutions.[9] Therefore, the OCC is proposing to revise its reporting requirements to mirror the Board's proposed FR Y–14A for covered institutions with total consolidated assets of $100 billion or more. The proposed changes include changes to accommodate the revised asset threshold necessitated by EGRRCPA. The proposed changes also include the removal of the Retail Repurchase worksheet and various clarifications in the instructions. In addition to the changes that parallel the Board's proposed changes to the FR Y–14A, the OCC is also proposing to remove or modify certain items on the OCC supplemental schedule, which collects additional information not included in the FR Y–14A.

*Type of Review:* Revision.

*Affected Public:* Businesses or other for-profit.

*Estimated Number of Respondents:* 23.

*Estimated Total Annual Burden:* 16,466 hours.

The OCC believes that the systems covered institutions use to prepare the FR Y–14 reporting templates to submit to the Board will also be used to prepare the reporting templates described in this notice. Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 25, 2018.

**Theodore J. Dowd,**

*Deputy Chief Counsel, Office of the Comptroller of the Currency.*

[FR Doc. 2018–23805 Filed 10–30–18; 8:45 am]

**BILLING CODE 4810–33–P**

[7] 77 FR 61238 (October 9, 2012) (codified at 12 CFR part 46).

[8] *http://www.federalreserve.gov/reportforms.*

[9] 83 FR 39093 (August 8, 2018).

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

### Proposed Collection of Information: Claims Against the United States for Amounts Due in the Case of a Deceased Creditor

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning Claims Against the United States for Amounts Due in the Case of a Deceased Creditor.

**DATES:** Written comments should be received on or before December 31, 2018 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, P.O. Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Claims Against the United States for Amounts Due in the Case of a Deceased Creditor.

*OMB Number:* 1530–0004.

*Form Number:* SF–1055.

*Abstract:* The information is required to determine who is entitled to funds of a deceased Postal Savings depositor or deceased award holder. The form properly completed with supporting documents enables the Judgement Fund Branch to decide who is legally entitled to payment.

*Current Actions:* Extension of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 400.

*Estimated Time per Respondent:* 27 minutes.

*Estimated Total Annual Burden Hours:* 180.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 25, 2018.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2018–23785 Filed 10–30–18; 8:45 am]

**BILLING CODE 4810–AS–P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

### Proposed Collection of Information: Notice of Reclamation—Electronic Funds Transfer, Federal Recurring Payment

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Notice of Reclamation—Electronic Funds Transfer, Federal Recurring Payment.

**DATES:** Written comments should be received on or before December 31, 2018 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, PO Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Notice of Reclamation—Electronic Funds Transfer, Federal Recurring Payment.

*OMB Number:* 1530–0003.

*Form Number:* FS Form 133.

*Abstract:* FS Form 133 is utilized to notify financial institutions of an obligation to repay payments erroneously issued to a deceased Federal benefit payment recipient. The information collected from the financial institutions is used by Treasury to close out the request from a program agency to collect an EFT payment from the financial institution to which a beneficiary was not entitled.

*Current Actions:* Extension of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 223,128.

*Estimated Time per Respondent:* 8 minutes.

*Estimated Total Annual Burden Hours:* 29,750.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 25, 2018.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2018–23778 Filed 10–30–18; 8:45 am]

**BILLING CODE 4810–AS–P**

## DEPARTMENT OF THE TREASURY

### Fiscal Service

### Bureau of the Fiscal Service

### Fee Schedule for the Transfer of U.S. Treasury Book-Entry Securities Held on the National Book-Entry System

**Authority:** 31 CFR 357.45.

**AGENCY:** Bureau of the Fiscal Service, Fiscal Service, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury (Treasury) is announcing a new fee schedule applicable to transfers of U.S. Treasury book-entry securities maintained on the National Book-Entry System (NBES) that occur on or after January 2, 2019.

**DATES:** Applicable January 2, 2019.

**FOR FURTHER INFORMATION CONTACT:** Brendan Griffiths, Bureau of the Fiscal Service, 202–504–3550.

**SUPPLEMENTARY INFORMATION:** Treasury has established a fee structure for the transfer of Treasury book-entry securities maintained on NBES. Treasury reassesses this fee structure periodically based on our review of the latest book-entry costs and volumes.

For each Treasury securities transfer or reversal sent or received on or after January 2, 2019, the basic fee will decrease from $0.97 to $0.90. The Federal Reserve System also charges a funds movement fee for each of these transactions for the funds settlement component of a Treasury securities transfer.[1] The surcharge for an off-line Treasury book-entry securities transfer will remain at $70.00. Off-line refers to the sending and receiving of transfer messages to or from a Federal Reserve Bank by means other than on-line access, such as by written, facsimile, or telephone voice instruction. The basic transfer fee assessed to both sends and receives is reflective of costs associated with the processing of securities transfers. The off-line surcharge, which is in addition to the basic fee and the funds movement fee, reflects the additional processing costs associated with the manual processing of off-line securities transfers.

Treasury does not charge a fee for account maintenance, the stripping and reconstitution of Treasury securities, the wires associated with original issues, or

[1] The Board of Governors of the Federal Reserve System sets this fee separately from the fees assessed by Treasury. As of January 2, 2018, that fee was $0.11 per transaction. For a current listing of the Federal Reserve System's fees, please refer to *https://www.frbservices.org/financial-services/securities/index.html.*

interest and redemption payments. Treasury currently absorbs these costs.

The fees described in this notice apply only to the transfer of Treasury book-entry securities held on NBES. Information concerning fees for book-entry transfers of Government Agency securities, which are priced by the Federal Reserve, is set out in a separate **Federal Register** notice published by the Federal Reserve.

The following is the Treasury fee schedule that will take effect on January 2, 2019, for book-entry transfers on NBES:

TREASURY—NBES FEE SCHEDULE—EFFECTIVE JANUARY 2, 2019

[In Dollars]

| Transfer type | Basic fee | Off-line surcharge |
|---|---|---|
| On-line transfer originated | 0.90 | N/A |
| On-line transfer received | 0.90 | N/A |
| On-line reversal transfer originated | 0.90 | N/A |
| On-line reversal transfer received | 0.90 | N/A |
| Off-line transfer originated | 0.90 | 70.00 |
| Off-line transfer received | 0.90 | 70.00 |
| Off-line account switch received | 0.90 | 0.00 |
| Off-line reversal transfer originated | 0.90 | 70.00 |
| Off-line reversal transfer received | 0.90 | 70.00 |

**David A. Lebryk,**

*Fiscal Assistant Secretary.*

[FR Doc. 2018–23713 Filed 10–30–18; 8:45 am]

**BILLING CODE 4810–AS–P**

## DEPARTMENT OF THE TREASURY

### Fiscal Service

### Bureau of the Fiscal Service

### Notice of Rate to Be Used for Federal Debt Collection, and Discount and Rebate Evaluation

**AGENCY:** Bureau of the Fiscal Service, Fiscal Service, Treasury.

**ACTION:** Notice of rate to be used for Federal debt collection, and discount and rebate evaluation.

**SUMMARY:** The Secretary of the Treasury is responsible for computing and publishing the percentage rate that is used in assessing interest charges for outstanding debts owed to the Government (The Debt Collection Act of 1982, as amended). This rate is also used by agencies as a comparison point in evaluating the cost-effectiveness of a cash discount. In addition, this rate is used in determining when agencies should pay purchase card invoices when the card issuer offers a rebate. Notice is hereby given that the applicable rate for calendar year 2019 is 1.00 percent.

**DATES:** January 1, 2019 through December 31, 2019.

**FOR FURTHER INFORMATION CONTACT:** Department of the Treasury, Bureau of the Fiscal Service, Payment Management, E-Commerce Division (LC–RM 349B), 3201 Pennsy Drive, Building E, Landover, MD 20785 (Telephone: 202–874–9428).

**SUPPLEMENTARY INFORMATION:** The rate reflects the current value of funds to the Treasury for use in connection with Federal Cash Management systems and is based on investment rates set for purposes of Public Law 95–147, 91 Stat. 1227 (October 28, 1977). Computed each year by averaging Treasury Tax and Loan (TT&L) investment rates for the 12-month period ending every September 30, rounded to the nearest whole percentage, for applicability effective each January 1. Quarterly revisions are made if the annual average, on a moving basis, changes by 2 percentage points. The rate for calendar year 2019 reflects the average investment rates for the 12-month period that ended September 30, 2018.

**Authority:** 31 U.S.C. Section 3717.

**Ronda L. Kent,**

*Assistant Commissioner, Payment Management and Chief Disbursing Officer.*

[FR Doc. 2018–23714 Filed 10–30–18; 8:45 am]

**BILLING CODE 4810–AS–P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

### Proposed Collection of Information: States Where Licensed for Surety

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning States Where Licensed for Surety.

**DATES:** Written comments should be received on or before December 31, 2018 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, P.O. Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* States Where Licensed for Surety.

*OMB Number:* 1530–0009.

*Abstract:* Information is collected from insurance companies in order to provide Federal bond approving officers with this information. The listing of states, by company, appears in Treasury's Circular 570, ''Surety Companies Acceptable on Federal Bonds.''

*Current Actions:* Extension of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 262.

*Estimated Time per Respondent:* 1 hour.

*Estimated Total Annual Burden Hours:* 262.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of

public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 25, 2018.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2018–23786 Filed 10–30–18; 8:45 am]

**BILLING CODE 4810–AS–P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

### Proposed Collection of Information: Voucher for Payment of Awards

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Voucher for Payment of Awards.

**DATES:** Written comments should be received on or before December 31, 2018 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, PO Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Voucher for Payment of Awards.

*OMB Number:* 1530–0012.

*Form Number:* FS Form 5135.

*Abstract:* Awards certificate to Treasury are paid annually as funds are received from foreign governments. Vouchers are mailed to award holders showing payments due. Award holders sign vouchers certifying that he/she is entitled to payment. Executed vouchers are used as a basis for payment.

*Current Actions:* Extension of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 1,400.

*Estimated Time per Respondent:* 30 minutes.

*Estimated Total Annual Burden Hours:* 700.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 25, 2018.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2018–23787 Filed 10–30–18; 8:45 am]

**BILLING CODE 4810–AS–P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

### Proposed Collection of Information: Application for Disposition of Retirement Plan and/or Individual Retirement Bonds Without Administration of Deceased Owner's Estate

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Application For Disposition Of Retirement Plan and/or Individual Retirement Bonds Without Administration Of Deceased Owner's Estate.

**DATES:** Written comments should be received on or before December 31, 2018 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, PO Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Application for Disposition of Retirement Plan and/or Individual Retirement Bonds Without Administration of Deceased Owner's Estate.

*OMB Number:* 1530–0032.

*Form Number:* FS Form 3565.

*Abstract:* The information is used to support a request for recognition as a person entitled to United States Retirement Plan and/or Individual Retirement bonds which belonged to a deceased owner when a legal representative has not been appointed for the estate and no such appointment is pending.

*Current Actions:* Extension of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Individuals or Households.

*Estimated Number of Respondents:* 350.

*Estimated Time per Respondent:* 20 minutes.

*Estimated Total Annual Burden Hours:* 117.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 25, 2018.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2018–23789 Filed 10–30–18; 8:45 am]

**BILLING CODE 4810–AS–P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

### Proposed Collection of Information: Collateral Security Resolution and Collateral Pledge and Security Agreement

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning Collateral Security Resolution and Collateral Pledge and Security Agreement.

**DATES:** Written comments should be received on or before December 31, 2018 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, P.O. Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Collateral Security Resolution and Collateral Pledge and Security Agreement.

*OMB Number:* 1530–0017.

*Form Number:* FS 5902 and FS 5903.

Abstract: These forms are used to give authority to financial institutions to become a depositary of the Federal Government. They also execute an agreement from the financial institutions they are authorized to pledge collateral to secure public funds with Federal Reserve Banks or their designees.

*Current Actions:* Extension of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 15 (2 forms each).

*Estimated Time per Respondent:* 30 minutes (15 minutes each form).

*Estimated Total Annual Burden Hours:* 7.5.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 25, 2018.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2018–23788 Filed 10–30–18; 8:45 am]

**BILLING CODE 4810–AS–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Open Meeting of the Taxpayer Advocacy Panel Joint Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Thursday, November 15, 2018.

**FOR FURTHER INFORMATION CONTACT:** Fred Smith at 1–888–912–1227 or (202) 317–3087.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Thursday, November 15, 2018, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact Fred Smith at 1–888–912–1227 or (202) 317–3087, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: October 25, 2018.

**Antoinette Ross,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2018–23804 Filed 10–30–18; 8:45 am]

**BILLING CODE 4830–01–P**


# FEDERAL REGISTER

Vol. 83 Wednesday,
No. 211 October 31, 2018

Part II

## Small Business Administration

13 CFR Parts 115, 121, 125, et al.
Small Business HUBZone Program; Government Contracting Programs; Proposed Rules

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Parts 115, 121, 125, and 126

**RIN 3245–AG38**

## Small Business HUBZone Program; Government Contracting Programs

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Small Business Administration (SBA or Agency) proposes to amend its regulations for the Historically Underutilized Business Zone (HUBZone) Program to reduce the regulatory burdens imposed on HUBZone small business concerns and government agencies, implement new statutory provisions, and eliminate ambiguities in the regulations. SBA has reviewed all of its HUBZone regulations and is proposing a comprehensive revision to the HUBZone Program to clarify current HUBZone Program policies and procedures and to make changes that will benefit the small business community by making the HUBZone Program more efficient and effective. The proposed amendments are intended to make it easier for small business concerns to understand and comply with the program's requirements and to make the HUBZone program a more attractive avenue for procuring agencies.

**DATES:** Comments must be received on or before December 31, 2018.

**ADDRESSES:** You may submit comments, identified by RIN 3245–AG38, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov* and follow the instructions for submitting comments.
- *Mail (for paper, disk, or CD–ROM submissions):* Mariana Pardo, Director, HUBZone Program, 409 Third Street SW, Washington, DC 20416.

*Instructions:* All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted on *http://www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *http://www.regulations.gov,* please submit the comments to Mariana Pardo and highlight the information that you consider to be CBI and explain why you believe this information should be held confidential. SBA will make a final determination as to whether the comments will be published or not.

**FOR FURTHER INFORMATION CONTACT:** Mariana Pardo, Director, Office of HUBZone (D/HUB), 202–205–2985 or *hubzone@sba.gov.*

**SUPPLEMENTARY INFORMATION:** On January 30, 2017, President Trump issued Executive Order 13771 directing federal departments and agencies to reduce regulatory burdens and control regulatory costs. In response to this directive, SBA initiated a review of all of its regulations to determine which might be revised or eliminated. This proposed rule would implement revisions to the HUBZone program. The HUBZone program was established pursuant to the HUBZone Act of 1997 (HUBZone Act), Title VI of the Small Business Reauthorization Act of 1997, Public Law 105–135, enacted December 2, 1997. The stated purpose of the HUBZone program is to provide for Federal contracting assistance to HUBZone small business concerns. 15 U.S.C. 657a(a).

In general, HUBZone small business concerns are those that have a principal place of business located in a HUBZone and 35 percent of their employees residing in one or more HUBZones. After SBA certifies eligible businesses into the program, they become eligible for HUBZone contracting preferences. HUBZone areas are generally defined as areas with low income levels, high poverty and unemployment rates, Indian reservations, closed military bases, or disaster areas.

SBA has not issued a comprehensive regulatory amendment to the HUBZone program since the program's initial implementation nearly twenty years ago, although SBA has issued numerous smaller amendments to the HUBZone Program to implement specific changes in 1998, 2001, 2004, 2005, 2007, 2009, 2013, and 2016. As such, SBA's review of the HUBZone program in response to President Trump's directive highlighted several areas that needed revision. This proposed rule would clarify and modify a number of the regulations implementing the program to update the rules to reflect SBA's current policies, to eliminate ambiguities in the regulations, and to reduce burdens on small businesses and procuring agencies.

As part of this proposed rulemaking process, SBA also held tribal consultations pursuant to Executive Order 13175, Tribal Consultations, in Anchorage, AK, Albuquerque, NM, and Oklahoma City, OK to provide interested tribal representatives with an opportunity to discuss their views on various HUBZone-related issues. SBA considers tribal consultation meetings a valuable component of its deliberations and believes that these tribal consultation meetings allowed for constructive dialogue with the Tribal community, Tribal Leaders, Tribal Elders, elected members of Alaska Native Villages or their appointed representatives, and principals of tribally-owned and Alaska Native Corporations (ANC) owned firms participating in the HUBZone program. SBA has taken these discussions into account in drafting this proposed rule.

In addition, SBA is proposing to implement section 1701(i) of the National Defense Authorization Act for Fiscal Year 2018 (NDAA 2018), Public Law 115–91, Dec. 12, 2017, which allows certain certified HUBZone small business concerns to maintain their HUBZone status until 2021, by amending the definition of ''HUBZone small business concern.''

The major challenge with the HUBZone program over the last two decades is the lack of stability and predictability for program participants. HUBZones change at different times based on economic data. Once certified, it is unrealistic to expect a business concern, or employee, to relocate in order to attempt to maintain the concern's HUBZone status when the area where the business is located or the employee resides loses its HUBZone status. This rule proposes changes that will help the HUBZone program achieve its intended results—investment in communities and continued employment. First, the rule proposes to treat an individual as a HUBZone resident if that individual worked for the firm and resided in a HUBZone at the time the concern was certified or recertified as a HUBZone small business concern and he or she continues to work for that same firm, even if the area where the individual lives no longer qualifies as a HUBZone or the individual has moved to a non-HUBZone area. Second, the proposed rule would eliminate the burden on HUBZone small businesses to continually demonstrate that they meet all eligibility requirements at the time of each offer and award for any HUBZone contract opportunity. It is hard for many firms to meet the requirement that at least 35% of the firm's employees must live in a HUBZone. Firms with a significant number of employees have a hard time meeting this requirement because it is often difficult to find a large number of individuals living in a HUBZone who possess the necessary qualifications. Smaller firms also have a hard time meeting this requirement because the loss of one employee could adversely affect their HUBZone eligibility. If a certified HUBZone small business receives a Federal contract (HUBZone or otherwise), it often must

hire additional employees to perform the contract and would lose its status as a certified HUBZone small business if it no longer meets the requirement that at least 35% of its employees reside in a HUBZone. This makes it ineligible for any future HUBZone contracts. The 35% HUBZone residency requirement also makes it hard for service contractors to perform contracts in other locations. For example, if a firm wins a contract in another state, it would most likely need to hire additional employees from that state. If there is no HUBZone near that location, the firm would have to hire non-HUBZone residents to perform the contract, which would most likely make it ineligible for future HUBZone contracts. To alleviate these problems, the proposed rule would require only annual recertification rather than immediate recertification at the time of every offer for a HUBZone contract award. This reduced burden on certified HUBZone small businesses would allow a firm to remain eligible for future HUBZone contracts for an entire year, without requiring it to demonstrate that it continues to meet all HUBZone eligibility requirements at the time it submits an offer for each additional HUBZone opportunity. A concern would represent that it is a certified HUBZone small business concern at the time of each offer, but its eligibility would relate back to the date of its certification or recertification, not to the date of the offer. The concern would be required to come into compliance with the 35% HUBZone residency requirement again at the time of its annual recertification in order to continue to be eligible for additional HUBZone contracts after the one-year certification period. During the tribal consultation process, SBA also received a few comments recommending that SBA count ''seasonal'' employees in a firm's count of total employees for purposes of determining whether it meets the 35% HUBZone residency requirement even if those individuals are currently employed by the firm. SBA is concerned that counting any individuals who are not currently on a firm's payroll (in the anticipation that they will again be employed by the firm at some point) would allow firms to circumvent the 35% residency requirement and subject the program to abuse. SBA requests comments on whether seasonal employees can or should be counted and still maintain the integrity of the eligibility requirements.

SBA addresses each proposed amendment below.

## II. Section-by-Section Analysis

*1. Definitions*

SBA has reviewed the current definitions set forth in 13 CFR 126.103 and has determined that several definitions need to be revised, added, or eliminated to remove ambiguities and make the HUBZone program easier for firms to use.

SBA proposes to delete the definitions of ''Alaska Native Village'' and ''ANCSA'' (*i.e.,* Alaska Native Claims Settlement Act) and incorporate those terms in an amended definition of ''Alaska Native Corporation (ANC)'' to make the regulations more readable.

SBA proposes to amend the definition of ''attempt to maintain'' to clarify what happens if a HUBZone small business concern's HUBZone residency percentage drops too low. The Small Business Act provides that a HUBZone small business concern must ''attempt to maintain'' compliance with the 35% employee HUBZone residency requirement during the performance of a HUBZone contract. 15 U.S.C. 632(p)(5)(A)(i)(II). This statutory requirement seeks to ensure that funds from HUBZone contracts flow to HUBZone areas and the residents of those areas, while at the same time recognizing that a HUBZone small business may need to hire additional employees in order to fully meet the terms of a contract. Under the ''attempt to maintain'' requirement, when hiring additional employees to perform on a HUBZone contract, the HUBZone small business must make efforts to hire HUBZone residents in order to try to maintain compliance with the 35% HUBZone residency requirement. The current regulation provides that ''attempt to maintain'' means ''making substantive and documented efforts such as written offers of employment, published advertisements seeking employees, and attendance at job fairs.'' 13 CFR 126.103. SBA believes it is necessary to clarify that if the HUBZone residency percentage drops too low, then SBA will find that the HUBZone small business has not made its best efforts to ''attempt to maintain'' compliance with this requirement. Therefore, SBA is proposing to amend this definition to add that falling below 20% HUBZone residency during the performance of a HUBZone contract will be deemed a failure to attempt to maintain compliance with the statutory 35% HUBZone residency requirement. In such a case, SBA would propose that the concern be decertified from the HUBZone program. The concern would then have the opportunity to demonstrate that it in fact continues to have at least 20% HUBZone employees and that it continues to attempt to hire additional HUBZone residents in order to reach 35%. SBA does not intend to require that employees be hired in any particular order (*i.e.,* in an order that ensures that at any moment in time, at least 20% of its total employees reside in a HUBZone), but merely that it always have at least 20% HUBZone employees once the hiring for contract performance is complete (and continues to attempt to hire more HUBZone employees). For example, if a certified HUBZone small business has 4 employees, 2 of which reside in a HUBZone, and wins a contract where it will be required to hire an additional 11 employees to perform the contract, SBA would not propose decertification if the first 8 new hires were non-HUBZone residents (meaning that for a time, only 2 employees out of 12 would be HUBZone residents, which is less than 20% of the firm's total employees), as long as the firm makes documented efforts to hire HUBZone residents and at least 1 of the remaining individuals hired to perform the contract lives in a HUBZone (*i.e.,* after hiring is complete, the firm employs 3 HUBZone residents out of a total of 15 employees, which equals 20%, thus allowing the firm to be deemed to have attempted to maintain the 35% HUBZone resident requirement). Of course, SBA would not believe that a firm truly attempted to maintain the 35% HUBZone resident requirement if it hired one HUBZone resident (in the example above, if it hired the third HUBZone resident in total, or first of the 11 supposedly hired to perform the newly awarded contract) one day before its annual HUBZone eligibility review and that individual really had no input in contract performance. Thus, considering SBA's desire not to insert itself into a firm's business decisions in hiring individuals to perform a HUBZone contract and its responsibility to ensure that additional HUBZone employees are in fact hired to perform the contract and that the overall purposes of the program are served, SBA requests comments on how best to look at this 20% minimum requirement. SBA also believes that a lower percentage (*i.e.,* allowing less than 20% HUBZone residents) would unreasonably diminish the impact of the program on the targeted areas and populations. However, SBA requests comments as to whether a different percentage is also reasonable and would accomplish the objectives of the HUBZone program while not unduly burdening firms performing HUBZone contracts.

SBA proposes to eliminate the definition of ''county unemployment rate'' and incorporate it into the definition of ''qualified non-metropolitan county (QNMC),'' as discussed further below.

The proposed rule would amend the definition of ''D/HUB'' to make clear that this term refers to the Director of SBA's Office of HUBZone.

SBA proposes to amend the definition of ''decertify'' to clarify that the decertification procedures described in part 126 are applicable to firms which voluntarily withdraw from the HUBZone program. If a certified HUBZone small business concern is unable to recertify its HUBZone eligibility at the time of its annual recertification, or if it acquires, is acquired by, or merges with another concern and no longer meets the HUBZone eligibility requirements, it should submit a request to SBA to voluntarily withdraw. Upon receipt of such request, SBA will remove the firm as a certified HUBZone small business concern from the Dynamic Small Business Search (DSBS) system.

SBA proposes to amend the definition of the term ''employee.'' This term is key to the HUBZone program since the basic HUBZone eligibility requirements for a small business are to have at least 35% of its employees residing in a HUBZone and to have a principal office located in a HUBZone. SBA believes that a clarification is necessary because the existing definition's language—''a minimum of 40 hours per month''—is ambiguous. The proposed rule would explain that an individual is an employee if he or she works at least 40 hours during the four-week period immediately prior to the relevant date—either the date the concern submits its HUBZone application to SBA or the date of recertification. SBA will review a firm's payroll records for the most recently completed pay periods that account for the four-week period immediately prior to the date of application or date of recertification in order to determine which individuals meet this definition. If the firm has weekly pay periods, then SBA will review the payroll records for the most recently completed last four pay periods. If the firm has two-week pay periods, then SBA will review the payroll records for the last two most recently completed pay periods. If the payroll records demonstrate that an individual worked forty or more hours during that four-week period, he or she would be considered an employee of the concern. Additionally, SBA is considering revising the requirement from 40 hours per month to 20 hours per week, due to concerns that the 40 hours per month requirement is not sufficient to stimulate employment in HUBZones. Considering the purpose of the HUBZone program to stimulate meaningful employment in communities with high unemployment, SBA specifically requests comments on the number of hours SBA should require in order to count an individual as an employee of the firm for HUBZone eligibility purposes.

The proposed definition of ''employee'' continues to specify that employees include temporary and leased employees, individuals obtained through a union agreement, and those co-employed through a professional employer organization (PEO) agreement. To further respond to the number of hours an individual must work in order to be considered an employee of the firm, SBA also requests comments on whether SBA should count only full-time employees or full-time equivalents.

The proposed definition clarifies that all owners of a HUBZone applicant or HUBZone small business who work at least 40 hours per month will be considered employees, regardless of whether they receive compensation. This current interpretation responds to situations where the counting of one individual (*i.e.,* a non-HUBZone resident owner who works at the firm but does not collect a direct salary and claims not to be an employee) would render the firm ineligible for HUBZone participation. SBA believes that any time an owner works at least 40 hours per month for the concern, he or she should be counted as an employee. In addition, the proposed definition adds that if the sole owner of a firm works less than 40 hours during the four-week period immediately prior to the relevant date of review, but has not hired another individual to direct the actions of the concern's employees, then that owner will be considered an employee as well.

The proposed definition clarifies that individuals who do not receive compensation and those who receive deferred compensation are generally not considered employees. The proposed definition further clarifies that individuals who receive in-kind compensation commensurate with the work performed will be considered employees. This means that an individual who works at least 40 hours per month and receives in-kind compensation equaling the value of 10 working hours would generally not be considered an employee. SBA believes these clarifications are needed because there has been confusion about whether someone who receives in-kind compensation should be considered an employee, about what SBA considers in-kind compensation, and about what deferred compensation means. In general, in-kind compensation is non-monetary compensation, or anything other than cash, wages, salary or other monetary benefit received in exchange for work performed. An example of in-kind compensation is housing received in exchange for work performed. SBA generally treats individuals receiving in-kind compensation as employees because they are receiving an economic benefit from working for the firm, which is consistent with the purposes of the HUBZone program. In a previous proposed rule amending the definition of ''employee'' to address in-kind compensation, SBA explained: ''SBA intended the term compensation to be read broadly and to encompass more than wages. Thus, a person who receives food, housing, or other non-monetary compensation in exchange for work performed would not be considered a volunteer under that proposed regulation. SBA believes that allowing volunteers to be counted as employees would not fulfill the purpose of the HUBZone Act—job creation and economic growth in underutilized communities.'' 67 FR 3826 (Jan. 28, 2002). SBA requests comments on whether it is reasonable to continue treating in-kind compensation this way, and on how to measure whether in-kind compensation is commensurate with work performed. There has also been some confusion surrounding SBA's treatment of deferred compensation. In general, deferred compensation means compensation that is not received at the time it is earned, but is received sometime in the future. SBA does not treat individuals receiving deferred compensation as employees for HUBZone purposes because such individuals are not receiving a present economic benefit from working for the firm, which is not consistent with the purpose of the HUBZone program. The Court of Federal Claims has found this policy to be reasonable. In *Aeolus Systems, LLC* v. *United States,* 79 Fed. Cl. 1, 9 (2007), the Court held that: ''(1) the concept of deferred compensation is contrary to the program's goal of increasing gainful employment in HUBZones, and (2) the identification of non-owner individuals who work for deferred compensation as 'employees' would open up the HUBZone program to potential abuse.''

The proposed definition also clarifies that independent contractors who receive compensation through Internal Revenue Service (IRS) Form 1099 generally are not considered employees,

as long as such individuals are not considered to be employees for size purposes under SBA's Size Policy Statement No. 1. SBA believes that it would not make sense to find an individual to be an employee of a firm when determining the concern's size, but to then not consider that same individual to be an employee when determining compliance with HUBZone eligibility rules. If an independent contractor meets the employee test under SBA Size Policy Statement No. 1, such individual should also be considered an employee for HUBZone eligibility purposes. If someone is truly acting as an independent contractor, that individual is acting as a subcontractor, not an employee. Such an individual does not receive the same benefits as an employee, but is also not under the same control as an employee. The proposed rule also clarifies that subcontractors are not considered employees when determining compliance with the HUBZone eligibility rules.

Additionally, the proposed definition states that employees of affiliates may be counted as employees of a HUBZone applicant or certified HUBZone small business concern, if the totality of circumstances demonstrates that there is no clear line of fracture between the concerns. This has always been SBA's policy and this amendment is intended to eliminate ambiguities in the regulation. When looking at the totality of circumstances to determine whether individuals are employees of a concern, SBA will review all information, including criteria used by the Internal Revenue Service (IRS) for Federal income tax purposes and those set forth in SBA's Size Policy Statement No. 1. This means that SBA will consider the employees of an affiliate firm as employees of the HUBZone small business if there is no clear line of fracture between the business concerns in question, the employees are in fact shared, or there is evidence of intentional subterfuge. When determining whether there is a clear line of fracture, SBA will review, among other criteria, whether the firms: Operate in the same or similar line of business; operate in the same geographic location; share office space or equipment; share any employees; share payroll or other administrative or support services; share or have similar websites or email addresses; share telephone lines or facsimile machines; have entered into agreements together (*e.g.,* subcontracting, teaming, joint venture, or leasing agreements) or otherwise use each other's services; share customers; have similar names; have key employees participating in each other's business decisions; or have hired each other's former employees. For example, if John Smith owns 100% of Company A and 51% of Company B, the two companies are affiliated under SBA's size regulations based on common ownership. Thus, SBA would look at the totality of circumstances to determine whether it would be reasonable to treat the employees of Company B as employees of Company A for HUBZone program purposes. If both companies do construction work and share office space and equipment, then SBA would find that there is not a clear line of fracture between the firms, and would treat the employees of Company B as employees of Company A for HUBZone program purposes. This means that the employees of Company B would be counted in determining Company A's compliance with the 35% HUBZone residency requirement and the principal office requirement. Conversely, SBA would not treat the employees of one company as employees of another for HUBZone program purposes if the two firms would not be considered affiliates for size purposes. SBA will look at the totality of circumstances to determine whether it would be reasonable to treat the employees of one concern as employees of another for HUBZone program purposes only where SBA first determines that the two firms should be considered affiliates for size purposes.

SBA specifically requests comments on these proposed changes to the definition of ''employee.'' SBA also requests comments on how SBA should treat individuals who are employed through an agreement with a third-party business that specializes in providing HUBZone resident employees to prospective HUBZone small business concerns for the specific purpose of achieving and maintaining HUBZone eligibility. For example, one individual could work 10 hours per month for four separate businesses and be counted as a HUBZone resident employee for each of those businesses. SBA has seen this arrangement several times in recent years and requests public input on whether such an arrangement is consistent with the purposes of the HUBZone program and/or how such arrangements should be structured in order to be consistent with such purposes.

SBA proposes to revise the definition of ''HUBZone small business concern'' to remove ambiguities in the regulation. Currently, the definition of this term is copied directly from the Small Business Act and addresses only the ownership and control requirements. SBA proposes to revise the definition to state that ''HUBZone small business concern'' or ''certified HUBZone small business concern'' means a small business concern that meets the requirements described in § 126.200 and that SBA has certified as eligible for federal contracting assistance under the HUBZone program. In addition, SBA proposes to replace the term ''qualified HUBZone SBC'' with the term ''certified HUBZone small business concern'' to make the regulations more clear, since firms must apply to SBA and be certified as HUBZone small business concerns before they are can qualify to receive the benefits of the HUBZone program. Accordingly, this rule proposes to remove the phrase ''qualified HUBZone SBC'' or ''qualified HUBZone small business concern'' everywhere it appears in SBA's regulations and replace it with ''certified HUBZone small business concern.''

In addition, SBA proposes to implement section 1701(i) of the NDAA 2018 in the amended definition of ''HUBZone small business concern.'' The NDAA 2018 was enacted on December 12, 2017. Section 1701 of the act makes a number of amendments to sections 3(p) and 31 of the Small Business Act, 15. U.S.C. 632(p), 657a, which govern the HUBZone program. Most of these changes are not effective until January 1, 2020, with the exception of the provision contained in section 1701(i). In enacting section 1701(i), Congress intended for small businesses located in redesignated areas that are set to expire to retain their HUBZone eligibility until the date on which SBA updates the HUBZone maps in accordance with the broader changes described in section 1701. In other words, firms that were certified HUBZone small business concerns as of the date of enactment (December 12, 2017), and that had principal offices located in redesignated areas set to expire prior to January 1, 2020, shall remain certified HUBZone small business concerns until SBA updates the HUBZone maps after the 2020 decennial census, so long as all other HUBZone eligibility requirements described in § 126.200 are met. This means that in order to continue to be considered a certified HUBZone small business concern, the firm must: Continue to meet the HUBZone ownership and control requirements; continue to meet the 35% HUBZone residency requirement; and maintain its principal office in the redesignated area or another qualified HUBZone. SBA

notes that to implement this change, SBA will ''freeze'' the HUBZone maps with respect to qualified census tracts, qualified non-metropolitan counties, and redesignated areas. As a result, for all redesignated areas in existence on December 12, 2017, the expiration of their HUBZone treatment has been extended until December 31, 2021. SBA selected this date because SBA estimates that the HUBZone maps will have been updated to incorporate the results of the 2020 census and to reflect the broad changes mandated by section 1701 by that time, and selecting a specific date provides stability to program participants. With respect to the 35% residency requirement, SBA notes that an employee of a certified HUBZone small business concern who resided in a redesignated area as of December 12, 2017, will continue to be treated as a HUBZone resident through December 31, 2021.

SBA proposes to eliminate the definition of ''median household income'' and incorporate it into the definition of ''qualified non-metropolitan county,'' to make the regulations more readable and to clarify that SBA obtains the data on median household income from the Bureau of the Census' publication titled, ''American Community Survey 5-year estimates.''

SBA also proposes to remove the definition of ''non-metropolitan'' and incorporate it into the definition of ''qualified non-metropolitan county'' to make the regulations more clear and explain that the term ''non-metropolitan'' is defined by the Bureau of the Census, United States Department of Commerce, in its publications on the Census of Population, Social and Economic Characteristics.

SBA proposes to remove the definition of ''metropolitan statistical area'' and incorporate it into the definitions of the terms ''qualified census tract'' and ''qualified non-metropolitan county'' to make the regulations more readable.

SBA proposes to add a definition for ''primary industry classification'' that refers to SBA's definition of such term in 13 CFR 121.107. To be certified into the HUBZone program, an applicant must be small, which means it must meet the size standard corresponding to the North American Industry Classification System (NAICS) code associated with its primary industry classification.

SBA proposes to amend the definition of ''principal office'' to eliminate ambiguities in the regulation. SBA proposes to clarify that when determining whether a concern's principal office is located in a HUBZone. SBA counts all employees of the concern, other than those employees who work at jobsites. This includes both HUBZone residents and non-HUBZone residents. SBA is proposing this clarification because some applicants have been under the mistaken impression that only HUBZone resident employees are counted for purposes of determining a firm's principal office, but this is not and has never been SBA's intent. In addition, SBA proposes to add that in order for a location to be considered a concern's principal office, the concern must demonstrate that it conducts business at this location. SBA has included this clarification to address situations such as when firms are only able to provide a lease document but not utility bills. SBA believes that evidence that business is being conducted at the location is necessary to ensure the purposes of the HUBZone Program are being fulfilled. Finally, SBA proposes to add examples to the definition of principal office, to illustrate how the agency treats situations in which employees work at multiple locations. The first example provides that if an employee spends more than 50% of his or her time at one location, the employee is deemed to work at that location. If the employee does not spend more than 50% of his or her time at any one location, then generally the employee will be deemed to work at a non-HUBZone location (assuming all locations are not in HUBZones). SBA specifically requests comments on these proposed changes.

SBA proposes to amend the definition of ''qualified base closure area'' to remove ambiguities in the regulation and to be consistent with SBA's interpretation of the statutory text. In paragraph (1)(i) of the definition, SBA proposes to replace the language ''The date the Administrator makes a final determination as to whether or not to implement the applicable designations in accordance with the results of the decennial census conducted after the area was initially designated as a base closure area'' with ''the date on which the results of the decennial census conducted after the area was initially designated as a base closure area are released.'' In paragraph (2), SBA proposes to replace the language ''until such time as the Administrator makes a final determination as to whether or not to implement the applicable designations in accordance with the results of the 2020 decennial census are released'' with ''until the results of the 2020 decennial census are released.'' SBA believes these changes are needed to make clear that SBA interprets ''the date the Administrator makes a final determination as to whether or not to implement the applicable designations'' to mean the date that the public data is released.

SBA proposes to amend the definition of ''qualified census tract'' to make the regulation more readable. The proposed definition provides the criteria used to define the term in the Internal Revenue Code, rather than simply cross-referencing it as the regulation currently does.

SBA proposes to eliminate the definition of ''qualified HUBZone SBC,'' as discussed above.

SBA proposes to amend the definition of ''qualified non-metropolitan county'' to include Difficult Development Areas (DDAs) and to reflect SBA's current policy of utilizing the most recent data from the Local Area Unemployment Statistics report, which is annually produced by the Department of Labor's Bureau of Labor and Statistics. The proposed definition explains that a DDA is an area defined by the Department of Housing and Urban Development that is within Alaska, Hawaii, or any territory or possession of the United Sates outside the 48 contiguous states. DDAs may be HUBZones if they are also nonmetropolitan counties. SBA notes that it has been including qualified non-metropolitan counties that are DDAs in its program since the statutory authority was enacted, but had not yet amended the term qualified non-metropolitan county to include DDAs.

SBA proposes to amend the definition of ''redesignated area'' to delete an obsolete reference to the 2010 census. SBA proposes to define ''redesignated area'' as a census tract or non-metropolitan county that remains qualified as a HUBZone for 3 years after the date on which the area ceased to be either a qualified census tract or a qualified non-metropolitan county.

The proposed rule would also amend the definition of ''reside.'' This term is used when analyzing whether an employee should be considered a HUBZone resident for purposes of determining a firm's compliance with the 35% HUBZone residency requirement. SBA proposes to remove the reference to primary residence, to eliminate the requirement that an individual demonstrate the intent to live somewhere indefinitely, and to provide clarifying examples. SBA proposes to remove the reference to primary residence because many individuals do not have primary residences as the term is traditionally defined. SBA proposes to remove the requirement to prove intent to live somewhere indefinitely

because SBA does not have a reasonably reliable method of enforcing this requirement. In the alternative, SBA proposes that ''reside'' means to live at a location full-time and for at least 180 days immediately prior to the date of application or date of recertification, as applicable. SBA believes that this is consistent with the purposes of the HUBZone program, while taking into account the realities of the unique living arrangements that may be utilized by certain small business' workforces. The definition also makes clear that to determine an individual's residence, SBA will first look to an individual's address as identified on his or her driver's license or voter's registration card, which is SBA's current and long-standing policy. Where such documentation is not available, SBA will require other specific proof of residency, such as deeds or leases, or utility bills. Additionally, this rule also proposes examples to add clarity to these revisions. SBA specifically requests comments on these proposed changes.

In addition, SBA notes that more small businesses are performing contracts overseas and are faced with the problem of how to treat those employees who reside in a HUBZone when in the United States or its territories, but are temporarily residing overseas to perform a contract. SBA proposes that it will consider the residence located in the United States as that employee's residence, if the employee is working overseas for the period of a contract. SBA believes that as long as that employee can provide documents showing he or she is paying rent or owns a home in a HUBZone, then the employee should be counted as a HUBZone resident in determining whether the small business meets the 35% HUBZone residency requirement. Because of the proposed change, discussed below (which treats an individual as a HUBZone resident if that individual resided in a HUBZone at the time his or her employer was certified into the HUBZone program or at the time he or she first worked for the certified HUBZone small business concern (*i.e.,* the individual was hired after the firm was certified into the HUBZone program), so long as he or she continues to work for that same firm, even if the area where the individual lives no longer qualifies as a HUBZone or the individual has moved to a non-HUBZone area) this provision would have meaning only with respect to firms that have employees performing overseas contracts and are applying to the HUBZone program for the first time. An individual who already qualified as a HUBZone resident for a certified HUBZone small business would continue to be treated as a resident of a HUBZone for HUBZone program eligibility purposes as long as he or she continued to work for the same certified HUBZone small business. SBA believes that this proposal strikes the right balance between acknowledging the increased prevalence of overseas contracting by small businesses and the need to ensure that the program benefits HUBZone areas. However, SBA requests comments on this issue.

SBA proposes to eliminate the definition of ''small disadvantaged business (SDB)'' because SBA no longer certifies firms as SDBs, and SDB set-asides and price evaluation preferences no longer exist. However, the term SDB continues to be defined in part 124 for use in other contexts such as subcontracting.

Finally, SBA proposes to remove the definition of ''statewide average unemployment rate'' and incorporate it into the definition of ''qualified non-metropolitan county'' to make the regulations more readable and to clarify that the statewide average unemployment rate is determined using the Local Area Unemployment Statistics report, which is produced by the Department of Labor's Bureau of Labor Statistics.

*2. Eligibility Requirements*

SBA proposes to reorganize § 126.200 to make the section more readable and to make the HUBZone eligibility requirements more clear.

With respect to the 35% HUBZone residency requirement, SBA proposes to clarify that all employees are counted when determining a concern's compliance with this requirement, regardless of where the employee performs his or her work. This has always been SBA's policy, but it appears that some applicants have misinterpreted SBA's rules. SBA has received several comments indicating that some in the community mistakenly believe that SBA would look only at those employees performing work in the principal office, and not any employees performing work at job site locations, in determining whether the firm meets the 35% HUBZone residency requirement. This has never been the case. SBA counts all individuals considered ''employees'' under the HUBZone definition of the term toward the 35% HUBZone residency requirement. SBA believes that the misunderstanding stems from the definition of the term ''principal office.'' In determining a concern's ''principal office,'' SBA excludes the concern's employees who perform the majority of their work at job-site locations. That exclusion, however, applies only to the principal office determination, and not to whether a concern meets the 35% HUBZone residency requirement. The proposed rule seeks to clarify SBA's intent. In addition, SBA proposes to change its application of how SBA requires a firm to meet the 35% residency requirement when the calculation results in a fraction. Previously, when the calculation of 35% of a concern's total employees resulted in a fraction, SBA would round up to the nearest whole number. For example, under the current rule, if a firm has 6 total employees, since 35% of 6 is 2.1, then SBA would round 2.1 up to 3 and require the firm to employ 3 HUBZone residents to meet the 35% HUBZone residency requirement. This rule proposes rounding to the nearest whole number, rather than rounding up in every instance. This means that if 35% of a firm's employees equates to X plus .49 or less, SBA would round down to X and not up to the next whole number. Thus, in the example above, SBA would round 2.1 down to 2 and would only require the firm to employ 2 HUBZone residents. SBA believes that this proposed change would have a minimal impact, but would clear up confusion that several small businesses seeking HUBZone status have encountered.

In addition, SBA has proposed new examples relating to the HUBZone residency requirement. With respect to the principal office and HUBZone residency requirements for tribally owned entities, SBA has clarified the regulatory language without making any substantive changes to the rule. Specifically, the proposed rule would replace the word ''adjoining'' with the word ''adjacent'' as it was used to describe HUBZones neighboring Indian reservations, because SBA believes this term is more accurate.

In order to provide stability and certainty for program participants, SBA is also proposing that an employee that resides in a HUBZone at the time of a HUBZone small business concern's certification or recertification shall continue to count as a HUBZone employee as long as the individual remains an employee of the firm, even if the employee moves to a location that is not in a qualified HUBZone area or the area where the employee's residence is located is redesignated and no longer qualifies as a HUBZone. SBA understands that a few HUBZone concerns have become ineligible for further HUBZone contracts merely because one or two of their employees

have moved their residences from a HUBZone to non-HUBZone area. This has placed such businesses in the unenviable position of firing those individuals and replacing them with other individuals currently living in a HUBZone, or allowing the individuals to remain on the payroll and either becoming ineligible for the HUBZone program or having to hire additional HUBZone individuals that might cause a substantial hardship on very small businesses by increasing costs and reducing profits of those businesses. One of the purposes of the program is to promote job creation for individuals living in HUBZones, enabling them to better their lives and their communities. Someone who is hired by a HUBZone small business concern and who is then able to better the lives of his or her family by moving to a different location outside a HUBZone area (due to that newly created job) should not face losing his or her job because the HUBZone small business concern cannot maintain its HUBZone eligibility with that individual on the payroll. Under this proposed change, a certified HUBZone small business concern would have to maintain records of the employee's original HUBZone address, as well as records of the individual's continued and uninterrupted employment by the HUBZone small business concern, for the duration of the firm's participation in the HUBZone program.

Further, SBA proposes to clarify in proposed § 126.200(g) that the concern and its owners cannot have an active exclusion in the System for Award Management and be certified into the program. SBA believes that this logically follows from a debarred or suspended status, but would amend the regulations for clarity nevertheless. Debarred/suspended entities are ineligible for federal contracting assistance and would thus not receive any benefits from being certified as a HUBZone small business concern.

In § 126.204, SBA proposes to clarify that a HUBZone small business concern may have affiliates, but the affiliate's employees may be counted as employees of the HUBZone applicant/participant when determining the concern's compliance with the principal office and 35% percent HUBZone residency requirements. Proposed § 126.204 clarifies that where there is evidence that a HUBZone applicant/participant and its affiliate are intertwined and acting as one, SBA will count the employees of one as employees of the other. The HUBZone applicant or concern must demonstrate a clear line of fracture between it and any affiliate in order for SBA to not count the affiliate's employees when determining the concern's principal office or compliance with the 35% residency requirement. The above supplementary information on the proposed definition of the term ''employee'' discusses this issue in more detail.

In § 126.205, SBA proposes to delete the following: ''Participation in other SBA Programs is not a requirement for participation in the HUBZone Program.'' SBA believes that this language is unnecessary and may merely confuse prospective HUBZone small businesses.

In § 126.206, SBA proposes to replace the term ''non-manufacturers'' with ''nonmanufacturers'' to be consistent with SBA's regulations at § 121.406(b).

SBA proposes to amend the title and text of § 126.207 to clarify that a HUBZone small business concern may have multiple offices, as long as the firm's principal office is located in a HUBZone, and to clarify that a different rule applies to concerns owned by Indian Tribal Governments.

*3. Certification*

The HUBZone program is a certification program. In other words, a small business concern must submit an application and supporting documents to SBA in order for SBA to determine eligibility and certify the company into the program. SBA has proposed several clarifications to its certification process.

SBA proposes to amend § 126.300 by breaking up the section to make it clearer and more readable, to move the discussion of the adverse inference rule to § 126.306, and to clarify that SBA may conduct site visits, conduct independent research, and review additional information (such as tax and property records, public utility records, postal records, and other relevant information).

SBA proposes to revise § 126.303 to update the instructions for submitting electronic applications.

This proposed rule would also clarify that an applicant must submit a completed application and all documents and a representation that it meets the program's requirements as of the date of the application and that the information provided and any subsequent information provided is complete, true and accurate. Further, SBA proposes to require that the representation be electronically signed by a person who is authorized to represent the concern. SBA believes that this should either an owner or officer of the applicant, and not an administrative employee acting on behalf of an officer.

Further, SBA proposes to clarify that after an application has been submitted, the applicant must notify SBA of any changes that could affect its eligibility. The applicant would have to provide information and documents to support the changes.

SBA also proposes to clarify that if an applicant believes that an area is a HUBZone but SBA's website is not showing the area to be a qualified HUBZone, the applicant must note this on the application. Further, the applicant must provide documents demonstrating why it believes that the area meets the statutory criteria of a HUBZone. It cannot merely assert that it believes the area is underutilized and should be a HUBZone; it must show that the area meets the statutory criteria.

SBA proposes to delete and reserve § 126.305, addressing what format the certification to SBA must take, because this is addressed in § 126.303.

SBA proposes several changes to § 126.306. First, SBA proposes to clarify that the agency must receive all required information, supporting documents, and a completed HUBZone representation before it will begin processing a concern's application and that SBA will make a final decision within 90 calendar days after receipt of a complete package, whenever practicable. SBA proposes to clarify that the burden of proof to demonstrate eligibility is on the applicant concern and if the concern does not provide requested information within the allotted time provided by SBA, or if it submits incomplete information, SBA may presume that disclosure of the missing information would adversely affect the business concern and demonstrate a lack of eligibility in the area or areas to which the information relates and decline the applicant.

Similarly, SBA proposes to clarify that an applicant must be eligible as of the date it submitted its application and up until the time the D/HUB issues a decision. SBA cannot certify a business into the program that does not meet the eligibility requirements at that time.

SBA proposes to amend § 126.307 to make a general reference to the website where SBA identifies where firms are listed as certified HUBZone small business concerns so that the regulation itself does not have to be updated every time a change in the website location occurs. The proposed rule would also delete the reference to the ability of requesters to obtain a copy of the list of certified HUBZone small business concerns by writing to the D/HUB at SBA. An interested party may find all firms that are certified HUBZone small business concerns by searching the

Dynamic Small Business Search (DSBS) system, and can verify a specific concern's HUBZone certification. SBA believes that the availability of this search function makes written requests an outdated and inefficient way of obtaining current information about certified HUBZone small business concerns.

SBA proposes to amend § 126.308 to clarify that certified HUBZone small business concerns cannot ''opt out'' of being publicly displayed in the DSBS system. All certified HUBZone small business concerns appear in DSBS as certified HUBZone small business concerns, and those not so appearing will not be eligible for HUBZone contracts. Contracting officers refer to DSBS to ensure that potential awardees are in fact HUBZone certified small business concerns.

SBA proposes to revise § 126.309 to add a new provision permitting a firm to submit a formal request for reconsideration when it receives a determination denying admission to the HUBZone program. Under the proposed regulation, the business would be able to submit a request for reconsideration within 15 calendar days after receiving SBA's decision. SBA will presume that written notice was provided if SBA sends a communication to the concern at an address, email address, or fax number provided in the concern's System for Award Management (SAM) (or any successor system) profile. The applicant would be required to set forth the reasons why it believes the D/HUB's initial decision was erroneous and include information and documentation pertinent to overcoming the reasons for the initial decline, whether or not available at the time of initial application.

Proposed § 126.309(a)(4) would explain that SBA would not add a concern to DSBS as a certified HUBZone small business concern during the reconsideration process. SBA would recognize a concern as a certified HUBZone small business concern in DSBS only if the D/HUB certifies the concern into the program. The D/HUB would have 30 calendar days to issue a decision and could either approve the application, deny it on the same grounds as the original decision, or deny it on other grounds. If the D/HUB declines the application solely on issues not raised in the initial decline, the applicant could ask for reconsideration as if it were an initial decline.

SBA proposes that if a concern that has been declined does not request reconsideration of the D/HUB's decision, the concern could reapply for certification 90 calendar days after the date of decline. If a concern that has been declined requests reconsideration and the decline is affirmed, the concern could apply for certification 90 calendar days after the date of the D/HUB's decision on the request for reconsideration.

*4. Program Examinations*

As part of SBA's oversight responsibilities for the HUBZone program, SBA monitors the HUBZone program and certified HUBZone small business concerns, and verifies information submitted by HUBZone applicants, by conducting program examinations.

SBA proposes to revise § 126.401 to clarify what a program examination is. The proposed rule would provide that a program examination is a review by SBA that verifies the accuracy of any certification made or information provided as part of the HUBZone application or recertification process.

SBA proposes to revise § 126.403 to clarify what SBA will review during a program examination. SBA would be able to review any information related to the concern's HUBZone eligibility, including documentation related to the concern's ownership and principal office, compliance with the 35% HUBZone residency requirement, and the concern's ''attempt to maintain'' 35% of its employees from a HUBZone during the performance of a HUBZone contract.

SBA proposes to add a new § 126.404 to provide the procedures and possible outcomes of a program examination. Whether the concern is applying to the HUBZone program for the first time, is undergoing a recertification analysis, or is subject to a program examination for another reason, SBA's program examination can result in a decision finding the concern either to be eligible to participate in the program (either for the first time or to be able to continue in the program), or not eligible to participate in the program (which would result in a disapproval of an application or the decertification of a HUBZone concern). The proposed regulation provides that SBA will make its determination within 90 calendar days after receiving all requested information, when practicable, and that possible outcomes of a program examination include certification, denial of certification, continued certification, or proposed decertification.

*5. Maintaining HUBZone Status*

SBA proposes to amend § 126.500 to require HUBZone small business concerns to recertify annually to SBA that they continue to meet all of the HUBZone eligibility requirements, instead of requiring them to undergo a recertification by SBA every three years. The proposed rule also provides that when a concern fails to submit its annual recertification to SBA, SBA will start proceedings to decertify the concern.

SBA proposes to amend § 126.501 to clarify that once certified, a HUBZone small business concern will remain eligible for HUBZone contract awards for one year from the date of certification, provided that the concern qualifies as small for the size standard corresponding to the NAICS code assigned to the contract. On the one-year anniversary of the certification, the firm would be required to recertify that it continues to meet the HUBZone eligibility requirements or voluntarily withdraw from the HUBZone program. Although requiring annual recertification instead of every three years may appear to impose additional burdens on a HUBZone small business concern, the annual recertification burden would be easily offset by the elimination of the requirement that a firm must demonstrate that it continues to be an eligible HUBZone small business concern both at the time of offer and time of award for any HUBZone contract. As set forth in proposed § 126.501(a), once SBA certifies a concern as eligible to participate in the HUBZone program, the concern would be treated as an eligible HUBZone small business for all HUBZone contracts for which the concern qualifies as small for a period of one year from the date of its initial certification or its annual recertification. Thus, any certification that the firm makes representing that it qualifies as a HUBZone small business concern relates back to the initial certification or annual recertification. The HUBZone concern would not have to review and demonstrate its continued compliance with all HUBZone eligibility requirements throughout the year for each new HUBZone contract that it seeks.

HUBZone status protests would also relate back to the date of initial certification or most recent annual recertification (except for protests against HUBZone joint ventures). Thus, the protest would have to demonstrate that the information relied on by SBA in certifying or recertifying the concern as an eligible HUBZone small business concern was incorrect, not that there may have been changed circumstances since that certification that would render the concern ineligible. For HUBZone status protests filed against a

HUBZone joint venture in connection with a HUBZone contract, a protester could challenge both the HUBZone status of the HUBZone member(s) of the joint venture and the joint venture's compliance with the requirements governing HUBZone joint ventures, including the contents of the joint venture agreement. If a protester challenged the HUBZone status of the HUBZone member(s) of the joint venture, the protest would relate back to the date of that firm's initial certification or annual recertification (whichever was more recent) and the firm's HUBZone status would be determined as of that date. If the protester challenged the joint venture's compliance with the HUBZone joint venture requirements set forth in § 126.616, the protest would relate to the date on which the joint venture submitted its initial offer including price and the joint venture's compliance with § 126.616 would be determined as of that date. SBA will also utilize the program examination mechanism to review the status of selected firms on the date of initial certification or recertification.

The proposed rule would also clarify that a HUBZone small business concern could voluntarily withdraw from the program at any time. This may be because the concern believes that it no longer meets the program's eligibility requirements and could not be recertified or it may simply no longer want to participate in the program for a variety of other reasons. The proposed rule would also clarify that any firm that voluntarily withdraws from the program could reapply to the program at any point after 90 calendar days from the date it was decertified. For a firm that voluntarily withdrew because it no longer met all the HUBZone eligibility requirements, it could make the necessary changes that would enable it to come back into compliance and reapply to the program after 90 days.

SBA proposes to amend § 126.503 to clarify that if SBA is unable to verify a HUBZone small business concern's eligibility or determines that it may not be eligible for the program, the SBA could conduct a program examination or propose the concern for decertification and the HUBZone small business concern would be required to rebut each of the reasons SBA sets forth in its written notification letter within 15 calendar days from the date that it receives SBA's notification. If SBA finds that the concern is not eligible, the SBA would provide notice to the concern stating the basis for the determination, decertify the concern and remove it as a certified HUBZone small business concern from DSBS. In addition, the proposed rule would authorize SBA to propose decertification of a HUBZone small business concern that is performing one or more HUBZone contracts if SBA determines that the concern no longer has at least 20% of its employees living in a HUBZone. As identified above, the proposed rule has defined the statutory requirement that a HUBZone small business concern ''attempt to maintain'' compliance with the 35% HUBZone while performing a HUBZone contract to mean having not less than 20% HUBZone employees. During the proposed decertification process, the concern could demonstrate that it does in fact continue to have at least 20% HUBZone employees and has otherwise attempted to meet the 35% requirement.

SBA proposes to amend § 126.504 to reflect the various ways that a HUBZone small business concern could lose its designation in DSBS as a certified HUBZone small business concern, including if it has: (1) Been decertified as a result of a protest; (2) been decertified as a result of the procedures set forth in the regulations; or (3) submitted a voluntary withdrawal agreement to SBA. SBA proposes to add a new § 126.506 to provide that a decertified firm could reapply for admission to the HUBZone program after ninety (90) calendar days. This is the current rule for reapplying, but SBA has moved it to a new section to make the process clearer.

*6. Contractual Assistance*

SBA proposes to revise § 126.601 to remove the discussion of the acquisition-related dollar thresholds in paragraph (a) because this does not relate to additional requirements a certified HUBZone small business concern must meet to submit an offer on a HUBZone contract. In addition, SBA proposes to move the discussion of compliance with the limitations on subcontracting for multiple award contracts currently in paragraph § 126.601(g) to proposed § 126.700, which specifically addresses the limitations on subcontracting requirements for HUBZone contracts. Finally, SBA proposes to move the discussion of recertification currently in paragraph § 126.601(h) to proposed new § 126.619.

SBA proposes to amend § 126.602 to be consistent with the proposed change requiring certified HUBZone small businesses to demonstrate their eligibility at the time of initial certification and annual certification only. Under this proposed regulation, certified HUBZone small business concerns would no longer be required to meet the 35% HUBZone residency requirement at all times while certified in the program. This means that they no longer would have to meet this requirement at the time of offer and time of award for a HUBZone contract. HUBZone small businesses would continue to have to ''attempt to maintain'' compliance with this requirement during the performance of a HUBZone contract. With respect to HUBZone status for the underlying contract, the agency will get credit if the firm was in the HUBZone program at the time of offer, and that status will continue unless and until recertification for the contract is required.

*7. Protests*

SBA proposes to amend § 126.801 to clarify how a HUBZone status protest should be filed and referred to SBA. Among other clarifications, SBA proposes to clarify that HUBZone status protests may be filed against HUBZone joint ventures. The grounds for such protests would include (1) arguments that the HUBZone small business concern partner(s) to the joint venture did not meet the HUBZone eligibility requirements set forth in § 126.200 at the time of the concern's initial certification or most recent annual recertification, and (2) arguments that the HUBZone joint venture did not meet the requirements set forth in § 126.616 at the time the joint venture submitted its offer for the HUBZone contract. For consistency purposes, SBA proposes to also make these clarifications for Service-Disabled Veteran-Owned (SDVO) small business joint ventures and Women-Owned Small Business (WOSB) joint ventures by amending sections 125.28(b) and 127.602. For the SDVO and WOSB programs, unlike the HUBZone program, the eligibility of the SDVO/WOSB joint venture partner would continue to be determined as of the date of offer.

SBA proposes to amend § 126.803, addressing how SBA will process a HUBZone status protest, to reduce the timeframe by which a protested concern must respond to SBA's notification that an interested party has filed a protest to 3 business days after the date of receipt of the SBA's letter. SBA believes that businesses generally respond in a short period of time since an award on a contract is pending and the business has this information readily available. In addition to the above, SBA proposes to update all instructions contained in the HUBZone regulations related to submission of information and documentation to SBA to specify that such submissions must be completed

electronically. The appropriate email addresses have been added and updated where necessary, and mailing addresses and fax numbers have been removed. This change is intended to reduce the paperwork burden on program applicants and participants.

**Compliance With Executive Orders 12866, 13563, 12988, 13132, and 13771, the Paperwork Reduction Act (44 U.S.C. Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612)**

*Executive Order 12866*

The Office of Management and Budget (OMB) has determined that this proposed rule is a significant regulatory action for purposes of Executive Order 12866. Accordingly, the next section contains SBA's Regulatory Impact Analysis. However, this is not a major rule under the Congressional Review Act, 5 U.S.C. 801, *et seq.*

*Regulatory Impact Analysis*

1. Is there a need for the regulatory action?

SBA is proposing to make several changes to clarify its regulations. Through the years, SBA has spoken with small business and representatives and has determined that several regulations need further refinement so that they are easier to understand and implement. Further, SBA has added in new provisions providing for reconsiderations of application denials and decertifications. Currently, there is no request for reconsideration process in the regulations, unlike SBA's other certification programs. SBA believes that making the programs as consistent and similar as possible, where practicable, will make it easier for small businesses to understand the process.

2. What are the potential benefits and costs of this regulatory action?

The proposed regulations seek to address or clarify issues, which will provide clarity to small businesses and contracting personnel. Further, SBA is proposing a formal request for reconsideration process, which could increase costs to the government (*e.g.,* additional workload for requests for reconsideration), but will provide consistency in the processes for SBA's programs. SBA declined approximately 87 applicants in fiscal year 2017. The cost for requesting reconsideration is estimated at one and a half hours, and we estimate that approximately ten applicants would request reconsideration. That equates to 15 hours at an estimated rate of $33.34 an hour, for a de minimis annual total of $500. However, a reconsideration process is beneficial to HUBZone applicants because it allows them to correct deficiencies and come into compliance without waiting 90 days to reapply for the program. This should enable additional firms to be more quickly certified for the HUBZone program, which should allow them to seek and be awarded HUBZone contracts sooner. Thus, any costs associated with the voluntary request for reconsideration would be outweighed by the potential benefit of allowing firms to request reconsideration, although it is difficult to quantify the opportunity cost avoidance associated with this benefit. For example, if only one of the ten HUBZone firms applying for reconsideration was able to be recertified earlier and received a set aside contract of $150,000, it would clearly offset the entire cost incurred by the ten applicants.

SBA proposes to require HUBZone small business concerns to recertify annually to SBA that they continue to meet all of the HUBZone eligibility requirements, instead of requiring them to undergo a recertification by SBA every three years. There are approximately 5,000 firms in the HUBZone program. Under SBA's current rules, firms must recertify every three years. Approximately 1,200 firms recertify each year based on HUBZone data, and we estimate it takes approximately 1 hour to recertify. OMB Control #3245–0320. Consequently, these proposed changes would increase the annual hourly burden for HUBZone firms by 3,800 hours or an estimated annual cost of $126,692.00. Instead, of 1,200 firms recertifying annually, all 5,000 would have to recertify annually.

SBA is also proposing that HUBZone small business concerns will not have to represent or certify that they are eligible at the time of offer and award for every HUBZone contract, which are the current program requirements. Under current rules, a HUBZone small business concern must be eligible both at the time of offer and award of a HUBZone contract. Based on FPDS data, approximately 2,100 new HUBZone contracts are awarded each fiscal year. We estimate it takes approximately 1 hour for a firm to determine it is eligible at the time of offer and approximately 1 hour for a firm to determine it is eligible at the time of award. Thus, this proposed rule will reduce burden on HUBZone small business concerns by approximately 4,200 hours for an estimated annual savings of $140,028.00.

SBA is proposing that an employee who resides in a HUBZone at the time of a HUBZone concern's certification or recertification shall continue to count as a HUBZone employee as long as the individual remains an employee of the firm, even if the employee moves to a location that is not in a qualified HUBZone area or the area where the employee's residence is located is redesignated and no longer qualifies as a HUBZone. This will greatly reduce burden on firms, as they will not have to continuously track whether their employees still reside in a HUBZone or seek to employ new individuals if the location that one or more current employees reside loses its HUBZone status. We estimate that it takes 1 hour to determine eligibility and that this proposed change will save approximately 0.5 hours because once a HUBZone employee is hired, the firm will never again have to examine where that employee resides. Thus, this proposed rule should reduce the hourly burden on approximately 5,000 HUBZone small business concerns by 2,500 hours annually for an estimated annual savings of $83,350.00.

3. What are the alternatives to this final rule?

The alternative to the proposed regulations would be the status quo, where a firm must be eligible at the time of offer and time of award. SBA has also identified other alternatives that SBA considered in the supplementary information to this proposed rule. With respect to the requirement to annually recertify, SBA could instead require firms to certify at time of offer, as is done for the other small business or socioeconomic set aside contract programs. In addition, SBA could propose only a formal request for reconsideration process or could have proposed no request for reconsideration process. However, as noted above, SBA has modeled these processes from its other contracting programs (*e.g.,* 8(a) request for reconsideration) and believes that these processes have worked well for these programs and should therefore be utilized for the HUBZone program. SBA also considered whether eligibility or protest decisions should be appealed to the Office of Hearings and Appeals.

Summary of Costs and Cost Savings

Table 1: Summary of Incremental Costs and Cost Savings, below, sets out the estimated net incremental cost/(cost saving) associated with this proposed rule. Table 2: Detailed Breakdown of Incremental Costs and Cost Savings, below, provides a detailed explanation of the annual cost/(cost saving) estimates associated with this proposed rule.

TABLE 1—SUMMARY OF INCREMENTAL COSTS AND COST SAVINGS

| Item No. | Regulatory action item | Annual cost/ (cost saving) estimate |
|---|---|---|
| 1 | Annual recertification instead of every 3 years | $126,692 |
| 2 | Requiring a formal request of reconsideration | 500 |
| 3 | Removing requirement to present eligibility at award | (140,028) |
| 4 | Change to employee count eligibility | (83,350) |
| Estimated Net Incremental Cost/(Cost Saving) | | (96,186) |

TABLE 2—DETAILED BREAKDOWN OF INCREMENTAL COSTS AND COST SAVINGS

| Item No. | Regulatory action item details | Annual cost/ (cost saving) estimate breakdown |
|---|---|---|
| 1 | *Proposed regulatory change:* SBA proposes to require HUBZone SBCs to re-certify annually to SBA that they continue to meet all of the HUBZone eligibility requirements instead of requiring them to undergo a recertification by SBA every three years. | |
| | *Estimated number of impacted entities:* There are approximately 5,000 firms in the HUBZone program, and under the proposed rule all these firms will need to recertify each year. However, since 1,200 firms recertify each year currently, the incremental increase in recertifications is 3,800 firms annually. | 3,800 entities. |
| | *Estimated average impact* (labor hour):* SBA estimates that it takes the average participating firm about 1 hour to complete the recertification process. | 1 hour. |
| | *2017 Median Pay** (per hour):* Most HUBZone firms use an accountant or someone with similar skills for this task. | $33.34. |
| Estimated Cost/(Cost Saving) | | $126,692. |
| 2 | *Proposed regulatory change:* SBA proposes to add a new provision permitting a firm to submit a formal request for reconsideration when it receives a determination denying admission to the HUBZone program. | |
| | *Estimated number of impacted entities:* SBA declined 87 applications in FY 2017. Of these, we estimate that only 10 firms would seek reconsideration. | 10 entities. |
| | *Estimated average impact* (labor hour):* SBA estimates that it would take 1.5 hours to respond to the denial and to request reconsideration. | 1.50 hours. |
| | *2017 Median Pay** (per hour):* Most HUBZone firms use an accountant or someone with similar skills for this task. | $33.34. |
| Estimated Cost/(Cost Saving) | | $500. |
| 3 | *Proposed regulatory change:* Under current rules, a HUBZone firm must be eligible at the time of offer and award of a HUBZone contract. SBA is proposing that firms will not have to represent or certify that they are eligible at the time of offer and award for every contract, which are the current program requirements. | |
| | *Estimated number of impacted entities:* Approximately 2,100 new HUBZone contracts awarded each fiscal year and each firm will need to certify twice per each contract. | 4,200 entities. |
| | *Estimated average impact** (*labor hour*): SBA estimates that it takes the average participating firm about 1 hour to complete the recertification process. | 1 hour. |
| | *2017 Median Pay** (per hour):* Most HUBZone firms use an accountant or someone with similar skills for this task. | $33.34. |
| Estimated Cost/(Cost Saving) | | ($140,028). |
| 4 | *Proposed regulatory change:* SBA is proposing that an employee that resides in a HUBZone at the time of a HUBZone SBC's certification or recertification shall continue to count as a HUBZone employee as long as the individual remains an employee of the firm, even if the employee moves to a location that is not in a qualified HUBZone area or the area where the employee's residence is located is redesignated and no longer qualifies as a HUBZone. This will greatly reduce burden on firms, as they will not have to continually track whether their employees still reside in a HUBZone. | |
| | *Estimated number of impacted entities:* SBA estimates that approximately 5,000 firms participate in the HUBZone program. All participating firms will be impacted by this change. | 5,000 entities. |
| | *Estimated average impact* (labor hour):* SBA estimates that it would take 1 hour to determine eligibility but this proposed change will save 0.5, because once a HUBZone employee is hired the firm will never have to check residency for that employee. | 0.50 hours. |

TABLE 2—DETAILED BREAKDOWN OF INCREMENTAL COSTS AND COST SAVINGS—Continued

| Item No. | Regulatory action item details | Annual cost/ (cost saving) estimate breakdown |
|---|---|---|
| | *2017 Median Pay** (per hour):* Most HUBZone firms use an accountant or someone with similar skills for this task. | $33.34. |
| Estimated Cost/(Cost Saving) | | ($83,350). |
| Estimated Net Annual Impact | | ($96,186). |

* This estimate is based on HUBZone and FPDS data, as well as best professional judgment.
** Source: Bureau of Labor Statistics, Accountants and Auditors.

*Executive Order 13563*

This executive order directs agencies to, among other things: (a) Afford the public a meaningful opportunity to comment through the internet on proposed regulations, with a comment period that should generally consist of not less than 60 days; (b) provide for an ''open exchange'' of information among government officials, experts, stakeholders, and the public; and (c) seek the views of those who are likely to be affected by the rulemaking, even before issuing a notice of proposed rulemaking. As far as practicable or relevant, SBA considered these requirements in developing this rule, as discussed below.

1. Did the agency use the best available techniques to quantify anticipated present and future costs when responding to Executive Order 12866 (*e.g.,* identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes)?

To the extent possible, the agency utilized the most recent data available in the Federal Procurement Data System—Next Generation, DSBS and SAM.

2. Public participation: Did the agency: (a) Afford the public a meaningful opportunity to comment through the internet on any proposed regulation, with a comment period that should generally consist of not less than 60 days; (b) provide for an ''open exchange'' of information among government officials, experts, stakeholders, and the public; (c) provide timely online access to the rulemaking docket on *Regulations.gov*; and (d) seek the views of those who are likely to be affected by rulemaking, even before issuing a notice of proposed rulemaking? SBA has also discussed some of the proposals in this rule with stakeholders at various small business procurement conferences, and received written comments on suggested changes to the HUBZone Program regulations generally in response to SBA's regulatory reform initiative implementing Executive Order 13771.

The proposed rule will have a 60-day comment period and will be posted on *www.regulations.gov* to allow the public to comment meaningfully on its provisions.

3. Flexibility: Did the agency identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public?

The proposed rule is intended to make it easier for firms to apply for, or participate in, the HUBZone program, as well as for procuring agencies to utilize the program.

*Executive Order 12988*

This action meets applicable standards set forth in section 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. This action does not have any retroactive or preemptive effect.

*Executive Order 13132*

SBA has determined that this proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, for the purposes of Executive Order 13132, SBA has determined that this proposed rule has no federalism implications warranting preparation of a federalism assessment.

*Executive Order 13771*

This proposed rule is expected to be an Executive Order 13771 deregulatory action. Details on the estimated cost savings of this proposed rule can be found in this rule's regulatory impact analysis. SBA proposes to require HUBZone small business concerns to recertify annually to SBA that they continue to meet all of the HUBZone eligibility requirements, instead of requiring them to undergo a recertification by SBA every three years. While the proposal to require firms to recertify annually will increase the burden on firms, this burden will be offset by the proposal to no longer require firms to be eligible at the time of offer and award for a contract, and will provide that if a firm hires a HUBZone resident, the firm will be able to count that employee towards the residency requirement, this reducing the burden on the firm to determine whether it meets the 35 percent residency requirement. Thus, the proposed rule will result in an estimated annual savings of $96,185.00

*Paperwork Reduction Act, 44 U.S.C. Ch. 35*

For the purposes of the Paperwork Reduction Act, SBA has determined that this rule, if adopted in final form, would impose new government-wide reporting requirements on HUBZone small business concerns. In the rule, SBA proposes that small businesses recertify annually to SBA concerning their status. At this time, HUBZone small businesses recertify every three years. Although requiring annual recertification instead of every three years may appear to impose additional burdens on a HUBZone small business concern, the annual recertification burden is offset by the elimination of the requirement to be eligible at the time of offer and award of a contract and the requirement to continually monitor the residency status of an employee that resides in a HUBZone at the time of hiring, resulting in an estimated annual savings of $96,186.00. In addition, SBA believes the annual recertification would assist in deterring fraud and abuse in the program. SBA also proposes that certified HUBZone small business concerns maintain records demonstrating the home address of employees who resided in a HUBZone at the time of the concern's certification or recertification, as well as records of the employee's continued employment with the firm. SBA believes allowing a HUBZone small business concern to continue employing individuals who once lived in HUBZones is consistent with the purpose of the HUBZone

program of increasing employment and would provide greater opportunities for certified HUBZone small business concerns to be eligible for and receive HUBZone contracts. Further, this will reduce burden as the firm will not have to continually determine whether the employee that resided in a HUBZone at the time of certification continues to reside in a HUBZone in connection with the offer and offer of each contract or future recertifications. A firm's ability to request reconsideration will be added to the existing information collection for the HUBZone program (OMB Control #3245–0320).

*Regulatory Flexibility Act, 5 U.S.C. 601–612*

According to the Regulatory Flexibility Act (RFA), 5 U.S.C. 601, when an agency issues a rulemaking, it must prepare a regulatory flexibility analysis to address the impact of the rule on small entities. However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. The RFA defines ''small entity'' to include ''small businesses,'' ''small organizations,'' and ''small governmental jurisdictions.'' This proposed rule concerns various aspects of SBA's HUBZone program, as such the rule relates to small business concerns but would not affect ''small organizations'' or ''small governmental jurisdictions'' because those programs generally apply only to ''business concerns'' as defined by SBA regulations, in other words, to small businesses organized for profit. ''Small organizations'' or ''small governmental jurisdictions'' are non-profits or governmental entities and do not generally qualify as ''business concerns'' within the meaning of SBA's regulations.

There are approximately 5,000 certified HUBZone small business concerns that are listed as certified HUBZone small businesses in DSBS, and SBA receives approximately 1,500 applications annually. Most of the changes are clarification of current policy and therefore should not impact many of these concerns. Further, there is a new compliance or other costs imposed by the proposed rule on current or prospective HUBZone small business concerns. Under current law, HUBZone small business concerns must recertify every three years and under the proposed rule, the same firms will need to recertify every year.

Nonetheless, most of these costs relating to reconsideration and appeals will be borne by the agency and not the small business. In addition, recertifying every year should not impose a significant cost on small business since the rules already require the business to actively monitor its compliance from the moment it applies to the program. As a result, SBA does not believe that the proposed amendments would have a disparate impact on small businesses or would impose any additional significant costs. For the reasons discussed, SBA certifies that this proposed rule would not have a significant economic impact on a substantial number of small business concerns.

**List of Subjects**

*13 CFR Part 115*

Claims, Reporting and recordkeeping requirements, Small businesses, Surety bonds.

*13 CFR Part 121*

Administrative practice and procedure, Government procurement, Government property, Grant programs-business, Individuals with disabilities, Loan programs-business, Small businesses.

*13 CFR Part 125*

Government contracts, Government procurement, Reporting and recordkeeping requirements, Small businesses, Technical assistance, Veterans.

*13 CFR Part 126*

Administrative practice and procedure, Government procurement, Penalties, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, SBA proposes to amend 13 CFR parts 115, 121, 125, and 126 as set forth below:

## PART 115—SURETY BOND GUARANTEE

■ 1. The authority citation for part 115 continues to read as follows:

**Authority:** 5 U.S.C. app 3; 15 U.S.C. 687b, 687c, 694a, 694b note; and Pub. L. 110–246, Sec. 12079, 122 Stat. 1651.

### § 115.31 [Amended]

■ 2. Amend § 115.31(a)(2) by removing the phrase ''qualified HUBZone small business concern'' and adding in its place the phrase ''certified HUBZone small business concern''.

## PART 121—SMALL BUSINESS SIZE REGULATIONS

■ 3. The authority citation for part 121 continues to read as follows:

**Authority:** 15 U.S.C. 632, 634(b)(6), 662, and 694a(9).

### § 121.404 [Amended]

■ 4. Amend § 121.404(g)(4) by removing the phrase ''HUBZone SBCs'' and adding in its place the phrase ''certified HUBZone small business concerns''.

### § 121.1001 [Amended]

■ 5. Amend § 121.1001 as follows:

■ a. In paragraph (a)(6)(ii), remove the phrase ''qualified HUBZone SBC'' and add in its place the phrase ''certified HUBZone small business concern''; and

■ b. In paragraph (b)(8)(i), remove the phrase ''qualified HUBZone business concern'' and add in its place the phrase ''certified HUBZone small business concern''.

## PART 125—GOVERNMENT CONTRACTING PROGRAMS

■ 6. The authority citation for part 125 is revised to read as follows:

**Authority:** 15 U.S.C. 632(p), (q); 634(b)(6); 637; 644; 657f; 657q; 657r; and 657s.

### § 125.1 [Amended]

■ 7. In § 125.1, amend the definition of ''similarly situated entity'' by removing the phrase ''qualified HUBZone small business concern'' and adding in its place the phrase ''certified HUBZone small business concern''.

### § 125.2 [Amended]

■ 8. Amend § 125.2(c)(1)(i) by removing the phrase ''qualified HUBZone small business concerns'' and adding in its place the phrase ''certified HUBZone small business concerns''.

### § 125.3 [Amended]

■ 9. Amend § 125.3(c)(1)(xi) by removing the phrase ''qualified HUBZone small business concerns'' and adding in its place the phrase ''certified HUBZone small business concerns''.

### § 125.6 [Amended]

■ 10. Amend § 125.6 by removing paragraph (d) and redesignating paragraphs (e) through (h) as paragraphs (d) through (g), respectively.

■ 11. Revise § 125.28(b) to read as follows:

### § 125.28 How does one file a service disabled veteran-owned status protest?

* * * * *

(b) *Format and specificity.* (1) Protests must be in writing and must specify all the grounds upon which the protest is based. A protest merely asserting that the protested concern is not an eligible SDVO SBC, without setting forth specific facts or allegations is insufficient.

*Example to paragraph (b)(1):* A protester submits a protest stating that the apparent successful offeror is not owned by a service-disabled veteran. The protest does not state any basis for this assertion. The protest allegation is insufficient.

(2) For a protest filed against a SDVO SBC joint venture, the protest must state all specific grounds for why—

(i) The SDVO SBC partner to the joint venture did not meet the SDVO SBC eligibility requirements set forth in subpart B of part 125; and/or

(ii) The protested SDVO SBC joint venture did not meet the requirements set forth in § 125.18.

* * * * *

## PART 126—HUBZONE PROGRAM

■ 12. The authority citation for part 126 continues to read as follows:

**Authority:** 15 U.S.C. 632(a), 632(j), 632(p), 644 and 657a.

### § 126.101 [Amended]

■ 13. Amend § 126.101(b) by removing the phrase ''qualified HUBZone SBCs'' and adding in its place the phrase ''certified HUBZone small business concerns''.

■ 14. Amend § 126.103 as follows:

■ a. Remove the definitions of ''Alaska Native Village'', ''ANCSA'', ''County unemployment rate'', ''De-certify'', ''List'', ''Median household income'', ''Metropolitan statistical area'', ''Qualified HUBZone SBC'', ''Small Disadvantaged Business (SDB)'', and ''Statewide average unemployment rate'';

■ b. Revise the definitions of ''Alaska Native Corporation'', ''Attempt to maintain'', ''Certify'', ''D/HUB'', ''Employee'', ''HUBZone small business concern'', ''Interested party'', ''Principal office'', ''Qualified base closure area'', ''Qualified census tract'', ''Qualified non-metropolitan county'', ''Redesignated area'', ''Reside''; and

■ c. Add definitions for ''Decertify'', ''Dynamic Small Business Search (DSBS)'' and ''Primary industry classification or primary industry'' in alphabetical order.

The revisions and additions read as follows:

### § 126.103 What definitions are important in the HUBZone Program?

* * * * *

*Alaska Native Corporation (ANC)* has the same meaning as the term ''Native Corporation'' in section 3 of the Alaska Native Claims Settlement Act (ANCSA), 43 U.S.C. 1602.

*Attempt to maintain* means making substantive and documented efforts, such as written offers of employment, published advertisements seeking employees, and attendance at job fairs and applies only to concerns during the performance of any HUBZone contract. A certified HUBZone small business concern that has less than 20% of its total employees residing in a HUBZone during the performance of a HUBZone contract has failed to attempt to maintain the HUBZone residency requirement.

* * * * *

*Certify* means the process by which SBA determines that a firm is qualified for the HUBZone program and eligible to be designated by SBA as a certified HUBZone small business concern in the Dynamic Small Business Search (DSBS) system (or successor system).

* * * * *

*D/HUB* means the Director of SBA's Office of HUBZone.

*Decertify* means the process by which SBA determines that a concern no longer qualifies as a HUBZone small business concern and removes that concern as a certified HUBZone small business concern from DSBS (or successor system), or the process by which SBA removes a concern as a certified HUBZone small business concern from DSBS (or successor system) after receiving a request to voluntarily withdraw from the HUBZone program.

*Dynamic Small Business Search (DSBS)* means the database that government agencies use to find small business contractors for upcoming contracts. The information a business provides when registering in the System for Award Management (SAM) is used to populate DSBS. For HUBZone Program purposes, a firm's DSBS profile will indicate whether it is a certified HUBZone small business concern, and if so, the date it was certified or recertified.

*Employee* means all individuals employed on a full-time, part-time, or other basis, so long as that individual works a minimum of 40 hours during the four-week period immediately prior to the relevant date of review, which is either the date the concern submits its HUBZone application to SBA or the date of recertification. SBA will review a firm's payroll records for the most recently completed pay periods that account for the four-week period immediately prior to the date of application or date of recertification in order to determine which individuals meet this definition. To determine if an individual is an employee, SBA reviews the totality of circumstances, including criteria used by the Internal Revenue Service (IRS) for Federal income tax purposes and the factors set forth in SBA's Size Policy Statement No. 1 (51 FR 6099, Feb. 20, 1986).

(1) In general, the following are considered employees:

(i) Individuals obtained from a temporary employee agency, leasing concern, or through a union agreement, or co-employed pursuant to a professional employer organization agreement;

(ii) An individual who has an ownership interest in the firm and who works for the firm a minimum of 40 hours during the four-week period immediately prior to the relevant date of review, whether or not the individual receives compensation;

(iii) The sole owner of a firm who works less than 40 hours during the four-week period immediately prior to the relevant date of review, but who has not hired another individual to direct the actions of the concern's employees;

(iv) Individuals who receive in-kind compensation commensurate with work performed.

(2) In general, the following are not considered employees:

(i) Individuals who receive no compensation (including no in-kind compensation) for work performed;

(ii) Individuals who receive deferred compensation for work performed;

(iii) Independent contractors that receive payment via IRS Form 1099 and are not considered employees under SBA's Size Policy Statement No. 1 (51 FR 6099, Feb. 20, 1986); and

(iv) Subcontractors.

(3) Employees of an affiliate may be considered employees, if the totality of the circumstances shows that there is no clear line of fracture between the HUBZone applicant (or certified HUBZone small business concern) and its affiliate(s) (*see* § 126.204).

* * * * *

*HUBZone small business concern or certified HUBZone small business concern* (1) Means a small business concern that meets the requirements described in § 126.200 and that SBA has certified as eligible for federal contracting assistance under the HUBZone program.

(2) A firm that was a certified HUBZone small business concern as of December 12, 2017, and that had its principal office located in a redesignated area set to expire prior to January 1, 2020, shall remain a certified HUBZone small business concern until December 31, 2021, so long as all other HUBZone eligibility requirements are met.

* * * * *

*Interested party* means any concern that submits an offer for a specific

HUBZone set-aside contract (including Multiple Award Contracts) or order, any concern that submitted an offer in full and open competition and its opportunity for award will be affected by a price evaluation preference given a qualified HUBZone small business concern, any concern that submitted an offer in a full and open competition and its opportunity for award will be affected by a reserve of an award given to a qualified HUBZone small business concern, the contracting activity's contracting officer, or SBA.

* * * * *

*Primary industry classification or primary industry* means the six digit North American Industry Classification System (NAICS) code designation which best describes the primary business activity of the HUBZone applicant or HUBZone small business concern. SBA utilizes § 121.107 of this chapter in determining a firm's primary industry classification.

*Principal office* means the location where the greatest number of the concern's employees at any one location perform their work.

(1) If an employee works at multiple locations, then the employee will be deemed to work at the location where the employee spends more than 50% of his or her time. If an employee does not spend more than 50% of his or her time at any one location and at least one of those locations is a non-HUBZone location, then the employee will be deemed to work at a non-HUBZone location;

(2) In order for a location to be considered the principal office, the concern must conduct business at this location.

(3) For those concerns whose ''primary industry classification'' is services or construction (*see* § 121.201 of this chapter), the determination of principal office excludes the concern's employees who perform more than 50% of their work at job-site locations to fulfill specific contract obligations. If all of a concern's employees perform more than 50% of their work at job sites, the concern does not comply with the principal office requirement.

*Example 1:* A business concern whose primary industry is construction has a total of 78 employees, including the owners. The business concern has one office (Office A), which is located in a HUBZone, with 3 employees working at that location. The business concern also has a job-site for a current contract, where 75 employees perform more than 50% of their work. The 75 job-site employees are excluded for purposes of determining principal office. Since the remaining 3 employees all work at Office A, Office A is the firm's principal office. Since Office A is in a HUBZone, the business concern complies with the principal office requirement.

*Example 2:* A business concern has a total of 4 employees, including the owner. The business concern has one office located in a HUBZone (Office A), where 2 employees perform more than 50% of their work, and a second office not located in HUBZone (Office B), where 2 employees perform more than 50% of their work. Since there is not one location where the greatest number of the concern's employees at any one location perform their work, the business concern would not have a principal office in a HUBZone.

*Example 3:* A business concern whose primary industry is services has a total of 6 employees, including the owner. Five of the employees perform all of their work at jobsites fulfilling specific contract obligations. The business concern's owner performs 45% of her work at jobsites, and 55% of her work at an office located in a HUBZone (Office A) conducting tasks such as writing proposals, generating payroll, and responding to emails. Office A would be considered the principal office of the firm since it is the only location where any employees of the firm work that is not a job site and the 1 individual working there spends more than 50% of her time at Office A. Since Office A is located in a HUBZone, the small business concern would meet the principal office requirement.

*Qualified base closure area* means:

(1) A base closure area that is treated by SBA as a HUBZone for a period of at least 8 years, beginning on the date the military installation undergoes final closure and ending on the latter of the following:

(i) The date on which the results of the decennial census conducted after the area was initially designated as a base closure area are released; or

(ii) The date 8 years after the base closure area was initially designated as a HUBZone.

(2) However, if a base closure area was treated as a HUBZone at any time after 2010, it shall be treated as a HUBZone until the results of the 2020 decennial census are released.

*Qualified census tract* (1) Means any census tract which is designated by the Secretary of Housing and Urban Development, and for the most recent year for which census data are available on household income in such tract, either in which 50 percent or more of the households have an income which is less than 60 percent of the area median gross income for such year or which has a poverty rate of at least 25 percent. *See* 26 U.S.C. 42(d)(5)(B)(ii)(I).

(2) The portion of a metropolitan statistical area (as defined by the Bureau of the Census, United States Department of Commerce, in its publications on the Census of Population, Social and Economic Characteristics) which may be designated as ''qualified census tracts'' shall not exceed an area having 20 percent of the population of such metropolitan statistical area. *See* 26 U.S.C. 42(d)(5)(B)(ii)(II). This paragraph does not apply to any metropolitan statistical area in the Commonwealth of Puerto Rico until December 22, 2027, or the date on which the Financial Oversight and Management Board for the Commonwealth of Puerto Rico created by the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA) (Pub. L. 114–187, June 30, 2016) ceases to exist, whichever event occurs first.

* * * * *

*Qualified non-metropolitan county* means any county that was not located in a metropolitan statistical area (as defined by the Bureau of the Census, United States Department of Commerce, in its publications on the Census of Population, Social and Economic Characteristics) at the time of the most recent census taken for purposes of selecting qualified census tracts under section 26 U.S.C. 42(d)(5)(B)(ii), and in which:

(1) The median household income is less than 80% of the non-metropolitan State median household income, based on the most recent data available from the American Community Survey 5-year estimates, published by the Bureau of the Census of the Department of Commerce;

(2) The unemployment rate is not less than 140% of the average unemployment rate for the United States or for the State in which such county is located, whichever is less, based on the most recent data available from the Local Area Unemployment Statistics report, produced by the Department of Labor's Bureau of Labor Statistics; or

(3) There is located a Difficult Development Area within Alaska, Hawaii, or any territory or possession of the United States outside the 48 contiguous States. A Difficult Development Area (DDA) is an area designated by the Secretary of the Department of Housing and Urban Development, in accordance with section 26 U.S.C. 42(d)(5)(B)(iii), with high construction, land, and utility costs relative to its Area Median Gross Income.

*Redesignated area* (1) Means any census tract that ceases to be a ''qualified census tract'' or any non-metropolitan county that ceases to be a ''qualified non-metropolitan county.''

(2) A redesignated area generally shall be treated as a HUBZone for a period of three years, starting from the date on

which the area ceased to be a qualified census tract or a qualified non-metropolitan county. The date on which the census tract or non-metropolitan county ceases to be qualified is the date on which the official government data affecting the eligibility of the HUBZone is released to the public. However, an area that was a redesignated area on or after December 12, 2017 shall remain a redesignated area until December 31, 2021.

*Reside* means to live at a location full-time and for at least 180 days immediately prior to the date of application or date of recertification, as applicable.

(1) To determine residence, SBA will first look to an individual's address identified on his or her driver's license or voter's registration card. Where such documentation is not available, SBA will require other specific proof of residency, such as deeds, leases, and utility bills.

(2) For HUBZone purposes, SBA will consider individuals temporarily residing overseas in connection with the performance of a contract to reside at their U.S. residence.

*Example 1:* A person possesses the deed to a residential property and pays utilities and property taxes for that property. However, the person does not live at this property, but instead rents out this property to another individual. For HUBZone purposes, the person does not reside at the address listed on the deed.

*Example 2:* A person moves into an apartment under a month-to-month lease and lives in that apartment full-time. SBA would consider the person to reside at the address listed on the lease if the person can show that he or she has lived at that address for at least 180 days immediately prior to the date of application or date of recertification.

*Example 3:* A person is working overseas on a contract for the small business and is therefore temporarily living abroad. The employee can provide documents showing he is paying rent for an apartment located in a HUBZone. That person is deemed to reside in a HUBZone.

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## Subpart B—Requirements To Be a Certified HUBZone Small Business Concern

■ 15. Revise the heading for subpart B to read as set forth above.

■ 16. Revise § 126.200 to read as follows:

### § 126.200 What requirements must a concern meet to be eligible as a certified HUBZone small business concern?

(a) *Ownership.* In order to be eligible for HUBZone certification and to continue to be certified, a small business concern must be owned in accordance with this paragraph. The concern must be:

(1) At least 51% owned and controlled by one or more individuals who are United States citizens;

(2) An ANC or at least 51% owned by an ANC or a wholly-owned business entity of an ANC;

(3) At least 51% owned by one or more Indian Tribal Governments, or by a corporation that is wholly owned by one or more Indian Tribal Governments;

(4) At least 51% owned by one or more CDCs;

(5) A small agricultural cooperative organized or incorporated in the United States, or at least 51% owned by one or more small agricultural cooperatives organized or incorporated in the United States; or

(6) At least 51% owned by one or more NHO, or by a corporation that is wholly owned by one or more NHO.

(b) *Size.* (1) An applicant concern, together with its affiliates, must qualify as a small business under the size standard corresponding to its primary industry classification as defined in part 121 of this chapter.

(2) In order to remain eligible as a certified HUBZone small business concern, a firm must qualify as small under the size standard corresponding to one or more NAICS codes in which it does business.

(3) If the concern is a small agricultural cooperative, in determining size, the small agricultural cooperative is treated as a ''business concern'' and its member shareholders are not considered affiliated with the cooperative by virtue of their membership in the cooperative.

(c) *Principal office.* (1) The concern's principal office must be located in a HUBZone, except for concerns owned in whole or in part by one or more Indian Tribal Governments.

(2) A concern that is owned in whole or in part by one or more Indian Tribal Governments (or by a corporation that is wholly owned by Indian Tribal Governments) must either:

(i) Maintain a principal office located in a HUBZone and ensure that at least 35% of its employees reside in a HUBZone as provided in paragraph (d)(1) of this section; or

(ii) Certify that when performing a HUBZone contract, at least 35% of its employees engaged in performing that contract will reside within any Indian reservation governed by one or more of the Indian Tribal Government owners, or reside within any HUBZone adjacent to such Indian reservation.

(d) *Employees.* (1) At least 35% of the concern's employees must reside in a HUBZone. When determining the percentage of employees that reside in a HUBZone, if the percentage results in a fraction, SBA rounds to the nearest whole number.

*Example 1 to paragraph (d)(1):* A concern has 25 employees; 35% of 25, or 8.75, employees must reside in a HUBZone. The number 8.75 rounded to the nearest whole number is 9. Thus, 9 employees must reside in a HUBZone.

*Example 2 to paragraph (d)(1):* A concern has 95 employees; 35% of 95, or 33.25, employees must reside in a HUBZone. The number 33.25 rounded to the nearest whole number is 33. Thus, 33 employees must reside in a HUBZone.

(2) If the concern is owned in whole or in part by one or more Indian Tribal Governments (or by a corporation that is wholly owned by one or more Indian Tribal Governments), *see* paragraph (c)(2) of this section.

(3) An employee who resides in a HUBZone at the time of certification or recertification shall continue to count as a HUBZone resident employee as long as the individual remains an employee of the firm, even if the employee moves to a location that is not in a HUBZone or the area in which the employee's residence is located no longer qualifies as a HUBZone. The certified HUBZone small business concern must maintain records of the employee's original HUBZone address, as well as records of the individual's continued and uninterrupted employment by the HUBZone small business concern, for the duration of the firm's participation in the HUBZone program.

(e) *Attempt to maintain.* (1) At the time of application, an applicant concern must certify that it will ''attempt to maintain'' (*see* § 126.103) having at least 35% of its employees reside in a HUBZone during the performance of any HUBZone contract it receives.

(2) If the concern is owned in whole or in part by one or more Indian Tribal Governments (or by a corporation that is wholly owned by one or more Indian Tribal Governments), the concern must certify that it will ''attempt to maintain'' (*see* § 126.103) the applicable employment percentage described in paragraph (c)(2) of this section during the performance of any HUBZone contract it receives.

(f) *Subcontracting.* At the time of application, an applicant concern must certify that it will comply with the applicable limitations on subcontracting requirements in connection with any procurement that it receives as a certified HUBZone small business concern (*see* § 126.5 and § 126.700).

(g) *Suspension and Debarment.* The concern and any of its owners must not

have an active exclusion in the System for Award Management, available at *www.SAM.gov,* at the time of application.

**§ 126.202 [Amended]**

■ 17. Amend § 126.202 by removing the phrase ''Many persons share control'' and adding in its place the phrase ''Many persons may share control''.

**§ 126.203 [Amended]**

■ 18. Amend § 126.203 paragraph (a) by removing the phrase ''qualified HUBZone SBC'' and adding in its place the phrase ''certified HUBZone small business concern''.

■ 19. Revise § 126.204 to read as follows:

**§ 126.204 May a HUBZone small business concern have affiliates?**

(a) A HUBZone small business concern may have affiliates, provided that the aggregate size of the concern together with all of its affiliates is small as defined in part 121 of this title, except as otherwise provided for small agricultural cooperatives in § 126.103.

(b) The employees of an affiliate may be counted as employees of a HUBZone applicant or HUBZone small business concern for purposes of determining compliance with the HUBZone program's principal office and 35% residency requirements. In determining whether individuals should be counted as employees of a HUBZone applicant or HUBZone small business concern, SBA will review all information, including criteria used by the Internal Revenue Service (IRS) for Federal income tax purposes and those set forth in SBA's Size Policy Statement No. 1 (Pub. L. 114–187, June 30, 2016). If the firms would be affiliated for size purposes and the totality of the circumstances shows that there is no clear line of fracture between the HUBZone applicant (or HUBZone small business concern) and the affiliate, SBA will consider the employees of the affiliate as employees of the HUBZone applicant (or HUBZone small business concern).

■ 20. Revise § 126.205 to read as follows:

**§ 126.205 May participants in other SBA programs be certified as HUBZone small business concerns?**

Participants in other SBA programs may be certified as HUBZone small business concerns if they meet all of the requirements set forth in this part.

■ 21. Revise § 126.206 to read as follows:

**§ 126.206 May nonmanufacturers be certified as HUBZone small business concerns?**

Nonmanufacturers (referred to in the HUBZone Act of 1997 as ''regular dealers'') may be certified as HUBZone small business concerns if they meet all of the requirements set forth in § 126.200. For purposes of this part, a ''nonmanufacturer'' is defined in § 121.406(b) of this chapter.

■ 22. Revise § 126.207 to read as follows:

**§ 126.207 Do all of the offices or facilities of a certified HUBZone small business concern have to be located in a HUBZone?**

A HUBZone small business concern may have offices or facilities in multiple HUBZones or even outside a HUBZone. However, in order to be certified as a HUBZone small business concern, the concern's principal office must be located in a HUBZone (except *see* § 126.200(c)(2) for concerns owned by Indian Tribal Governments).

■ 23. Revise § 126.300 to read as follows:

**§ 126.300 How may a concern be certified as a HUBZone small business concern?**

(a) A concern must apply to SBA for HUBZone certification. SBA will consider the information provided by the concern in order to determine whether the concern qualifies.

(b) SBA, at its discretion, may rely solely upon the information submitted, may request additional information, may conduct independent research, or may verify the information before making an eligibility determination.

(c) If SBA determines that a concern meets the eligibility requirements of a HUBZone small business concern, it will notify the firm and designate the firm as a certified HUBZone small business concern in DSBS (or successor system).

■ 24. Revise § 126.303 to read as follows:

**§ 126.303 Where must a concern submit its application for certification?**

A concern seeking certification as a HUBZone small business concern must submit an electronic application to SBA's HUBZone Program Office via SBA's web page at *www.SBA.gov.* The application and any supporting documentation must be submitted by a person authorized to represent the concern.

■ 25. Revise § 126.304 to read as follows:

**§ 126.304 What must a concern submit to SBA in order to be certified as a HUBZone small business concern?**

(a) *General.* To be certified by SBA as a HUBZone small business concern, a concern must submit a completed application and all documents requested by SBA. The concern must also represent to SBA that it meets the requirements set forth in § 126.200 and that all of the information provided as of the date of the application (and any subsequent information provided) is complete, true and accurate. The representation must be electronically signed by an owner of the applicant.

(b) *Supporting documents.* (1) SBA may request documents to verify that the applicant meets the HUBZone program's eligibility requirements. The documents must show that the concern meets the program's requirements at the time it submits its application to SBA.

(2) The concern must document compliance with the requirements listed in § 126.200, including but not limited to employment records and documentation showing the address of each HUBZone resident employee. Records sufficient to demonstrate HUBZone residency include copies of driver's licenses and voter registration cards; only where such documentation is unavailable will SBA accept alternative documentation (such as copies of leases, deeds, and/or utility bills) accompanied by signed statements explaining why the alternative documentation is being provided.

(c) *Changes after submission of application.* After submitting an application, a concern applying for HUBZone certification must notify SBA of any changes that could affect its eligibility, and provide information and documents to verify the changes. If the changed information indicates that the firm is not eligible, the applicant will be given the option to withdraw its application, or SBA will decline certification and the firm must wait 90 days to reapply.

(d) *HUBZone areas.* Concerns applying for HUBZone status must use SBA's website (*i.e.,* maps or other tools showing qualified HUBZones) to verify that the location of the concern's principal office and the residences of at least 35% of the concern's employees are within HUBZones. If SBA's website indicates that a particular location is not within a HUBZone and the applicant disagrees, then the applicant must note this on the application and submit relevant documents showing why the applicant believes the area meets the statutory criteria of a HUBZone. SBA will determine whether the location is within a HUBZone using available methods (*e.g.,* contact Bureau of Indian Affairs for Indian reservations or Department of Defense for BRACs).

(e) *Record Maintenance.* HUBZone small business concerns must retain

documentation demonstrating satisfaction of all qualifying requirements for 6 years from date of submission of all initial and continuing eligibility actions as required by this part. In addition, HUBZone small business concerns must retain documentation as required in § 126.200(d)(3).

**§ 126.305 [Removed and reserved]**

■ 26. Remove and reserve § 126.305.

■ 27. Revise § 126.306 to read as follows:

**§ 126.306 How will SBA process an application for HUBZone certification?**

(a) The D/HUB or designee is authorized to approve or decline applications for HUBZone certification. SBA will receive and review all applications and request supporting documents. SBA must receive all required information, supporting documents, and a completed HUBZone representation before it will begin processing a concern's application. SBA will not process incomplete packages. SBA will make its determination within 90 calendar days after receipt of a complete package whenever practicable.

(b) The burden of proof to demonstrate eligibility is on the applicant concern. If a concern does not provide requested information within the allotted time provided by SBA, or if it submits incomplete information, SBA may draw an adverse inference and presume that the information that the applicant failed to provide would demonstrate ineligibility and deny certification on this basis.

(c) SBA's decision will be based on the facts set forth in the application, any information received in response to SBA's request for clarification, any independent research conducted by SBA, and any changed circumstances.

(d) In order to be certified into the program, the applicant must be eligible as of the date it submitted its application and at the time the D/HUB issues a decision. An applicant must inform SBA of any changes to its circumstances that occur after its application and before its certification that may affect its eligibility. SBA will consider such changed circumstances in determining whether to certify the firm.

(e) If SBA approves the application, it will send a written notice to the concern and designate the firm as a certified HUBZone small business concern in DSBS (or successor system) as described in § 126.307.

(f) If SBA denies the application, it will send a written notice to the concern and state the specific reasons for denial. The decision will also state the reconsideration rights.

(g) SBA will presume that notice of its decision was provided to an applicant if SBA sends a communication to the concern at a mailing address, email address, or fax number provided in the concern's profile in the System for Award Management (or successor system).

■ 28. Revise § 126.307 to read as follows:

**§ 126.307 Where is there a list of certified HUBZone small business concerns?**

SBA designates firms as certified HUBZone small business concerns in DSBS (or successor system).

■ 29. Revise § 126.308 to read as follows:

**§ 126.308 What happens if a HUBZone small business concern receives notice of its certification but it does not appear in DSBS as a certified HUBZone small business concern?**

(a) A certified HUBZone small business concern that has received SBA's notice of certification, but does not appear in DSBS (or successor system) as a certified HUBZone small business concern within 10 business days, should immediately notify the D/HUB via email at *hubzone@sba.gov.*

(b) A certified HUBZone small business concern that has received SBA's notice of certification must appear as a certified HUBZone small business concern in DSBS (or successor system) in order to be eligible for HUBZone contracts (*i.e.,* it cannot ''opt out'' of a public display in the System for Award Management (SAM.gov) or DSBS (or successor systems)).

■ 30. Revise § 126.309 to read as follows:

**§ 126.309 May a declined concern request reconsideration or seek certification at a later date?**

(a) *Reconsideration.* An applicant may request that the D/HUB reconsider the initial decline decision by filing a request for reconsideration with SBA.

(1) *Method of submission.* The applicant must submit its request for reconsideration to the SBA's HUBZone Program Office by email to *hubzone@sba.gov.*

(2) *Filing deadline.* The request for reconsideration must be submitted within 15 calendar days of receipt of written notice that the concern's application was declined.

(3) *Contents of request.* The request for reconsideration must set forth the reasons why the D/HUB's initial decision was erroneous and include information and documentation pertinent to overcoming the reason(s) for the initial decline, whether or not available at the time of initial application.

(4) *Decision on reconsideration.* The D/HUB will issue a written decision within 30 calendar days of SBA's receipt of the applicant's request for reconsideration. The D/HUB may approve the application, deny it on the same grounds as the original decision, or deny it on other grounds.

(i) If denied, the D/HUB will provide written notice and explain why the applicant is not eligible for admission to the program and give specific reasons for the decline.

(ii) If the D/HUB declines the application solely on issues not raised in the initial decline, the applicant can ask for reconsideration as if it were an initial decline.

(b) *Reapplying for certification.* A declined concern may reapply for certification ninety (90) calendar days after the date of the final agency decision (*i.e.,* the initial decision of the D/HUB where the concern does not seek reconsideration, or the decision on reconsideration), if it believes that it has overcome all reasons for decline through changed circumstances and is currently eligible.

■ 31. Revise § 126.401 to read as follows:

**§ 126.401 What is a program examination?**

A program examination is an investigation by SBA officials, which verifies the accuracy of any certification made or information provided as part of the HUBZone application or recertification process. Examiners may verify that the concern met the program's eligibility requirements at the time of its certification or, if applicable, at the time of its most recent recertification.

**§ 126.402 [Amended]**

■ 32. Amend § 126.402 by removing the phrase ''qualified HUBZone SBC'' and adding in its place the phrase ''certified HUBZone small business concern''.

■ 33. Revise § 126.403 to read as follows:

**§ 126.403 What will SBA review during a program examination?**

(a) SBA may conduct a program examination, or parts of an examination, at one or more of the concern's offices. SBA will determine the location and scope of the examination and may review any information related to the concern's HUBZone eligibility including, but not limited to, documentation related to the location and ownership of the concern, compliance with the 35% HUBZone

residency requirement, and the concern's ''attempt to maintain'' (*see* § 126.103) this percentage.

(b) SBA may require that a HUBZone small business concern (or applicant) submit additional information as part of the program examination. If SBA requests additional information, SBA will presume that written notice of the request was provided when SBA sends such request to the concern at a mailing address, email address or fax number provided in the concern's profile in the Dynamic Small Business Search (DSBS) or the System for Award Management (SAM) (or successor systems). SBA may draw an adverse inference from a concern's failure to cooperate with a program examination or provide requested information and assume that the information that the HUBZone small business concern (or applicant) failed to provide would demonstrate ineligibility, and decertify (or deny certification) on this basis.

(c) The concern must retain documentation provided in the course of a program examination for 6 years from the date of submission.

■ 34. Add § 126.404 to read as follows:

**§ 126.404 What are the possible outcomes of a program examination and when will SBA make its determination?**

(a) *Timing.* SBA will make its determination within 90 calendar days after SBA receives all requested information, when practicable.

(b) *Program examinations on certified HUBZone small business concerns.* If the program examination was conducted on a certified HUBZone small business concern—

(1) And the D/HUB (or designee) determines that the firm is eligible, SBA will send a written notice to the HUBZone small business concern and continue to designate the concern as a certified HUBZone small business concern in DSBS (or successor system).

(2) And the D/HUB (or designee) determines that the firm is not eligible, SBA will propose the concern for decertification pursuant to the procedures set forth in § 126.503.

(c) *Program examinations on applicants.* If the program examination was conducted on an applicant to the HUBZone program—

(1) And the D/HUB (or designee) determines that the firm is eligible, SBA will send a written certification notice to the firm and designate the concern as a certified HUBZone small business concern in DSBS (or successor system).

(2) And the D/HUB (or designee) determines that the firm is ineligible, SBA will send a written decline notice to the firm.

■ 35. Revise § 126.500 to read as follows:

**§ 126.500 How does a concern maintain HUBZone certification?**

Any concern seeking to remain a certified HUBZone small business concern in DSBS (or successor system) must annually provide a written recertification to SBA that it continues to meet all HUBZone eligibility criteria (*see* § 126.200) and provide supporting documentation when requested to do so by SBA. In order to remain in the program without any interruption, a HUBZone small business concern must recertify its eligibility to SBA on the anniversary of the date of its original HUBZone certification. The date of HUBZone certification is the date specified in the firm's certification letter. If the business fails to recertify, SBA may propose the firm for decertification pursuant to § 126.503.

■ 36. Revise § 126.501 to read as follows:

**§ 126.501 How long does HUBZone certification last?**

(a) Once SBA certifies a concern as eligible to participate in the HUBZone program, the concern will be treated as a certified HUBZone small business concern eligible for all HUBZone contracts for which the concern qualifies as small, for a period of one year from the date of its initial certification or recertification, unless the concern acquires, is acquired by, or merges with another firm during that one-year period. Where a HUBZone small business concern acquires, is acquired by, or merges with another firm, the concern must demonstrate to SBA that it continues to meet the HUBZone eligibility requirements in order for it to remain eligible as a certified HUBZone small business concern.

(b) On the annual anniversary of a firm's certification or recertification, the firm must recertify that it is fully compliant with all HUBZone eligibility requirements (*see* § 126.200), or it can request to voluntarily withdraw from the HUBZone program.

(c) SBA may review the firm's recertification through the program examination process.

(1) If SBA determines that the firm is no longer eligible at the time of its annual recertification, SBA will propose the HUBZone small business concern for decertification pursuant to § 126.503.

(2) If SBA determines that the firm continues to be eligible, SBA will notify the firm of this determination. In such case, the concern will:

(i) Continue to be designated as a certified HUBZone small business concern in DSBS (or successor system); and

(ii) Be treated as an eligible HUBZone small business concern for all HUBZone contracts for which the concern qualifies as small for a period of one year from the date of the recertification.

(d) *Voluntary withdrawal.* A HUBZone small business concern may request to voluntarily withdraw from the HUBZone program at any time. Once SBA concurs, SBA will decertify the concern and no longer designate it as a certified HUBZone small business concern in DSBS (or successor system). The concern may apply again for certification at any point after ninety (90) calendar days from the date of decertification. At that point, the concern would have to demonstrate that it meets all HUBZone eligibility requirements.

■ 37. Revise § 126.502 to read as follows:

**§ 126.502 Is there a limit to the length of time a concern may be a certified HUBZone small business concern?**

There is no limit to the length of time a concern may remain qualified as a certified HUBZone small business concern in DSBS (or successor system) so long as it continues to comply with the provisions of §§ 126.200, 126.500, and 126.501.

■ 38. Revise § 126.503 to read as follows:

**§ 126.503 What happens if SBA is unable to verify a HUBZone small business concern's eligibility or determines that a concern is no longer eligible for the program?**

(a) *Proposed decertification.* (1) If SBA is unable to verify a certified HUBZone small business concern's eligibility or has information indicating that a firm was not eligible for the program at the time of certification or recertification, SBA may propose decertification of the concern. In addition, if during the one-year period of time after certification or recertification SBA believes that a HUBZone small business concern that is performing one or more HUBZone contracts no longer has at least 20% of its employees living in a HUBZone, SBA will propose the concern for decertification based on the concern's failure to attempt to maintain compliance with the 35% HUBZone residency requirement.

(i) *Notice of proposed decertification.* SBA will notify the HUBZone small business concern in writing that SBA is proposing to decertify it and state the reasons for the proposed decertification. SBA will consider that written notice was provided if SBA sends the notice of

proposed decertification to the concern at a mailing address, email address, or fax number provided in the concern's profile in the System for Award Management (SAM.gov) or the Dynamic Small Business Search (DSBS) (or successor systems).

(ii) *Response to notice of proposed decertification.* The HUBZone small business concern must respond to the notice of proposed decertification within the timeframe specified in the notice. In this response, the HUBZone small business concern must rebut each of the reasons set forth by SBA in the notice of proposed decertification, and where appropriate, the rebuttal must include documents showing that the concern is eligible for the HUBZone program as of the date specified in the notice.

(iii) *Adverse inference.* If a HUBZone small business concern fails to cooperate with SBA or fails to provide the information requested, the D/HUB may draw an adverse inference and assume that the information that the concern failed to provide would demonstrate ineligibility.

(2) *SBA's decision.* SBA will determine whether the HUBZone small business concern remains eligible for the program within 90 calendar days after receiving all requested information, when practicable. The D/HUB will provide written notice to the concern stating the basis for the determination. If SBA finds that the concern is not eligible, the D/HUB will decertify the concern and remove its designation as a certified HUBZone small business concern in DSBS (or successor system). If SBA finds that the concern is eligible, the concern will continue to be designated as a certified HUBZone small business concern in DSBS (or successor system).

(b) *Decertification pursuant to a protest.* The procedures described in paragraph (a) of this section do not apply to HUBZone status protests. If the D/HUB sustains a protest pursuant to § 126.803, SBA will decertify the HUBZone small business concern immediately and change the firm's status in DSBS (or successor system) to reflect that it no longer qualifies as a certified HUBZone small business concern without first proposing it for decertification.

■ 39. Revise § 126.504 to read as follows:

**§ 126.504 When will SBA remove the designation of a concern in DSBS (or successor system) as a certified HUBZone small business concern?**

(a) SBA will remove the designation of a concern in DSBS (or successor system) as a certified HUBZone small business concern if the concern has:

(1) Been decertified as a result of a HUBZone status protest pursuant to § 126.803;

(2) Been decertified as a result of the procedures set forth in § 126.503; or

(3) Voluntarily withdrawn from the HUBZone program pursuant to § 126.501(b).

(b) SBA may remove the designation of a concern in DSBS (or successor system) as a certified HUBZone small business concern as soon as the D/HUB issues a decision decertifying the concern from the program.

(c) After a concern has been removed as a certified HUBZone small business concern in DSBS (or successor system), it is ineligible for the HUBZone program and may not submit an offer on or be an awarded a HUBZone contract, or receive any other benefit as a HUBZone small business concern.

## Subpart F—Contracting with Certified HUBZone Small Business Concerns

■ 40. Revise the heading of subpart F to read as set forth above.

**§ 126.600 [Amended]**

■ 41. Amend § 126.600 as follows:

■ a. In the introductory text, remove the phrase ''qualified HUBZone SBC'' and add in its place the phrase ''certified HUBZone small business concern'';

■ b. In paragraphs (a), (b), and (c), remove the phrase ''qualified HUBZone SBCs'' wherever it appears and add in its place the phrase ''certified HUBZone small business concerns'';

■ c. In paragraphs (d) and (e), remove the phrase ''HUBZone SBCs'' wherever it appears and add in its place the phrase ''certified HUBZone small business concerns'';

■ d. In paragraph (e), remove the word ''against'' and add in its place the word ''under'' and remove the phrase '', which had been'' and add in its place the phrase ''that was''.

■ 42. Revise § 126.601 to read as follows:

**§ 126.601 What additional requirements must a certified HUBZone small business concern meet to submit an offer on a HUBZone contract?**

(a) Only certified HUBZone small business concerns are eligible to submit offers for a HUBZone contract or to receive a price evaluation preference under § 126.613.

(b) At the time a certified HUBZone small business concern submits its initial offer (including price) on a specific HUBZone contract, it must certify to the contracting officer that it:

(1) Is a certified HUBZone small business concern in DSBS (or successor system);

(2) Is small, together with its affiliates, at the time of its offer under the size standard corresponding to the NAICS code assigned to the procurement;

(3) Will ''attempt to maintain'' having at least 35% of its employees residing in a HUBZone during the performance of the contract, as set forth in § 126.200(e); and

(4) Will comply with the applicable limitations on subcontracting during performance of the contract, as set forth in § 125.6 of this chapter and §§ 126.200(f), and 126.700.

(c) A certified HUBZone small business concern may submit an offer on a HUBZone contract for supplies as a nonmanufacturer if it meets the requirements of the nonmanufacturer rule set forth at § 121.406 of this chapter.

■ 43. Revise § 126.602 to read as follows:

**§ 126.602 Must a certified HUBZone small business concern maintain the employee residency percentage during contract performance?**

(a) A certified HUBZone small business concern eligible for the program pursuant to § 126.200(b) must have at least 35% of its employees residing within a HUBZone at the time of certification and annual recertification. Such a certified HUBZone small business concern must ''attempt to maintain'' (*see* § 126.103) having at least 35% of its employees residing in a HUBZone during the performance of any HUBZone contract awarded to the concern on the basis of its HUBZone status.

(b) For indefinite delivery, indefinite quantity contracts, including multiple award contracts, a certified HUBZone small business concern must ''attempt to maintain'' the HUBZone residency requirement during the performance of each order that is set aside for HUBZone small business concerns.

(c) A certified HUBZone small business concern eligible for the program pursuant to § 126.200(a) must have at least 35% of its employees engaged in performing a HUBZone contract residing within any Indian reservation governed by one or more of the concern's Indian Tribal Government owners, or residing within any HUBZone adjoining any such Indian reservation.

(d) A certified HUBZone small business concern that has less than 20% of its total employees residing in a HUBZone during the performance of a HUBZone contract has failed to attempt

to maintain the HUBZone residency requirement. Such failure will result in proposed decertification pursuant to § 126.503.

**§ 126.603 [Amended]**

■ 44. Amend § 126.603 by removing the phrase ''qualified HUBZone SBCs'' and adding in its place the phrase ''certified HUBZone small business concerns''.

■ 45. Amend § 126.607 as follows:

■ a. Revise the section heading;

■ b. In paragraph (c), amend the introductory text by removing the phrase ''qualified HUBZone SBCs'' and adding in its place the phrase ''certified HUBZone small business concerns'';

■ c. In paragraph (c)(1), remove the phrase ''SBA's list of qualified HUBZone SBCs'' and add in its place the phrase ''the list of certified HUBZone small business concerns contained in DSBS (or successor system)''.

The revision reads as follows:

**§ 126.607 When must a contracting officer set aside a requirement for certified HUBZone small business concerns?**

* * * * *

**§ 126.608 [Amended]**

■ 46. Amend § 126.608 by removing the phrase ''HUBZone set-aside'' and adding in its place the phrase ''HUBZone set-aside or sole source award''.

**§ 126.611 [Amended]**

■ 47. Amend the heading of § 126.611 by removing the phrase ''such an appeal'' and adding in its place the phrase ''an appeal of a contracting officer's decision not to issue a procurement as a HUBZone contract''.

**§ 126.612 [Amended]**

■ 48. Amend § 126.612 as follows:

■ a. In the introductory text and paragraph (d), remove the phrase ''qualified HUBZone SBC'' wherever it appears and add in its place the phrase ''certified HUBZone small business concern'';

■ b. In paragraph (c), remove the phrase ''qualified HUBZone SBCs'' and add in its place the phrase ''certified HUBZone small business concerns''.

**§ 126.613 [Amended]**

■ 49. Amend § 126.613 as follows:

■ a. In the section heading and paragraphs (a)(1), (a)(2), (b)(2), and (d), remove the phrase ''qualified HUBZone SBC'' wherever it appears and add in its place the phrase ''certified HUBZone small business concern'';

■ b. In paragraph (a)(1):

■ i. Remove the phrase ''another SBC'' and add in its place the phrase ''another small business concern'';

■ ii. In the final sentence, remove the phrase ''HUBZone SBC'' and add in its place the phrase ''certified HUBZone small business concern'';

■ iii. In the final sentence, remove the phrase ''HUBZone SBCs'' and add in its place the phrase ''certified HUBZone small business concerns'';

■ c. In Examples 1, 2, and 3 in paragraph (a)(2), remove the phrase ''non-HUBZone SBC'' wherever it appears and add in its place the phrase ''non-HUBZone small business concern''

■ d. In the second and third sentences in Example 4 in paragraph (a)(2), remove the phrase ''HUBZone SBC'' wherever it appears and add in its place the phrase ''HUBZone small business concern'';

■ e. In the third sentence in Example 4 in paragraph (a)(2), remove the phrase ''HUBZone SBCs'' and add in its place the phrase ''certified HUBZone small business concerns'';

■ f. In paragraph (b)(2), remove the phrase ''qualified HUBZone SBCs'' and add in its place the phrase ''certified HUBZone small business concerns''; and

■ g. In paragraph (d), remove the phrase ''SBCs'' and add in its place the phrase ''small business concerns''.

■ 50. Amend § 126.616 as follows:

■ a. Revise the section heading;

■ b. Revise paragraph (a);

■ c. In paragraph (b) and (d)(1), remove the phrase ''qualified HUBZone SBC'' wherever it appears and add in its place the phrase ''certified HUBZone small business concern'';

■ d. In the introductory text of paragraph (c), remove the phrase ''HUBZone SBC'' and add in its place ''certified HUBZone small business concern'';

■ e. In paragraphs (c)(2) through (4), (c)(9), (c)(10), (d)(2), (g), and (i) remove the phrase ''HUBZone SBC'' wherever it appears'' and add in its place the phrase ''certified HUBZone small business concern'';

■ f. In paragraphs (c)(7), (i), (j)(2), and (k), remove the phrase ''performance of work'' wherever it appears and add in its place the phrase ''limitations on subcontracting''; and

■ g. Revise paragraph (e).

The revisions read as follows:

**§ 126.616 What requirements must a joint venture satisfy to submit an offer and be eligible to perform on a HUBZone contract?**

(a) *General.* A certified HUBZone small business concern may enter into a joint venture agreement with one or more other small business concerns, or with an approved mentor authorized by § 125.9 of this chapter (or, if also an 8(a) BD Participant, with an approved mentor authorized by § 124.520 of this chapter), for the purpose of submitting an offer for a HUBZone contract. The joint venture itself need not be a certified HUBZone small business concern.

* * * * *

(e) *Certification of compliance.*—(1) *At time of offer.* If submitting an offer as a joint venture for a HUBZone contract, at the time of initial offer (and if applicable, final offer), each certified HUBZone small business concern joint venture partner must make the following certifications to the contracting officer separately under its own name:

(i) It is a certified HUBZone small business concern that appears in DSBS (or successor system) as a certified HUBZone small business concern and it met the eligibility requirements in § 126.200 at the time of its initial certification or, if applicable, at the time of its most recent recertification;

(ii) It, together with its affiliates, is small under the size standard corresponding to the NAICS code assigned to the procurement;

(iii) It will ''attempt to maintain'' having at least 35% of its employees residing in a HUBZone during performance of the contract; and

(iv) It will comply with the applicable limitations on subcontracting during performance of the contract, as set forth in § 125.6 of this chapter and §§ 126.200(f) and 126.700.

(2) *Prior to performance.* Prior to the performance of any HUBZone contract as a joint venture, the HUBZone small business concern partner to the joint venture must submit a written certification to the contracting officer and SBA, signed by an authorized official of each partner to the joint venture, stating the following:

(i) The parties have entered into a joint venture agreement that fully complies with paragraph (c) of this section; and

(ii) The parties will perform the contract in compliance with the joint venture agreement.

* * * * *

**§ 126.617 [Amended]**

■ 51. Amend § 126.617 as follows:

■ a. In the section heading, remove the phrase ''qualified HUBZone SBC'' and add in its place the phrase ''certified HUBZone small business concern'';

■ b. Remove the phrase ''qualified HUBZone SBC'' and add in its place the phrase ''certified HUBZone small business concern''.

**§ 126.618 [Amended]**

■ 52. Amend § 126.618 as follows:
■ a. In paragraph (a), remove the phrase ''the underlying HUBZone requirements'' and add in its place the phrase ''the HUBZone requirements described in § 126.200'';
■ b. In paragraphs (a) through (c), remove the phrase ''qualified HUBZone SBC'' wherever it appears and add in its place the phrase ''certified HUBZone small business concern'';
■ c. In paragraph (c)(1), remove the phrase ''HUBZone SBC'' and add in its place the phrase ''certified HUBZone small business concern'';
■ d. In paragraphs (c)(1) and (c)(2), remove the phrase ''performance of work'' wherever it appears and add in its place the phrase ''limitations on subcontracting''.
■ 53. Add § 126.619 to read as follows:

**§ 126.619 When must a certified HUBZone small business concern recertify its status for a HUBZone contract?**

(a) A concern that is a certified HUBZone small business concern at the time of initial offer (including a Multiple Award Contract) is generally considered a HUBZone small business concern throughout the life of that contract.

(1) If a concern is a certified HUBZone small business concern at the time of initial offer for a HUBZone Multiple Award Contract, then it will be considered a certified HUBZone small business concern for each order issued against the contract, unless a contracting officer requests a new HUBZone certification in connection with a specific order.

(2) Where the underlying Multiple Award Contract is not a HUBZone contract and a procuring agency is setting aside an order for the HUBZone program, a firm must be a certified HUBZone small business concern and appear in DSBS (or successor system) as a certified HUBZone small business concern at the time it submits its offer for the order.

(3) Where a HUBZone contract is novated to another business concern, the concern that will continue performance on the contract must certify its status as a certified HUBZone small business concern to the procuring agency, or inform the procuring agency that it is not a certified HUBZone small business concern, within 30 days of the novation approval. If the concern is not a certified HUBZone small business concern, the agency can no longer count any work performed under the contract, including any options or orders issued pursuant to the contract, from that point forward towards its HUBZone goals.

(4) Where a concern that is performing a HUBZone contract acquires, is acquired by, or merges with another concern and contract novation is not required, the concern must, within 30 days of the transaction becoming final, recertify its status as a certified HUBZone small business concern status to the procuring agency, or inform the procuring agency that it no longer qualifies as a HUBZone small business concern. If the contractor is unable to recertify its status as a HUBZone small business concern, the agency can no longer count the options or orders issued pursuant to the contract, from that point forward, towards its HUBZone goals. The agency must immediately revise all applicable Federal contract databases to reflect the new status.

(5) Where a concern is decertified after the award of a HUBZone contract, the procuring agency may exercise options and still count the award as an award to a HUBZone small business concern, except where recertification is required or requested under this section.

(b) For the purposes of contracts (including Multiple Award Contracts) with durations of more than five years (including options), a contracting officer must request that a business concern recertify its status as a HUBZone small business concern no more than 120 days prior to the end of the fifth year of the contract, and no more than 120 days prior to exercising any option.

(1) If the concern cannot recertify that it qualifies as a HUBZone small business concern, the agency can no longer count the options or orders issued pursuant to the contract, from that point forward, towards its HUBZone goals. This means that if the firm either no longer meets the HUBZone eligibility requirements or no longer qualifies as small for the size standard corresponding to NAICS code assigned to the contract, the agency can no longer count the options or orders issued pursuant to the contract, from that point forward, towards its HUBZone goals.

(2) A concern that did not certify itself as a HUBZone small business concern, either initially or prior to an option being exercised, may recertify itself as a HUBZone small business concern for a subsequent option period if it meets the eligibility requirements at that time.

(3) Recertification does not change the terms and conditions of the contract. The limitations on subcontracting, nonmanufacturer and subcontracting plan requirements in effect at the time of contract award remain in effect throughout the life of the contract.

(4) Where the contracting officer explicitly requires concerns to recertify their status in response to a solicitation for an order, SBA will determine eligibility as of the date of the firm's initial certification or, if applicable, its most recent recertification.

(c) A concern's status will be determined at the time of submission of its initial response to a solicitation for and award of an Agreement (including Blanket Purchase Agreements (BPAs), Basic Agreements, Basic Ordering Agreements, or any other Agreement that a contracting officer sets aside or reserves awards for certified HUBZone small business concerns) and each order issued pursuant to the Agreement.
■ 54. Revise § 126.700 to read as follows:

**§ 126.700 What are the limitations on subcontracting requirements for HUBZone contracts?**

(a) *Other than Multiple Award Contracts.* For other than a Multiple Award Contract, a prime contractor receiving an award as a certified HUBZone small business concern must meet the limitations on subcontracting requirements set forth in § 125.6 of this chapter.

(b) *Multiple Award Contracts.*—(1) *Total Set-Aside Contracts.* For a Multiple Award Contract that is totally set aside for certified HUBZone small business concerns, a certified HUBZone small business concern must comply with the applicable limitations on subcontracting (*see* § 126.5), or if applicable, the nonmanufacturer rule (*see* § 121.406 of this chapter), during the base term and during each subsequent option period. However, the contracting officer, at his or her discretion, may also require the concern to comply with the limitations on subcontracting or the nonmanufacturer rule for each individual order awarded under the Multiple Award Contract.

(2) *Partial Set-Aside Contracts.* For Multiple Award Contracts that are partially set aside for certified HUBZone small business concerns, paragraph (b)(1) of this section applies to the set-aside portion of the contract. For orders awarded under the non-set-aside portion of a Multiple Award Contract, a certified HUBZone small business concern need not comply with any limitations on subcontracting or nonmanufacturer rule requirements.

(3) *Orders Set Aside for certified HUBZone small business concerns.* For each individual order that is set aside for certified HUBZone small business concerns under a Multiple Award Contract that is not itself setaside for certified HUBZone small business

concerns, a certified HUBZone small business concern must comply with the applicable limitations on subcontracting (*see* § 125.6 of this chapter), or if applicable, the nonmanufacturer rule (*see* § 121.406 of this chapter), in the performance of such order.

(4) *Reserves.* For an order that is set aside for certified HUBZone small business concerns against a Multiple Award Contract with a HUBZone reserve, a certified HUBZone small business concern must comply with the applicable limitations on subcontracting (see § 125.6 of this chapter), or if applicable, the nonmanufacturer rule (*see* § 121.406 of this chapter), in the performance of such order. However, the certified HUBZone small business concern does not have to comply with the limitations on subcontracting or the nonmanufacturer rule for any order issued against the Multiple Award Contract if the order is competed amongst certified HUBZone small business concerns and one or more other-than-small business concerns.

**§ 126.800 [Amended]**

■ 55. Amend § 126.800 as follows:
■ a. Amend the section heading by removing the phrase ''qualified HUBZone SBC'' and adding in its place the phrase ''certified HUBZone small business concern''; and
■ b. In paragraphs (a) and (b), remove the phrase ''qualified HUBZone SBC'' wherever it appears and add in its place the phrase ''certified HUBZone small business concern'';
■ 56. Amend § 126.801 as follows:
■ a. Revise the section heading;
■ b. Revise paragraphs (a), (b), and (c)(3); and
■ c. Revise the second and third sentences in paragraph (e).

The revisions read as follows:

**§ 126.801 How does an interested party file a HUBZone status protest?**

(a) *General.* (1) A HUBZone status protest is the process by which an interested party may challenge the HUBZone status of an apparent successful offeror on a HUBZone contract, including a HUBZone joint venture submitting an offer under § 126.616.

(2) The protest procedures described in this part are separate from those governing size protests and appeals. All protests relating to whether a certified HUBZone small business concern is other than small for purposes of any Federal program are subject to part 121 of this chapter and must be filed in accordance with that part. If a protester protests both the size of the HUBZone small business concern and whether the concern meets the HUBZone eligibility requirements set forth in § 126.200, SBA will process the protests concurrently, under the procedures set forth in part 121 of this chapter and this part.

(3) SBA does not review issues concerning the administration of a HUBZone contract.

(b) *Format and specificity.* (1) Protests must be in writing and must state all specific grounds for why the protested concern did not meet the HUBZone eligibility requirements set forth in § 126.200 at the time the concern applied for certification or at the time SBA last recertified the concern as a HUBZone small business concern. A protest merely asserting that the protested concern did not qualify as a HUBZone small business concern at the time of certification or recertification, without setting forth specific facts or allegations, is insufficient. A protest asserting that a firm was not in compliance with the HUBZone eligibility requirements at the time of offer or award will be dismissed.

(2) For a protest filed against a HUBZone joint venture, the protest must state all specific grounds for why—

(i) The HUBZone small business concern partner to the joint venture did not meet the HUBZone eligibility requirements set forth in § 126.200 at the time the concern applied for certification or at the time SBA last recertified the concern as a HUBZone small business concern; and/or

(ii) The protested HUBZone joint venture did not meet the requirements set forth in § 126.616 at the time the joint venture submitted an offer for a HUBZone contract.

(c) * * *

(3) Protestors may submit their protests by email to *hzprotests@sba.gov.*

* * * * *

(e) * * * The contracting officer must send the protest, along with a referral letter, to the D/HUB by email to *hzprotests@sba.gov.* The contracting officer's referral letter must include information pertaining to the solicitation that may be necessary for SBA to determine timeliness and standing, including the following:

(1) The solicitation number;

(2) The name, address, telephone number, email address, and facsimile number of the contracting officer;

(3) The type of HUBZone contract at issue;

(4) If the procurement was conducted using full and open competition with a HUBZone price evaluation preference, whether the protester's opportunity for award was affected by the preference;

(5) If the procurement was a HUBZone set-aside, whether the protester submitted an offer;

(6) Whether the protested concern was the apparent successful offeror;

(7) Whether the procurement was conducted using sealed bid or negotiated procedures;

(8) The bid opening date, if applicable;

(9) The date the protester was notified of the apparent successful offeror;

(10) The date the protest was submitted to the contracting officer;

(11) The date the protested firm submitted its initial offer or bid to the contracting activity; and

(12) Whether a contract has been awarded, and if applicable, the date of contract award and contract number.

**§ 126.802 [Amended]**

■ 57. Amend § 126.802 by removing the phrase ''has qualified HUBZone status'' and adding in its place the phrase ''qualifies as a certified HUBZone small business concern''.
■ 58. Amend § 126.803 by:
■ a. Revising the section heading;
■ b. Redesignating paragraphs (a) through (d) as paragraphs (b) through (e), respectively;
■ c. Adding new paragraph (a); and
■ d. Revising newly redesignated paragraphs (b)(2), (c), and (e).

The addition and revisions read as follows:

**§ 126.803 How will SBA process a HUBZone status protest and what are the possible outcomes?**

(a) *Date at which eligibility determined.* SBA will determine the eligibility of a concern subject to a HUBZone status protest as of the date of its initial certification or, if applicable, its most recent recertification.

(b) * * *

(2) If SBA determines the protest is timely and sufficiently specific, SBA will notify the protested concern of the protest and the identity of the protestor. The protested concern must submit information responsive to the protest within 3 business days of the date of receipt of the protest.

(c) *Time period for determination.* (1) SBA will determine the HUBZone status of the protested concern within 15 business days after receipt of a complete protest referral.

(2) If SBA does not issue its determination within 15 business days (or request an extension that is granted), the contracting officer may award the contract if he or she determines in writing that there is an immediate need to award the contract and that waiting until SBA makes its determination will

be disadvantageous to the Government. Notwithstanding such a determination, the provisions of paragraph (d) of this section apply to the procurement in question.

* * * * *

(e) *Effect of determination.* The determination is effective immediately and is final unless overturned on appeal by the AA/GC&BD, or designee, pursuant to § 126.805.

(1) *Protest sustained.* If the D/HUB finds the protested concern ineligible and sustains the protest, SBA will decertify the concern and remove its designation as a certified HUBZone small business concern in DSBS (or successor system). A contracting officer shall not award a contract to a protested concern that the D/HUB has determined is not an eligible HUBZone small business concern for the procurement in question.

(i) *No appeal filed.* If a contracting officer receives a determination sustaining a protest after contract award, and no appeal has been filed, the contracting officer shall terminate the award.

(ii) *Appeal filed.* (A) If a timely appeal is filed after contract award, the contracting officer must consider whether performance can be suspended until an appellate decision is rendered.

(B) If the AA/GCBD affirms the initial determination finding the protested concern ineligible, the contracting officer shall either terminate the contract or not exercise the next option.

(iii) *Update FPDS–NG.* Where the contract was awarded to a firm that is found not to qualify as a HUBZone small business concern, the contracting officer must update the Federal Procurement Data System-Next Generation (FPDS–NG) and other procurement reporting databases to reflect the final agency HUBZone decision (*i.e.,* the D/HUB's decision if no appeal is filed, or the decision of the AA/GCBD if the protest is appealed).

(2) *Protest dismissed or denied.* If the D/HUB denies or dismisses the protest, the contracting officer may award the contract to the protested concern.

(i) *No appeal filed.* If a contracting officer receives a determination dismissing or denying a protest and no appeal has been filed, the contracting officer may:

(A) Award the contract to the protested concern if it has not yet been awarded; or

(B) Authorize contract performance to proceed if the contract has been awarded.

(ii) *Appeal filed.* If the AA/GCBD overturns the initial determination or dismissal, the contracting officer may apply the appeal decision to the procurement in question.

(3) A concern found to be ineligible is precluded from applying for HUBZone certification for ninety (90) calendar days from the date of the final agency decision (the D/HUB's decision if no appeal is filed, or the decision of the AA/GCBD if the protest is appealed).

## PART 127—WOMEN-OWNED SMALL BUSINESS FEDERAL CONTRACT PROGRAM

■ 59. Amend § 127.602 by redesignating the text of § 127.602 as paragraph (a) and adding paragraph (b).

The addition reads as follows:

### § 127.602 What are the grounds for filing an EDWOSB or WOSB status protest?

* * * * *

(b) For a protest filed against an EDWOSB or WOSB joint venture, the protest must state all specific grounds for why—

(1) The EDOWSB or WOSB partner to the joint venture did not meet the EDWOSB or WOSB eligibility requirements set forth in § 127.200; and/or

(2) The protested EDWOSB or WOSB joint venture did not meet the requirements set forth in § 127.506.

Dated: October 19, 2018.

**Linda E. McMahon,**

*Administrator.*

[FR Doc. 2018–23285 Filed 10–30–18; 8:45 am]

BILLING CODE 8025–01–P


# FEDERAL REGISTER

Vol. 83 Wednesday,
No. 211 October 31, 2018

Part III

## The President

Federal Register
Vol. 83, No. 211
Wednesday, October 31, 2018

# Presidential Documents

**Title 3—**

**The President**

**Memorandum of October 26, 2018**

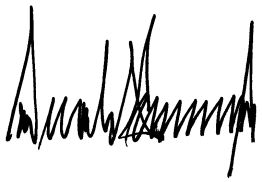
## Delegation of Authority Under Section 1069 of the National Defense Authorization Act for Fiscal Year 2019

**Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Attorney General[,] the Secretary of Homeland Security[,] the Director of the Office of Management and Budget[,] the Director of National Intelligence[,] the Director of the Central Intelligence Agency[, and] the Director of the Federal Bureau of Investigation**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of Defense, in consultation with the Secretary of State, the Attorney General, the Secretary of Homeland Security, the Director of the Office of Management and Budget, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the Director of the Federal Bureau of Investigation, the authority to provide the appropriate report on the effects of cyber-enabled information operations on the national security of the United States to the Congress as required by section 1069 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

The delegation in this memorandum shall apply to any provision of any future public law that is the same or substantially the same as the provision referenced in this memorandum.

The Secretary of Defense is authorized and directed to publish this memorandum in the *Federal Register.*



THE WHITE HOUSE,
*Washington, October 26, 2018*

[FR Doc. 2018–23971
Filed 10–30–18; 11:15 am]
Billing code 5001–06–P

# Presidential Documents

**Memorandum of October 26, 2018**

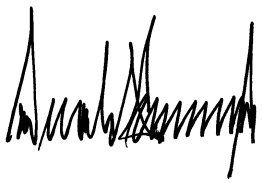
## Delegation of Authority Under Section 3132(d) of the National Defense Authorization Act for Fiscal Year 2019

**Memorandum for the Secretary of Defense[,] the Attorney General[,] the Secretary of Energy[,] the Secretary of Homeland Security[, and] the Director of National Intelligence**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of Energy, in coordination with the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, the authority to provide the briefing to the Congress called for by section 3132(d) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

The delegation in this memorandum shall apply to any provision of any future public law that is the same or substantially the same as the provision referenced in this memorandum.

The Secretary of Energy is authorized and directed to publish this memorandum in the *Federal Register.*



THE WHITE HOUSE,
*Washington, October 26, 2018*

[FR Doc. 2018–23973
Filed 10–30–18; 11:15 am]
Billing code 6450–01–P


# FEDERAL REGISTER

Vol. 83 Wednesday,
No. 211 October 31, 2018

Part IV

## The President

Federal Register
Vol. 83, No. 211
Wednesday, October 31, 2018

# Presidential Documents

**Title 3—**

## The President

**Proclamation 9811 of October 26, 2018**

## Establishment of the Camp Nelson National Monument

**By the President of the United States of America**

**A Proclamation**

Initially established as a Union Army supply depot and hospital, Camp Nelson, located in Jessamine County, Kentucky, was a key site of emancipation for African American soldiers and a refugee camp for their families during the Civil War. Camp Nelson was one of the largest Union Army recruitment centers for African American Union soldiers, then known as United States Colored Troops. During the war, thousands of enslaved African Americans risked their lives escaping to Camp Nelson, out of a deep desire for freedom and the right of self-determination. Today, the site is one of the best-preserved landscapes and archeological sites associated with United States Colored Troops recruitment and the refugee experiences of African American slaves seeking freedom during the Civil War.

Between 1863 and 1865, Camp Nelson served as a bustling Union Army encampment, hospital, and supply depot. From it, the Union Army dispatched soldiers, horses, and other supplies to support military operations at the Cumberland Gap and the frontlines in Tennessee and Virginia. During this time, enslaved individuals sought to gain their freedom by fleeing to Camp Nelson and other Union military installations in Kentucky. They placed their hope in places like Camp Nelson even though slavery was then legal in Kentucky. The Emancipation Proclamation, issued by President Abraham Lincoln on January 1, 1863, to free slaves from bondage, applied only to jurisdictions in which the people were in rebellion against the United States. As a strategically important border State, Kentucky had remained loyal to the Union and, therefore, was not within the proclamation's scope.

Kentucky was the last State in the Union to allow the enlistment of African American men. Beginning in April of 1864, however, the State allowed free African American men and enslaved men who had the express permission of their owners to enlist. Notwithstanding these limited avenues to enlistment, hundreds of enslaved men risked their lives fleeing slavery and arrived at Camp Nelson during the spring of 1864, with the goal of enlisting in the Union Army in order to gain their freedom and to fight for the freedom of others.

As the pressure to meet recruitment demands grew, the Union Army was forced to allow all able-bodied men who were of age to join the Army. Kentucky, in particular, was unable to meet its draft quotas with only white soldiers. In the summer after enslaved men began to arrive at Camp Nelson, in June of 1864, more than 500 United States Colored Troops were mustered into service. In July, a record 1,370 new African American troops enlisted in the Union Army. On the single biggest recruitment day—July 25, 1864—322 African American men enlisted at Camp Nelson. By the end of the Civil War, more than 23,000 African Americans had joined the Union Army in Kentucky, making it the second largest contributor of United States Colored Troops of any State. More than 10,000 of these troops enlisted or were trained at Camp Nelson. Eight United States Colored Troop regiments were founded at Camp Nelson and five other such regiments were stationed there during the war.

Many enslaved men who arrived at Camp Nelson in 1864 were accompanied by their families. Although enlisting in the Union Army allowed men to gain their own freedom, it did not have the same effect for their family members, who often remained slaves in the eyes of the law and struggled to support and defend themselves. African Americans at Camp Nelson who did not enlist built refugee encampments. And as United States Colored Troop recruitment continued to climb, so did the population of freedom-seeking refugees at Camp Nelson, despite efforts by the Union Army to break them up and return the enslaved individuals to their owners.

The Union Army's efforts to remove refugees from Camp Nelson culminated in the tragic, forced expulsion of approximately 400 African American women and children during frigid weather in November of 1864, causing the deaths of 102 refugees. That tragedy brought national attention and public support to the plight of the refugees at Camp Nelson. In response, the Union Army established the Camp Nelson Home for Colored Refugees in January 1865, creating a safe haven for the wives and children of enlisted African American soldiers in Jessamine County, Kentucky. Influenced by these events, the Congress took action in March of 1865 by emancipating the wives and children of any enlisted member of the United States Colored Troops. This law protected the refugees at Camp Nelson. It also provided an additional incentive for African American men to enlist in the Union Army, and caused recruitment to steadily climb through the end of the war. In fact, as of the spring of 1865, Camp Nelson and the refugee home were at their largest, with thousands of new recruits, Union troops, refugees, and civilians working and living in hundreds of structures.

In 1865, after the end of the war, the Department of War began the process of closing Camp Nelson. It took inventory of existing buildings and equipment and prepared to dismantle and abandon the camp. Many of Camp Nelson's military buildings, all of which were built as temporary structures to be used during wartime, were either sold and moved, or dismantled. Only a few structures, like the Oliver Perry house, which predated the camp's establishment, and the Camp Nelson Home for Colored Refugees, were left intact following the closure.

The Bureau of Refugees, Freedmen, and Abandoned Lands, more commonly referred to as the ''Freedmen's Bureau,'' assumed management of the Camp Nelson Home for Colored Refugees during the post-war transition. Many of the African Americans who lived at Camp Nelson had envisioned that the refugee home would be a center for a thriving post-war African American community. The policy of the Freedmen's Bureau, however, was to remove all refugees from military installations. By October of 1865, all of the former Civil War refugee camps in Kentucky and Tennessee had been closed, with the exception of Camp Nelson. While the refugee home officially closed in 1866, approximately 250 individuals stayed and sustained a community there, which today is known as Hall, Kentucky. And although no original buildings remain from the Camp Nelson Home for Colored Refugees, the descendants of refugees and soldiers maintain connections to Camp Nelson, and some still live in the Hall community.

The history of Camp Nelson is now told primarily through archival and military records, as well as rich archeological evidence from the site. The well-preserved in situ archeological resources associated with the military installation, recruitment camp, and refugee home provide robust opportunities for researchers to understand the African American experience during the Civil War. The broader Camp Nelson archeological record also provides opportunities for research and scholarship related to military history, race, identity, and gender during the Civil War—a pivotal chapter of the Nation's history. The preserved archeological resources at the sites of Camp Nelson and the Camp Nelson Home for Colored Refugees provide insight into what was once a place where formerly enslaved individuals experienced freedom and self-determination, and struggled to create a sense of home, amidst the chaos of war. Camp Nelson reminds us of the courage and determination

possessed by formerly enslaved African Americans as they fought for their freedom.

WHEREAS, section 320301 of title 54, United States Code (the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, the Camp Nelson Historic and Archeological District was designated as a National Historic Landmark in 2016 for its national significance as the site of one of the Nation's largest recruitment and training centers for African American soldiers during the Civil War, as well as a refugee camp for the families of those African American soldiers;

WHEREAS, Jessamine County, Kentucky, has donated to the American Battlefield Trust fee title to the Camp Nelson Civil War Heritage Park, located at 6614 Danville Road, Nicholasville, Kentucky, totaling approximately 373 acres, and the nearby property containing archeological evidence of the Camp Nelson Home for Colored Refugees, totaling approximately 7 acres (collectively, the Camp Nelson site);

WHEREAS, the American Battlefield Trust has relinquished fee title to these properties to the Federal Government;

WHEREAS, the designation of a national monument to be administered by the National Park Service (NPS) would recognize the historic significance of the Camp Nelson site, particularly the events that transpired at this location during and after the Civil War, and provide a national platform for preserving this history;

WHEREAS, the NPS intends to cooperate with Jessamine County, Kentucky, in the preservation, interpretation, operation, and maintenance of, and in educating about, the Camp Nelson site;

WHEREAS, it is in the public interest to preserve and protect the Camp Nelson site, in Jessamine County, Kentucky, and the objects of historic interest therein;

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Camp Nelson National Monument (monument) and, for the purpose of protecting those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map entitled ''Camp Nelson National Monument, Nicholasville, Kentucky,'' which is attached to and forms a part of this proclamation. The reserved Federal lands and interests in lands encompass approximately 380 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights. If the Federal Government acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated

upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

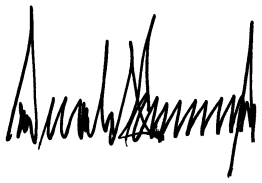
The Secretary of the Interior (Secretary) shall manage the monument through the NPS, pursuant to applicable legal authorities, consistent with the purposes and provisions of this proclamation. The Secretary shall prepare a management plan with full and appropriate public involvement within 3 years of the date of this proclamation. The management plan shall ensure that the monument fulfills the following purposes for the benefit of present and future generations: (1) to preserve and protect the objects of historic interest within the monument, and (2) to interpret the objects, resources, and values related to the Camp Nelson site. The management plan shall also set forth the desired relationship of the monument to other related resources, programs, and organizations, both within and outside the National Park System.

The NPS is directed to use applicable authorities to seek to enter into agreements with others, including Jessamine County, to address common interests and promote management efficiencies, including provision of visitor services, interpretation and education, establishment and care of museum collections, and preservation of historic objects.

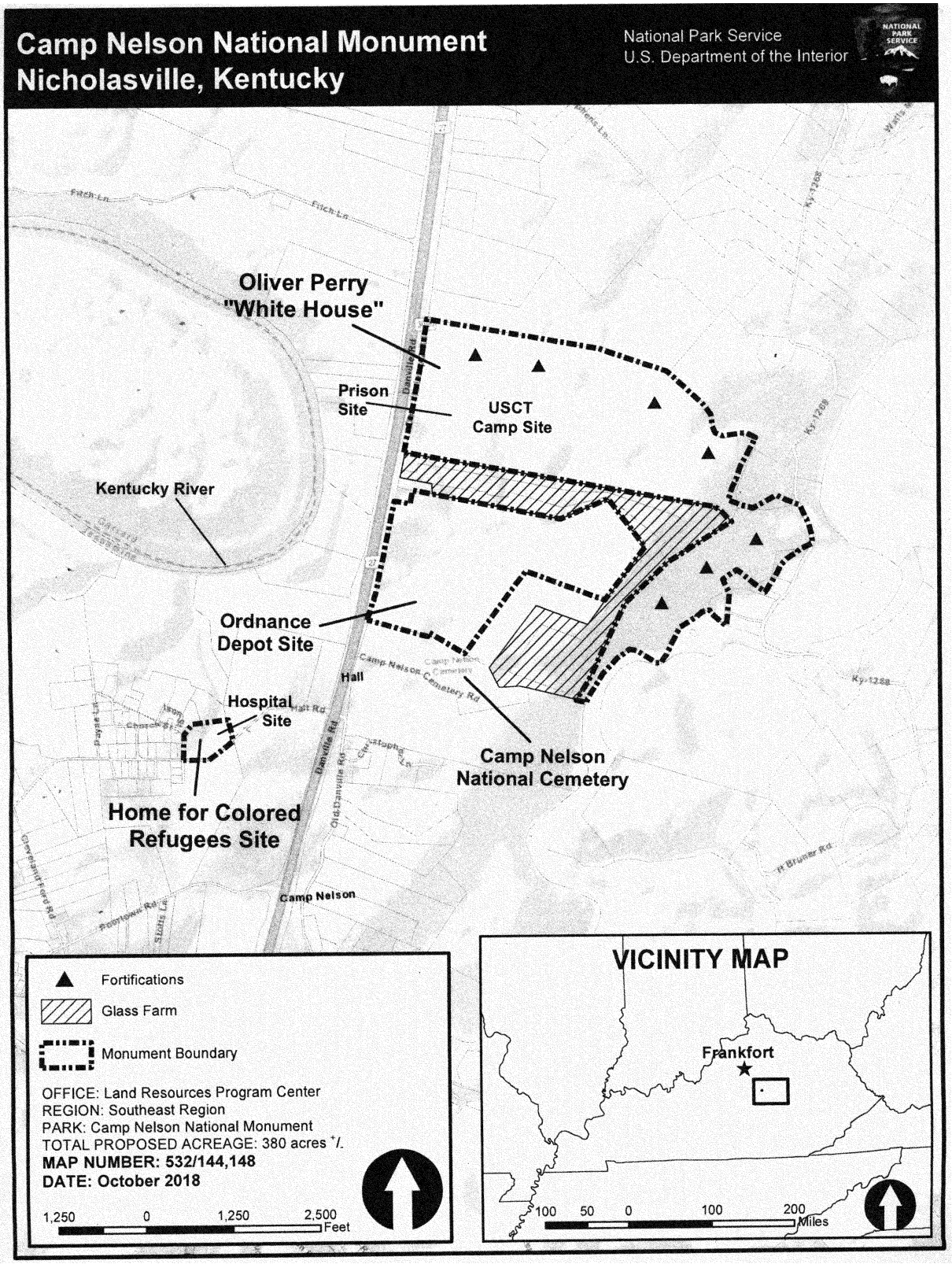
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given that no unauthorized persons shall appropriate, injure, destroy, or remove any feature of this monument, or locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.



Billing code 3295–F9–P




[FR Doc. 2018–24027

Filed 10–30–18; 2:00 p.m.]

Billing code 3295–F9–C

# Presidential Documents

**Proclamation 9812 of October 27, 2018**

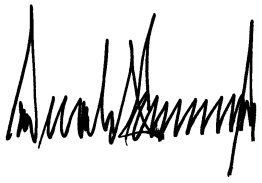
## Honoring the Victims of the Tragedy in Pittsburgh, Pennsylvania

**By the President of the United States of America**

**A Proclamation**

As a mark of solemn respect for the victims of the terrible act of violence perpetrated at The Tree of Life Synagogue in Pittsburgh, Pennsylvania, on October 27, 2018, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, October 31, 2018. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.



[FR Doc. 2018–24030
Filed 10–30–18; 2:00 pm]
Billing code 3295–F9–P

# Presidential Documents

**Proclamation 9813 of October 30, 2018**

## To Modify the List of Products Eligible for Duty-Free Treatment Under the Generalized System of Preferences

**By the President of the United States of America**

**A Proclamation**

1. Pursuant to section 503(c)(1) of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2463(c)(1)), the President may withdraw, suspend, or limit application of the duty-free treatment that is accorded to specified articles under the Generalized System of Preferences (GSP) when imported from designated beneficiary developing countries.

2. Pursuant to section 503(c)(1) of the 1974 Act, and having considered the factors set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)), I have determined to withdraw the application of the duty-free treatment accorded to a certain article.

3. Section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)) subjects beneficiary developing countries, except those designated as least-developed beneficiary developing countries or beneficiary sub-Saharan African countries as provided in section 503(c)(2)(D) of the 1974 Act (19 U.S.C. 2463(c)(2)(D)), to competitive-need limitations on the duty-free treatment accorded to eligible articles under the GSP.

4. Pursuant to section 503(c)(2)(A) of the 1974 Act, I have determined that in 2017 certain beneficiary developing countries exported eligible articles in quantities exceeding the applicable competitive-need limitations. I hereby terminate the duty-free treatment for such articles from such beneficiary developing countries.

5. Section 503(d)(1) of the 1974 Act (19 U.S.C. 2463(d)(1)) provides that the President may waive the application of the competitive-need limitations in section 503(c)(2) of the 1974 Act with respect to any eligible article from any beneficiary developing country if certain conditions are met.

6. Pursuant to section 503(d)(1) of the 1974 Act, I have received the advice of the United States International Trade Commission on whether any industry in the United States is likely to be adversely affected by such waivers of the competitive-need limitations provided in section 503(c)(2) of the 1974 Act. I have determined, based on that advice and the considerations described in sections 501 and 502(c) of the 1974 Act, and having given great weight to the considerations in section 503(d)(2) of the 1974 Act (19 U.S.C. 2463(d)(2)), that such waivers are in the national economic interest of the United States. Accordingly, I have determined that the competitive-need limitations of section 503(c)(2) of the 1974 Act should be waived with respect to certain eligible articles from certain beneficiary developing countries.

7. Section 503(c)(2)(C) of the 1974 Act (19 U.S.C. 2463(c)(2)(C)) provides that a country that is no longer treated as a beneficiary developing country with respect to an eligible article may be redesignated as a beneficiary developing country with respect to such article, subject to the considerations set forth in sections 501 and 502 of the 1974 Act, if imports of such article from such country did not exceed the competitive-need limitations in section 503(c)(2)(A) of the 1974 Act during the preceding calendar year.

8. Pursuant to section 503(c)(2)(C) of the 1974 Act, and having taken into account the considerations set forth in sections 501 and 502 of the 1974 Act, I have determined to redesignate a certain country as a beneficiary developing country with respect to a certain eligible article that during the preceding calendar year had been imported in quantities not exceeding the competitive-need limitations of section 503(c)(2)(A) of the 1974 Act.

9. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of the 1974 Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including title V and section 604 of the 1974 Act, do hereby proclaim that:

(1) In order to provide that several countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in sections A, B, C, and D of Annex I to this proclamation.

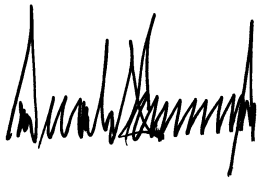
(2) In order to redesignate a certain article as an eligible article for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in sections E and F of Annex I to this proclamation.

(3) A waiver of the application of section 503(c)(2) of the 1974 Act shall apply to the eligible articles in the HTS subheadings exported by the beneficiary developing countries as set forth in Annex II to this proclamation.

(4) The modifications to the HTS set forth in Annexes I and II of this proclamation shall be effective with respect to articles entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on November 1, 2018.

(5) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-third.



Billing code 3295–F9–P

## Annex I

### Modifications to the Harmonized Tariff Schedule of the United States

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on November 1, 2018, the Harmonized Tariff Schedule of the United States (HTS) is modified for the following subheadings:

**Section A**

The HTS is modified as provided herein, with the language in the new tariff provisions inserted in the HTS columns labeled *Heading/Subheading*, *Article Description*, *Rates of Duty 1-General*, *Rates of Duty 1-Special*, and *Rates of Duty 2*, respectively:

Subheading 2009.89.60 is deleted and the following new provisions are inserted in lieu thereof:

| Heading/ Subheading | Article description | Rates of Duty | | |
|---|---|---|---|---|
| | | 1 | | 2 |
| | | General | Special | |
| [2009] | [Fruit juices (including grape must) and vegetable juices, not fortified with vitamins or minerals, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter:] | | | |
| | [Juice of any single fruit or vegetable:] | | | |
| [2009.89] | [Other:] | | | |
| | [Fruit Juice:] | | | |
| "2009.89.65 | Cherry juice..... | 0.5¢/liter | Free (A*, AU, BH, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) | 18¢/ liter |
| 2009.89.70 | Other..... | 0.5¢/liter | Free (A*, AU, BH, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) | 18¢/ liter" |

**Section B**

General note 4(d) to the HTS is modified by deleting, in numerical sequence, the following subheading number and the country set out opposite such subheading numbers:

"2009.89.60 Ukraine"

General note 4(d) to the HTS is modified by adding, in numerical sequence, the following subheading numbers and countries set out opposite such subheading numbers:

"2009.89.65 Turkey, Ukraine
2009.89.70 Ukraine"

**Section C**

For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting the symbol "A*" in lieu thereof:

"0304.91.90
0304.92.90
0304.93.90
0305.20.20
0405.20.80
0603.13.00
0710.80.50
0711.40.00
0713.34.20
0713.60.60
0714.30.60
0714.50.60
0802.80.10
0810.60.00
0813.40.10
0813.40.80
1103.19.14
1202.41.40
1301.90.40
1602.50.05
1806.90.01
2001.90.45
2005.80.00
2006.00.70
2008.11.25
2008.99.50
2516.20.20
2827.39.25
2827.39.45
2828.10.00
2831.90.00
2833.29.40
2834.10.10
2840.11.00
2841.61.00
2841.70.50
2844.30.10
2903.83.00
2904.10.08
2904.99.04
2907.15.10
2907.29.25
2908.19.20
2909.19.18
2913.00.50
2914.31.00
2914.40.10
2915.50.20
2916.19.50
2918.13.50
2920.23.00
2921.42.21
2921.42.23
2922.29.26
2924.29.36
2924.29.43
2926.10.00
2930.90.30
2931.32.00
2931.34.00
2932.99.08
2933.19.35
2933.99.06
2933.99.85
2935.90.20
3301.13.00

3603.00.60
3802.90.10
3824.99.32
3920.94.00
4012.90.45
4101.90.40
4104.11.30
4107.12.40
4107.19.40
4107.91.40
4107.99.80
4411.12.90
4602.19.23
5209.31.30
5209.41.30
5607.90.35
5702.92.10
6802.99.00
7113.20.25
7202.11.10
7403.19.00
8112.19.00
8410.13.00
8443.11.10
8450.20.00
9205.90.14
9614.00.26
9620.00.15"

**Section D**

General note 4(d) to the HTS is modified by adding, for each of the subheading numbers set out below, the country set out opposite such subheading number in alphabetical sequence:

1702.90.10 "Argentina"
2906.19.30 "Brazil"
4418.73.30 "Thailand"

General note 4(d) to the HTS is modified by adding, in numerical sequence the following subheading numbers and the countries set out opposite such subheading numbers:

| | | | |
|---|---|---|---|
| "0304.91.90 | Ecuador | 2001.90.45 | India |
| 0304.92.90 | Falkland Islands (Islas Malvinas) | 2005.80.00 | Thailand |
| | | 2006.00.70 | Thailand |
| 0304.93.90 | Suriname | 2008.11.25 | Argentina |
| 0305.20.20 | Pakistan | 2008.99.50 | Thailand |
| 0405.20.80 | India | 2516.20.20 | India |
| 0603.13.00 | Thailand | 2827.39.25 | India |
| 0710.80.50 | Turkey | 2827.39.45 | India |
| 0711.40.00 | India | 2828.10.00 | India |
| 0713.34.20 | Belize | 2831.90.00 | India |
| 0713.60.60 | India | 2833.29.40 | Turkey |
| 0714.30.60 | The Philippines | 2834.10.10 | India |
| 0714.50.60 | Ecuador | 2840.11.00 | Turkey |
| 0802.80.10 | India | 2841.61.00 | India |
| 0810.60.00 | Thailand | 2841.70.50 | India |
| 0813.40.10 | Thailand | 2844.30.10 | India |
| 0813.40.80 | Thailand | 2903.83.00 | India |
| 1103.19.14 | India | 2904.10.08 | India |
| 1202.41.40 | Ecuador | 2904.99.04 | India |
| 1301.90.40 | India | 2907.15.10 | India |
| 1602.50.05 | Brazil | 2907.29.25 | India |
| 1806.90.01 | Ecuador | 2908.19.20 | India |

| | |
|---|---|
| 2909.19.18 | Brazil |
| 2913.00.50 | India |
| 2914.31.00 | India |
| 2914.40.10 | Brazil |
| 2915.50.20 | India |
| 2916.19.50 | Indonesia |
| 2918.13.50 | India |
| 2920.23.00 | India |
| 2921.42.21 | India |
| 2921.42.23 | India |
| 2922.29.26 | India |
| 2924.29.36 | India |
| 2924.29.43 | India |
| 2926.10.00 | Brazil |
| 2930.90.30 | India |
| 2931.32.00 | India |
| 2931.34.00 | India |
| 2932.99.08 | India |
| 2933.19.35 | India |
| 2933.99.06 | India |
| 2933.99.85 | India |
| 2935.90.20 | India |
| 3301.13.00 | Argentina |
| 3603.00.60 | Bosnia and Herzegovina |
| 3802.90.10 | Brazil |
| 3824.99.32 | Brazil |
| 3920.94.00 | India |
| 4012.90.45 | Brazil |
| 4101.90.40 | Brazil |
| 4104.11.30 | India |
| 4107.12.40 | India |
| 4107.19.40 | India |
| 4107.91.40 | India |
| 4107.99.80 | Brazil |
| 4411.12.90 | Brazil |
| 4602.19.23 | The Philippines |
| 5209.31.30 | India |
| 5209.41.30 | India |
| 5607.90.35 | The Philippines |
| 5702.92.10 | India |
| 6802.99.00 | Brazil |
| 7113.20.25 | India |
| 7202.11.10 | Brazil |
| 7403.19.00 | Brazil |
| 8112.19.00 | Kazakhstan |
| 8410.13.00 | Brazil |
| 8443.11.10 | Thailand |
| 8450.20.00 | Thailand |
| 9205.90.14 | India |
| 9614.00.26 | Egypt |
| 9620.00.15 | Thailand" |

**Section E**

For each of the following subheadings, the Rates of Duty 1-Special is modified by deleting the symbol "A*" and inserting the symbol "A" in lieu thereof:

"2841.90.20"

**Section F**

General note 4(d) to the HTS is modified by removing the following subheading numbers and the countries set out opposite such subheading numbers:

"2841.90.20 Kazakhstan"

## Annex II

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on November 1, 2018, the Harmonized Tariff Schedule of the United States (HTS) is modified for the following subheadings:

HTS Subheadings and Countries Granted a Waiver of the Application of Section 503(c)(2)(A) of the 1974 Act:

| | |
|---|---|
| "0410.00.00 | Indonesia |
| 2836.91.00 | Argentina |
| 7202.50.00 | Kazakhstan" |

[FR Doc. 2018–24032

Filed 10–30–18; 2:00 p.m.]

Billing code 7020–02–C

# Reader Aids

**Federal Register**

Vol. 83, No. 211

Wednesday, October 31, 2018

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