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

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2018–0958; Product Identifier 2018–NM–139–AD; Amendment 39–19491; AD 2018–23–05]

RIN 2120–AA64

#### Airworthiness Directives; Airbus SAS Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Airbus SAS Model A350–941 and –1041 airplanes. This AD was prompted by a report of a close gap between the wing lower cover (WLC) and wing rib feet. This AD requires revising the operator's minimum equipment list (MEL) to change certain MEL items. This AD also requires an inspection for discrepancies and structural damage of certain wing rib foot locations, and related investigative and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective November 23, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 23, 2018.

We must receive comments on this AD by December 24, 2018.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–

30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No. 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email [continued-airworthiness.a350@airbus.com](mailto:continued-airworthiness.a350@airbus.com); internet <http://www.airbus.com>. You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–0958.

#### 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–2018–0958; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0220, dated October 12, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition

for certain Airbus SAS Model A350–941 and –1041 airplanes. The MCAI states:

A deviation was identified on certain A350 aeroplanes, where a gap check between some wing rib feet and the wing lower cover (WLC) was not systematically performed. Due to tolerance build-up during wing manufacture, close gap between the WLC and wing rib feet could occur in some locations. Under some flight loading conditions, intermittent or permanent contact may occur.

This condition, if not detected and corrected, combined with an empty fuel tank or fuel level below the rib foot area, could create an ignition source for the fuel vapour inside the tanks which, in case of a lightning strike of high intensity in the immediate area, could possibly result in ignition of the fuel-air mixture in the affected fuel tank and consequent loss of the aeroplane.

To address this potential unsafe condition, Airbus issued the AOT [Alert Operators Transmission A57P011–18] to provide inspection instructions, and an MER [major event revision] of the A350 MMEL [master minimum equipment list] that incorporates temporary restrictions of the MMEL items related to the fuel tank inerting system.

For the reasons described above, this [EASA] AD requires implementation of certain dispatch restrictions. This [EASA] AD also requires a one-time detailed inspection (DET) of the affected areas and, depending on findings, accomplishment of applicable corrective action(s). No findings, or accomplishment of [related investigative and] corrective action(s), as applicable, allows removal of the MMEL restrictions.

This [EASA] AD is considered to be an interim action and further [EASA] AD action may follow.

The inspection is intended to detect structural damage as well as other discrepancies including missing sealant at each wing rib foot location and a close gap between the wing rib foot and the WLC inboard and outboard side of the rib.

You may examine the MCAI on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–0958.

#### Related Service Information Under 14 CFR Part 51

Airbus has issued Alert Operators Transmission A57P011–18, dated October 8, 2018, which describes procedures for a detailed inspection and related investigative and corrective actions. Related investigative actions include a gap check. Corrective actions include rework of the wing rib foot and repair. This service information is reasonably available because the interested parties have access to it

through their normal course of business or by the means identified in the ADDRESSES section.

FAA’s Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD revises the operator’s MEL to change certain MEL items. This AD also requires an inspection for discrepancies and structural damage of certain wing rib foot locations, and related investigative and corrective actions if necessary.

Differences Between This AD and the MCAI

The MCAI specifies to revise the MMEL to change certain MMEL items. This AD refers to the operator’s MEL instead of the MMEL. It is unnecessary

to reference the MMEL, as operators are required in 14 CFR part 91 to have an MEL to operate with inoperable equipment and provisions for relief cannot be in an MEL without first being part of the MMEL. The intent of the provision has not changed.

FAA’s Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because contact between the WLC and wing rib feet, combined with an empty fuel tank or fuel level below the wing rib foot area, could create an ignition source for the fuel vapor inside the tanks. In case of a lightning strike of high intensity in the immediate area, this condition could possibly result in ignition of the fuel-air mixture in the affected fuel tank and consequent loss of the airplane. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2018–0958; Product Identifier 2018–NM–139–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

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

Costs of Compliance

We estimate that this AD affects 1 airplane of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
60 work-hours × \$85 per hour = \$5,100 .....	\$0	\$5,100	\$5,100

We have received no definitive data that would enable us to provide cost estimates for on-condition repair of

structural damage specified in this AD. We estimate the following costs to do any necessary on-condition actions that

would be required to address other discrepancies based on the results of any required actions.

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
10 work-hours × \$85 per hour = \$850 .....	\$0	\$850

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: “General requirements.” Under that

section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service,

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



## Regulatory Findings

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

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

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

## List of Subjects in 14 CFR Part 39

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

## Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**2018–23–05 Airbus SAS:** Amendment 39–19491; Docket No. FAA–2018–0958; Product Identifier 2018–NM–139–AD.

### (a) Effective Date

This AD becomes effective November 23, 2018.

### (b) Affected ADs

None.

### (c) Applicability

This AD applies to the Airbus SAS airplanes, certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model A350–941 airplanes, manufacturer serial numbers (MSNs) 203, 205, 208, 209, 210, 212, 213, 218, 219, 221, 227, 228, and 235.

(2) Model A350–1041 airplanes, MSN 188.

## (d) Subject

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

## (e) Reason

This AD was prompted by a report of a close gap between the wing lower cover (WLC) and wing rib feet. We are issuing this AD to address potential contact between the WLC and wing rib feet, which, combined with an empty fuel tank or fuel level below the wing rib foot area, could create an ignition source for the fuel vapor inside the tanks. In case of a lightning strike of high intensity in the immediate area, this condition could possibly result in ignition of the fuel-air mixture in the affected fuel tank and consequent loss of the airplane.

## (f) Compliance

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

## (g) Minimum Equipment List (MEL) Revision

Within 30 days after the effective date of this AD, revise the operator's MEL to prohibit dispatch of the airplane with any inoperative MEL item listed in figure 1 to paragraphs (g) and (i) of this AD.

4910–13–P

Sequence No.	Item
21–09–01 .....	AIR OVHT ON FUEL INERTING 1(2) Message.
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21–50–02C .....	Pack 1 Valve—Both valves inoperative.
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21–50–04B .....	Pack Flow Sensor—Both sensors inoperative on the same pack.
21–50–07C .....	Pack Ram Air Inlet Door—Associated pack considered inoperative.
21–50–08A .....	Pack Ram Air Outlet Door—Failed open.
21–50–08C .....	Pack Ram Air Outlet Door—Associated pack considered inoperative.
21–50–09B .....	Pack Control Channel—Both channels inoperative.
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42–41–20 .....	CRDC B05.
42–41–21 .....	CRDC B06.
47–10–01 .....	FTIS.

BILLING CODE 4910-13-C

**(h) Inspection**

Within 3 months after the effective date of this AD, accomplish a detailed inspection to detect discrepancies and structural damage at the wing rib foot locations specified in, and in accordance with Airbus Alert Operators Transmission A57P011-18, dated October 8, 2018.

(1) If any discrepancy is detected, do all applicable related investigative and corrective actions before further flight, in accordance with Airbus Alert Operators Transmission A57P011-18, dated October 8, 2018.

(2) If any structural damage is detected, before further flight obtain corrective actions approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus SAS's EASA Design Organization Approval (DOA) and accomplish the corrective actions within the compliance time specified therein. If approved by the DOA, the approval must include the DOA-authorized signature.

**(i) Relief From MEL Restrictions**

After accomplishment of the inspection and all applicable related investigative and corrective actions required by paragraph (h) of this AD on an operator's fleet, the MEL revision specified in paragraph (g) of this AD is no longer required by this AD, and the provisions for relief for the affected MEL items in figure 1 to paragraphs (g) and (i) of this AD may be restored, provided those items are not otherwise restricted by the existing master minimum equipment list (MMEL).

**(j) Reporting Provisions**

Although Airbus Alert Operators Transmission A57P011-18, dated October 8, 2018, specifies sending inspection results to Airbus, this AD does not require a report.

**(k) Other FAA AD Provisions**

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by

the DOA, the approval must include the DOA-authorized signature.

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

**(l) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018-0220, dated October 12, 2018, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0958.

(2) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3218.

**(m) Material Incorporated by Reference**

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

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

(i) Airbus Alert Operators Transmission A57P011-18, dated October 8, 2018.

(ii) [Reserved]

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email [continued-airworthiness.a350@airbus.com](mailto:continued-airworthiness.a350@airbus.com); internet <http://www.airbus.com>.

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

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

Issued in Des Moines, Washington, on October 26, 2018.

**Michael Kaszycki,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2018-24391 Filed 11-7-18; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2018-0934; Product Identifier 2018-NE-35-AD; Amendment 39-19478; AD 2018-22-05]

RIN 2120-AA64

**Airworthiness Directives; Engine Alliance Turbofan Engines**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for all Engine Alliance (EA) GP7270, GP7272, and GP7277 turbofan engines with a certain high-pressure turbine (HPT) case installed. This AD requires removal of affected HPT stator cases (HPT cases) from service and their replacement with a part eligible for installation. This AD was prompted by the discovery of a quality escape at a manufacturing facility involving unapproved welds on HPT cases. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective November 23, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 23, 2018.

We must receive comments on this AD by December 24, 2018.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Engine Alliance, 411 Silver Lane, East Hartford, CT 06118; phone: 800-565-0140; email: [help24@pw.utc.com](mailto:help24@pw.utc.com); website: [www.engineallianceportal.com](http://www.engineallianceportal.com). You may view this service information at the

FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781-238-7759. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0934.

#### 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-2018-0934; 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 street address for the Docket Operations (phone: 800-647-5527) is listed above. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Matthew Smith, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7735; fax: 781-238-7199; email: [matthew.c.smith@faa.gov](mailto:matthew.c.smith@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We learned from EA of a quality escape at one of their suppliers, AECC Aero Science and Technology Co., Ltd., which was performing welds on newly-manufactured components to correct errors introduced in their manufacturing process. These welds were not reviewed or approved by either EA or the FAA. EA's review of manufacturing records determined that these parts include HPT cases installed on EA GP7270, GP7272,

and GP7277 turbopfan engines. These HPT cases are life limited. The unapproved repairs reduced the material capability of these HPT cases, which requires their removal prior to reaching their published Airworthiness Limitation Section life limit. This condition, if not addressed, could result in failure of the HPT case, engine fire, and damage to the airplane. We are issuing this AD to address the unsafe condition on these products.

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

We reviewed EA Alert Service Bulletin (ASB) EAGP7-A72-401, dated August 23, 2018; and EA Service Bulletin (SB) EAGP7-72-399, dated June 4, 2018. EA ASB EAGP7-A72-401 describes procedures for removing and replacing the affected HPT case, within the identified cycles. EA SB EAGP7-72-399 describes procedures for removing and replacing the affected HPT case within the specified part cycles since new or part cycles since overhaul. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

#### FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

#### AD Requirements

This AD requires removal of the affected HPT cases from service and their replacement with a part eligible for installation.

#### FAA's Justification and Determination of the Effective Date

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

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the ADDRESSES section. Include the docket number FAA-2018-0934 and Product Identifier 2018-NE-35-AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. We will consider all comments received by the closing date and may amend this final rule because of those comments.

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

#### Costs of Compliance

We estimate that this AD affects zero 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
Replacement of the HPT case .....	20 work-hours × \$85 per hour = \$1,700 .....	\$339,400	\$341,100	\$0

#### Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that

section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service,

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

## Regulatory Findings

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

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

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

## List of Subjects in 14 CFR Part 39

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

## Adoption of the Amendment

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

**2018–22–05 Engine Alliance:** Amendment 39–19478; Docket No. FAA–2018–0934; Product Identifier 2018–NE–35–AD.

#### (a) Effective Date

This AD is effective November 23, 2018.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Engine Alliance (EA) GP7270, GP7272, and GP7277 turbofan engines, with a high-pressure turbine (HPT) stator case (HPT case), part number (P/N) 2060M40G02 or 2137M29G01 installed, and with HPT case serial numbers (S/Ns) listed in Planning Information, Table 1, of EA Alert Service Bulletin (ASB) EAGP7–A72–401, dated August 23, 2018, and in Planning Information, Table 1, of EA Service Bulletin (SB) EAGP7–72–399, dated June 4, 2018.

#### (d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

#### (e) Unsafe Condition

This AD was prompted by the discovery of a quality escape at a manufacturing facility performing unapproved welds on HPT cases. We are issuing this AD to prevent failure of the HPT case. The unsafe condition, if not addressed, could result in engine fire and damage to the airplane.

#### (f) Compliance

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

#### (g) Required Actions

(1) For HPT cases listed in Planning Information, Table 1, of EA ASB EAGP7–A72–401, dated August 23, 2018, remove the affected HPT case from service within the cycles identified in Table 1 of EA SB EAGP7–A72–401 after the effective date of this AD.

(2) For HPT cases listed in Planning Information, Table 1, of EAGP7–72–399, dated June 4, 2018, remove the affected HPT cases from service, using the number of part cycles since new (PCSN) or part cycles since overhaul (PCSO), whichever is less, as specified in Table 1 to paragraph (g)(2) of this AD.

TABLE 1 TO PARAGRAPH (g)(2) OF THIS AD—COMPLIANCE TIMES

PCSN or PCSO	Remove from service within these cycles after the effective date of this AD
Less than 1000 .....	150 cycles.
1001 to 2000 .....	125 cycles.
2001 to 3000 .....	100 cycles.
3001 to 4000 .....	75 cycles.
4001 to 5000 .....	50 cycles.
5001 or more .....	25 cycles.

(3) Replace the removed HPT case with a part eligible for installation before further flight.

#### (h) Definitions

For the purpose of this AD, a “part eligible for installation” is any HPT case not identified in paragraph (c) of this AD or an HPT case listed in this AD that has been inspected and repaired by a method approved by the Manager, ECO Branch, FAA.

#### (i) 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 (j) of this AD. You may email your request to: [ANE-AD-AMOC@faa.gov](mailto: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.

#### (j) Related Information

For more information about this AD, contact Matthew Smith, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7735; fax: 781–238–7199; email: [matthew.c.smith@faa.gov](mailto:matthew.c.smith@faa.gov).

#### (k) Material Incorporated by Reference

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

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

(i) Engine Alliance (EA) Alert Service Bulletin EAGP7–A72–401, dated August 23, 2018.

(ii) EA Service Bulletin EAGP7–72–399, dated June 4, 2018.

(3) For service information identified in this AD, contact Engine Alliance, 411 Silver Lane, East Hartford, CT 06118; phone: 800–565–0140; email: [help24@pw.utc.com](mailto:help24@pw.utc.com); website: [www.engineallianceportal.com](http://www.engineallianceportal.com).

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

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

Issued in Burlington, Massachusetts, on November 2, 2018.

**Robert J. Ganley,**

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

[FR Doc. 2018–24386 Filed 11–7–18; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 31221; Amdt. No. 3824]

### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and

associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective November 8, 2018. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 8, 2018.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

#### For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

#### Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at [nfdc.faa.gov](http://nfdc.faa.gov) to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

#### FOR FURTHER INFORMATION CONTACT:

Thomas J. Nichols, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK. 73169 (Mail Address: P.O. Box

25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

**SUPPLEMENTARY INFORMATION:** This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

#### Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

#### The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been

previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on October 19, 2018.

**Rick Domingo,**

*Executive Director, Flight Standards Service.*

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME;

§ 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV

SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

\* \* \* Effective Upon Publication

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
6-Dec-18	LA	Shreveport	Shreveport Rgnl	8/0269	10/3/18	ILS OR LOC RWY 14, Amdt 26.
6-Dec-18	LA	Shreveport	Shreveport Rgnl	8/0270	10/3/18	ILS OR LOC RWY 32, Amdt 6.
6-Dec-18	LA	Shreveport	Shreveport Rgnl	8/0271	10/3/18	LOC RWY 6, Amdt 3.
6-Dec-18	LA	Shreveport	Shreveport Rgnl	8/0273	10/3/18	RNAV (GPS) RWY 6, Amdt 3.
6-Dec-18	LA	Shreveport	Shreveport Rgnl	8/0274	10/3/18	RNAV (GPS) RWY 14, Amdt 2A.
6-Dec-18	LA	Shreveport	Shreveport Rgnl	8/0276	10/3/18	RNAV (GPS) RWY 24, Amdt 2A.
6-Dec-18	LA	Shreveport	Shreveport Rgnl	8/0278	10/3/18	RNAV (GPS) RWY 32, Amdt 2.
6-Dec-18	OR	Portland	Portland Intl	8/0582	10/3/18	ILS OR LOC RWY 28L, Amdt 5.
6-Dec-18	ME	Auburn/Lewiston	Auburn/Lewiston Muni	8/0586	10/15/18	Takeoff Minimums and Obstacle DP, Amdt 5.
6-Dec-18	NJ	Woodbine	Woodbine Muni	8/0614	10/15/18	RNAV (GPS) RWY 1, Orig-B.
6-Dec-18	ME	Rockland	Knox County Rgnl	8/0877	10/15/18	RNAV (GPS) RWY 3, Orig.
6-Dec-18	ME	Rockland	Knox County Rgnl	8/0882	10/15/18	NDB RWY 31, Orig-D.
6-Dec-18	ME	Rockland	Knox County Rgnl	8/0884	10/15/18	NDB RWY 3, Orig-A.
6-Dec-18	ME	Rockland	Knox County Rgnl	8/0886	10/15/18	RNAV (GPS) RWY 31, Orig.
6-Dec-18	VA	Melfa	Accomack County	8/0950	10/15/18	LOC RWY 3, Amdt 1.
6-Dec-18	VA	Melfa	Accomack County	8/0951	10/15/18	VOR RWY 3, Amdt 2.
6-Dec-18	VA	Melfa	Accomack County	8/0953	10/15/18	RNAV (GPS) RWY 3, Amdt 2.
6-Dec-18	VA	Melfa	Accomack County	8/0955	10/15/18	RNAV (GPS) RWY 21, Amdt 1.
6-Dec-18	CA	Riverside/Rubidoux/	Flabob	8/0967	10/3/18	RNAV (GPS)-A, Orig.
6-Dec-18	MA	Vineyard Haven	Martha's Vineyard	8/1397	10/15/18	VOR RWY 6, Amdt 2A.
6-Dec-18	TN	Columbia/Mount Pleasant.	Maury County	8/1408	10/15/18	RNAV (GPS) RWY 24, Orig.
6-Dec-18	VA	Lynchburg	Lynchburg Rgnl/Preston Glenn Fld.	8/1502	10/3/18	RNAV (GPS) RWY 17, Orig-A.
6-Dec-18	VA	Lynchburg	Lynchburg Rgnl/Preston Glenn Fld.	8/1507	10/3/18	RNAV (GPS) RWY 35, Orig-A.
6-Dec-18	OH	Lancaster	Fairfield County	8/1510	10/3/18	RNAV (GPS) RWY 10, Orig.
6-Dec-18	OH	Lancaster	Fairfield County	8/1511	10/3/18	RNAV (GPS) RWY 28, Amdt 1A.
6-Dec-18	MA	Pittsfield	Pittsfield Muni	8/1677	10/15/18	RNAV (GPS) RWY 26, Amdt 1A.
6-Dec-18	NJ	Lakewood	Lakewood	8/1699	10/15/18	RNAV (GPS) RWY 24, Amdt 1.
6-Dec-18	WV	Martinsburg	Eastern WV Rgnl/Shepherd Fld.	8/1716	10/10/18	RNAV (GPS) RWY 26, Orig-B.
6-Dec-18	WV	Martinsburg	Eastern WV Rgnl/Shepherd Fld.	8/1746	10/10/18	RNAV (GPS) RWY 8, Amdt 1A.
6-Dec-18	WV	Martinsburg	Eastern WV Rgnl/Shepherd Fld.	8/1747	10/10/18	ILS OR LOC RWY 26, Amdt 8B.
6-Dec-18	NY	New York	John F Kennedy Intl	8/1878	10/15/18	VOR/DME RWY 22L, Amdt 4D.
6-Dec-18	VA	Norfolk	Norfolk Intl	8/2277	10/15/18	ILS OR LOC RWY 5, Amdt 26C.
6-Dec-18	SC	Mount Pleasant	Mt Pleasant Rgnl-Faison Field	8/2339	10/10/18	RNAV (GPS) RWY 35, Orig-D.
6-Dec-18	GA	Washington	Washington-Wilkes County	8/2549	10/15/18	VOR/DME RWY 13, Amdt 3A.
6-Dec-18	GA	Fort Stewart(Hinesville).	Wright AAF (Fort Stewart)/Midcoast Rgnl.	8/3600	10/15/18	NDB RWY 33R, Orig-B.
6-Dec-18	GA	Fort Stewart(Hinesville).	Wright AAF (Fort Stewart)/Midcoast Rgnl.	8/3601	10/15/18	RNAV (GPS) RWY 33R, Amdt 1.
6-Dec-18	MD	Gaithersburg	Montgomery County Airpark	8/3717	10/10/18	RNAV (GPS)-A, Orig-B.
6-Dec-18	TX	Fort Stockton	Fort Stockton-Pecos County	8/3830	10/3/18	VOR/DME RWY 30, Orig-A.
6-Dec-18	TX	Fort Stockton	Fort Stockton-Pecos County	8/3847	10/3/18	RNAV (GPS) RWY 12, Amdt 1.
6-Dec-18	TX	Fort Stockton	Fort Stockton-Pecos County	8/3857	10/3/18	RNAV (GPS) RWY 30, Amdt 1.
6-Dec-18	TX	Fort Stockton	Fort Stockton-Pecos County	8/3861	10/3/18	VOR RWY 12, Amdt 8A.
6-Dec-18	MD	Salisbury	Salisbury-Ocean City Wicomico Rgnl.	8/4345	10/3/18	RNAV (GPS) RWY 23, Amdt 1.
6-Dec-18	MD	Salisbury	Salisbury-Ocean City Wicomico Rgnl.	8/4548	10/3/18	RNAV (GPS) RWY 14, Amdt 1.
6-Dec-18	MN	Willmar	Willmar Muni-John L Rice Field.	8/4721	10/3/18	Takeoff Minimums and Obstacle DP, Orig.
6-Dec-18	CA	Riverside	Riverside Muni	8/4852	10/3/18	Takeoff Minimums and Obstacle DP, Amdt 10.
6-Dec-18	GA	Atlanta	Paulding Northwest Atlanta	8/4914	10/10/18	ILS OR LOC/DME RWY 31, Orig-B.
6-Dec-18	CA	Daggett	Barstow-Daggett	8/6032	10/10/18	RNAV (GPS) RWY 26, Amdt 3.
6-Dec-18	CA	Daggett	Barstow-Daggett	8/6036	10/10/18	RNAV (GPS) RWY 22, Amdt 2A.
6-Dec-18	CA	Daggett	Barstow-Daggett	8/6037	10/10/18	VOR OR TACAN RWY 22, Amdt 10A.
6-Dec-18	NY	Malone	Malone-Dufort	8/6647	10/15/18	RNAV (GPS) RWY 23, Orig-A.
6-Dec-18	MS	Prentiss	Prentiss-Jefferson Davis County.	8/6652	10/10/18	RNAV (GPS) RWY 12, Amdt 1A.
6-Dec-18	CA	Oxnard	Oxnard	8/6674	10/10/18	VOR RWY 25, Amdt 10B.
6-Dec-18	NJ	Morristown	Morristown Muni	8/6684	10/15/18	RNAV (GPS) RWY 5, Amdt 4.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
6-Dec-18 .....	AL	Muscle Shoals .....	Northwest Alabama Rgnl .....	8/6698	10/15/18	RNAV (GPS) RWY 18, Amdt 1A.
6-Dec-18 .....	WA	Richland .....	Richland .....	8/6822	10/10/18	RNAV (GPS) RWY 26, Amdt 2A.
6-Dec-18 .....	GA	Metter .....	Metter Muni .....	8/6987	10/3/18	Takeoff Minimums and Obstacle DP, Orig.
6-Dec-18 .....	CO	Hayden .....	Yampa Valley .....	8/7534	10/10/18	RNAV (GPS) RWY 28, Amdt 3.
6-Dec-18 .....	FL	Hollywood .....	North Perry .....	8/7536	10/15/18	Takeoff Minimums and Obstacle DP, Amdt 5.
6-Dec-18 .....	GA	Mc Rae .....	Telfair-Wheeler .....	8/7648	10/10/18	RNAV (GPS) RWY 3, Orig.
6-Dec-18 .....	GA	Mc Rae .....	Telfair-Wheeler .....	8/7649	10/10/18	NDB RWY 21, Amdt 10.
6-Dec-18 .....	IA	Fort Dodge .....	Fort Dodge Rgnl .....	8/8749	10/3/18	RNAV (GPS) RWY 24, Amdt 1A.
6-Dec-18 .....	VA	Richmond/Ashland ..	Hanover County Muni .....	8/8827	10/10/18	VOR RWY 16, Amdt 2D.
6-Dec-18 .....	VA	Richmond/Ashland ..	Hanover County Muni .....	8/8832	10/10/18	RNAV (GPS) RWY 16, Orig-D.
6-Dec-18 .....	OH	Lebanon .....	Warren County/John Lane Field.	8/9189	10/15/18	NDB-A, Amdt 6.

[FR Doc. 2018-24214 Filed 11-7-18; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 31220; Amdt. No. 3823]

#### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective November 8, 2018. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 8, 2018.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

#### For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590-0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

#### Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at [nfdc.faa.gov](http://nfdc.faa.gov) to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

#### FOR FURTHER INFORMATION CONTACT:

Thomas J. Nichols, Flight Procedure Standards Branch (AFS-420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPs. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated

by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, and 8260-15B when required by an entry on 8260-15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

#### Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

#### The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating



directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on October 19, 2018.

**Rick Domingo,**

*Executive Director, Flight Standards Service.*

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

- 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

- 2. Part 97 is amended to read as follows:

##### *Effective 6 December 2018*

Chandler, AZ, Stellar Airpark, Takeoff Minimums and Obstacle DP, Amdt 3  
Porterville, CA, Porterville Muni, Takeoff Minimums and Obstacle DP, Amdt 2A  
Hollywood, FL, North Perry, RNAV (GPS) RWY 10R, Orig-C  
Hollywood, FL, North Perry, RNAV (GPS) RWY 28R, Orig-C  
Perry, GA, Perry-Houston County, ILS OR LOC RWY 36, Orig-A  
Provincetown, MA, Provincetown Muni, ILS OR LOC RWY 7, Amdt 9A  
Chillicothe, MO, Chillicothe Muni, RNAV (GPS) RWY 32, Amdt 1A  
Hattiesburg-Laurel, MS, Hattiesburg-Laurel Rgnl, Takeoff Minimums and Obstacle DP, Amdt 4  
Whiteville, NC, Columbus County Muni, NDB RWY 6, Amdt 6  
Whiteville, NC, Columbus County Muni, RNAV (GPS) RWY 6, Amdt 1  
Wurtsboro, NY, Wurtsboro-Sullivan County, Takeoff Minimums and Obstacle DP, Amdt 2  
Findlay, OH, Findlay, Takeoff Minimums and Obstacle DP, Amdt 1

##### *Effective 3 January 2019*

Anchorage, AK, Ted Stevens Anchorage Intl, RNAV (RNP) RWY 33, Amdt 1  
Buckland, AK, Buckland, RNAV (GPS) RWY 11, Amdt 2A  
Dillingham, AK, Dillingham, RNAV (GPS) RWY 1, Amdt 2D  
Dillingham, AK, Dillingham, VOR RWY 1, Amdt 9D  
Kotlik, AK, Kotlik, RNAV (GPS) RWY 2, Orig-D  
Kotzebue, AK, Ralph Wien Memorial, ILS OR LOC RWY 9, Amdt 1A  
Kotzebue, AK, Ralph Wien Memorial, RNAV (GPS) RWY 9, Orig-C  
Kotzebue, AK, Ralph Wien Memorial, RNAV (GPS) RWY 27, Orig-C  
Kotzebue, AK, Ralph Wien Memorial, VOR RWY 9, Orig-D  
Kotzebue, AK, Ralph Wien Memorial, VOR RWY 27, Orig-B  
Bay Minette, AL, Bay Minette Muni, RNAV (GPS) RWY 8, Amdt 1B  
Reform, AL, North Pickens, RNAV (GPS) RWY 19, Amdt 1B  
Mena, AR, Mena Intermountain Muni, Takeoff Minimums and Obstacle DP, Amdt 6  
Bullhead City, AZ, Laughlin/Bullhead Intl, RNAV (GPS) RWY 16, Amdt 2C  
Willits, CA, Ells Field-Willits Muni, RNAV (GPS) RWY 34, Amdt 1C  
Fort Morgan, CO, Fort Morgan Muni, RNAV (GPS) RWY 14, Amdt 1A  
Oxford, CT, Waterbury-Oxford, Takeoff Minimums and Obstacle DP, Amdt 6

Daytona Beach, FL, Daytona Beach Intl, VOR RWY 16, Amdt 18C, CANCELED  
Deland, FL, Deland Muni-Sidney H Taylor Field, VOR/DME RWY 23, Orig-A, CANCELED  
Marco Island, FL, Marco Island Executive, RNAV (GPS) RWY 17, Orig-A  
Marco Island, FL, Marco Island Executive, RNAV (GPS) RWY 35, Orig-B  
Marco Island, FL, Marco Island Executive, Takeoff Minimums and Obstacle DP, Amdt 3  
Marco Island, FL, Marco Island Executive, VOR/DME RWY 17, Amdt 7, CANCELED  
Miami, FL, Miami Intl, ILS OR LOC RWY 9, Amdt 10B  
New Smyrna Beach, FL, New Smyrna Beach Muni, Takeoff Minimums and Obstacle DP, Amdt 3  
Ormond Beach, FL, Ormond Beach Muni, Takeoff Minimums and Obstacle DP, Orig-A  
Ormond Beach, FL, Ormond Beach Muni, VOR RWY 17, Amdt 2B, CANCELED  
Sebring, FL, Sebring Rgnl, RNAV (GPS) RWY 32, Orig-B  
St Petersburg, FL, Albert Whitted, RNAV (GPS) RWY 18, Orig-E  
St Petersburg, FL, Albert Whitted, Takeoff Minimums and Obstacle DP, Amdt 3  
Lagrange, GA, Lagrange-Callaway, VOR RWY 13, Amdt 16A  
Mount Pleasant, IA, Mount Pleasant Muni, NDB RWY 33, Amdt 6B, CANCELED  
Bonners Ferry, ID, Boundary County, KARPS TWO, Graphic DP  
Chicago, IL, Chicago O'Hare Intl, ILS OR LOC RWY 9L, ILS RWY 9L SA CAT I, ILS RWY 9L CAT II, ILS RWY 9L CAT III, Amdt 4A  
Chicago, IL, Chicago O'Hare Intl, ILS OR LOC RWY 27R, ILS RWY 27R SA CAT I, ILS RWY 27R CAT II, ILS RWY 27R CAT III, Amdt 4A  
Chicago, IL, Chicago O'Hare Intl, RNAV (GPS) RWY 9L, Amdt 3B  
Chicago, IL, Chicago O'Hare Intl, RNAV (GPS) RWY 27R, Amdt 3B  
Decatur, IL, Decatur, ILS OR LOC RWY 6, Amdt 14  
Decatur, IL, Decatur, LOC BC RWY 24, Amdt 11  
Decatur, IL, Decatur, RNAV (GPS) RWY 30, Amdt 2  
Decatur, IL, Decatur, RNAV (GPS) RWY 36, Amdt 2  
Decatur, IL, Decatur, VOR RWY 36, Amdt 17  
Fairfield, IL, Fairfield Muni, Takeoff Minimums and Obstacle DP, Amdt 3  
Paris, IL, Edgar County, RNAV (GPS) RWY 9, Amdt 1A  
Paris, IL, Edgar County, RNAV (GPS) RWY 18, Orig-A  
Paris, IL, Edgar County, RNAV (GPS) RWY 27, Amdt 1B  
Paris, IL, Edgar County, RNAV (GPS) RWY 36, Orig-A  
Columbus, IN, Columbus Muni, ILS OR LOC RWY 23, Amdt 8  
Connersville, IN, Mettel Field, RNAV (GPS) RWY 18, Amdt 2  
Connersville, IN, Mettel Field, RNAV (GPS) RWY 36, Amdt 3  
Hutchinson, KS, Hutchinson Rgnl, RNAV (GPS) RWY 4, Amdt 1A  
Hutchinson, KS, Hutchinson Rgnl, RNAV (GPS) RWY 35, Orig-A



- Kingman, KS, Kingman Airport—Clyde Cessna Field, RNAV (GPS) RWY 18, Amdt 1A
- Neodesha, KS, Neodesha Muni, Takeoff Minimums and Obstacle DP, Orig
- Scott City, KS, Scott City Muni, NDB RWY 35, Amdt 1A, CANCELED
- Tribune, KS, Tribune Muni, RNAV (GPS) RWY 17, Orig-A
- Owensboro, KY, Owensboro-Daviess County Rgnl, VOR RWY 36, Amdt 19B
- Oakdale, LA, Allen Parish, NDB RWY 36, Amdt 1, CANCELED
- Baldwin, MI, Baldwin Muni, Takeoff Minimums and Obstacle DP, Amdt 1
- Beaver Island, MI, Beaver Island, NDB RWY 27, Amdt 1A, CANCELED
- Frankfort, MI, Frankfort Dow Memorial Field, VOR/DME-A, Amdt 1A, CANCELED
- Manistique, MI, Schoolcraft County, VOR RWY 28, Amdt 1A, CANCELED
- Niles, MI, Jerry Tyler Memorial, RNAV (GPS) RWY 33, Orig-B
- Pellston, MI, Pellston Rgnl Airport of Emmet County, RNAV (GPS) RWY 5, Orig-C
- Sault STE Marie, MI, Chippewa County Intl, RNAV (GPS) RWY 16, Amdt 1B
- Rochester, MN, Rochester Intl, COPTER ILS Y OR LOC Y RWY 31, Amdt 3
- Rochester, MN, Rochester Intl, ILS Z OR LOC Z RWY 31, ILS RWY 31 SA CAT I, ILS RWY 31 SA CAT II, Amdt 23
- Rochester, MN, Rochester Intl, RNAV (GPS) RWY 31, Amdt 2
- Cameron, MO, Cameron Memorial, RNAV (GPS) RWY 17, Amdt 1A
- Cameron, MO, Cameron Memorial, RNAV (GPS) RWY 35, Amdt 1A
- Poplar Bluff, MO, Poplar Bluff Muni, RNAV (GPS) RWY 18, Orig-A
- Poplar Bluff, MO, Poplar Bluff Muni, RNAV (GPS) RWY 36, Orig-A
- Sullivan, MO, Sullivan Regional, NDB RWY 24, Orig-B, CANCELED
- Grenada, MS, Grenada Muni, RNAV (GPS) RWY 4, Amdt 1C
- Grenada, MS, Grenada Muni, RNAV (GPS) RWY 13, Amdt 1B
- Grenada, MS, Grenada Muni, RNAV (GPS) RWY 22, Amdt 1C
- Grenada, MS, Grenada Muni, RNAV (GPS) RWY 31, Amdt 1B
- Billings, MT, Billings Logan Intl, ILS Y OR LOC Y RWY 10L, Amdt 26A
- Bozeman, MT, Bozeman Yellowstone Intl, ILS OR LOC RWY 12, Amdt 9C
- Bozeman, MT, Bozeman Yellowstone Intl, RNAV (GPS)—A, Amdt 2C
- Bozeman, MT, Bozeman Yellowstone Intl, RNAV (GPS) Y RWY 12, Orig-C
- Bozeman, MT, Bozeman Yellowstone Intl, VOR RWY 12, Amdt 15C
- Concord, NC, Concord-Padgett Rgnl, ILS OR LOC RWY 20, Amdt 2A
- Concord, NC, Concord-Padgett Rgnl, RNAV (GPS) RWY 2, Amdt 1A
- Concord, NC, Concord-Padgett Rgnl, RNAV (GPS) RWY 20, Orig-A
- Concord, NC, Concord-Padgett Rgnl, Takeoff Minimums and Obstacle DP, Amdt 3A
- Star, NC, Montgomery County, RNAV (GPS) RWY 21, Orig-B
- Andover, NJ, Aeroflex-Andover, Takeoff Minimums and Obstacle DP, Amdt 2
- Pittstown, NJ, Sky Manor, RNAV (GPS) RWY 7, Amdt 1A
- Pittstown, NJ, Sky Manor, RNAV (GPS) RWY 25, Orig-B
- Loveock, NV, Derby Field, Takeoff Minimums and Obstacle DP, Amdt 1
- Middletown, NY, Randall, RNAV (GPS) RWY 8, Amdt 1B
- Middletown, NY, Randall, RNAV (GPS) RWY 26, Amdt 1B
- Middletown, NY, Randall, VOR RWY 8, Amdt 7B
- Rochester, NY, Greater Rochester Intl, RNAV (GPS) RWY 10, Amdt 1B
- Rome, NY, Griffiss Intl, Takeoff Minimums and Obstacle DP, Amdt 1A
- Cincinnati, OH, Cincinnati Muni Airport Lunken Field, ILS OR LOC RWY 21L, Amdt 20
- Cincinnati, OH, Cincinnati Muni Airport Lunken Field, LOC BC RWY 3R, Amdt 9
- Cincinnati, OH, Cincinnati Muni Airport Lunken Field, NDB RWY 25, Amdt 12B, CANCELED
- Defiance, OH, Defiance Memorial, RNAV (GPS) RWY 12, Amdt 1A
- Hillsboro, OH, Highland County, NDB RWY 23, Amdt 5A, CANCELED
- Wadsworth, OH, Wadsworth Muni, VOR—A, Amdt 2A
- Idabel, OK, Mc Curtain County Rgnl, RNAV (GPS) RWY 2, Amdt 1
- Idabel, OK, Mc Curtain County Rgnl, RNAV (GPS) RWY 20, Amdt 1
- Tahlequah, OK, Tahlequah Muni, NDB RWY 17, Amdt 2, CANCELED
- Lebanon, PA, Keller Brothers, RNAV (GPS) RWY 7, Orig-B
- Lebanon, PA, Keller Brothers, RNAV (GPS) RWY 25, Orig-B
- Pickens, SC, Pickens County, NDB RWY 5, Amdt 1, CANCELED
- Chattanooga, TN, Lovell Field, ILS OR LOC RWY 2, Amdt 7D
- Chattanooga, TN, Lovell Field, ILS OR LOC RWY 20, ILS RWY 20 CAT II, Amdt 36C
- Chattanooga, TN, Lovell Field, RNAV (GPS) RWY 2, Amdt 1A
- Chattanooga, TN, Lovell Field, RNAV (GPS) RWY 15, Amdt 1
- Chattanooga, TN, Lovell Field, RNAV (GPS) RWY 20, Amdt 1A
- Chattanooga, TN, Lovell Field, RNAV (GPS) RWY 33, Amdt 1
- Chattanooga, TN, Lovell Field, Takeoff Minimums and Obstacle DP, Amdt 12
- Chattanooga, TN, Lovell Field, VOR RWY 33, Amdt 17B
- Mountain City, TN, Johnson County, RNAV (GPS) RWY 6, Orig-A
- Mountain City, TN, Johnson County, RNAV (GPS) RWY 24, Orig-A
- Burnet, TX, Burnet Muni Kate Craddock Field, Takeoff Minimums and Obstacle DP, Amdt 2
- College Station, TX, Easterwood Field, VOR OR TACAN RWY 11, Amdt 19E
- Houston, TX, Houston-Southwest, RNAV (GPS) RWY 9, Amdt 2A
- Kerrville, TX, Kerrville Muni/Louis Schreiner Field, Takeoff Minimums and Obstacle DP, Amdt 2
- Port Isabel, TX, Port Isabel-Cameron County, VOR/DME—B, Amdt 3A, CANCELED
- Brookneal, VA, Brookneal/Campbell County, RNAV (GPS) RWY 24, Amdt 1B
- Lynchburg, VA, Lynchburg Rgnl/Preston Glenn Fld, ILS OR LOC RWY 4, Amdt 17B
- Lynchburg, VA, Lynchburg Rgnl/Preston Glenn Fld, RNAV (GPS) RWY 4, Orig-B
- Lynchburg, VA, Lynchburg Rgnl/Preston Glenn Fld, RNAV (GPS) RWY 22, Orig-B
- Lynchburg, VA, Lynchburg Rgnl/Preston Glenn Fld, VOR RWY 22, Amdt 8D
- Kenosha, WI, Kenosha Rgnl, RNAV (GPS) RWY 15, Orig-A
- Kenosha, WI, Kenosha Rgnl, RNAV (GPS) RWY 25R, Orig-A
- Kenosha, WI, Kenosha Rgnl, RNAV (GPS) RWY 33, Orig-A
- Marshfield, WI, Marshfield Muni, NDB RWY 16, Amdt 11, CANCELED
- Middleton, WI, Middleton Muni—Morey Field, Takeoff Minimums and Obstacle DP, Amdt 2
- Milwaukee, WI, General Mitchell Intl, LOC RWY 25L, Amdt 6A
- Logan, WV, Logan County, RNAV (GPS) RWY 6, Amdt 1A
- Milton, WV, Ona Airpark, RNAV (GPS)—A, Orig-A
- Morgantown, WV, Morgantown Muni-Walter L Bill Hart Fld, RNAV (GPS) RWY 36, Amdt 1
- Saratoga, WY, Shively Field, Takeoff Minimums and Obstacle DP, Orig-A

[FR Doc. 2018–24215 Filed 11–7–18; 8:45 am]

BILLING CODE 4910–13–P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 170817779–8161–02]

RIN 0648–XG427

**Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Atka mackerel in the Bering Sea subarea and Eastern Aleutian district (BS/EAI) of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the BSAI trawl limited access fishery. This action is necessary to prevent exceeding the 2018 total allowable catch (TAC) of Atka mackerel in this area allocated to vessels participating in the BSAI trawl limited access fishery.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), November 5, 2018, through 2400 hrs, A.l.t., December 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the

BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2018 TAC of Atka mackerel, in the BS/EAI, allocated to vessels participating in the BSAI trawl limited access fishery was established as a directed fishing allowance of 3,164 metric tons by the final 2018 and 2019 harvest specifications for groundfish in the BSAI (83 FR 8365, February 27, 2018).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is

prohibiting directed fishing for Atka mackerel in the BS/EAI by vessels participating in the BSAI trawl limited access fishery.

While this closure is effective, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the Atka mackerel

directed fishery in the BS/EAI for vessels participating in the BSAI trawl limited access fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 2, 2018. The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: November 5, 2018.

**Karen H. Abrams,**

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

[FR Doc. 2018-24429 Filed 11-5-18; 4:15 pm]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 83, No. 217

Thursday, November 8, 2018

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2018-0956; Product Identifier 2018-NM-041-AD]

RIN 2120-AA64

#### Airworthiness Directives; Fokker Services B.V. Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Fokker Services B.V. Model F.27 Mark 100, 200, 300, 400, 500, 600, and 700 airplanes. This proposed AD was prompted by a report of a main landing gear (MLG) collapse due to a broken drag stay; an investigation revealed that the drag stay failure was due to fatigue cracks, introduced by incorrect machining of the affected drag stay tube during production. This proposed AD would require an inspection of the drag stay unit to determine the signal indication, and related investigative and corrective actions if necessary. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by December 24, 2018.

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

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

p.m., Monday through Friday, except Federal holidays.

For Fokker service information identified in this NPRM, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88-6280-350; fax +31 (0)88-6280-111; email [technicalservices@fokker.com](mailto:technicalservices@fokker.com); internet <http://www.myfokkerfleet.com>. For Safran service information identified in this NPRM, contact Safran Landing Systems, One Carbon Way, Walton, KY 41094; telephone (859) 525-8583; fax (859) 485-8827. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

#### 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-2018-0956; 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 NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3226.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2018-0956; Product Identifier 2018-NM-041-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

We will post all comments we receive, without change, to [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov), including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this NPRM.

#### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018-0015, dated January 25, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for all Fokker Services B.V. Model F.27 Mark 100, 200, 300, 400, 500, 600, and 700 airplanes. The MCAI states:

In 1993, an occurrence was reported concerning an MLG collapse due to a broken drag stay on a Fokker F27 Mark 500 RFV (rough field version/configuration). The investigation revealed that the drag stay failure was due to fatigue cracks, introduced by incorrect machining (not smooth, with a notch) of the affected drag stay tube bore during production.

This condition, if not detected and corrected, could lead to MLG collapse, possibly resulting in damage to the aeroplane during landing and consequent injury to occupants.

To address this unsafe condition, DALG [Dowty Aerospace Landing Gear] issued SB 32-169B and SB 32-82W (both later revised), and Fokker Services issued SB F27/32-167, to provide inspection instructions. Consequently, the Civil Aviation Authority of the Netherlands (CAA-NL) issued AD (BLA) 93-169 (later revised) [which corresponded to FAA AD 97-04-08, Amendment 39-9932 (62 FR 7924, February 21, 1997), and applies to certain Fokker Model F27 Mark 050, 100, 200, 300, 400, 600, and 700 airplanes], requiring a one-time ultrasonic inspection to identify the type of drag stay tube installed (with stepped or straight bore) on each affected drag stay unit, inspection of the affected drag stay tubes for the presence of cracks, and, depending on findings, re-identification.

After CAA-NL AD (BLA) 93-169/2 was issued, another occurrence was reported on an F27 Mark 500 RFV. Investigation results determined that the drag stay tube of the second occurrence had not been inspected as required by CAA-NL AD (BLA) 93-169, due to misinterpretation of the instructions of Fokker SB F27/32-167. Prompted by these findings, Fokker Services issued SB F27-32-171, providing additional inspection instructions, and CAA-NL issued AD NL-2005-003 (EASA approval 2005-3869) [which corresponds to FAA AD 2006-25-06, Amendment 39-14847 (71 FR 71475, December 11, 2006) and applies to Fokker Services B.V. Model F.27 Mark 500 airplanes]

to require repetitive inspections of the affected drag stay tubes to detect cracks and, depending on findings, rework or replacement.

Since those SBs and [CAA–NL] ADs were issued, the applicable CMM [component maintenance manual] were changed, although with incorrect P/N information, as a result of which an affected drag stay tube with a non-conforming bore radius may inadvertently have been installed on an aeroplane. Prompted by these findings, the applicable CMM were corrected and re-issued, and SLS issued Service Letter (SL) F27–W–8 to inform the operators, and Fokker Services introduced the relevant corrections in the F27 Mark 100 through Mark 700 Illustrated Parts Catalogue (IPC) in September 2017.

Installation of an affected drag stay tube with a non-conforming bore radius, on an MLG drag stay unit that has been re-identified, *i.e.*, not subject to the repetitive inspections as required by CAA–NL AD NL–2005–003, would reintroduce the unsafe condition as originally addressed by the SBs and ADs referred to above. To address this potential unsafe condition, Fokker Services issued SBF27–32–173 to provide instructions to inspect, remove/discard or re-identify the affected drag stay tubes.

For the reasons described above, this [EASA] AD requires a one-time inspection of the affected drag stay units to determine whether an affected drag stay tube is installed, repetitive inspections of those that have an affected drag stay tube installed, and, depending on findings, accomplishment of applicable corrective action(s) [which includes replacement of the drag stay tube].

With the issuance of this [EASA] AD and [EASA] AD 2018–0016 [dated January 25, 2018], the requirements of CAA–NL AD (BLA) 93–169/2 dated 29 April 1994 are no longer necessary and that AD is also cancelled.

EASA AD 2018–0016, dated January 25, 2018, applies to Model F27 Mark 500 airplanes and has been added to the Required Airworthiness Action List.

You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–0956.

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

Fokker Services B.V. has issued Service Bulletin SBF27–32–173, dated November 30, 2017. This service information describes procedures for an inspection of the drag stay unit to determine the signal indication, and related investigative and corrective actions if necessary.

SAFRAN Landing Systems (previously Messier-Dowty, Dowty Aerospace) has issued Dowty Aerospace Landing Gear Service Bulletin 32–82W, Revision 2, dated July 29, 1994; and Dowty Aerospace Landing Gear Service Bulletin 32–169B, Revision 2, dated July 29, 1994. The service information describes procedures for reworking the drag stay tube. These documents are distinct since they apply to different airplane models.

These service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

**FAA’s Determination**

This product has been approved by the aviation authority of another

country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

**Proposed Requirements of This NPRM**

This proposed AD would require accomplishing the actions specified in the service information described previously.

**Differences Between This Proposed AD and the Service Information**

Although the procedures specified in Fokker Service Bulletin SBF27–32–173, dated November 30, 2017, permits further flight if cracks are detected in the drag stay tube, this proposed AD does not. We have determined that, because of the safety implications and consequences associated with that cracking, any cracked drag stay tube must be repaired or modified before further flight. This difference has been coordinated with the manufacturer.

**Costs of Compliance**

We estimate that this proposed AD affects 1 airplane of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS				
	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
2 work-hours × \$85 per hour = \$170 .....		\$0	\$170	\$170

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

**Authority for This Rulemaking**

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: “General requirements.” Under that

section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This proposed AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance

and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

**Regulatory Findings**

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; 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.

#### The Proposed Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**Fokker Services B.V. Airplanes:** Docket No. FAA–2018–0956; Product Identifier 2018–NM–041–AD.

#### (a) Comments Due Date

We must receive comments by December 24, 2018.

#### (b) Affected ADs

This AD affects AD 2006–25–06, Amendment 39–14847 (71 FR 71475, December 11, 2006) (“AD 2006–25–06”) and AD 97–04–08, Amendment 39–9932 (62 FR 7924, February 21, 1997) (“AD 97–04–08”).

#### (c) Applicability

This AD applies to all Fokker Services B.V. Model F.27 Mark 100, 200, 300, 400, 500, 600, and 700 airplanes, certificated in any category.

#### (d) Subject

Air Transport Association (ATA) of America Code 32, Main landing gear.

#### (e) Reason

This AD was prompted by a report of a main landing gear (MLG) collapse due to a broken drag stay; an investigation revealed that the drag stay failure was due to fatigue cracks, introduced by incorrect machining of the affected drag stay tube during production. We are issuing this AD to address fatigue cracking, which could lead to MLG collapse and result in damage to the airplane during landing and consequent injury to passengers.

#### (f) Compliance

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

#### (g) Definitions

(1) For purposes of this AD, an affected drag stay unit is SAFRAN Landing Systems (previously Messier-Dowty, Dowty Aerospace) main landing gear (MLG) drag stay unit, part number (P/N) 200261001, P/N 200261002, P/N 200261003, P/N 200261004, P/N 200485001, P/N 200485002, P/N 200485003, P/N 200485004, P/N 200684001, P/N 200684002, P/N 200684003, and P/N 200684004.

(2) For purposes of this AD, an affected drag stay tube is a SAFRAN Landing Systems (previously Messier-Dowty, Dowty Aerospace) MLG drag stay tube, P/N 200259300, which has a change in section (stepped bore).

#### (h) Configuration Verification of the Drag Stay Units

Within 12 months after the effective date of this AD, do an ultrasonic inspection of each affected drag stay unit to determine the configuration of the drag stay tube, in accordance with step F. of the Accomplishment Instructions of Fokker Service Bulletin SBF27–32–173, dated November 30, 2017.

#### (i) Re-Identification of an Affected Drag Stay Unit

(1) If, during the inspection required by paragraph (h) of this AD, an affected drag stay unit is found to have a straight bore drag stay tube, P/N 200485300, installed: Before further flight, re-identify that affected drag stay unit in accordance with step I.(2), I.(3), or I.(4), as applicable, of the Accomplishment Instructions of Fokker Service Bulletin SBF27–32–173, dated November 30, 2017.

(2) If, during the inspection required by paragraph (h) of this AD, an affected drag stay unit is found to have an affected drag stay tube, P/N 200259300, installed with a correct radius: Before further flight, re-identify the affected drag stay unit in accordance with step J.(1), J.(2), or J.(3), as applicable, of the Accomplishment Instructions of Fokker Service Bulletin SBF27–32–173, dated November 30, 2017.

(3) If, during the inspection required by paragraph (h) of this AD, an affected drag stay unit is found to have an affected drag stay tube, P/N 200259300, installed with an incorrect radius: Before further flight, re-identify the affected drag stay unit in accordance with step K.(1), K.(2), or K.(3), as applicable, of the Accomplishment Instructions of Fokker Service Bulletin SBF27–32–173, dated November 30, 2017.

#### (j) Inspection and Corrective Action for Certain Drag Stay Unit Part Numbers

For affected drag stay units having P/N 200261002, P/N 200261003, P/N 200485002, P/N 200485003, P/N 200684002, and P/N 200684003: Within 12 months after the effective date of this AD, do an ultrasonic inspection of the affected drag stay tube for any cracking, in accordance with step G. of the Accomplishment Instructions of Fokker

Service Bulletin SBF27–32–173, dated November 30, 2017.

(1) If, during the ultrasonic inspection, a crack indication is found, before further flight, replace the affected drag stay tube with a serviceable part, in accordance with step H. of the Accomplishment Instructions of Fokker Service Bulletin SBF27–32–173, dated November 30, 2017.

(2) For affected drag stay units having P/N 200261002, P/N 200485002, and P/N 200684002 (drag stay units with incorrect bore radius drag stay tubes): If, during the ultrasonic inspection, no indication of cracking is found, within 1,500 flight cycles after that inspection, and, thereafter, at intervals not to exceed 1,500 flight cycles until the next scheduled MLG overhaul, repeat the ultrasonic inspection of the affected drag stay tube in accordance with step G. of the Accomplishment Instructions of Fokker Service Bulletin SBF27–32–173, dated November 30, 2017.

#### (k) Parts Installation Limitation

As of the effective date of this AD, no person may install, on any airplane, a drag stay unit (which includes installation of a replacement MLG), unless it has been determined that no affected drag stay tube is installed; or the installed affected drag stay tube has been reworked during the MLG overhaul in accordance with the instructions of Appendix B of Dowty Aerospace Landing Gear Service Bulletin 32–82W, Revision 2, dated July 29, 1994 (for Model F.27 Mark 500 airplanes), or Dowty Aerospace Landing Gear Service Bulletin 32–169B, Revision 2, dated July 29, 1994 (for Model F.27 Mark 100, 200, 300, 400, 600, and 700 airplanes), as applicable; or has passed an inspection (confirmed correct bore radius) in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF27–32–173, dated November 30, 2017. For the purpose of this AD, removal of an MLG or an affected drag stay unit from an airplane and re-installing that MLG or drag stay unit on the same airplane is not “installation.”

#### (l) Terminating Action for Inspections of the MLG Drag Stay Units

Accomplishment of the actions required by this AD terminates all the requirements in AD 2006–25–06, Amendment 39–14847 (71 FR 71475, December 11, 2006); and AD 97–04–08, Amendment 39–9932 (62 FR 7924, February 21, 1997).

#### (m) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (j) of this AD, if those actions were performed before the effective date of this AD using Dowty Aerospace Landing Gear Service Bulletin 32–82W, Revision 1, dated September 10, 1993, or Dowty Aerospace Landing Gear Service Bulletin 32–169B, Revision 1, dated September 10, 1993, which were incorporated by reference in AD 2006–25–06, Amendment 39–14847 (71 FR 71475, December 11, 2006).

#### (n) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Fokker Services B.V.'s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

#### (o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018-0015, dated January 25, 2018, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0956.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3226.

(3) For Fokker service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88-6280-350; fax +31 (0)88-6280-111; email [technicalservices@fokker.com](mailto:technicalservices@fokker.com); internet <http://www.myfokkerfleet.com>. For Safran service information identified in this AD, contact Safran Landing Systems, One Carbon Way, Walton, KY 41094; telephone (859) 525-8583; fax (859) 485-8827. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

Issued in Des Moines, Washington, on October 26, 2018.

**Michael Kaszycki,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2018-24387 Filed 11-7-18; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2018-0959; Product Identifier 2018-NM-123-AD]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737-400 series airplanes. This proposed AD was prompted by reports of cracking in the splice plate on the lower sill of the overwing emergency exit doors. This proposed AD would require repetitive inspections for such cracking and applicable on-condition actions. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by December 24, 2018.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0959.

#### 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-2018-0959; 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 NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

James Guo, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5357; fax: 562-627-5210; email: [james.guo@faa.gov](mailto:james.guo@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2018-0959; Product Identifier 2018-NM-123-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

#### Discussion

We have received reports of cracking in the splice plate on the lower sill of the overwing emergency exit doors. During a maintenance check, a crack was found in the splice plate at station (STA) 601 on the right side of an airplane that had 28,153 total flight cycles and 63,360 total flight hours at the time of the crack finding. The crack had completely severed the one-inch-wide splice plate; the cracking was caused by fatigue stresses. Existing Corrosion Prevention Control Program (CPCP) inspections do not adequately detect cracking in the splice plate before it becomes critical. This cracking, if not addressed, could result in the inability of a principal structural element to

sustain limit loads and possible rapid decompression of the fuselage.

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

We reviewed Boeing Alert Requirements Bulletin 737–53A1380 RB, dated July 18, 2018. This service information describes procedures for repetitive high frequency eddy current (HFEC) inspections for cracking in the splice plate on the lower sill of the overwing emergency exit doors and applicable on-condition actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

#### FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or

develop in other products of the same type design.

#### Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified in Boeing Alert Requirements Bulletin 737–53A1380 RB, dated July 18, 2018, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–0959.

#### Explanation of Requirements Bulletin

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement is a process for annotating

which steps in the service information are “required for compliance” (RC) with an AD. Boeing has implemented this RC concept into Boeing service bulletins.

In an effort to further improve the quality of ADs and AD-related Boeing service information, a joint process improvement initiative was worked between the FAA and Boeing. The initiative resulted in the development of a new process in which the service information more clearly identifies the actions needed to address the unsafe condition in the “Accomplishment Instructions.” The new process results in a Boeing Requirements Bulletin, which contains only the actions needed to address the unsafe condition (*i.e.*, only the RC actions).

#### Costs of Compliance

We estimate that this proposed AD affects 85 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

#### ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive inspections ...	2 work-hours × \$85 per hour = \$170 per inspection cycle.	\$0	\$170 per inspection cycle.	\$14,450 per inspection cycle.

We estimate the following costs to do any necessary on-condition actions that would be required. We have no way of

determining the number of aircraft that might need these on-condition actions:

#### ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 18 work-hours × \$85 per hour = \$1,530 .....	Up to \$7,646 .....	Up to \$9,176.

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

#### Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on

the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

**The Proposed Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**The Boeing Company:** Docket No. FAA–2018–0959; Product Identifier 2018–NM–123–AD.

**(a) Comments Due Date**

We must receive comments by December 24, 2018.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to The Boeing Company Model 737–400 airplanes, certificated in any category, line numbers 1487 through 3132 inclusive.

**(d) Subject**

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

**(e) Unsafe Condition**

This AD was prompted by reports of cracking in the splice plate on the lower sill of the overwing emergency exit doors. We are issuing this AD to address cracking in the splice plate, which, if not addressed, could result in the inability of a principal structural element to sustain limit loads and possible rapid decompression of the fuselage.

**(f) Compliance**

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

**(g) Required Actions**

Except as specified by paragraph (h) of this AD: At the applicable times specified in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 737–53A1380 RB, dated July 18, 2018, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–53A1380 RB, dated July 18, 2018.

**Note 1 to paragraph (g) of this AD:** Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–53A1380, dated July 18, 2018, which is referred to in Boeing

Alert Requirements Bulletin 737–53A1380 RB, dated July 18, 2018.

**(h) Exceptions to Service Information Specifications**

(1) For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Requirements Bulletin 737–53A1380 RB, dated July 18, 2018, uses the phrase “the original issue date of Requirements Bulletin 737–53A1380 RB,” this AD requires using “the effective date of this AD.”

(2) Where Boeing Alert Requirements Bulletin 737–53A1380 RB, dated July 18, 2018, specifies contacting Boeing for repair instructions: This AD requires doing the repair and applicable on-condition actions before further flight using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

**(i) Alternative Methods of Compliance (AMOCs)**

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

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

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

**(j) Related Information**

(1) For more information about this AD, contact James Guo, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: james.guo@faa.gov.

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

Issued in Des Moines, Washington, on October 31, 2018.

**Dionne Palermo,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2018–24389 Filed 11–7–18; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

**[Docket No. FAA–2018–0554; Product Identifier 2018–NM–064–AD]**

**RIN 2120–AA64**

**Airworthiness Directives; Airbus SAS**

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

**ACTION:** Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

**SUMMARY:** We are revising an earlier proposal, which would have applied to certain Airbus SAS Model A318 series airplanes; Model A319 series airplanes; Model A320 series airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –253N, and –271N airplanes. This action revises the notice of proposed rulemaking (NPRM) by including revised restrictive requirements and adding airplanes to the applicability. We are proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions impose an additional burden over those proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

**DATES:** The comment period for the NPRM published in the **Federal Register** on July 17, 2018 (83 FR 33159), is reopened.

We must receive comments on this SNPRM by December 24, 2018.

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

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** 202–493–2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room



W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—ELAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); internet <http://www.airbus.com>. You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

### 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–2018–0554; 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 SNPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section.

**FOR FURTHER INFORMATION CONTACT:** Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

### SUPPLEMENTARY INFORMATION:

#### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2018–0554; Product Identifier 2018–NM–064–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this SNPRM. We will consider all comments received by the closing date and may amend this SNPRM based on those comments.

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

#### Discussion

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A318 series airplanes; Model A319

series airplanes; Model A320 series airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –253N, and –271N airplanes. The NPRM published in the **Federal Register** on July 17, 2018 (83 FR 33159). The NPRM was prompted by a revision of an airworthiness limitation item (ALI) document, which requires more restrictive maintenance requirements and airworthiness limitations. The NPRM proposed to require revising the maintenance or inspection program, as applicable, to incorporate new maintenance requirements and airworthiness limitations.

#### Actions Since the NPRM Was Issued

Since we issued the NPRM, we have determined that new or more restrictive requirements in revised service information are necessary, and that the identified unsafe condition also exists or may develop on Airbus SAS Model A321–251NX, –252N, –252NX, –253NX, –271NX, –272N, and –272NX airplanes.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0180, dated August 27, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Airbus SAS Model A318 series airplanes; Model A319 series airplanes; Model A320 series airplanes; and Model A321 series airplanes. The MCAI states:

The airworthiness limitations for the Airbus A320 family aeroplanes, which are approved by EASA, are currently defined and published in the A318/A319/A320/A321 ALS [Airworthiness Limitations Section] document(s). The airworthiness limitations applicable to the Certification Maintenance Requirements (CMR), which are approved by EASA, are published in ALS Part 3.

Failure to accomplish these instructions could result in an unsafe condition.

Previously, EASA issued AD 2017–0168 to require accomplishment of all maintenance tasks as described in ALS Part 3 at Revision 05.

Since that [EASA] AD was issued, Airbus published the ALS, including new and/or more restrictive requirements, and new A321 models were certified and added to the Applicability of the ALS.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2017–0168, which is superseded, expands the Applicability and requires accomplishment of the actions specified in the ALS.

You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–0554.

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

Airbus SAS has issued Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 06, dated June 13, 2018. The service information describes maintenance instructions and airworthiness limitations, including updated inspections and intervals, to be incorporated into the maintenance or inspection program. 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.

#### Request To Revise Language Regarding Previously Approved Alternative Methods of Compliance (AMOCs)

Delta Air Lines (DAL) contended that the language used in paragraph (j)(ii) of the proposed AD is inaccurate. DAL pointed out that the phrase “that require incorporation” in paragraph (j)(ii) of the proposed AD should be revised to “that allow incorporation,” on the basis that AMOCs do not require alternative actions, but instead allow them.

We agree with the commenter’s request based on the reasons stated. We have revised paragraph (j)(ii) of this AD to use the word “allow” instead of “require.”

#### Request To Use Later Revisions of Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR)

DAL proposed revising paragraph (j)(ii) of the proposed AD to add a provision that allows the use of corresponding later approved EASA revisions and variations of the Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR).

We disagree with the commenters’ requests. We cannot use the phrase, “or later approved revisions,” in an AD when referring to the service information because doing so violates Office of the Federal Register (OFR) regulations for approval of materials “incorporated by reference” in rules. In general terms, we are required by these OFR regulations to either publish the service document contents as part of the actual AD language; or submit the service document to the OFR for approval as “referenced” material, in which case we may only refer to such material in the text of an AD. The AD may refer to the service document only

if the OFR approved it for “incorporation by reference.” To allow operators to use later revisions of the referenced document (issued after publication of the AD), either we must revise the AD to reference specific later revisions, or operators must request approval to use later revisions as an alternative method of compliance (AMOC) with this AD under the provisions of paragraph (j)(1) of this AD. We have not changed this AD in this regard.

#### **FAA’s Determination and Proposed Requirements of This SNPRM**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

This proposed AD would require revising the maintenance or inspection program to incorporate new or revised airworthiness limitation requirements, as specified in Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 06, dated June 13, 2018. The applicability of this proposed AD would also include Airbus SAS Model A321–251NX, –252N, –252NX, –253NX, –271NX, –272N, and –272NX airplanes.

Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

#### **Costs of Compliance**

We estimate that this proposed AD affects 1,250 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

We have determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although we recognize that this number may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we have determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be

\$7,650 (90 work-hours × \$85 per work-hour).

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

#### **Regulatory Findings**

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; 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.

#### **The Proposed Amendment**

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

#### **PART 39—AIRWORTHINESS DIRECTIVES**

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

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

#### **§ 39.13 [Amended]**

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

**Airbus SAS:** Docket No. FAA–2018–0554; Product Identifier 2018–NM–064–AD.

#### **(a) Comments Due Date**

We must receive comments by December 24, 2018.

#### **(b) Affected ADs**

This AD affects AD 2017–25–04, Amendment 39–19118 (82 FR 58098, December 11, 2017) (“AD 2017–25–04”).

#### **(c) Applicability**

This AD applies to the Airbus SAS airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness issued on or before June 13, 2018.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, and –271N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes.

#### **(d) Subject**

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

#### **(e) Reason**

This AD was prompted by a revision of an airworthiness limitation item (ALI) document, which requires more restrictive maintenance requirements and airworthiness limitations. We are issuing this AD to address a safety-significant latent failure (that is not annunciated), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition.

#### **(f) Compliance**

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

**(g) Revision of Maintenance or Inspection Program**

Within 90 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the information specified in Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 06, dated June 13, 2018 ("ALS Part 3, CMR, R6"). The initial compliance time for accomplishing the tasks specified in ALS Part 3, CMR, R6, is at the applicable time specified in ALS Part 3, CMR, R6, or within 90 days after the effective date of this AD, whichever occurs later.

**(h) Terminating Actions for AD 2017–25–04**

Accomplishing the actions required by paragraph (g) of this AD terminates all of the requirements of AD 2017–25–04.

**(i) No Alternative Actions or Intervals**

After the maintenance or inspection program, as applicable, has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

**(j) Other FAA AD Provisions**

The following provisions also apply to this AD:

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

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

(ii) AMOCs approved previously for AD 2017–25–04, or AD 2014–22–08, Amendment 39–18013 (79 FR 67042, November 12, 2014), that allow incorporation of ALS Part 3, CMR, R6, are considered approved as AMOCs for the corresponding provisions of this AD.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply

with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

**(k) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0180, dated August 27, 2018, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–0554.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—ELAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); internet <http://www.airbus.com>. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on October 30, 2018.

**Dionne Palermo,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2018–24393 Filed 11–7–18; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

**[Docket No. FAA–2018–0957; Product Identifier 2018–NM–102–AD]**

**RIN 2120–AA64**

**Airworthiness Directives; Airbus SAS Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Airbus SAS Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; and Model A320–211, –212, –214, –216, –231, –232, and

–233 airplanes. This proposed AD was prompted by reports of cracks that were found after improperly performed magnetic particle inspections of the main landing gear (MLG) sliding tubes were done. This proposed AD would require instructions for repetitive general visual inspections of the affected parts for cracks and replacement if necessary. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by December 24, 2018.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

For service information identified in this NPRM, contact Airbus, Airworthiness Office—ELAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); internet <http://www.airbus.com>. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

**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–2018–0957; 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 NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:**

Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2018–0957; Product Identifier 2018–NM–102–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0136, dated June 26, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Airbus SAS Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; and

Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes. The MCAI states:

During a walk-around inspection, prior to aeroplane dispatch, an A320 MLG was found collapsed. Investigation revealed that, following a magnetic particle inspection of the MLG sliding tube, performed improperly during overhaul, cracks were initiated, eventually leading to fatigue fracture. A limited number of MLG sliding tubes have been identified that may have been subject to the same improper inspection during the last overhaul.

This condition, if not detected and corrected, could lead to MLG sliding tube fracture, possibly resulting in MLG collapse, damage to the aeroplane, and injury to occupants.

To address this potential unsafe condition, Airbus issued the SB [Service Bulletin A320–32–1461], providing instructions for repetitive general visual inspections (GVI) of the affected parts until next overhaul.

For the reasons described above, this [EASA] AD requires repetitive GVI of the affected parts [for cracks] and, depending on findings, replacement.

You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–0957.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–32–1461, dated April 11, 2018. This service information describes procedures for repetitive general visual

inspections of MLG sliding tubes for cracks and replacement of affected sliding tubes. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA’s Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 817 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS [“]

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 2 work-hours × \$85 per hour = \$170 .....	\$0	Up to \$170 .....	Up to \$138,890.

\* Table does not include estimated costs for reporting.

We estimate that it would take about 1 work-hour per product to comply with the proposed reporting requirement in this proposed AD. The average labor rate is \$85 per hour. Based on these

figures, we estimate the cost of reporting the inspection results on U.S. operators to be \$9,945, or \$85 per product.

We estimate the following costs to do any necessary on-condition actions that

would be required based on the results of any required actions. We have no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
19 work-hours × \$85 per hour = \$1,615 .....	\$185	\$1,800

We estimate that it would take about 1 work-hour per product to comply with the proposed reporting requirement in this proposed AD. The average labor rate is \$85 per hour. Based on these figures, we estimate the cost of reporting

the inspection results on U.S. operators to be \$85 per product.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a

collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this NPRM is 2120–0056.

The paperwork cost associated with this NPRM has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this NPRM is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW, Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES-200.

#### Authority for This Rulemaking

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

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

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

issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

#### Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; 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.

#### The Proposed Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**Airbus SAS:** Docket No. FAA-2018-0957; Product Identifier 2018-NM-102-AD.

#### (a) Comments Due Date

We must receive comments by December 24, 2018.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Airbus SAS Model A318-111, -112, -121, and -122 airplanes; Model A319-111, -112, -113, -114, -115, -131, -132, and -133 airplanes; and Model A320-211, -212, -214, -216, -231, -232, and -233 airplanes, certificated in any category, all manufacturer serial numbers.

#### (d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

#### (e) Reason

This AD was prompted by reports of cracks that were found after improperly performed magnetic particle inspections of the main landing gear (MLG) sliding tubes were done. We are issuing this AD to address this condition, which could result in fracture of the MLG sliding tube, possibly resulting in MLG collapse, damage to the airplane, and injury to occupants.

#### (f) Compliance

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

#### (g) Definitions

For the purposes of this AD, the definitions specified in paragraphs (g)(1) and (g)(2) of this AD apply.

(1) An affected part is any MLG sliding tube, having a part number (P/N) and serial number (S/N) listed in Figure 1 to paragraph (g)(1) of this AD, that has been last overhauled between October 27, 2003, and September 21, 2009, inclusive.

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Figure 1 to paragraph (g)(1) of this AD – *Affected parts: P/N and S/N*

Part number	Serial number	Part number	Serial number	Part number	Serial number
201160302	1071	201371302	B198-4649	201371304	B0544888
201160302	1116B	201371302	B274-4849	201371304	B0751922
201160302	73B	201371302	B225-4715	201371304	B1392028
201160302	1309B	201371302	B228-4755	201371304	B1655066
201160302	1024B	201371302	1801B	201371304	B1025007
201160302	64B	201371302	4441B	201371304	B994937
201160324	B2414670	201371302	B197-4656	201371304	B019-05
201160324	B013-4846	201371302	B210-4687	201371304	B1261991
201160324	B235-4749	201371302	B227-4697	201371304	B123-4994
201160324	1321B	201371302	SS4353B	201371304	B0334860
201160324	MAL1161	201371302	SS4375	201371304	B0234843
201160324	1057	201371304	B168-1948	201371304	B0364875
201160324	MAL-1315	201371304	B951935	201371304	B042-1899
201160324	12088	201371304	B003-4830	201371304	B554896
201160324	1693B	201371304	B005-4815	201371304	B0474885
201371302	B2584800	201371304	B006-4819	201371304	B0494851
201371302	B210-4684	201371304	B0181916	201371304	B0924936
201371302	B196-1879	201371304	B0211889	201371304	B1064967
201371302	B241-4668	201371304	B0311902	201371304	B1054968
201371302	B264-4787	201371304	B026-1895	201371304	B1081962
201371302	B265-4808	201371304	B029-1904	201371304	B013-4845
201371302	B2564777	201371304	B006-4829	201371304	B0374865
201371302	B2704816	201371304	B0281900	201371304	B1194983
201371302	B196-1880	201371304	B0254853	201371304	B4675255
201371302	B2714811	201371304	B0271893	201371304	B1111974
201371302	B229-4729	201371304	B0321906		
201371302	B261-4810	201371304	B003-4821		
201371302	B2724797	201371304	B009-4818		

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(2) Group 1 airplanes are those that have an affected part installed. Group 2 airplanes are those that do not have an affected part installed.

**(h) Repetitive Inspections**

For Group 1 airplanes: Within 500 flight cycles after the effective date of this AD, and, thereafter, at intervals not to exceed 500 flight cycles, accomplish a general visual inspection for cracks of each affected part, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320-32-1461, dated April 11, 2018.

**(i) Corrective Action**

If any crack is found during any inspection required by paragraph (h) of this AD: Before further flight, replace the affected part, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320-32-1461, dated April 11, 2018.

**(j) Terminating Action for Certain Actions Required by Paragraph (h) of This AD**

Accomplishment of an overhaul of an affected part after September 21, 2009, constitutes terminating action for the repetitive general visual inspections required by paragraph (h) of this AD for that affected part.

**(k) Reporting**

Submit a report of findings (both positive and negative) of the inspections specified in paragraph (h) of this AD to Airbus, in accordance with Airbus Service Bulletin A320-32-1461, dated April 11, 2018, at the applicable time specified in paragraph (k)(1) or (k)(2) of this AD. If operators have reported findings as part of obtaining any corrective actions approved by Airbus SAS's European Aviation Safety Agency (EASA) Design Organization Approval (DOA), operators are

not required to report those findings as specified in this paragraph.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

**(l) Exception to Paragraphs (h) and (i) of This AD**

An airplane embodying Airbus Modification 161202 (Evolution (EV) MLG) is not affected by the requirements of paragraphs (h) and (i) of this AD, provided it is determined that no affected parts are installed on that airplane. A review of airplane delivery and/or maintenance records is acceptable to make this determination, provided those records can be relied upon for that purpose and the part number and serial

number of the MLG sliding tube can be positively identified from that review.

#### (m) Parts Installation

(1) For Group 1 airplanes: From the effective date of this AD, it is allowed to install on any airplane an affected part, or an MLG equipped with an affected part, provided that, within the last 500 flight cycles before installation, the part passed an inspection specified in paragraph (h) of this AD, and that, following installation, the part is inspected as required by this AD.

(2) For Group 2 airplanes: From the effective date of this AD, do not install on any airplane an affected part.

#### (n) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(4) *Reporting Requirements*: A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to

be approximately 1 hour per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, AES 200.

#### (o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018-0136, dated June 26, 2018, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0957.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3223.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); internet <http://www.airbus.com>. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

Issued in Des Moines, Washington, on October 26, 2018.

**Michael Kaszycki,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2018-24390 Filed 11-7-18; 8:45 am]

**BILLING CODE 4910-13-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 86

[EPA-HQ-OAR-2017-0755; FRL-9986-20-OAR]

RIN 2060-AT75

### Light-Duty Vehicle GHG Program Technical Amendments; Reopening of Comment Period

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

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** EPA is announcing a reopening of the comment period for the proposed rule “Light-duty Vehicle GHG Program Technical Amendments,” to provide an additional 30 days for public comment. This document reopens the comment period and establishes a new comment period end date. This

additional opportunity to submit comments is provided in response to a request for such an extension and to allow the public additional time to comment on the proposed rule.

**DATES:** The comment period for the proposed rule, published on October 1, 2018 (83 FR 49344), is reopened. Written comments must be received on or before November 30, 2018, in order to be considered timely.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2017-0755, at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Christopher Lieske, Office of Transportation and Air Quality (OTAQ), Assessment and Standards Division (ASD), Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214-4584; email address: [lieske.christopher@epa.gov](mailto:lieske.christopher@epa.gov) fax number: 734-214-4816.

**SUPPLEMENTARY INFORMATION:** In the EPA proposal “Light-duty Vehicle GHG Program Technical Amendments,” published in the **Federal Register** on October 1, 2018 (83 FR 49344), EPA requested comment on all aspects of the proposal. The initial comment period ended on October 31, 2018 (30 days after publication of the proposal in the **Federal Register**). EPA received a request from the Chesapeake Bay Foundation for a 30-day extension of the comment period based on its concern regarding the complexity of calculations involved in the proposal. The request can be found in the docket for the



rulemaking, Docket EPA–HQ–OAR–2017–0755. EPA has considered the request and believes it is reasonable to provide additional time for commenters to submit comments to ensure that the public has sufficient time to review and comment on the proposal. EPA is granting the request, reopening the comment period to accept comments through November 30, 2018.

Instructions for submitting comments are provided above under **ADDRESSES**.

The proposal for which EPA is reopening the comment period was published in the **Federal Register** on October 1, 2018 (83 FR 49344) and is also available at the web page <https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-technical-amendments-light-duty-vehicle> and in the rulemaking docket.

Dated: October 30, 2018.

**Christopher Grundler,**

*Director, Office of Transportation and Air Quality, Office of Air and Radiation, U.S. Environmental Protection Agency.*

[FR Doc. 2018–24267 Filed 11–7–18; 8:45 am]

**BILLING CODE 6560–50–P**

## GENERAL SERVICES ADMINISTRATION

### 48 CFR Parts 501, 536, and 552

[GSAR Case 2015–G506; Docket No. GSAR–2018–0013; Sequence No. 1]

RIN 3090–A181

#### General Services Administration Acquisition Regulation (GSAR); Adoption of Construction Project Delivery Method Involving Early Industry Engagement—Construction Manager as Constructor (CMc)

**AGENCY:** Office of Acquisition Policy, General Services Administration (GSA).

**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration (GSA) is issuing a proposed rule amending the General Services Administration Acquisition Regulation (GSAR) to adopt an additional project delivery method for construction, construction manager as constructor (CMc). The private sector prevalently uses this type of construction project delivery method, which allows for early industry engagement by the construction contractor to provide reduced cost growth, reduced schedule growth and administrative savings. The current Federal Acquisition Regulation (FAR) and GSAR lack detailed coverage differentiating various construction project delivery methods. GSA's

policies on CMc have been previously issued through other means. By incorporating CMc into the GSAR and differentiating for various construction methods, the GSAR will provide centralized guidance that eases the burden for industry to understand and execute CMc construction contracts. Centralized guidance will also ensure consistent application of construction project principles across GSA. Additionally, integrating these requirements into the GSAR will allow industry to provide public comments through the rulemaking process.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat Division on or before January 7, 2019 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by GSAR Case 2015–G503 by any of the following methods:

- **Regulations.gov:** <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for “GSAR Case 2015–G506”. Select the link “Comment Now” that corresponds with GSAR Case 2015–G506. Follow the instructions provided on the screen. Please include your name, company name (if any), and “GSAR Case 2015–G506” on your attached document.

- **Mail:** General Services Administration, Regulatory Secretariat Division, 1800 F Street NW, ATTN: Lois Mandell Washington, DC 20405.

**Instructions:** Please submit comments only and cite GSAR Case 2015–G506 in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** For clarification about content, contact Mr. Tony O. Hubbard, General Services Acquisition Policy Division, GSA, by phone at 202–357–5810 or by email at [tony.hubbard@gsa.gov](mailto:tony.hubbard@gsa.gov). For information pertaining to status or publication schedules, contact the Regulatory Secretariat by mail at 1800 F Street NW, Washington, DC 20405, or by phone at 202–501–4755. Please cite GSAR Case 2015–G506, Construction Manager as Constructor Contracting.

**SUPPLEMENTARY INFORMATION:**

## I. Background

CMc refers to a project management and contracting technique that is one of three predominant methods used for acquiring construction services by GSA (*i.e.*, traditional (design-bid-build), design-build, and CMc). The CMc model used by GSA follows industry best practices that have been commonly used in the private sector for many years, and has worked well for numerous GSA construction procurements. While there is ample guidance on traditional and design-build procurements in the FAR, there is no guidance on CMc procurement. By providing specific contracting guidance on CMc, GSA is adopting a major project delivery method used by the private sector and is fundamentally updating the practice of buying construction services within the Federal Government. This move supports the Government's shift toward category management by providing a more robust playbook framework for efficient procurement of construction services.

The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to revise sections of GSAR Part 536, Construction and Architect-Engineer Contracts, and corresponding clauses in GSAR Part 552, Solicitation Provisions and Contract Clauses to incorporate CMc contracting, an industry best practice readily used in the private sector for construction. This rule will clarify, update and incorporate existing CMc guidance previously implemented through internal Public Building Service (PBS) policies.

Bringing existing policy into the GSAR will allow for greater transparency and an opportunity for the public to comment on these long-standing procedures. This rule has wide support from industry. In response to GSA's request for public input on acquisition regulatory reform (82 FR 24653), one leading construction industry association requested that GSA put forward GSAR guidance on the CMc project delivery method. In addition, bringing these policies into one location ensures currency and consistency that will make it easier for companies to do business with the Government and will provide better guidance to contracting officers. The proposed rule includes a total of two new agency unique clauses, three new alternatives to existing clauses, one new definition and one new agency unique subpart to prescribe policies and procedures for CMc contracting.

The CMc project delivery method models those used extensively in the



private sector for large complex construction projects. Similar to implementation in the private sector, this delivery method for GSA engages the construction contractor during the design phase of the project and establishes a ceiling on the eventual construction price (*i.e.*, the guaranteed maximum price (GMP)) before construction documents are prepared. While the private sector and GSA share an emphasis on technical qualifications for contractor selection, GSA also includes price competition of the GMP before initial contract award and provides more detail on the GMP elements. The CMc project delivery method creates value through early collaboration between the architect and constructor. In addition to the benefits of design phase services, CMc offers the

opportunity to begin construction prior to full completion of the design and to reduce the total project schedule. Similar to the private sector, GSA provides a cost incentive under CMc contracts. Through the cost incentive approach, the constructor is motivated to promote innovation and efficiencies that reduce costs through the construction phase of the project.

A GSAR rewrite initiative was undertaken by GSA to revise the GSAR starting in 2008. A proposed rule to update GSAR Part 536, Construction and Architect-Engineer Contracts was initially published as GSAR Case 2008–G509 in the **Federal Register** at 73 FR 73199, on December 2, 2008. Due to the variety of issues addressed in the GSAR 536 rewrite, and internal stakeholder interest, the agency re-evaluated the

implementation plan for the GSAR 536 rewrite and withdrew this initial proposed rule. The initial proposed rule withdrawal was published in the **Federal Register** at 80 FR 6944 on February 9, 2015. GSAR Case 2015–G506 is the third of several GSAR cases to separately address the issues and update the GSAR Part 536 text.

## II. Discussion and Analysis

The changes to the GSAR included in this proposed rule are summarized below.

1. Two new clauses for construction contracts previously implemented through internal PBS policy and currently in solicitations and contracts will be incorporated into GSAR Parts 536 and 552. The new clauses and a brief description are as follows:

Name and No.	Description	Purpose
552.236–79 Construction Manager as Constructor.	Agency unique clause to address requirements including the guaranteed maximum price, conversion to firm-fixed-price, and final settlement.	Clause provides guidance specific to a CMc project.
552.236–80 Accounting Records and Progress Payments.	Agency unique clause to address requirements including auditing accounts and control systems.	Clause provides guidance specific to a CMc project.

2. Three new alternates for existing clauses for construction contracts previously implemented through

internal PBS policy and currently in solicitation and contracts will be incorporated into GSAR Parts 536 and

552. The clauses and a brief description of the changes are as follows:

Name and No.	Description	Purpose
552.236–15 Schedules for Construction Contracts.	Supplemental clause to FAR 52.236–15 to address milestone events, cost breakdown, and requirements for different project delivery methods.	Clause prescription has no dollar threshold, which is more inclusive than the FAR clause that is only required at above simplified, in order to satisfy GSA specific contracting requirements.
552.236–21 Specifications and Drawings for Construction.	Supplemental clause to FAR 52.236–21 to address inconsistencies, and clarify definition of terms for different project delivery methods. Revised title and clause numbering to better align with the FAR, previously was GSAR 552.236–77, Specifications and Drawings.	The base clause provides guidance for any type of construction project. Alternate I of the clause provides guidance specific to a design-bid-build construction project. Alternate II of the clause provides guidance specific to a design-build construction project. Alternate III of the clause provides guidance specific to a CMc project. Clause prescription has no dollar threshold, which is more inclusive than the FAR clause that is only required at above simplified, in order to satisfy GSA specific contracting requirements. The base clause provides guidance for any type of construction project. Alternate I of the clause provides guidance specific to a design-build construction project. Alternate II of the clause provide guidance specific to a CMc project.
552.236–71 Contractor Responsibilities.	Agency unique clause to address requirements for different project delivery methods.	The base clause provides guidance for any type of construction project. Alternate I of the clause provides guidance specific to a design-build construction project. Alternate II of the clause provide guidance specific to a CMc project.

3. A new definition is incorporated at GSAR Section 536.102 for the construction manager as constructor (CMc) project delivery method.

4. GSAR Subpart 536.71 is added to reflect current practices for construction contracting using the construction manager as constructor (CMc) project

delivery method. The sections and a brief description are as follows:

No.	Name	Description
536.7101 .....	Scope of Subpart .....	Clarifies the scope as the policies and procedures for the use of the CMc project delivery method.
536.7102 .....	Definitions .....	Provides a definition for guaranteed maximum price and related elements.
536.7103 .....	Construction Contract Solicitation Procedures.	Provides policies relating to evaluation factors, price realism, total evaluated price, and release of the Government estimate.
536.7104 .....	Construction Contract Award .....	Provides procedures for award of separate line items.
536.7105 .....	Construction Contract Administration.	Provides policies relating to guaranteed maximum price, open book accounting, incentives, allowances, early work packages, and conversion to firm-fixed-price.
536.7106 .....	Construction Contract Closeout ....	Provides procedures regarding final settlement and audit for closeout.
536.7107 .....	Contract Clauses .....	Prescribes clauses when a CMc project delivery method will be followed.

### III. Specific Questions for the Public

GSA is seeking public comment on the applicability of Cost Accounting Standards (CAS) and the structure of incentives for CMc contracts. Feedback from industry and interested parties in Government on these issues will be used to help inform revisions to the proposed clauses, prescriptions, and other guidance to implement the rule.

**Cost Accounting Standards:** FAR Subpart 30.2 requires full CAS compliance, which covers 19 cost accounting principles, for negotiated contracts over \$50 million. Modified CAS compliance, which covers 4 cost accounting principles, is required for negotiated contracts below \$50 million. Currently, contracts using the CMc project delivery method apply these same CAS requirements as well as open book accounting practices for GMP line items. GSA is seeking public comment on industry standards for cost accounting as they relate to construction projects and the economic impact or cost savings if GSA were to only apply modified CAS compliance to all CMc projects regardless of dollar value.

**Incentives:** Currently, contracts using the CMc project delivery method include a fee for the construction work within the GMP that is a fixed amount for all of the contractor's indirect costs. This fee may include overhead, profit, and general conditions. Current CMc contracts also include a shared savings of the cost reductions realized by the contractor as a result of completing the construction work for less than the GMP. Public comments are invited on the way the proposed rule structures these elements under the CMc project delivery method, and the types of structures and incentives common in the construction marketplace.

### IV. Expected Economic Impact of This Rule

All three predominant construction project delivery methods have merits (*i.e.*, Design-Bid-Build (D-B-B), Design/

Build (D-B), and Construction Manager as Constructor (CMc)). CMc specifically allows for early industry engagement by the construction contractor. A study by the Pankow Foundation<sup>1</sup> as well as GSA's own data analysis have shown that this early engagement can provide reduced cost growth, reduced schedule growth and administrative savings, resulting in a net economic burden reduction compared with the other project delivery methods. GSA welcomes comments on all aspects of this section. An Economic Impact Analysis (EIA) has been prepared consistent with the principles of OMB Circular A-4 and is summarized as follows:

1. **Unquantified Benefits:** There are several important economic benefits specific to CMc that are expected to reduce burden that are difficult to quantify. Although not easily quantifiable they collectively represent meaningful savings to qualify this rule as deregulatory.

Early collaboration between the CMc and architect allow for (a) more efficient reviews of architect design submittals, (b) innovation during design that leads to fewer change orders during construction, and (c) identifications of conflicts or errors before work investments are made.

Early work packages under CMc allow for firm-fixed-price conversions and advanced execution of certain elements that provide cost and schedule savings, especially in a tight labor or material market.

As compared with D-B projects, CMc projects will reduce sunk costs and lower barriers to entry for industry to submit proposals and compete in this space.

Finally, codifying CMc requirements into one publicly-posted location, the GSAR, will ease the burden to industry

and GSA to understand CMc requirements and execute CMc projects.

2. **Reduced Schedule Growth:** This rule provides Government administrative savings resulting from reduced schedule growth and the associated increased project management and acquisition management efficiencies.

3. **Final GMP Proposal:** This rule adds minimal burden for contractors to submit and Government to review a revised proposal to establish the final Guaranteed Maximum Price (GMP) of the construction work and convert the contract to firm-fixed-price (FFP).

4. **Regulation Familiarization:** This rule adds minimal burden for contractors and Government to understand new requirements in this GSAR Case 2015-G506 that are different from existing CMc policy in GSA Class Deviation SPE-2012-04-02.

To estimate the economic impacts of reduced schedule growth, cost to finalize the GMP proposal and regulation familiarization, data was analyzed for GSA construction contracts completed between 2009 and 2016 that used the three predominant construction delivery methods. The results of the analysis showed this rule will provide a net deregulatory savings of \$238,535 annually. A 7 percent discount rate was used for the calculations.

Historic data was gathered and analyzed from GSA's Electronic Planning Module (ePM), an internal system which was mandated as a project management tool for construction starting in 2009. Historic data was also gathered and analyzed from the Federal Procurement Data System (FPDS), the authoritative source for government wide contract award data. Based on historic data, it is assumed that five new CMc projects will be performed each year.

A copy of the EIA may be obtained from the Regulatory Secretariat. GSA invites comments from industry and

<sup>1</sup> Leicht, R. M., Molenaar, K. R., Messner, J. I., Franz, B. W., and Esmaeili, B. (2015). Maximizing Success in Integrated Projects: An Owner's Guide. Version 0.9, May. Available at <http://bim.psu.edu/delivery>.

other interested parties on the expected impact of this rule.

#### *Government Economic Impact*

The EIA recognizes that Government will have administrative savings from reduced schedule growth. CMc when compared with non-CMc project delivery methods historically saves on average 71 calendar days (or 60 business days). This allows for increased efficiency for a senior project manager (PM), senior CO, and journeyman CS. Based on subject matter expertise, the PM would save 6 hours per day, the CO would save 2.5 hours per day, and the CS would save 5 hours per day. From reduced schedule growth, the annual Government savings is 810 hours (\$275,990).

The EIA also recognizes that Government will have an added burden to review revised proposal submissions from contractors for the final GMP. Based on subject matter expertise, a journeyman CS would spend 20 hours for each proposal review. For the final GMP proposal, the total annual burden to the Government is 100 hours (\$5,430).

Finally, the EIA recognizes that Government will have an added burden to understand the minor policy changes in this rule from existing guidance. The analysis accounts for a senior contracting officer (CO) and journeyman contract specialist (CS) for each GSA CMc construction project. Based on subject matter expertise, a CO and CS would spend one hour annually reviewing the adjusted language for understanding. For regulation familiarization, the total annual burden to the Government is 10 hours (\$653).

The total annual Government economic impact is a savings of 700 hours (\$269,907), or (\$252,250) when annualized at a 7 percent discount.

#### *Public Economic Impact*

The EIA recognizes that contractors will have an added burden to prepare revised proposal submissions for the final GMP. It is assumed that large or small businesses would spend 40 hours for each proposal submission. For the final GMP proposal, the total annual burden to the public is 200 hours (\$10,860).

Finally, the EIA recognizes that contractors will have an added burden to understand the minor policy changes in this rule from existing guidance. The analysis accounts for two hours for large or small business entities to review and understand the new language differences between existing policy. This also assumes that for each of the contracts an estimated five entities will

spend time reviewing language during the solicitation phase in order to provide a representative offer. For regulation familiarization, the total annual burden to the public is 50 hours (\$3,815).

The total annual public economic impact is a burden of 250 hours (\$14,675), or (\$13,715) when annualized at a 7 percent discount.

#### **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 supplements E.O. 12866 and 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 proposed rule is expected to be an E.O. 13771 deregulatory action. Details on the estimated cost savings of this proposed rule can be found in the rule's economic impact analysis detailed in Section IV of this proposed rule.

#### **VII. Executive Order 13777**

This rule has been identified by GSA's Regulatory Reform Task Force as a rule that improves efficiency by eliminating procedures with costs that exceed the benefits as described in Section IV of this proposed rule.

#### **VIII. Regulatory Flexibility Act**

GSA 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, at 5 U.S.C. 601, *et seq.*, because the proposed rule will incorporate clauses that are currently in use in GSA construction solicitations and contracts and contractors are familiar with and are currently complying with these practices. However, since this is the first time these existing policies and procedures that impact the public are being published, an Initial Regulatory Flexibility Analysis (IRFA) has been prepared. The IRFA has been prepared

consistent with the criteria of 5 U.S.C. 604 and is summarized as follows:

The proposed rule changes will apply to approximately 5 GSA construction contracts per year. Of these, approximately 1 (20 percent) contracts are held by small businesses. The proposed rule is unlikely to affect small businesses awarded GSA CMc construction contracts as it implements clauses currently in use in CMc solicitations and contracts. The proposed rule does not pose any new reporting, recordkeeping or other compliance requirements. The rule does not duplicate or conflict with any other Federal rules. The agency determined that alternative language is necessary for four FAR clauses. The agency determined that supplemental language is necessary for two FAR clauses. No alternatives were determined that will accomplish the objectives of the rule. Bringing these regulations into the GSAR provides for transparency and allows for public comment. Bringing these regulations into the GSAR also consolidates policy into one area, allowing for more consistency and efficiency in contracting for both businesses and contracting officers.

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

GSA 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. 601, *et seq.*, (GSAR 2015–G506), in correspondence.

#### **IX. Paperwork Reduction Act**

The Paperwork Reduction Act (44 U.S.C. Chapter 35) applies because the proposed rule contains information collection requirements. Accordingly, the Regulatory Secretariat Division has submitted a request for approval of a new information collection requirement concerning this rule to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

The information collected is used by PBS to evaluate contractor's proposals and negotiate contract modifications during contract administration.

Total public reporting burden for this collection of information is estimated to average 200 total hours annually, including the time for reviewing

instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The estimated burden hours to the public for the below clauses are as follows:

The new clause at GSAR 552.236–79, Construction-Contractor-as-Constructor, requires the contractor to submit proposals to establish the final estimated cost of the work, to convert the contract to a firm-fixed-price, and to determine the final settlement.

*Respondents:* 5.

*Responses per Respondent:* 1.

*Total Annual Responses:* 5.

*Hours per Response:* 40.

*Total Response Burden Hours:* 200.

The new clause at GSAR 552.236–80, Accounting Records, contains a recordkeeping requirement that is subject to the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*). The clause requires the contractor to keep all relevant documents for a period of three years after the final payment. However, the clause does not add burden to what is already estimated for the existing FAR clause at 52.215–2, Audit and Records (see OMB Control Number 9000–0034).

Submit comments, including suggestions for reducing this burden, no later than January 7, 2019. Submit comments to the General Services Administration, Regulatory Secretariat Division, 1800 F Street NW, Washington, DC 20405.

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Requesters may obtain a copy of the information collection supporting statement from the General Services Administration, Regulatory Secretariat Division, 1800 F Street NW, Washington, DC 20405.

Please cite OMB Control No. 3090–XXXX, Construction Manager as Constructor; GSAR Case 2015–G506, in all correspondence.

#### List of Subjects in 48 CFR Parts 501, 536, and 552.

Government procurement.

Dated: November 1, 2018.

**Jeffrey A. Koses,**

*Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.*

Therefore, GSA proposes to amend 48 CFR parts 501, 536, and 552 as set forth below:

■ 1. The authority citation for 48 CFR parts 501, 536, and 552 continues to read as follows:

**Authority:** 40 U.S.C. 121(c).

#### PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM

##### 501.106 [Amended]

■ 2. Amend part 501.106 by adding to the table, in numerical order, GSAR references “552.236–79” and “552.236–80” and their corresponding OMB control numbers “3090–XXXX” and “9000–0034”, respectively.

#### PART 536—CONSTRUCTION AND ARCHITECT–ENGINEER CONTRACTS

■ 3. Amend section 536.102 by adding, in alphabetical order, the definition of “Construction-Manager-as-Constructor” to read as follows:

##### 536.102 Definitions.

\* \* \* \* \*

“Construction-Manager-as-Constructor” (CMc) means the project delivery method where design and construction are contracted concurrently through two separate contracts and two separate contractors. Unlike the traditional design-bid-build delivery method, under the CMc delivery method, the Government awards a separate contract to a designer (*i.e.*, architect-engineer contractor) and to a construction contractor (*i.e.*, CMc contractor) prior to the completion of the design documents. The Government retains the CMc contractor during design to work with the architect-engineer contractor to provide constructability reviews and cost estimating validation. The CMc contract includes design phase services at a firm-fixed-price and an option for construction at a guaranteed maximum price.

\* \* \* \* \*

■ 4. Add section 536.515 to read as follows:

##### 536.515 Schedules for construction contracts.

Insert the clause at 552.236–15, Schedules for Construction Contracts, in solicitations and contracts if construction, dismantling, demolition,

or removal of improvements is contemplated. Use the clause:

(a) With its Alternate I when the contract amount is expected to be above the simplified acquisition threshold and a design-bid-build project delivery method will be followed.

(b) With its Alternate II when the contract amount is expected to be above the simplified acquisition threshold and a design-build project delivery method will be followed.

(c) With its Alternate III when the contract amount is expected to be above the simplified acquisition threshold and a construction-manager-as-constructor project delivery method will be followed.

■ 5. Add section 536.521 to read as follows:

##### 536.521 Specifications and drawings for construction.

Insert the clause at 552.236–21, Specifications and Drawings for Construction, in solicitations and contracts if construction, dismantling, demolition, or removal of improvements is contemplated. Use the clause—

(a) With its Alternate I when a design-build project delivery method will be followed; or

(b) With its Alternate II when a construction-manager-as-constructor project delivery method will be followed.

##### 536.570–1 [Removed]

■ 6. Remove section 536.570–1.

■ 7. Amend section 536.570–2 by redesignating the heading as 536.570–1 and revising the section to read as follows:

##### 536.570–1 Authorities and limitations.

Insert the clause at 552.236–70, Authorities and Limitations, in solicitations and contracts if construction, dismantling, demolition, or removal of improvements is contemplated.

■ 8. Add section 536.571 to read as follows:

##### 536.571 Contractor responsibilities.

Insert the clause at 552.236–71, Contractor Responsibilities, in solicitations and contracts if construction, dismantling, demolition, or removal of improvements is contemplated. Use the clause—

(a) With its Alternate I when a design-build project delivery method will be followed; or

(b) With its Alternate II when a construction-manager-as-constructor project delivery method will be followed.

**Subpart 536.70—[Reserved]**

- 9. Add and reserve Subpart 536.70.
- 10. Add new subpart 536.71 to read as follows:

**Subpart 536.71—Construction-Manager-as-Constructor Contracting**

Sec.

- 536.7101 Scope of Subpart.
- 536.7102 Definitions.
- 536.7103 Construction Contract Solicitation Procedures.
- 536.7104 Construction Contract Award.
- 536.7105 Construction Contract Administration.
- 536.7105–1 Responsibilities.
- 536.7105–2 Guaranteed Maximum Price.
- 536.7105–3 Accounting and Auditing Requirements.
- 536.7105–4 Value Engineering.
- 536.7105–5 Shared Savings Incentive.
- 536.7105–6 Allowances.
- 536.7105–7 Early Work Packages.
- 536.7105–8 Conversion to Firm-Fixed-Price.
- 536.7106 Construction Contract Closeout.
- 536.7107 Contract Clauses.

**536.7101 Scope of Subpart.**

This subpart describes policies and procedures for the use of the CMc project delivery method.

**536.7102 Definitions.**

As used in this subpart—  
“CMc Contingency Allowance” (CCA) is an allowance for the exclusive use of the construction contractor to cover reimbursable costs during construction that are not the basis of a change order. These costs could include estimating and planning errors in the final Estimated Cost of the Work (ECW) or other contractor errors.

“Early Work Package” means a set of construction activities that can be clearly defined and separately performed from the remainder of the construction work. These packages are typically identified toward the beginning of the project. Demolition is an example of an early work package.

“Estimated Cost of the Work” (ECW) means the estimated direct cost of the construction work. The proposed ECW incorporated at construction contract award is the target ECW. The final ECW is negotiated during the design phase and is incorporated into the construction contract through modification.

“Fee for the Construction Work” is a fixed amount established in the construction contract for all of the contractor’s indirect costs, including overhead and profit, for the construction work. The fee may be proposed per phase of construction if each phase is a separate option.

“Guaranteed Maximum Price” (GMP) is the ceiling price described in FAR 16.403–2. At construction contract award, the GMP for the construction contract is established as the sum of the target ECW, the CCA and the fee for the construction work.

**536.7103 Construction Contract Solicitation Procedures.**

(a) *Procurement Timing.* The request for proposals should be issued only when the project design requirements have been developed to a sufficient degree of specificity to permit competition with meaningful pricing for the ECW. The contracting officer should obtain written documentation for the contract file from the project manager that the project design requirements satisfy the condition stated in this section.

(b) *Proposal Evaluation.*

(1) *Evaluation Factors.*

(i) Except as provided in paragraph (ii) of this subsection, the solicitation shall provide that the technical evaluation factors, when combined, shall be considered significantly more important than cost or price.

(ii) Subject to the approval of the HCA, the weighting of the technical evaluation factors and cost or price may be different than that required under paragraph (i) of this subsection. Any such written approval shall be documented in the contract file.

(2) *Price Realism.* The contracting officer shall provide for a price realism analysis in the solicitation for the purpose of assessing, among others, whether an offeror’s price reflects a lack of understanding of the contract requirements or risk inherent in an offeror’s proposal. The solicitation shall provide offerors with notice that the agency intends to perform a price realism analysis.

(3) *Total Evaluated Price.* For purposes of evaluation, the total evaluated price shall include the firm-fixed-price for design phase services, the construction work GMP option(s), and any other fixed-priced line items. If advance pricing elements such as extended overhead rates and daily delay rates are proposed, those shall also be evaluated as part of the total evaluated price.

(c) *Government Budget (e.g. Prospectus) Information.* Subject to the approval of the contracting director, the solicitation may include information contained or referenced within a prospectus submission to Congress for a project.

**536.7104 Construction Contract Award.**

In accordance with FAR 4.1001, the contracting officer shall use the SF 1442

to identify the services or items to be acquired as separately identified line items on a unit price or lump sum basis including the design phase services, the construction work GMP option(s), and any other work not included in the previously identified items.

**536.7105 Construction Contract Administration.****536.7105–1 Responsibilities.**

(a) During all phases of the project, the architect-engineer contractor that is providing design services under a separate contract with GSA is contractually responsible for the design in the same manner as under a traditional, design-bid-build project delivery method.

(b) The design phase services provided by the construction contractor can include, but are not limited to, scheduling, systems analysis, subcontractor involvement, cost-estimating, constructability reviews, cost-reconciliation services, and market analysis.

(c) The scope of work should task the construction contractor with reviewing the design documents and providing pricing information at various defined milestones during the design phase.

(d) During the design phase, the architect-engineer contractor and the construction contractor should collaborate on the design and constructability issues. The goal of this collaboration is to establish a final ECW that does not exceed the original target ECW.

(e) No discussions between the architect-engineer contractor and the construction contractor shall be considered as a change to the construction contract or design contract unless incorporated by the contracting officer through a modification.

**536.7105–2 Guaranteed Maximum Price.**

(a) *General.*

(1) *GMP.* (i) The GMP is established at contract award. The GMP may be established as one option or as multiple options through separate line items, with a separate GMP amount for each line item.

(ii) The GMP is subject to adjustment under various standard contract clauses, including the changes clause, differing site conditions clause, and suspensions clause.

(iii) The contract file shall contain all documents to support any scope changes including a separate analysis to document the rationale for any upward or downward adjustment to the GMP.

(2) *ECW.* (i) The final ECW should be established prior to completion of the design (i.e. 100 percent construction

documents), generally no earlier than completion of 75 percent construction documents.

(ii) The contracting officer shall negotiate the final ECW and incorporate it into the construction contract through a bilateral modification prior to exercising the GMP option.

(3) *CCA.* (i) The CCA type of allowance may only be used as part of the CMc project delivery method and should not be confused with other types of allowances that may be used with other construction project delivery methods.

(ii) The CCA is adjusted to provide for a contingency relative to a fixed percentage of the ECW set at contract award, except for the requirements at paragraph (c)(2) of this subsection.

(iii) The CCA will cover design errors and omissions that do not form the basis of a change order. Design errors and omissions that do form the basis for a change order will be settled in accordance with GSAR 552.243–71 Equitable Adjustments.

(iv) Except as provided in paragraph (a)(3)(v) of this subsection, the CCA should not exceed 3 percent.

(v) Subject to the approval of the HCA, the CCA may be different than that required under paragraph (a)(3)(iv) of this subsection. Any such written approval shall be documented in the contract file.

(4) *Fee for the Construction Work.* (i) The fee for the construction work may only be adjusted for scope changes that have an impact on schedule.

(ii) The fee for the construction work associated with a scope change shall not be driven by a fixed percentage. The contracting officer should determine whether the profit included, if any, in a contractor's proposal is reasonable for the scope change work.

(b) *Design Phase.* (1) The GMP may be bilaterally modified upward during the design phase only for approved additions to the scope of work.

(2) The GMP shall be bilaterally modified downward during the design phase for deletions to the scope of work.

(c) *Exercising the GMP Option.* (1) The GMP option shall not be exercised until the final ECW is established.

(2) If the sum of the final ECW, CCA, and fee for construction work is less than the GMP established at contract award, then the contracting officer shall adjust the GMP downward accordingly through a bilateral modification to exercise the GMP option.

(3) If the sum of the final ECW, CCA, and fee for the construction work is greater than the GMP established at contract award, then the contracting officer shall reduce the CCA while

keeping the GMP amount fixed through a bilateral modification to exercise the GMP option.

(4) The GMP option shall not be exercised if the final ECW and fee for the construction work is greater than the GMP established at contract award.

(d) *Construction Phase.* (1) After award of the GMP option, changes in scope may be issued as an adjustment to the GMP or as a stand-alone firm-fixed-price line item.

(2) Any changes in scope after award of the GMP option shall be reflected by a written modification to the construction contract in accordance with FAR Part 43.

(e) *Early Work Package.* (1) Early work packages (see 536.7105–7) may be used in the procurement that are priced separately or included in the GMP option.

(2) If any early work package exercised reduces the scope of the construction services under the GMP option, the ECW shall be reduced, and the CCA, fee for the construction work, and GMP shall be adjusted accordingly.

(f) *GMP Adjustment.* (1) Any changes to the total GMP or individual parts of the GMP must be incorporated in the contract through a modification.

(2) Any modification that changes the GMP, including modifications for early work packages and fixed price conversions, must clearly state that it includes a change to the GMP and describe the changes to the individual parts of the GMP components in the modification.

(3) Any modification that changes the total GMP, or individual parts of the GMP, is subject to the requirement for a prenegotiation objectives memo and price negotiation memo, including fair and reasonable price determination, per FAR 15.406.

(4) The contracting officer should consult other members of the acquisition team, including the project manager, to analyze and justify any adjustments to the total GMP, or individual parts of the GMP.

#### **536.7105–3 Accounting and Auditing Requirements.**

(a) *Cost Accounting Standards.* (1) Except as provided in paragraph (a)(2) of this subsection or through an exemption at FAR 30.201–1, construction contracts under the CMc project delivery method are subject to the cost accounting standards (CAS) identified in FAR Part 30.

(2) The contracting officer may request a CAS waiver in accordance with the requirements at FAR 30.201–5 and 530.201–5.

(3) If CAS applies, the contract clauses identified at FAR 30.201–4 shall be included in the contract.

(4) If a CAS waiver is granted or if CAS does not apply, the contract clause identified at 536.7107(b) shall be included in the contract.

(b) *GMP Option Accounting.*

(1) *Open Book Accounting.* Open book accounting shall be followed for financial tracking of all contract line items that are awarded on a GMP basis. Such financial tracking may be accomplished through an audit in accordance with paragraph (c) of this section.

(2) *Payments and Reconciliation.* All payments shall be reconciled with the open book accounting records and the schedule of values adjusted, as appropriate. Reconciliation shall occur each month and should be coordinated with monthly progress payments. The reconciliation shall be documented in the contract file.

(c) *Auditing Requirements.* In accordance with GSAM 542.102(a), for any audit services required by this Subpart 536.71, the contracting officer shall first request such services be performed by or through the Assistant Inspector General for Auditing or the Regional Inspector General for Auditing. If the Office of Inspector General declines to perform such an audit, the contracting officer may obtain audit services from a certified public accountant.

#### **536.7105–4 Value Engineering.**

In accordance with FAR 48.202, the clause at FAR 52.248–3 Value Engineering–Construction does not apply to incentive contracts. Accordingly, value engineering shall not apply to the CMc project delivery method described in this subpart.

#### **536.7105–5 Shared Savings Incentive.**

(a) *General.* The incentive is a shared portion of the cost reductions realized by the construction contractor as a result of completing the construction work for less than the GMP. Cost reductions may result from innovations and efficiencies during the construction phase, such as increased labor productivity or strong material subcontract negotiations.

(b) *Share Ratio.* (1) Except as provided in paragraph (2) of this subsection, the share ratio for the construction contractor shall range from 30 percent to 50 percent. The share ratio for the construction contractor shall not exceed 50 percent. The complexity of the project and the amount of risk to the construction contractor should be considered when determining the ratio.

A project with greater risk to the construction contractor should reflect a greater share ratio for the construction contractor.

(2) Subject to the approval of the HCA, the share ratio may be different than that required under paragraph (b)(1) of this subsection. Any such written approval shall be documented in the contract file.

(c) *Incentive Calculation.* The incentive amount is calculated in accordance with the clause at 552.236–78 Construction-Manager-As-Constructor.

#### **536.7105–6 Allowances.**

(a) Establishing a separate allowance in addition to the CCA is only permitted pursuant to a written determination approved by the contracting director supporting the use of any such allowance.

(b) The written determination for a separate allowance in addition to the CCA shall consider—

(1) Alternative contracting structures, such as a separate GMP line item or performing the work as part of the GMP option, and

(2) Ensuring conformance with all applicable rules and procedures relating to allowances, including FAR 11.702.

#### **536.7105–7 Early Work Packages.**

(a) Construction services for an early work package must be within the scope of the overall contract.

(b) Early work packages may be part of the initial procurement as a separately priced line item, or the Government and the construction contractor may agree to develop an early work package after award.

(c) Early work packages shall be definitive firm-fixed-price line items in the contract.

(d) *Early Work Packages Developed After Award.* (1) The parties shall bilaterally agree to the scope, schedule, and pricing for any such early work package, and the contract shall be modified in accordance with FAR Part 43.

(2) If any such early work package reduces the scope of the construction services under the GMP option, the ECW shall be reduced, and the CCA, fee for the construction work, and GMP shall be adjusted accordingly.

(3) Any modification to the contract for an early work package is subject to the requirement for a prenegotiation objectives memo and price negotiation memo, including fair and reasonable price determination, per FAR 15.406.

(e) Early work packages are no longer subject to open book accounting, a shared savings incentive, or the need for determination of final settlement.

#### **536.7105–8 Conversion to Firm-Fixed-Price.**

(a) At any time after completion of 100 percent construction documents, the Government and the construction contractor may bilaterally convert the whole contract to firm-fixed-price.

(b) Conversion to firm-fixed-price may occur after the contingency risks, to be covered by the CCA, have been sufficiently reduced in the best interest of the Government. See FAR 16.103(b) for additional guidance for assessing risk management, profit motive, and timing considerations.

(c) Conversion to firm-fixed-price is only permitted pursuant to a written determination from the contracting officer to the contract file supporting the conversion. The contracting officer should consult other members of the acquisition team, including the project manager, to analyze and justify the conversion.

(d) The contracting officer shall not agree to a firm-fixed-price in excess of the GMP.

(e) In accordance with 536.7105–3(c), the contracting officer shall obtain an independent audit of the construction contractor's costs incurred in the performance of the contract to date.

(f) When evaluating the construction contractor's proposal for firm-fixed-price definitization, the contracting officer should compare the anticipated final cost to the firm-fixed-price being proposed. It may be reasonable for the construction contractor to include a contingency for assuming the risk associated with agreeing to the firm-fixed-price. The contracting officer should evaluate this contingency to ensure that the proposed amount reasonably reflects the remaining risks being assumed by the construction contractor. This evaluation may be informed by the history of the project, the balance of the CCA, and other factors.

(g) The modification to convert to a firm-fixed-price is subject to the requirement to obtain cost and pricing data unless one of the exceptions in FAR 15.403–1 applies.

(h) The modification to convert to a firm-fixed-price is subject to the requirement for a prenegotiation objectives memo and price negotiation memo, including fair and reasonable price determination, per FAR 15.406.

(i) Upon converting to a firm-fixed-price, the contract is no longer subject to open book accounting, a shared savings incentive, or the need for determination of final settlement.

#### **536.7106 Construction Contract Closeout.**

Unless the contract has been converted to a standard firm-fixed-price contract (see 536.7105–8)—

(a) The contracting officer shall ensure that the construction contractor's proposal for final settlement is accurate and reliable in accordance with the open book accounting practices of the contract.

(b) In accordance with 536.7105–3(c), the contracting officer shall obtain an independent audit of the construction contractor's costs.

#### **536.7107 Contract Clauses.**

(a) Insert a clause substantially the same as the clause at 552.236–79, Construction-Manager-As-Constructor, in solicitations and contracts if construction, dismantling, or removal of improvements is contemplated when a CMc project delivery method will be followed. This clause is in lieu of the clause at FAR 52.216–17 Incentive Price Revision—Successive Targets.

(b) Insert a clause substantially the same as the clause at 552.236–80, Accounting Records and Progress Payments, in solicitations and contracts if construction, dismantling, or removal of improvements is contemplated when a CMc project delivery method will be followed and cost accounting standards do not apply. This clause is in lieu of the clauses at FAR 52.230–2 Cost Accounting Standards, FAR 52.230–3 Disclosure and Consistency of Cost Accounting Practices, and FAR 52.230–6 Administration of Cost Accounting Standards.

### **PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

■ 11. Add section 552.236–15 to read as follows:

#### **552.236–15 Schedules for Construction Contracts.**

As prescribed in 536.515, insert the following clause:

##### **Schedules for Construction Contracts (Date)**

The requirements, of the clause entitled “Schedules for Construction Contracts” at FAR 52.236–15, are supplemented as follows:

(a) *Purpose.* The project schedule shall be a rational, reasonable, and realistic plan for completing the work, and conform to the requirements specified in this clause and elsewhere in the contract. The Contractor understands and acknowledges that the preparation and proper management of the project schedule is a material component of the contract.

(b) *Use of the schedule.* The Contracting Officer shall be entitled, but not required, to rely upon the project schedule to evaluate the Contractor's progress, evaluate entitlement to



extensions of time, and determine the criticality or float of any activities described in such project schedule.

(c) *Submission*. Prior to notice to proceed, or such other time as may be specified in the contract, the Contractor shall submit the project schedule.

(d) *Milestones*. The project schedule shall incorporate milestone events specified in the contract, including, as applicable, notice to proceed, substantial completion, and milestones related to specified work phases and site restrictions. The project schedule shall also include Contractor-defined milestones to identify target dates for critical events, based upon the Contractor's chosen sequence of work.

(e) *Activities*. The project schedule shall depict all major activities necessary to complete the work.

(f) *Schedule of values*. (1) The Contractor shall prepare and submit for approval a cost breakdown of the Contract price, to be referred to as the "schedule of values", assigning values to each major activity necessary to complete the work.

(2) Values must include all direct and indirect costs, although a separate value for bond costs may be established.

(3) The schedule of values must contain sufficient detail to enable the Contracting Officer to evaluate payment requests (see FAR 52.232-5 and GSAR 552.232-5).

(g) *Conflicting terms*. (1) If at any time the Contracting Officer finds that the project schedule does not comply with any contract requirement, the Contracting Officer may provide written notice to the Contractor.

(2) Within 30 calendar days of any such written notice, or such other time as may be specified, from the Contracting Officer, the Contractor shall take one of the following actions—

- (i) Revise the project schedule;
- (ii) Adjust activity progress; or
- (iii) Provide sufficient information demonstrating compliance.

(3) If the Contractor fails to sufficiently address the Contracting Officer's exceptions to the project schedule, the Contracting Officer may, in addition to any other remedies set forth in the contract—

(i) Withhold retainage until the project is substantially complete or until such time as the Contractor has complied with project schedule requirements; or

(ii) Terminate the contract for default.

(h) *Revisions to the schedule*. If the Contractor proposes a revision to the project schedule after initial approved submission, the Contractor shall provide in writing a narrative describing the substance of the revision, the rationale for the revision, and the impact of the revision on the projected substantial completion date and the available float for all activities.

(i) *Updates*. Unless a different period for updates is specified elsewhere, the Contractor shall update the project schedule weekly to reflect actual progress in completing the work, and submit the updated project schedule by the following Monday.

(End of clause)

*Alternate I (DATE)*. As prescribed in 536.515(a), substitute the following

paragraphs (c), (e), (h), and (i) for paragraphs (c), (e), (h), and (i) of the basic clause:

(c) *Submission*. Within 30 calendar days of notice to proceed, or such other time as may be specified in the contract, the Contractor shall submit the project schedule, together with a written narrative describing the major work activities, activities on the critical path, and major constraints underlying the sequence and logic of the project schedule.

(e) *Activities*. (1) The Contractor shall use a critical path method project schedule to plan, coordinate, and perform the work.

(2) The project schedule shall depict all activities necessary to complete the work, including, as applicable, all submittal and submittal review activities, all procurement activities, and all field activities, including mobilization, construction, start-up, testing, balancing, commissioning, and punchlist.

(3) Activities shall be sufficiently detailed and limited in duration to enable proper planning and coordination of the work, effective evaluation of the reasonableness and realism of the project schedule, accurate monitoring of progress, and reliable analysis of schedule impacts.

(4) Activity durations shall be based upon reasonable and realistic allocation of the resources required to complete each activity, given physical and logistical constraints on the performance of the work. All logic shall validly reflect physical or logistical constraints on relationships between activities. Except for the first and last activities in the project schedule, each activity shall have at least one predecessor and one successor relationship to form a logically connected network plan from notice to proceed to the contract completion date.

(h) *Revisions to the schedule*. (1) The Contractor should anticipate that the initial submittal of the project schedule will be subject to review and may require revision. The Contractor shall devote sufficient resources for meetings, revisions, and resubmissions of the project schedule to address any exceptions taken to the initial submittal. The Contractor understands and acknowledges that the purpose of the initial review and resolution of exceptions is to maximize the usefulness of the project schedule for contract performance.

(2) If the Contractor proposes a revision to the project schedule after initial approved submission, the Contractor shall provide in writing a narrative describing the substance of the

revision, the rationale for the revision, and the impact of the revision on the projected substantial completion date and the available float for all activities.

(i) *Updates*. Unless a different period for updates is specified elsewhere, the Contractor shall update the project schedule monthly to reflect actual progress in completing the work, and submit the updated project schedule within 5 working days of the end of each month.

*Alternate II (DATE)*. As prescribed in 536-515(b), substitute the following paragraphs (c), (e), and (i) for paragraphs (c), (e), and (i) of the basic clause:

(c) *Submission*. (1) Within 30 calendar days of notice to proceed, or such other time as may be specified in the contract, the Contractor shall submit the project schedule, together with a written narrative describing the major design and construction activities. The project schedule may indicate construction activities in summary form prior to completion of final design documents.

(2) Within 30 calendar days of completion of final design documents, the Contractor shall submit a revised project schedule depicting all activities necessary to complete construction work activities, together with a written narrative describing the major work activities, activities on the critical path, and major constraints underlying the sequence and logic of the project schedule.

(e) *Activities*. (1) The Contractor shall use a critical path method project schedule to plan, coordinate, and perform the work.

(2) Activities shall be sufficiently detailed and limited in duration to enable proper planning and coordination of the work, effective evaluation of the reasonableness and realism of the project schedule, accurate monitoring of progress, and reliable analysis of schedule impacts.

(3) Activity durations shall be based upon reasonable and realistic allocation of the resources required to complete each activity, given physical and logistical constraints on the performance of the work. All logic shall validly reflect physical or logistical constraints on relationships between activities. Except for the first and last activities in the project schedule, each activity shall have at least one predecessor and one successor relationship to form a logically connected network plan from notice to proceed to the contract completion date.

(i) *Updates*. Unless a different period for updates is specified elsewhere, the Contractor shall update the project schedule monthly to reflect actual progress in completing the work, and submit the updated project schedule within 5 working days of the end of each month.

*Alternate III (DATE)*. As prescribed in 536.515(c), substitute the following paragraphs (c), (e), (h), and (i) for paragraphs (c), (e), (h), and (i) of the basic clause:

(c) *Submission*. (1) Within 30 calendar days of contract award, or such other time as may be specified in the contract,



the Contractor shall submit the design phase project schedule.

(2) Within 30 calendar days after establishing the final estimated cost of work, the Contractor shall submit the construction phase project schedule, together with a written narrative describing the major work activities, activities on the critical path, and major constraints underlying the sequence and logic of the project schedule.

(e) *Activities.* (1) The design phase project schedule shall depict all activities necessary to complete the design work, including, as applicable, all submittal and submittal review activities, cost reconciliation, and establishing the estimated cost of work for the construction phase.

(2) The Contractor shall use a critical path method project schedule to plan, coordinate, and perform the construction phase work.

(3) The construction phase project schedule shall depict all activities necessary to complete the construction work, including, as applicable, all submittal and submittal review activities, all procurement activities, and all field activities, including mobilization, construction, start-up, testing, balancing, commissioning, and punchlist.

(4) Activities shall be sufficiently detailed and limited in duration to enable proper planning and coordination of the work, effective evaluation of the reasonableness and realism of the project schedule, accurate monitoring of progress, and reliable analysis of schedule impacts.

(5) Activity durations shall be based upon reasonable and realistic allocation of the resources required to complete each activity, given physical and logistical constraints on the performance of the work. All logic shall validly reflect physical or logistical constraints on relationships between activities. Except for the first and last activities in the project schedule, each activity shall have at least one predecessor and one successor relationship to form a logically connected network plan from notice to proceed to the contract completion date.

(h) *Revisions to the schedule.* (1) The Contractor should anticipate that the project schedule will be subject to review and may require revision. The Contractor shall devote sufficient resources for meetings, revisions, and resubmissions of the project schedule to address any exceptions taken. The Contractor understands and acknowledges that the purpose of the review and resolution of exceptions is to maximize the usefulness of the project schedule for contract performance.

(2) If the Contractor proposes a revision to the project schedule after initial approved submission, the Contractor shall provide in writing a narrative describing the substance of the revision, the rationale for the revision, and the impact of the revision on the projected substantial completion date and the available float for all activities.

(i) *Updates.* Unless a different period for updates is specified elsewhere, the Contractor shall update the project schedule monthly to reflect actual progress in completing the work, and submit the updated project schedule within 5 working days of the end of each month.

■ 12. Add section 552.236–21 to read as follows:

**552.236–21 Specifications and Drawings for Construction.**

As prescribed in 536.521, insert the following clause:

**Specifications and Drawings for Construction (Date)**

The requirements of the clause entitled “Specifications and Drawings for Construction” at FAR 52.236–21, are supplemented as follows:

(a) In case of difference between small and large-scale drawings, the large-scale drawings shall govern.

(b) Schedules on any contract drawing shall take precedence over conflicting information on that or any other contract drawing.

(c) On any of the drawings where a portion of the work is detailed or drawn out and the remainder is shown in outline, the parts detailed or drawn out shall apply also to all other like portions of the work.

(d) Where the word “similar” occurs on the drawings, it shall have a general meaning and not be interpreted as being identical, and all details shall be worked out in relation to their location and their connection with other parts of the work.

(e) Standard details or specification drawings are applicable when listed, bound with the specifications, noted on the drawings, or referenced elsewhere in the specifications.

(1) Where notes on the specification drawings indicate alterations, such alterations shall govern.

(2) In case of difference between standard details or specification drawings and the specifications, the specifications shall govern.

(3) In case of difference between the standard details or specification drawings and the drawings prepared specifically for this contract, the drawings prepared specifically for this contract shall govern.

(f) Different requirements within the contract documents shall be deemed inconsistent only if compliance with both cannot be achieved.

(g) Unless otherwise noted, the drawings shall be interpreted to provide for a complete construction, assembly, or installation of the work, without regard to the detail with which

material components are shown in the drawings.

(End of clause)

*Alternate I (DATE).* As prescribed in 536.521(a), add the following paragraph to the basic clause:

(h) For the purposes of this clause, specifications and drawings refer only to those included among the contract documents at time of contract award, and not to those produced by the Contractor pursuant to its responsibilities under the contract.

*Alternate II (DATE).* As prescribed in 536.521(b), add the following paragraph to the basic clause:

(h) For the purposes of this clause, specifications and drawings refer only to the construction documents, meaning the 100 percent complete specifications and construction drawings developed during the design phase.

**552.236–70 [Removed]**

■ 13. Remove section 552.236–70.

**552.236–71 [Redesignated as 552.236–70]**

■ 14. Redesignate section 552.236–71 as 552.236–70.

■ 15. Add new section 552.236–71 to read as follows:

**552.236–71 Contractor Responsibilities.**

As prescribed in 536.571, insert the following clause:

**Contractor Responsibilities (Date)**

(a) The Contractor shall be responsible for compliance with applicable codes, standards and regulations pertaining to the health and safety of personnel during performance of the contract.

(b) Unless expressly stated otherwise in the contract, the Contractor shall be responsible for all means and methods employed in the performance of the contract.

(c) The Contractor shall immediately bring to the Contracting Officer's attention any hazardous materials or conditions not disclosed in the contract documents discovered by or made known to the Contractor during the performance of the contract.

(d) The Contractor shall be responsible for providing professional design services in connection with performance of the work or portions of the work only if this responsibility is expressly stated in the contract, and the contract documents provide the performance and design criteria that such services will be required to satisfy. In the performance of such work, the Contractor shall be responsible for retaining licensed design professionals, who shall sign and seal all drawings, calculations, specifications and other submittals that the licensed professional prepares. The Contractor shall be responsible for, and GSA shall be entitled to rely upon, the adequacy and completeness of all professional design services provided under the contract.

(e) Where installation of separate work components as shown in the contract will

result in conflict or interference between such components or with existing conditions, including allowable tolerances, it is the Contractor's responsibility to bring such conflict or interference to the attention of the Contracting Officer and seek direction before fabrication, construction, or installation of any affected work. If the Contractor fabricates, constructs, or installs any work prior to receiving such direction, the Contractor shall be responsible for all cost and time incurred to resolve or mitigate such conflict or interference.

(f) Where drawings show work without specific routing, dimensions, locations, or position relative to other work or existing conditions, and such information is not specifically defined by reference to specifications or other information supplied in the contract, the Contractor is responsible for routing, dimensioning, and locating such work in coordination with other work or existing conditions in a manner consistent with contract requirements.

(g) It is not the Contractor's responsibility to ensure that the contract documents comply with applicable laws, statutes, building codes and regulations. If it comes to the attention of the Contractor that any of the contract documents do not comply with such requirements, the Contractor shall promptly notify the Contracting Officer in writing. If the Contractor performs any of the work prior to notifying and receiving direction from the Contracting Officer, the Contractor shall assume full responsibility for correction of such work, and any fees or penalties that may be assessed for non-compliance.

(End of clause)

*Alternate I (DATE).* As prescribed in 536.571(a), delete paragraphs (d), (e), (f), and (g) of the basic clause, and insert paragraphs (d), (e), (f), and (g) as follows:

(d) The Contractor shall be responsible for providing professional design services unless this responsibility is expressly excluded from the contract. In the performance of such work, the Contractor shall be responsible for retaining licensed design professionals, who shall sign and seal all drawings, calculations, specifications and other submittals that the licensed professional prepares. The Contractor shall be responsible for, and GSA shall be entitled to rely upon, the adequacy and completeness of all professional design services provided under the contract.

(e) The Contractor's responsibilities include the responsibilities of the Architect-Engineer Contractor, as specified in FAR 52.236–23.

(f) The Contractor shall include in all subcontracts that require professional design services express terms establishing GSA as a third party beneficiary. No other person shall be deemed a third party beneficiary of the contract.

(g) The Contractor shall determine whether the information contained in the contract documents complies with applicable laws, statutes, building codes and regulations. If it comes to the attention of the Contractor that any of the contract documents do not comply with such requirements, the Contractor shall promptly notify the Contracting Officer in writing. If the Contractor performs any of the work prior to notifying and receiving direction from the Contracting Officer, the Contractor shall assume full responsibility for correction of such work, and any fees or penalties that may be assessed for non-compliance.

*Alternate II (DATE).* As prescribed in 536.571(b), delete paragraphs (d), (e), (f), and (g) of the basic clause, and insert paragraphs (d), (e), (f), (g), (h), (i), and (j) as follows:

(d) The Contractor shall be responsible for performing the design phase services in accordance with the statement of work. The Contractor shall submit all deliverables and reports in accordance with the statement of work.

(e) The Contractor shall be responsible to review all design information (e.g. draft specifications and drawings) provided. The Contractor shall be responsible for determining that the project as described in the design information is constructible using commercially practicable means and methods; that the construction work is described in the design documents with sufficient completeness to enable pricing of a complete project within the guaranteed maximum price; and that the manner of presentation and organization of information in the design documents enables accurate estimation of the cost of the work.

(f) Prior to establishment of the final estimated cost of work, the Contractor shall bring to the Contracting Officer's attention all instances that it has discovered or has been made aware of where omission of design information affects the Contractor's ability to accurately estimate the cost of the work.

(g) Where installation of separate work components as shown in the contract will result in conflict or interference between such components or with existing conditions, including allowable tolerances, it is the Contractor's responsibility to bring such conflict or interference to the attention of the Contracting Officer and seek direction before fabrication, construction, or installation of any affected work. If the Contractor fabricates, constructs, or installs any work prior to receiving such direction, the Contractor shall be responsible for

all cost and time incurred to resolve or mitigate such conflict or interference.

(h) Where drawings show work without specific routing, dimensions, locations, or position relative to other work or existing conditions, and such information is not specifically defined by reference to specifications or other information supplied in the contract, the Contractor is responsible for routing, dimensioning, and locating such work in coordination with other work or existing conditions in a manner consistent with contract requirements.

(i) It is not the Contractor's responsibility to ensure that the contract documents comply with applicable laws, statutes, building codes and regulations. If it comes to the attention of the Contractor that any of the contract documents do not comply with such requirements, the Contractor shall promptly notify the Contracting Officer in writing. If the Contractor performs any of the work prior to notifying and receiving direction from the Contracting Officer, the Contractor shall assume full responsibility for correction of such work, and any fees or penalties that may be assessed for non-compliance.

(j) The Contractor is responsible to construct the project in accordance with the drawings and specifications. The final Estimated Cost of the Construction Work (ECW) may be determined based upon incomplete design documents. In those instances in which the drawings and specifications are not complete at the time the final ECW is established, the Contractor shall exercise reasonable care and judgment to determine the intent of the design and shall calculate the final ECW on the basis of the quality of construction, materials, and finishes that can be reasonably inferred from the design documents or other specified sources.

■ 16. Add sections 552.236–79 and 552.236–80 to read as follows:

**552.236–79 Construction-Manager-As-Constructor.**

As prescribed in 536.7107(a), insert the following clause:

**Construction-Manager-As-Constructor (Date)**

(a) *General.* Pricing for the Guaranteed Maximum Price (GMP) for the option for construction services shall be subject to the requirements of this clause.

(b) *Definitions.* The following definitions shall apply to this clause:

“Construction-Manager-as-Constructor (CMc) Contingency Allowance” (CCA) means an allowance to cover reimbursable costs during construction that are not the basis of a change order.

“Costs” means allowable direct costs in accordance with FAR Part 31. Marked up costs paid to subcontractors shall be deemed direct costs of the Contractor.

“Cost of Performance” means the final sum of cost of the construction work and fee for the construction work.

“Estimated Cost of the Work” (ECW) means the estimated direct cost of the construction work.

“Fee for the Construction Work” means a fixed amount for all indirect costs, including overhead and profit.

“Guaranteed Maximum Price” (GMP) means the sum of the ECW, CCA, and the fee for the construction work.

(c) *Guaranteed Maximum Price*. This contract at award includes a GMP.

(d) *Estimated Cost of the Work*. The proposed ECW incorporated into the contract at award is a target ECW. A final ECW is negotiated during the design phase and is incorporated into the contract prior to exercise of the GMP option.

(e) *Final Estimated Cost of the Work*.

(1) *Submission Requirements for Final ECW Proposal*. During the design phase, and at a time agreed by the Contracting Officer, the Contractor shall submit the following:

(i) A detailed statement of all firm-fixed-price early work packages in the performance of the construction work to date.

(ii) A proposed final ECW.

(iii) Sufficient data to support the accuracy and reliability of the estimate.

(iv) An explanation of the difference between the proposed final ECW and the target ECW used to establish the GMP.

(v) The Contractor's affirmation that—

(A) The Contractor is satisfied that the project as described in the specifications and construction drawings is constructible using commercially practicable means and methods;

(B) The Contractor is satisfied that the construction work has been sufficiently described to enable it to estimate the cost of the work with reasonable accuracy;

(C) The Contractor has disclosed to the Contracting Officer all of its actual knowledge relating to omissions of design information that may affect the cost of the work; and

(D) The Contractor acknowledges that the final ECW and time established for completion shall not be adjusted on account of cost or time attributable to known design omissions disclosed by the Contractor pursuant to paragraph (e)(1)(v)(C) of this clause. Unknown design errors and omissions that form the basis for a change order may still be settled in accordance with GSAR 552.243–71 Equitable Adjustments.

(2) *Establishment of the Final ECW*. The parties shall negotiate a final ECW based on the data provided under paragraph (e)(1) of this clause. The final ECW shall be established and incorporated into the Contract by bilateral modification. The Contracting Officer will not accept a final ECW proposal that does not include the written affirmation described in this clause. The Contracting Officer will not exercise the GMP option for construction work unless the final ECW has been incorporated into the contract.

(f) *CMc Contingency Allowance*. The CCA shall be \_\_\_ percent of the ECW [*Contracting Officer insert percentage amount*].

(g) *Shared Savings Incentive*. The Contractor shall be entitled to \_\_\_ percent of

any cost reductions realized [*Contracting Officer insert percentage amount*].

(h) *Adjustment of ECW and GMP*. The ECW and GMP shall be subject to adjustment for changes and any other conditions giving rise to entitlement to an adjustment under this contract. The ECW and GMP shall be adjusted down for deletions to the scope of the construction services through a bilateral modification.

(i) *Adjustment of CCA*. If the sum of the final ECW, CCA, and fee for the construction work is greater than the GMP established at contract award, then the contracting officer will reduce the CCA while keeping the GMP amount fixed. Otherwise, the CCA is adjusted relative to the percentage of the ECW set in paragraph (f) of this clause. Prior to the use of the CCA, the Contractor shall coordinate approval following the procedures identified in the contract.

(j) *Adjustment of the Fee for the Construction Work*. The fee for the construction work may only be adjusted for scope changes that have an impact on schedule. The fee for the construction work associated with a scope change shall not be driven by a fixed percentage.

(k) *Conversion to Firm-Fixed-Price Prior to Final Settlement*.

(1) *Submission Requirements for Conversion to Firm-Fixed-Price*. If the parties agree to negotiate and establish a firm-fixed-price for construction work prior to the exercise of the GMP option, or at the request of the Contracting Officer, the Contractor shall submit the following:

(i) A proposed firm-fixed-price proposal for the completion of the construction work, which shall include all markups, including profit.

(ii) A detailed statement of any costs incurred in the performance of the contract work to date.

(2) *Establishment of Firm-Fixed-Price*.

(i) *Prior to Exercise of GMP Option*. The parties may negotiate and establish a firm-fixed-price for construction work prior to the exercise of the GMP option based on the data provided under paragraph (k)(1) of this clause; provided that the firm-fixed-price shall not exceed the GMP. The Contracting Officer shall have the right, but not the obligation, to bilaterally exercise the GMP option at the firm-fixed-price within 120 calendar days of the establishment of such price.

(ii) *After Exercise of the GMP Option*. At any time prior to final settlement, the Contracting Officer may request that the Contractor provide a firm-fixed-price proposal for the completion of construction work in accordance with paragraph (k)(1) of this clause. Within 60 calendar days of such request, the Contractor shall provide such data. Within 60 calendar days of receipt of the Contractor's proposal, the Contracting Officer shall have the right, but not the obligation, to convert the contract to a firm-fixed-price contract through a bilateral modification at the proposed fixed-price or as otherwise negotiated by the parties; provided that the firm-fixed-price, plus any costs incurred in the performance of the construction work, shall not exceed the GMP.

(iii) If any portion of the contract is converted to a firm-fixed-price, then that

portion of the contract is no longer subject to open book accounting, a shared savings incentive, or the need for final settlement. If the contract is not converted to a firm-fixed-price contract, then the final settlement of the Contractor's compensation shall be determined in accordance with paragraph (l) of this clause.

(3) *Payments*. If this contract is converted to a firm-fixed-price contract, the Contractor shall submit a revised schedule of values for the construction work allocating the unpaid balance of the fixed price to the itemized work activities remaining uncompleted, which shall be the basis for remaining progress payments.

(l) *Final Settlement*. The final settlement amount shall consist of the cost of performance and the Contractor's shared savings incentive, if any, provided that in no event shall the final settlement exceed the GMP. The final settlement amount shall be the Contractor's total compensation due under the contract.

(1) *Submission Requirements for Final Settlement Proposal*. The Contractor shall submit a final settlement proposal within 120 days of substantial completion to determine the cost of the construction work, which shall include the following:

(i) A detailed statement of all costs incurred by the Contractor in performing the construction work.

(ii) A firm-fixed-price proposal for the performance of the remaining work, if any, that may be necessary to complete performance of the construction work.

(iii) An executed release of claims, which shall describe any and all exceptions, including a description of any outstanding claims.

(iv) Any other relevant data that the Contracting Officer may reasonably require.

(2) *Determination of the Cost of the Work*. The cost of the construction work shall be the sum of all costs incurred by the Contractor in performing the construction work, the proposed fixed price for performance of remaining work, if any, less the residual value of any Contractor retained inventory. In order to determine the cost of the construction work, the Contractor shall be subject to an audit of the Contractor's records and/or the Contractor's proposal. Establishment of the cost of the construction work shall be subject to negotiation between the Government and the Contractor. In the event that the parties are unable to reach agreement, the Contracting Officer may unilaterally determine the cost of the construction work, and such determination shall be subject to FAR Clause 52.233–1 Disputes.

(3) *Determination of the Shared Savings Incentive*. If the final cost of performance is equal to or greater than the final GMP, the Contractor is not entitled to any additional compensation. If the final cost of performance is less than the final GMP, the Contractor is entitled to the percentage specified in paragraph (g) of this clause, of the difference between the final GMP and the final cost of performance, as the shared savings incentive.

(m) *Subcontracts*. No subcontract placed under this contract may provide for cost-

plus-a-percentage of cost. Any costs incurred by the Contractor as a result of such a subcontract shall not be included in the cost of the construction work or the final settlement.

(n) *Open Book Access.* (1) At any time prior to converting to firm-fixed-price, the Government and its representatives, including designated auditors and accountants, shall have the right, but not the obligation, to attend any and all project meetings and shall have access to any and all records maintained by the Contractor relating to the contract. The Contractor shall include this requirement for open book access by the Government in its subcontracts for the contract.

(2) After converting to firm-fixed-price, the Government maintains the right to examine records under GSAR Clause 552.215–70.

(o) *Termination.* If this Contract is terminated, the Contractor shall not be entitled to a shared savings incentive.

(p) The contractor agrees to incorporate the substance of this clause in all subcontracts under this contract.

(End of Clause)

#### **552.236–80 Accounting Records and Progress Payments.**

As prescribed in 536.7107(b), insert the following clause:

#### **Accounting Records and Progress Payments (Date)**

(a) The Contractor shall keep full and detailed accounts and exercise such controls as may be necessary for proper financial management under this contract. The Contractor's accounting and control systems shall meet Generally Accepted Accounting Principles (GAAP) and provide for the following:

(1) There is proper segregation of direct costs and indirect costs.

(2) There is proper identification and accumulation of direct costs by contract.

(3) There is a labor time distribution system that charges direct and indirect labor appropriately.

(b) The Contractor shall afford access to and shall permit any authorized representatives of the Government to audit, examine and copy any records, documents, books, correspondence, instructions, drawings, receipts, subcontracts, purchase orders, vouchers, memoranda, and other data relating to this contract. Records subject to audit, examination, and copying shall include those records necessary to evaluate and verify all direct and indirect costs, including overhead and payroll tax and fringe benefit allocations, as they may apply

to costs associated with the contract. The Contractor shall preserve these records for a period of three years after the final payment, or for such longer period as may be required by law.

(c) The records identified in paragraphs (b) of this clause shall be subject to inspection and audit by the Government or its authorized representative for, but limited to, evaluating and verifying the following:

(1) Contractor compliance with contract requirements.

(2) Compliance with pricing change orders, invoices, applications for payment, or claims submitted by the contractor or any of its subcontractors at any tier, including vendors and suppliers.

(d) If requested by the Government, the Contractor shall promptly deliver to the Government or its designee copies of all records related to the contract, in a form acceptable to the Government. The Contractor shall provide to the Government or its authorized representative such records maintained in an electronic format in a computer readable format on data disks or suitable alternative computer data exchange formats.

(e) The Government shall have access to the Contractor's facilities, shall be allowed to interview all current and former employees to discuss matters pertinent to the contract, and shall be provided adequate work space, in order to conduct audits and examinations.

(f) If any audit or examination of the Contractor's records discloses total findings resulting in overpricing or overcharges by the Contractor to the Government in excess of one-quarter percent of the total contract billings, the Contractor shall immediately reimburse the Government for the overcharges. The Contractor shall also reimburse the Government for the costs of the audit unless otherwise agreed to by the Government and the Contractor.

(g) The Government shall be entitled to audit all modifications, including lump-sum modifications, to determine whether the proposed costs, as represented by the Contractor and any of its subcontractors, are in compliance with the contract. If it is determined that the costs proposed under a modification, including lump-sum modifications, are not in compliance with the contract, the Government reserves the right to adjust the amount previously approved and included in the modification.

(h) If the Contractor fails to comply with any conditions in this clause, the Contracting Officer may retain a maximum of 10 percent of the amount of each payment request submitted until such deficiencies are corrected.

(i) These requirements regarding accounting records shall not mitigate, lessen

nor change any other requirements in the contract regarding audits, payment submissions, records, or records retention.

(j) The contractor agrees to incorporate the substance of this clause in all subcontracts under this contract.

[FR Doc. 2018–24282 Filed 11–7–18; 8:45 am]

**BILLING CODE 6820–61–P**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 622**

[Docket No. 180212157–8897–01]

RIN 0648–BH72

### **Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Electronic Reporting for Federally Permitted Charter Vessels and Headboats in Gulf of Mexico Fisheries**

#### *Correction*

In proposed rule document 2018–23348, appearing on pages 54069 through 54079, in the issue of Friday, October 26, 2018, make the following corrections:

#### **§ 622.26 Recordkeeping and reporting [Corrected].**

\* \* \* \* \*

- 1. On page 54076, in the third column, in the thirty-ninth line, the entry “(b)(5)(iii)(D)” should read “(b)(5)(ii)(D)”.
- 2. On page 54076, in the third column, in the sixty-fifth line, the entry “(b)(5)(iii)(A)” should read “(b)(5)(ii)(A)”.
- 3. On page 54077, in the first column, in the second line, the entry “(b)(5)(iii)(C)” should read “(b)(5)(ii)(C)”.
- 4. On page 54077, in the first column, in the eleventh line, the entry “(b)(5)(iii)(B)” should read “(b)(5)(ii)(B)”.

\* \* \* \* \*

[FR Doc. C1–2018–23348 Filed 11–7–18; 8:45 am]

**BILLING CODE 1301–00–D**

# Notices

Federal Register

Vol. 83, No. 217

Thursday, November 8, 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

### Agricultural Marketing Service

[Doc. No. AMS-DA-18-0070]

#### Notice of Request for Extension and Revision of a Currently Approved Information Collection

**AGENCY:** Agricultural Marketing Service, USDA.

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Marketing Service's (AMS) intention to request approval, from the Office of Management and Budget, for an extension of and revision to the currently approved information collection for Export Health Certificate Request Forms.

**DATES:** Comments on this notice must be received by January 7, 2019 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit comments concerning this notice by using the electronic process available at [www.regulations.gov](http://www.regulations.gov). Written comments may also be submitted to Camia R. Lane, Grading and Standardization Branch, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2968-South Building, 1400 Independence Avenue SW, Washington, DC 20250-0230; Tel: (202) 720-1671, Fax: (202) 720-2643, or via email at [Camia.Lane@ams.usda.gov](mailto:Camia.Lane@ams.usda.gov). All comments should reference the docket number (same number as above assigned by Originating Program), the date, and the page number of this issue of the **Federal Register**. All comments received will be posted without change, including any personal information provided, at [www.regulations.gov](http://www.regulations.gov) and will be included in the record and made available to the public.

#### FOR FURTHER INFORMATION CONTACT:

Camia R. Lane, Grading and Standardization Branch, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2968-South Building, 1400 Independence Avenue SW, Washington, DC 20250-0230; Tel: (202) 720-1671, Fax: (202) 720-2643.

#### SUPPLEMENTARY INFORMATION:

*Title:* Export Certificate Request Forms.

*OMB Number:* 0581-0283.

*Expiration Date of Approval:* January 31, 2019.

*Type of Request:* Extension and revision of a currently approved information collection.

*Abstract:* The dairy grading program is a voluntary user fee program authorized under the Agricultural Marketing Act (AMA) of 1946 (7 U.S.C.1621-1627). The regulations governing inspection and grading services of manufactured or processed dairy products are contained in 7 CFR part 58. Importing countries require certification as to production methods and sources of raw ingredients for dairy products. USDA, AMS, Dairy Grading Branch is the designated agency for issuing sanitary certificates for dairy products in the United States. Exporters must request export certificates from USDA.

*Need and Use of the Information:* To provide the required information on dairy export sanitary certificates AMS must collect the information from the exporter. The information required on the sanitary certificates varies from country to country requiring specific forms for each country. Such information includes: Identity of the importer and exporter, to describe consignment specifics, and identify border entry point at the country of destination. The information gathered using these forms is only used to create the export sanitary certificate. There has been a change in the overall burden of this submission.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average .20 hours per response.

*Respondents:* Dairy product manufacturers, consultants, installers, dairy equipment fabricators and meat and poultry processing equipment fabricators.

*Estimated Number of Respondents:* 475.

*Estimated Total Annual Responses:* 51,800.

*Estimated Number of Responses per Respondent:* 109.

*Estimated Total Annual Burden on Respondents:* 10,345.

Comments are invited on: (1) 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; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Camia R. Lane, Grading and Standardization Branch, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2968-South Building, 1400 Independence Avenue SW, Washington, DC 20250-0230; Tel: (202) 720-1671, Fax: (202) 720-2643, or via email at [Camia.Lane@ams.usda.gov](mailto:Camia.Lane@ams.usda.gov). All comments received will be available for public inspection during regular business hours at the same address.

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

Dated: November 5, 2018.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2018-24454 Filed 11-7-18; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

November 5, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding (1) whether the collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by December 10, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8958.

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

#### Food Safety and Inspection Service

*Title:* Petitions for Rulemaking.  
*OMB Control Number:* 0583-0136.

*Summary of Collection:* The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and the Egg Product Inspection Act (EPIA) (21 U.S.C. 1031 *et seq.*). These statutes mandate that FSIS protect the public by ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged. The Administrative Procedures Act requires that Federal agencies give interested persons the right to petition for issuance, amendment, or repeal of a rule (5 U.S.C. 553(e)).

*Need and Use of the Information:* FSIS has regulations that govern the submission to FSIS of petitions for rulemaking (9 CFR 392). FSIS will use the information associated with petitions to assess the merits of the petition and to determine whether to issue, amend, or repeal its regulations.

*Description of Respondents:* Business or other for-profit.

*Number of Respondents:* 10.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 400.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2018-24420 Filed 11-7-18; 8:45 am]

**BILLING CODE 3410-DM-P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Proposed Voluntary Product Standard 2-10, Performance Standard for Wood-Based Structural-Use Panels

**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.

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

**SUMMARY:** The National Institute of Standards and Technology (NIST) is soliciting public comment on a proposed revision to Voluntary Product Standard (PS) 2-10, Performance Standard for Wood-Based Structural-Use Panels. The standard, prepared by the Standing Committee for PS 2, establishes requirements for those who choose to adhere to the standard, for the structural criteria to assess the acceptability of wood-based structural-use panels for construction sheathing and single-floor applications. It also provides a basis for common understanding among the producers, distributors, and the users of these products. Interested parties are invited to review the proposed standard and submit comments to NIST.

**DATES:** Written comments regarding the proposed revision to PS 2-10 should be submitted to the Standards Services Division, NIST, no later than December 10, 2018.

**ADDRESSES:** An electronic copy (an Adobe Acrobat File) of the proposed revision to the standard, PS 2-10, can be obtained at the following website: <https://www.nist.gov/standardsgov/voluntary-product-standards-program>. This site also includes an electronic copy of PS 2-10 (the existing standard)

and a summary of the significant changes. Written comments on the proposed revision should be submitted to David F. Alderman, Standards Coordination Office, NIST, 100 Bureau Drive, Stop 2100, Gaithersburg, MD 20899-2100. Electronic comments may be submitted to [david.alderman@nist.gov](mailto:david.alderman@nist.gov).

#### FOR FURTHER INFORMATION CONTACT:

David F. Alderman, Standards Coordination Office, National Institute of Standards and Technology, telephone (301) 975-4019; fax: (301) 975-4715, email: [david.alderman@nist.gov](mailto:david.alderman@nist.gov).

**SUPPLEMENTARY INFORMATION:** The proposed revision of the standard has been developed and is being processed in accordance with Department of Commerce provisions in 15 CFR part 10, *Procedures for the Development of Voluntary Product Standards*, as amended (published June 20, 1986). The Standing Committee for PS 2 is responsible for maintaining, revising, and interpreting the standard, and is comprised of producers, distributors, users, and others with an interest in the standard. Committee members voted on the revision, which was approved unanimously. The Committee then submitted a report to NIST along with the voting results and the draft revised standard. NIST has determined that the revised standard should be issued for public comment.

Voluntary Product Standard PS 2-10 establishes structural criteria for assessing the acceptability of wood-based structural-use panels for construction sheathing and single-floor application and provides a basis for common understanding among the producers, distributors, and the users of these products. After conducting a review of the current standard, PS 2-10, the Standing Committee for PS 2 determined that updates were needed to reflect current industry practices and developed the proposed revision to the standard through meetings to review the standard and propose needed changes.

The proposed revision includes the following changes: Change of title, editorial corrections, new and revised definitions, updated references, and changes to Section 5 Requirements. A complete list of proposed changes can be found at <https://www.nist.gov/standardsgov/voluntary-product-standards-program>. All public comments will be reviewed and considered.

Attachments will be accepted in plain text, Microsoft Word, or Adobe PDF formats. Comments containing references, studies, research, and other empirical data that are not widely

published should include copies or electronic links of the referenced materials.

All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. NIST reserves the right to publish comments publicly, unedited and in their entirety. Sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information. Do not submit confidential business information, or otherwise sensitive or protected information. Comments that contain profanity, vulgarity, threats, or other inappropriate language or content will not be considered.

Written comments should be submitted in accordance with the **DATES** and **ADDRESSES** sections of this notice. The Standing Committee for PS 2 and NIST will consider all responsive comments received and may revise the standard accordingly.

**Authority:** 15 U.S.C. 272.

**Kevin A. Kimball,**  
*Chief of Staff.*

[FR Doc. 2018-24407 Filed 11-7-18; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XG604**

#### Fisheries of the South Atlantic and Gulf of Mexico; South Atlantic Fishery Management Council and Gulf of Mexico Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a joint meeting of the South Atlantic Fishery Management Council (SAFMC) and Gulf of Mexico Fishery Management Council (GMFMC) Scientific and Statistical Committee's Scamp Assessment Plan Review subgroup (SSC).

**SUMMARY:** The Councils will hold a meeting of a subgroup of their SSC's via webinar to review planning documents for the Scamp stock assessment. See **SUPPLEMENTARY INFORMATION**.

**DATES:** The SSC subgroup will meet from 1 p.m. to 3 p.m., Tuesday, November 27, 2018.

**ADDRESSES:** The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Mike Errigo at SAFMC or John Froeschke at GMFMC (see **FOR FURTHER INFORMATION CONTACT** below) at least 24 hours in advance to request webinar access information.

**Council address:** South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405. Gulf of Mexico Fishery Management Council, 4107 West Spruce Street, Suite 200, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Mike Errigo, SAFMC, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; *phone:* (843) 571-4366 or toll free (866) SAFMC-10; *fax:* (843) 769-4520; email: *mike.errigo@safmc.net*. John Froeschke, GMFMC, 4107 West Spruce Street, Suite 200, Tampa, FL 33607; *phone:* (813) 348-1844 or toll free (888) 833-1844; *fax:* (813) 348-1711. *john.froeschke@gulfcouncil.org*.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is to provide SSC review of planning documents for an assessment of Scamp in the Southeast US. This will be a joint assessment of the Gulf and South Atlantic management units conducted through the Southeast Data, Assessment, and Review Program (SEDAR) Research Track Assessment Process. The GMFMC and SAFMC agreed to conduct this review of the Scamp assessment schedule and Terms of Reference using a sub-group of their SSC's through a joint meeting to efficiently develop recommendations of both SSCs.

#### Items To Be Discussed at This Meeting

1. Review and comment on the Scamp Research Track Terms of Reference.
2. Review and comment on the Scamp Research Track project schedule.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Written comment on SSC agenda topics is to be distributed to the Committee through the SAFMC office. Written comment to be considered by the SSC shall be provided to the SAFMC

not later than 12:00 p.m. Tuesday, November 13, 2018.

#### Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 10 business days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: November 5, 2018.

**Tracey L. Thompson,**

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

[FR Doc. 2018-24436 Filed 11-7-18; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XG587**

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The New England Fishery Management Council's is convening an ad-hoc sub-panel of its Scientific and Statistical Committee.

Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meeting will be held on Friday, November 30, 2018 at 9 a.m.

**ADDRESSES:** The meeting will be held at the Hotel Providence, 139 Mathewson Street, Providence, RI 02903; *phone:* (401) 861-8000.

**Council address:** New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Nies, Executive Director, New England Fishery Management Council; *telephone:* (978) 465-0492.

#### SUPPLEMENTARY INFORMATION:

#### Agenda

The New England Fishery Management Council is convening an ad-hoc sub-panel of its Scientific and Statistical Committee to review a report from the Fishery Data for Stock Assessment Working Group. The panel will review the working group's work on the following tasks: Explain how fishery dependent and fishery



independent data are used in stock assessments, including how different data elements are used and interact in an age-based analytic assessment; Summarize the theoretical utility and limitations of using catch per unit effort (CPUE) and landings per unit effort (LPUE) as indexes of abundance for Northeast multispecies (groundfish) stocks, including recent efforts to create a CPUE for any of these stocks and the results of those efforts; Identify the fishery factors and fishery dependent data needed to create a CPUE that would be a reliable index of abundance for Northeast multispecies stocks—without regard to existing fishing practices, regulations, or monitoring systems; Compare the desired factors identified with existing conditions and data for the fishery through a gap analysis of factors and data needed, as well as the analytical approaches necessary, to create a CPUE that would be a reliable index of abundance for Northeast multispecies stocks. Other business will be discussed as needed.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: November 5, 2018.

**Tracey L. Thompson,**

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

[FR Doc. 2018-24431 Filed 11-7-18; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XG597**

#### Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting (webinar).

**SUMMARY:** The Pacific Fishery Management Council's (Pacific Council) Ad Hoc Ecosystem Workgroup (EWG) will hold a webinar, which is open to the public.

**DATES:** The webinar meeting will be held on Wednesday, November 28, 2018, from 10:30 a.m. until 1:30 p.m.

**ADDRESSES:** The meeting will be held via webinar. A public listening station is available at the Pacific Council office (address below). To attend the webinar (1) join the meeting by visiting this link <http://www.gotomeeting.com/online/webinar/join-webinar>, (2) enter the Webinar ID: 719-616-539, and (3) enter your name and email address (required). After logging in to the webinar, please (1) dial this TOLL number 1-415-655-0060 (not a toll-free number), (2) enter the attendee phone audio access code 518-051-230, and (3) then enter your audio phone pin (shown after joining the webinar). **NOTE:** We have disabled Mic/Speakers as an option and require all participants to use a telephone or cell phone to participate. Technical Information and system requirements: PC-based attendees are required to use Windows® 7, Vista, or XP; Mac®-based attendees are required to use Mac OS® X 10.5 or newer; Mobile attendees are required to use iPhone®, iPad®, Android™ phone or Android tablet (See <https://www.gotomeeting.com/webinar/ipad-iphone-android-webinar-apps>). You may send an email to Mr. Kris Kleinschmidt at [Kris.Kleinschmidt@noaa.gov](mailto:Kris.Kleinschmidt@noaa.gov) or contact him at (503) 820-2280, extension 411 for technical assistance.

**Council address:** Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

**FOR FURTHER INFORMATION CONTACT:** Dr. Kit Dahl, Pacific Council; telephone: (503) 820-2422.

**SUPPLEMENTARY INFORMATION:** The purpose of this webinar is for the EWG to consult with members of the Council's Salmon Technical Team on

(1) how policies in the Pacific Coast Salmon Fishery Management Plan can address climate change impacts and (2) potential revisions to the Fishery Ecosystem Plan, especially in relation to the Climate and Communities Initiative.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt, (503) 820-2411, at least 10 business days prior to the meeting date.

Dated: November 5, 2018.

**Tracey L. Thompson,**

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

[FR Doc. 2018-24433 Filed 11-7-18; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XG565**

#### Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

**ACTION:** Notice of SEDAR 61 Assessment Webinar I for Gulf of Mexico red grouper.

**SUMMARY:** The SEDAR 61 stock assessment process for Gulf of Mexico red grouper will consist of an In-person Workshop, and a series of data and assessment webinars. See

#### SUPPLEMENTARY INFORMATION.

**DATES:** The SEDAR 61 Assessment Webinar I will be held November 29, 2018, from 1 p.m. to 4 p.m. Eastern Time.

**ADDRESSES:** The meeting will be held via webinar. The webinar is open to members of the public. Those interested



in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

*SEDAR address:* 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Julie A. Neer, SEDAR Coordinator; (843) 571-4366; email: [Julie.neer@safmc.net](mailto:Julie.neer@safmc.net)

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery

Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Data Webinar are as follows:

1. Using datasets and initial assessment analysis recommended from the in-person workshop, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

2. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

#### **Special Accommodations**

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the

Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: November 5, 2018.

**Tracey L. Thompson,**

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

[FR Doc. 2018-24430 Filed 11-7-18; 8:45 am]

**BILLING CODE 3510-22-P**

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## **DEPARTMENT OF DEFENSE**

### **Office of the Secretary**

**[Transmittal No. 18-36]**

#### **Arms Sales Notification**

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Arms sales notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** DSCA at [dsca.ncr.lmo.mbx.info@mail.mil](mailto:dsca.ncr.lmo.mbx.info@mail.mil) or (703) 697-9709.

**SUPPLEMENTARY INFORMATION:** This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 18-36 with attached Policy Justification and Sensitivity of Technology.

Dated: November 2, 2018.

**Aaron T. Siegel,**

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



## DEFENSE SECURITY COOPERATION AGENCY

201 12<sup>TH</sup> STREET SOUTH, STE 203

ARLINGTON, VA 22202-5408

SEP 19 2018

The Honorable Paul D. Ryan  
 Speaker of the House  
 U.S. House of Representatives  
 H-209, The Capitol  
 Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-36, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of the United Kingdom for defense articles and services estimated to cost \$90 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper  
 Lieutenant General, USA  
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 18-36

*Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended*

(i) *Prospective Purchaser:* The Government of the United Kingdom

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$80 million
Other .....	\$10 million
Total .....	\$90 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*Major Defense Equipment (MDE):*  
 Three (3) SEAL Delivery Vehicles (SDV) MK 11 Shallow Water Combat Submersibles (SWCS)

*Non-MDE:* Also included are spares; handling equipment; test equipment; operator manuals and technical documentation; U.S. Government and contractor engineering, training,

technical, and logistical support services; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (UK-P-SAO)

(v) *Prior Related Cases, if any:*  
 (Predecessor SDV MK 8 Mod 1) UK-P-MVJ, UK-P-BQO, UK-P-BSM, UK-P-BSP, UK-P-LIP, UK-P-GXV, UK-P-MVY, UK-P-GYY, UK-P-BTN, UK-P-BTM, UK-P-TGJ, and UK-P-FBL

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid*: None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services*

*Proposed to be Sold*: See Attached Annex

(viii) *Date Report Delivered to Congress*: September 19, 2018

\* As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

*United Kingdom—SEAL Delivery Vehicle (SDV) MK 11 Shallow Water Combat Submersibles (SWCS)*

The Government of the United Kingdom (UK) has requested to buy three (3) SEAL Delivery Vehicles (SDV) MK 11 Shallow Water Combat Submersibles (SWCS). Also included are spares; handling equipment; test equipment; operator manuals and technical documentation; U.S. Government and contractor engineering, training, technical, and logistical support services; and other related elements of logistics and program support. The total estimated program cost is \$90 million.

This proposed sale will support U.S. foreign policy and national security objectives of the United States by improving the security of a NATO ally which has been, and continues to be, an important partner on critical foreign policy and defense issues.

The proposed sale of the SDV MK 11 SWCS will continue UK's maritime partnership, interoperability, and regional security capability. The UK has a proven track record of successfully deploying predecessor system. The UK will have no difficulty absorbing this system into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Teledyne Brown Engineering, Inc.

(TBE), Huntsville, Alabama. There are no known offset agreements expected to be proposed in connection with this potential sale.

Implementation of this proposed sale will require multiple trips by USG and contractor representatives to participate in program and technical reviews, plus training and maintenance support in country as required.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 18–36

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology*:

1. The SEAL Delivery Vehicle (SDV) MK 11 Shallow Water Combat Submersibles (SWCS) is a free-flooding combat submersible mobility platform suitable for transporting and deploying forces and their payload for a variety of missions. The SDV MK 11 SWCS will provide increased volume, allowing for increased payload and personnel-carrying capacity. Additionally, performance in range, speed, maneuverability, and organic sensor capabilities will be enhanced over the existing SDV MK 8 Mod 1. The highest classification of the hardware in the proposed sale is SECRET. The highest classification of the technical documentation in the proposed sale is SECRET. The highest classification of the software to be exported is SECRET.

2. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the Government of the United Kingdom can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of the United Kingdom.

[FR Doc. 2018–24416 Filed 11–7–18; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 18–0H]

#### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Arms sales notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** DSCA at [dsca.ncr.lmo.mbx.info@mail.mil](mailto:dsca.ncr.lmo.mbx.info@mail.mil) or (703) 697–9709.

**SUPPLEMENTARY INFORMATION:** This 36(b)(5)(c) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives and Transmittal 18–0H with attached Policy Justification.

Dated: November 2, 2018.

**Aaron T. Siegel,**

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



## DEFENSE SECURITY COOPERATION AGENCY

201 12<sup>TH</sup> STREET SOUTH, STE 203  
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan  
Speaker of the House  
U.S. House of Representatives  
Room H-209, The Capitol  
Washington, DC 20515

OCT 17 2018

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 18-0H. This report relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 18-10 of April 3, 2018.

Sincerely,

Charles W. Hooper  
Lieutenant General, USA  
Director

Enclosures:

1. Transmittal

Transmittal No. 18-0H

*REPORT OF ENHANCEMENT OR  
UPGRADE OF SENSITIVITY OF  
TECHNOLOGY OR CAPABILITY (SEC.  
36(B)(5)(C), AECA)*

(i) *Purchaser:* Government of Slovakia  
(ii) *Sec. 36(b)(1), AECA Transmittal  
No.:* 18-10

*Date:* April 3, 2018

*Military Department:* Air Force

(iii) *Description:* On April 3, 2018, Congress was notified by Congressional certification transmittal number 18-10 of the possible sale under Section 36(b)(1) of the Arms Export Control Act of fourteen (14) F-16 Block 70/72 V

Configuration Aircraft, fifteen (15) M61 Vulcan 20mm Gun, sixteen (16) F-16V F110 General Electric or F100 Pratt & Whitney Engines, sixteen (16) APG-83 Active Electronically Scanned Array (AESA) Radar, fourteen (14) Modular Mission Computers, fourteen (14) Link-16 Multifunctional Information Distribution System-JTRS, sixteen (16) LN260 Embedded Global Positioning Service Inertial Navigation Systems (EGI), fourteen (14) Improved Programmable Display Generator (iPDG), thirty (30) AIM-120C7 missiles, two (2) Guidance Sections for AIM-120C7, one hundred (100) AIM-9X missiles, twelve (12) AIM-9X Captive

Air Training Missile (CATM), twelve (12) AIM-9X CATM Guidance Units, twelve (12) AIM-9X Tactical Guidance Units, two hundred twenty-four (224) MAU-209C/B or MAU-169D Computer Control Group (CCG) for GBU-12 Paveway II 5001b Guided Bombs, two hundred twenty-four (224) MXU-650/8 Airfoil Group for GBU-12, twenty (20) MAU-210 Enhanced CCG for Enhanced Paveway II (GBU-49), twenty (20) MXU-650 Airfoil Group for GBU-49, one hundred-fifty (150) KMU-572F/B Guidance Kit for Joint Direct Attack Munition (JDAM) 5001b Guided Bomb (GBU-38), sixty (60) LAU-129 Guided Missile Launchers, thirty-six (36) MK-

82 or BLU-111 5001b Inert Fill Bombs, four hundred ( 400) MK-82 or BLU-111 5001b Bomb Bodies, four hundred ( 400) FMU-152 Joint Programmable Fuzes, six (6) AN/AAQ-33 Sniper Pods, fourteen (14) Joint Helmet Mounted Cueing System II; fourteen (14) AN/ALQ-213 Electronic Warfare Management Systems; sixteen (16) AN/ALQ-211 Advanced Integrated Defensive Electronic Warfare Suites; sixteen (16) AN/ALE-47 Countermeasure Dispensers; Advanced Identification Friend or Foe (AIFF), Secure Communications and Cryptographic Appliques; Joint Mission Planning System (JMPS); ground training device (flight simulator); Electronic Combat International Security Assistance Program (ECISAP) support; software and support; facilities and construction support; spares and repair/replace parts; personnel training and training equipment; publications and technical documentation; missile containers; DSU-38A/B Laser Illuminated Target Detector (GBU-54); munition support and test equipment; aircraft and munition integration and test support; studies and surveys; U.S. Government and contractor technical, engineering and logistical support services; and other related elements of logistics and program support. The estimated total cost was \$2.91 billion. Major Defense Equipment (MDE) constituted \$2.01 billion of this total.

This transmittal notifies the addition of:

1. Two (2) F110 General Electric or F100 Pratt & Whitney engines (MDE);
2. Four (4) Improved Programmable Display Generators (iPDG) (MDE);
3. Four (4) Modular Mission Computers (MDE);
4. Four (4) Link-16 Multifunctional Information Distribution System-JTRS (MDE);
5. Ninety-six (96) MXU-650C/B Airfoil Groups (MDE);

6. Ninety-six (96) MAU-209C/B or MAU-169D Computer Control Groups (MDE);

7. Twelve (12) Guidance Units for AIM-9X-2 Tactical Missiles (MDE);

8. Twelve (12) Guidance Units for AIM-9X-2 CATM (MDE);

9. Thirty (30) Captive Air Training Missiles (CATM)-120C (non-MDE);

10. Twelve (12) Joint Helmet Mounted Cueing System II (JHMCS II) (non-MDE);

11. Twenty (20) Aviator Night Vision Device (NVD) AN/AVS-9 (non-MDE)

The additional MDE items are valued at \$30.6 million but will not result in a change to the notified total MDE value of the case. The total case value remains \$2.91 billion.

(iv) *Significance*: This notification is provided to report the inclusion of MDE items and non-MDE item which represents an increase in capability over that previously notified. At the time of the original notification, the purchasing country had not finalized exact quantities of certain items. Further technical discussions highlighted the need for NVDs and additional spare items, training missiles, guided bomb kit components, and helmets. The additional items provide Slovakia with the necessary equipment to support the requested capability.

(v) *Justification*: This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a NATO ally. The proposed additions will support Slovakia's F-16 program, which will modernize its Air Force and strengthen its homeland defense.

(vi) *Sensitivity of Technology*: AN/AVS-9 NVDs are third generation aviation NVDs offering higher resolution, high gain, and photo response to near-infrared. Hardware is UNCLASSIFIED and technical data and documentation to be provided are UNCLASSIFIED.

AIM-120 CATMS are non-functioning, inert missile rounds that simulate the correct weight and balance of live missiles; they are used for armament loading and unloading training as well as flown captive carry on training sorties.

The Sensitivity of Technology statement contained in the original AECA 36(b)(1) transmittal applies to all other MDE items reported here.

(vii) *Date Report Delivered to Congress*: October 17, 2018

[FR Doc. 2018-24413 Filed 11-7-18; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 18-37]

### Arms Sales Notification

**AGENCY**: Defense Security Cooperation Agency, Department of Defense.

**ACTION**: Arms sales notice.

**SUMMARY**: The Department of Defense is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT**: DSCA at [dsca.ncr.lmo.mbx.info@mail.mil](mailto:dsca.ncr.lmo.mbx.info@mail.mil) or (703) 697-9709.

**SUPPLEMENTARY INFORMATION**: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 18-37 with attached Policy Justification and Sensitivity of Technology.

Dated: November 2, 2018.

**Aaron T. Siegel,**

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



## DEFENSE SECURITY COOPERATION AGENCY

201 12<sup>TH</sup> STREET SOUTH, STE 203  
ARLINGTON, VA 22202-5408

SEP 19 2018

The Honorable Paul D. Ryan  
Speaker of the House  
U.S. House of Representatives  
H-209, The Capitol  
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-37, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of the United Kingdom for defense articles and services estimated to cost \$75 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper  
Lieutenant General, USA  
Director

## Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 18-37

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* The Government of the United Kingdom

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$57 million
Other .....	\$18 million
Total .....	\$75 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*Major Defense Equipment (MDE):*  
Fifty (50) MK 15 Phalanx Close-In Weapon System (CIWS) Block IB Baseline 2 Upgrade Kits

*Non-MDE:* Also included are support equipment, test equipment, initial spare parts, technical documentation, training, and engineering technical

assistance, and other related elements of logistics and program support.

(iv) *Military Department:* Navy (UK-P-LWD)

(v) *Prior Related Cases, if any:* UK-P-BRB, UK-P-FBH, UK-P-FBR, UK-P-GAH, UK-P-JZO, UK-P-KAX, UK-P-KPM, UK-P-KPQ, UK-P-LFK, UK-P-LGP, UK-P-LHD, and UK-P-LHO

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services*

*Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* September 19, 2018

\* As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

*United Kingdom—Phalanx Baseline 2 Radar Upgrade Kits*

The Government of the United Kingdom (UK) has requested to buy fifty (50) MK 15 Phalanx Close-in Weapon System (CIWS) Block IB Baseline 2 Upgrade Kits. Also included are support equipment, test equipment, initial spare parts, technical documentation, training, and engineering technical assistance, and other related elements of logistics and program support. The total estimated program cost is \$75 million.

This proposed sale will support U.S. foreign policy and national security objectives of the United States by improving the security of a NATO ally which has been, and continues to be, an important partner on critical foreign policy and defense issues.

The proposed sale of the Phalanx Baseline 2 Radar Upgrade Kits will be used for close-in ship self-defense against air and surface threats onboard the UK's naval combatants and auxiliaries. The UK, which already has earlier versions of the MK 15 Phalanx in its inventory, will have no difficulty absorbing these upgrades and support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Missile Systems, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require multiple trips by U.S. Government and contractor representatives to participate in program

and technical reviews, plus training and maintenance support in country as required.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 18–37

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The MK15 Phalanx Close-in Weapon System (CIWS) consists of a rapid-fire, computer-controlled radar and gun system mounted on a turret designed to defeat anti-ship missiles; small surface craft; low, slow aircraft; rockets; and mortars. The weapon system automatically carries out search, detection, target threat evaluation, tracking, firing, and kill loop fire control that uses advanced radar and computer technology to locate, identify, and direct a system of armor piercing projectiles to the target. The Phalanx Block IB Baseline 2 Radar Upgrade Kits converts the system's radar from an analog to digital suite, significantly improving obsolescence of hardware. Some performance in range, speed, maneuverability, and organic sensor capabilities will be enhanced over the existing UK Phalanx system. These kits will allow for the UK to upgrade its current Block IB Baseline 1 systems via approved in-country Depot-Level Maintenance Facility (DLMF) capability. The highest classification of the hardware in the proposed sale is SECRET. The highest classification of the technical documentation in the proposed sale is SECRET. The highest classification of the operational software to be exported is SECRET.

2. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or

equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the Government of the United Kingdom can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of the United Kingdom.

[FR Doc. 2018–24417 Filed 11–7–18; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 18–22]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Arms sales notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of an arms sales notification.

#### FOR FURTHER INFORMATION CONTACT:

DSCA at [dsca.ncr.lmo.mbx.info@mail.mil](mailto:dsca.ncr.lmo.mbx.info@mail.mil) or (703) 697–9709.

**SUPPLEMENTARY INFORMATION:** This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 18–22 with attached Policy Justification and Sensitivity of Technology.

Dated: November 2, 2018.

**Aaron T. Siegel,**

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



## DEFENSE SECURITY COOPERATION AGENCY

201 12<sup>TH</sup> STREET SOUTH, STE 203

ARLINGTON, VA 22202-5408

SEP 28 2018

The Honorable Paul D. Ryan  
 Speaker of the House  
 U.S. House of Representatives  
 Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-22, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Bahrain for defense articles and services estimated to cost \$300 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper  
 Lieutenant General, USA  
 Director

## Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

## Transmittal No. 18-22

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Bahrain

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$295 million
Other .....	\$ 5 million
Total .....	\$300 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*Major Defense Equipment (MDE):*

One hundred twenty (120) Guided Multiple Launch Rocket System (GMLRS) M31 Unitary Rocket Pods (Six (6) rockets per pod for a total of seven hundred twenty (720)

One hundred ten (110) Army Tactical Missiles System (ATACMS) M57 T2K Unitary Missiles

*Non-MDE:* Also included are publications, personnel training and training equipment, software development, U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support.



(iv) *Military Department*: Army (BA-B-UKF)  
 (v) *Prior Related Cases, if any*: BA-B-UIW (GMLRS); BA-B-UJK (ATACMS)  
 (vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid*: None  
 (vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services*  
*Proposed to be Sold*: See Attached Annex  
 (viii) *Date Report Delivered to Congress*: September 28, 2018  
 \* As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

##### *Bahrain—M31 Guided Multiple Launch Rocket System (GMLRS) Unitary and Army Tactical Mission System (ATACMS) T2K Unitary Missile*

The Kingdom of Bahrain has requested to buy one hundred twenty (120) Guided Multiple Launch Rocket System (GMLRS) M31 Unitary Rocket Pods (six (6) rockets per pod for a total of seven hundred twenty (720); and one hundred ten (110) Army Tactical Missiles System (ATACMS) M57 T2K Unitary missiles. Also included are publications, personnel training and training equipment, software development, U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support. The overall total estimated value is \$300 million.

This proposed sale will enhance the foreign policy and national security objectives of the United States by helping to improve the security of a Major Non-NATO Ally that has been, and continues to be an important force for political stability and economic progress in the Middle East. The proposed sale of the M31 GMLRS Unitary Rocket Pods and ATACMS T2K Unitary Missile will improve Bahrain's capability to meet current and future threats and provide greater security for its critical oil and natural gas infrastructure, and significant national events. Bahrain will use the enhanced capabilities to strengthen its homeland defense and deter regional threats. Bahrain will have no difficulty absorbing these rocket pods into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Lockheed Martin Missile and Fire Control in Grand Prairie, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any

additional U.S. or contractor representatives in Bahrain.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 18-22

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

#### (vii) *Sensitivity of Technology*:

1. The GMLRS M31 Unitary is the Army's primary munition for units fielding the High Mobility Artillery Rocket Systems (HIMARS) and Multiple Launcher Rocket Systems (MLRS) M270A1 Rocket and Missile Launcher platforms. The M31 Unitary is a solid propellant artillery rocket that uses Global Positioning System (GPS)-aided inertial guidance to accurately and quickly deliver a single high-explosive blast fragmentation warhead onto point targets at ranges from 15–70 kilometers. The rockets are fired from a launch pod container that also serves as the storage and transportation container for the rockets. Each rocket pod holds six (6) total rockets.

2. The GMLRS Unitary employs a multi-mode fuze consisting of an Electronic Safe and Arm Fuze (ESAF) and a Frequency-Modulating Continuous Wave—Directional Doppler Ranging (FMCW—DDR) height of burst sensor. The weapon has three fuzing modes—point detonating, post-impact time delay, and proximity height of burst—which are all accomplished automatically via a launcher/fire control system electrical interface prior to launch. The height of burst sensor is not integrated with the fuze, but provides fire pulse input and interfaces with a mechanical fuze.

3. GMLRS hardware and operational software are UNCLASSIFIED. System performance characteristics are classified CONFIDENTIAL. Components of the GMLRS system are considered highly resistant to reverse engineering and the impact of loss or diversion of the end item hardware would have minimum adverse impact.

4. The M57 ATACMS Unitary is a conventional, semi-ballistic missile which utilizes a 500-lb high explosive unitary warhead. It has a range of 70–270km and increased accuracy and lethality due to a GPS/PPS-aided guidance system. The ATACMS T2K is an upgraded missile variant which redesigned previous variants' components to compensate for obsolescence issues and lowered per-unit cost. Critical technologies on the

M57 include the GPS antenna, laser-ring gyroscopes production processes involved in the Inertial Measurement Unit (IMU), and lithium thermal batteries used in missile guidance and control. ATACMS missile hardware and operational software are UNCLASSIFIED. Data table and mission critical data generator special applications software are classified CONFIDENTIAL. Performance and accuracy/lethality data are classified up to the SECRET level. System response time and trajectory data are classified CONFIDENTIAL.

5. The Army's FMCW—DDR height of burst technology is comprised of components and software requiring special production skills and is deemed state of the art. The sensitive aspects of the technology reside primarily the design, development, production, and manufacturing data for the related components (integrated circuits and flex cable assembly) and in the methodology required to integrate those components onto the flex cable assembly to process embedded data (the software, algorithm, and operating parameters). The sole technology aspect of the FMCW—DDR present in the M31 proximity height of burst sensor is the signal processing algorithm (i.e. processing techniques) modified specifically for use in the M31. The disclosure of know-how, software, and other associated documentation for this sensitive technology is not authorized under this sale.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that Bahrain can provide substantially the same degree of protection of this technology as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

8. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Bahrain.

[FR Doc. 2018-24403 Filed 11-7-18; 8:45 am]

BILLING CODE 5001-06-P

**DEPARTMENT OF DEFENSE****Office of the Secretary**

[Transmittal No. 18-42]

**Arms Sales Notification****AGENCY:** Defense Security Cooperation Agency, Department of Defense.**ACTION:** Arms sales notice.**SUMMARY:** The Department of Defense is publishing the unclassified text of an arms sales notification.**FOR FURTHER INFORMATION CONTACT:** DSCA at [dscanrcr.lmo.mbx.info@mail.mil](mailto:dscanrcr.lmo.mbx.info@mail.mil) or (703) 697-9709.**SUPPLEMENTARY INFORMATION:** This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164

dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 18-42 with attached Policy Justification and Sensitivity of Technology.

Dated: November 2, 2018.

**Aaron T. Siegel,***Alternate OSD Federal Register Liaison Officer, Department of Defense.***DEFENSE SECURITY COOPERATION AGENCY**201 12<sup>TH</sup> STREET SOUTH, STE 203

ARLINGTON, VA 22202-5408

OCT 03 2018

The Honorable Paul D. Ryan  
Speaker of the House  
U.S. House of Representatives  
Room H-209, The Capitol  
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-42, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Canada for defense articles and services estimated to cost \$300 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

A handwritten signature in black ink, appearing to read "Ch Hooper", is written over the typed name.

Charles W. Hooper  
Lieutenant General, USA  
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 18–42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Canada

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 0 million
Other .....	\$300 million
Total .....	\$300 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Canadian Manned Airborne, Intelligence, Surveillance and Reconnaissance (C/MAISR) Platform

*Major Defense Equipment (MDE):* None

*Non-MDE:* Three (3) King Air 350ER (extended range) aircraft with customer unique post-modifications for Intelligence, Surveillance and Reconnaissance (ISR) operations; three (3) WESCAM MX–15D Electro-Optical & Infrared Imaging Sensors; three (3) AN/AAR–47B(V)2 Missile and Laser Warning System (MWS); three (3) AN/ALE–47 Countermeasure Dispenser Systems (CMDS); three (3) VORTEX® Dual RF Ku LOS Transceivers; three (3) COMSEC Modules (KGV–135A); two (2) APM–424(V)5 Transponder Test Sets; five (5) KIV–77 Mode 4/5 crypto applique computers for IFF; three (3) AN/APX–119 IFF Digital Civil and Military Transponders; six (6) ARC–210 Multi-mode Voice and Data Transceivers; three (3) KG–250X NSA-Certified Type 1 Inline Network Encryptors (INE); technical data; mission equipment, communication and navigation equipment, special tools and test equipment, ground support equipment, airframe and engine spare parts, publications, MWO/ECPs, technical assistance, repair and return, training; and transportation of aircraft, and other related elements of logistics and program support.

(iv) *Military Department:* Army (CN–B–UBC)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* October 3, 2018

\* As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

*Canada—King Air 350ER ISR Aircraft (Manned Airborne, Intelligence, Surveillance and Reconnaissance (MAISR) Platform)*

The Government of Canada has requested to buy three (3) King Air 350ER (extended range) aircraft with customer unique post-modifications for Intelligence, Surveillance and Reconnaissance (ISR) operations; three (3) WESCAM MX–15D Electro-Optical & Infrared Imaging Sensors; three (3) AN/AAR–47B(V)2 Missile and Laser Warning System (MWS); three (3) AN/ALE–47 Countermeasure Dispenser Systems (CMDS); three (3) VORTEX® Dual RF Ku LOS Transceivers; three (3) COMSEC Modules (KGV–135A); two (2) APM–424(V)5 Transponder Test Sets; five (5) KIV–77 Mode 4/5 crypto applique computers for IFF; three (3) AN/APX–119 IFF Digital Civil and Military Transponders; six (6) ARC–210 Multi-mode Voice and Data Transceivers; three (3) KG–250X NSA-Certified Type 1 Inline Network Encryptors (INE); technical data; mission equipment, communication and navigation equipment, special tools and test equipment, ground support equipment, airframe and engine spare parts, publications, MWO/ECPs, technical assistance, repair and return, training; and transportation of aircraft, and other related elements of logistics and program support. Total estimated program cost is \$300 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the military capability of Canada, a NATO ally that is an important force for ensuring political stability and economic progress and a contributor to military, peacekeeping and humanitarian operations around the world.

The proposed sale improves Canada's capability to meet current and future threats; strengthen its homeland defense and the combined defense of North America; and support coalition partners overseas. This proposed sale will improve interoperability with U.S. forces and other regional allies. Canada will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Beechcraft (Textron Aviation), Wichita, Kansas. The Government of Canada is expected to negotiate an offset agreement with Beechcraft, in accordance with Canada's Industrial and Technological Benefits (ITB) Policy,

before signing the Letter of Offer and Acceptance (LOA).

Implementation of this proposed sale will require the assignment of contractor representatives to Canada on an intermittent basis over two years to provide in service contractor support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 18–42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The King Air 350ER (extended range) fixed-wing aircraft has been identified as Non-SME (Significant Military Equipment). It is a pressurized, twin-engine turboprop commercial aircraft configured as a cantilever low-wing monoplane with a T-tail and aft ventral fin. It has retractable tricycle landing gear with dual wheels on each main unit. The 350 series incorporates a 34-inch stretch of the King Air 300 fuselage and has one additional window per side. The wingspan has been increased by 3 feet over that of the model 300, and 24-inch graphite composite winglets have been added to the wingtips to reduce drag at higher angles of attack as in takeoff and climb out. The 350ER will feature the enhanced PT6A–67A engines and a Rockwell-Collins Proline Fusion cockpit. This aircraft (before modification) is generally offered to the public with no special restrictions.

2. Mission equipment:

a. The WESCAM MX–15D Electro-Optical & Infrared Imaging Sensor is a small Multi-Sensor, Multi-Spectral Imaging System with Inertial Measurement Unit (IMU) and Embedded with Global Positioning Systems (GPS) Standard Positioning Service (SPS). The WESCAM MX–15 camera system contains an LN–200 IMU manufactured by Northrop Grumman in the U.S., which is captured under (Missile Technology Control Regime) MTCR Annex, Category II—Item 9.A.6. The IMU is also ITAR controlled under USML Category XII(d), and in Canada it is controlled under Canada's Export Control List (ECL) under 6–9.A.6. WESCAM MX–15 is embedded with GPS SPS. SPS is a three-dimensional position and time determination capability provided to a user equipped with a minimum capability GPS SPS receiver in accordance with GPS national policy. Options requested include: high definition (HD) IR sensor,

laser spot tracker (LST), electro-optic narrow (EON) spotter with short-wave infrared (SWIR) imager, image blending function combining imagery from the IR sensor and the EO sensor (daylight or low-light) into a single image, and a hand controller for remote control. A bore sight module required to field calibrate the laser designator/rangefinder beam will be provided as ground support equipment.

b. The AN/AAR-47B(V)2 Missile and Laser Warning System (MWS) is designed to protect helicopters and "low-slow" aircraft from infrared homing missiles. It passively detects attacking missiles while minimizing false alarms. When an attacking missile is detected, the AN/AAR-47B(V)2 displays a threat quadrant alert, sounds a warning tone to the aircrew, and can be configured to automatically actuate an installed countermeasures dispenser. In addition to the missile warning capability of the original AN/AAR-47B, the -(V)2 incorporates laser detecting and warning capability. The version offered includes the Smart Dispense capability. The AN/AAR-47B(V)2 hardware highest classification is UNCLASSIFIED. The AN/AAR-47B(V)2 is Significant Military Equipment.

c. The AN/ALE-47 Countermeasure Dispenser System (CMDS) provides an integrated, threat-adaptive, reprogrammable, computer controlled capability for dispensing expendable decoys. These include chaff, flares, Radio Frequency (RF) expendables and others. The AN/ALE-47 system enhances aircraft survivability in sophisticated threat environments. The system is designed to provide the capability of automatic or pilot commanded response, and works alone or in coordination with other countermeasures defensive systems to defeat Air Interceptor (AI), Anti-Aircraft Artillery (AAA), and Surface-to-Air Missiles (SAMs). The AN/ALE-47 is Significant Military Equipment.

d. The VORTEX® Dual RF Ku LOS Transceiver provides real-time, full-motion video and other data for situational awareness, targeting, Battle Damage Assessment (BDA), surveillance, relay, and other situations where eyes-on-target are required. VORTEX® can transmit and receive analog and/or digital data simultaneously. VORTEX® is interoperable with ROVER®, CDL, virtually all UAVs, targeting pods and other waveforms. VORTEX® can simultaneously transmit common data to multiple platforms using two different channels in one or two different bands. VORTEX® is able to receive on two different channels in one

or two different bands from a single source. This band and channel diversity provides link redundancy, better reception and resiliency to platform shading, multipath interference, line-of-sight blockages and RF interference. VORTEX® is STANAG 7085 certified.

e. The KGV-135A is a high-speed, general purpose encryptor/decryptor module. It is used for wide-band data encryption embedded into high performance systems such as the VORTEX®. It has increased bandwidth and COMSEC operating modes in a compact multi-chip module. The KGV-135 operates at speeds of 2 Kbps to 700 Mbps and uses standard interface logic levels and key protocols. It is an NSA-certified INFOSEC product.

f. The APM-424(V)5 Transponder Test Set is used to test the transponder and interrogator performance of the AN/APX-119 IFF Digital Civil and Military Transponder. The Transponder Test Modes are 1,2,3/A, C, S (EHS/ELS), 4, and Mode 5 (Level 1 and 2). The Interrogator Test Modes are 1, 2, 3/A, C, S, 4, Mode 5, TCAS, ETCAS (Level 1 and 2). The APM-424(V)5 supports the KIV-77 Mode 4/5 crypto applique computer for IFF.

g. The KIV-77 Mode 4/5 crypto applique computer for IFF is Type 1 certified by the National Security Agency and provides information assurance for both legacy Mode 4 and new Mode 5 IFF equipment. The KIV-77 is used to store the classified keys and is also used with the APM-424(V)5 Transponder Test Set to support flight-line testing of the AN/APX-119 IFF Digital Civil and Military Transponder.

h. The AN/APX-119, Identification Friend or Foe (IFF) Digital Civil and Military Transponder, is a small transponder installed on more than 50 different military platforms for the U.S. Department of Defense and multiple international users. This transponder enables aircraft to operate seamlessly throughout international, civil, and military airspace, meeting all IFF and ATC requirements. When installed in conjunction with platform antennas and the RCU (or other appropriate control unit), the transponder provides identification, altitude and surveillance reporting in response to interrogations from airborne, ground-based and/or surface interrogators. The transponder provides operational capabilities for Mark XII Identification Friend or Foe (IFF) capabilities of Modes 1, 2, 3/A, C and 4&5 and Mode S (levels 1, 2, and 3 capable). Additionally, the AN/APX-119 also provides automated ID, position and latitude of the aircraft, and is compatible with the Traffic Alert and Collision Avoidance System (TCAS) II

equipment. The AN/APX-119 is designed to provide military aircraft with a secure combat identification capability to help reduce fratricide and enhance battlespace awareness, while providing safe access to civilian airspace. The AN/APX-119 is Significant Military Equipment.

i. The AN/ARC-210 Gen 5 is a secure communication system that provides Line-of-Sight (LOS) communications and Beyond Line-of-Sight (BLOS) satellite communications (SATCOM), as well Voice and data communications capabilities. In addition to Satellite Communications, the AN/ARC-231(V)(C) provides Secure/Electronic Counter-Counter Measures (ECCM) communications in the following waveform, The Single Channel Ground and Airborne System (SINCGARS) and the HAVE QUICK (HQ) I and II. The AN/ARC-210 functions by transmitting and receiving the Radio Frequency (RF) in the 30 MHz-941 MHz range. The Receiver Transmitter provides communication in Frequency Modulation (FM), Very High Frequency—Amplitude Modulation Air Traffic Control Band (VHF AM ATC), Very High Frequency—Frequency Modulation Public Service & Maritime Band, Ultra High Frequency—Amplitude Modulation (UHF AM) HAVEQUICK/Ground-Air Band, Ultra high Frequency Satellite (UHF SATCOM) Band and Ultra High Frequency—Frequency Modulation (UHF FM) Public Service Band. The ARC-210 is used on over 180 platforms worldwide for the transfer of networked or point-to-point data, voice and imagery. The ARC-210 military airborne transceivers provides an embedded, fully programmable INFOSEC capability under the National Security Agency's (NSA) Cryptographic Modernization Initiative. The ARC-210 is Significant Military Equipment.

j. The KG-250X NSA-Certified Type 1 Inline Network Encryptor (INE) provides high-speed HAIPE IP network encryption for advanced network security for coalition allies and Department of Homeland Security. It is MIL-STD-810G Rugged for Tactical and Mobile Applications. It is particularly useful at high altitudes to deliver reliable network encryption, (200 Mbps Aggregate), for airborne missions. The KG-250X is remotely rekeyable from a physically secure location with HAIPE-to-HAIPE over-the-air/net keying. The KGV-250X also improves performance over high-latency links with embedded TCP/IP acceleration and is software upgradeable. The KG-250X is NSA certified for TS/SCI and below.

k. The Technical Data to support the operations, maintenance, and Training for all aircraft communications, ASE, COMSEC, and ISR related equipment will be detailed enough (e.g., minimum Level II Engineering drawings) to allow support contractors and operators to independently conduct all ILS activities, implement obsolescence management, and support required Airworthiness activities. All aircraft operations and maintenance manuals are available to the public and have no ITAR restrictions. Technical Data for the mission equipment outlined above will be provided only to the level required to support operation, maintenance, and training. Maintenance is limited to the level required to provide immediate diagnostics and replacement or limited repair. No Technical Data or intellectual property sufficient in detail to support depot repair operations will be provided. The Technical Data for the mission equipment is Significant Military Equipment.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used

to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Canada can provide substantially the same degree of protection of this technology as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

5. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Canada.

[FR Doc. 2018-24409 Filed 11-7-18; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 18-09]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Arms sales notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:**

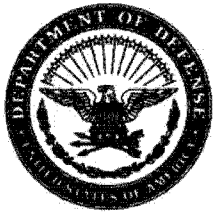
DSCA at [dsca.ncr.lmo.mbx.info@mail.mil](mailto:dsca.ncr.lmo.mbx.info@mail.mil) or (703) 697-9709.

**SUPPLEMENTARY INFORMATION:** This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 18-09 with attached Policy Justification.

Dated: November 2, 2018.

**Aaron T. Siegel,**

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



## DEFENSE SECURITY COOPERATION AGENCY

201 12<sup>TH</sup> STREET SOUTH, STE 203  
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan  
Speaker of the House  
U.S. House of Representatives  
H-209, The Capitol  
Washington, DC 20515

SEP 24 2018

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-09, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost \$330 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper  
Lieutenant General, USA  
Director

Enclosures:

1. Transmittal
2. Policy Justification

Transmittal No. 18-09

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States (TECRO)

(ii) *Total Estimated Value:*

Major Defense Equipment \* \$ 0.0 million

Other ..... \$330.0 million  
Total ..... \$330.0 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*  
*Major Defense Equipment (MDE):* None  
*Non-MDE:* Foreign Military Sales Order (FMSO) II to provide funds for

blanket order requisitions, under a Cooperative Logistics Supply Support Arrangement for stock replenishment supply of standard spare parts, and repair/replace of spare parts in support of the F-16, C-130, F-5, Indigenous Defense Fighter (IDF), all other aircraft systems and subsystems, and other related elements of logistics and program support.

(iv) *Military Department: Air Force* (TW-D-KDT)  
(v) *Prior Related Cases, if any: TW-D-KDS, TW-D-KDR*  
(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None*  
(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None*

(viii) *Date Report Delivered to Congress: September 24, 2018*

\* As defined in Section 47(6) of the Arms Export Control Act.

#### **POLICY JUSTIFICATION**

*Taipei Economic and Cultural Representative Office in the United States (TECRO)—Foreign Military Sales Order (FMSO) II Case*

TECRO has requested a Foreign Military Sales Order (FMSO) II to provide funds for blanket order requisitions, under a Cooperative Logistics Supply Support Arrangement for stock replenishment supply of standard spare parts, and repair/replace of spare parts in support of the F-16, C-130, F-5, Indigenous Defense Fighter (IDF), all other aircraft systems and subsystems, and other related elements of logistics and program support. The total estimated program cost is \$330 million.

This proposed sale is consistent with U.S. law and policy as expressed in Public Law 96-8.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security and defensive capability of the recipient, which has been and continues to be an important force for political stability, military balance, and economic progress in the region.

The proposed sale of spare and repair parts is required to maintain the recipient's defensive and transport aerial fleet. The recipient has been operating these fleets since 1996 and will have no difficulty absorbing this equipment and support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

There are no principal contractors involved with this potential sale. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the permanent assignment of any U.S. Government or contractor representatives.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2018-24415 Filed 11-7-18; 8:45 am]

**BILLING CODE 5001-06-P**

## **DEPARTMENT OF DEFENSE**

### **Office of the Secretary**

[Transmittal No. 18-0G]

#### **Arms Sales Notification**

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Arms sales notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** DSCA at [dsca.ncr.lmo.mbx.info@mail.mil](mailto:dsca.ncr.lmo.mbx.info@mail.mil) or (703) 697-9709.

**SUPPLEMENTARY INFORMATION:** This 36(b)(5)(c) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives and Transmittal 18-0G with attached Policy Justification.

Dated: November 2, 2018.

**Aaron T. Siegel,**

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



## DEFENSE SECURITY COOPERATION AGENCY

201 12<sup>TH</sup> STREET SOUTH, STE 203  
ARLINGTON, VA 22202-5408

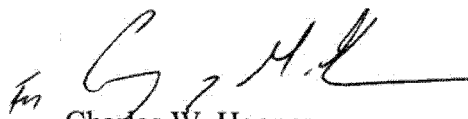
The Honorable Paul D. Ryan  
Speaker of the House  
U.S. House of Representatives  
H-209, The Capitol  
Washington, DC 20515

OCT 01 2018

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 18-0G. This report relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 17-50 of January 5, 2018.

Sincerely,



Charles W. Hooper  
Lieutenant General, USA  
Director

## Enclosures:

1. Transmittal
2. Regional Balance (Classified document provided under separate cover)

Transmittal No. 18-0G

*REPORT OF ENHANCEMENT OR  
UPGRADE OF SENSITIVITY OF  
TECHNOLOGY OR CAPABILITY (SEC.  
36(B)(5)(C), AECA)*

(i) *Purchaser:* Government of Oman(ii) *Sec. 36(b)(1), AECA Transmittal  
No.:* 17-50

Date: January 5, 2018

Military Department: Air Force

(iii) *Description:* On January 5, 2018,  
Congress was notified by Congressional

certification transmittal number 17-50  
of the possible sale to Oman under  
Section 36(b)(1) of the Arms Export  
Control Act of an incremental  
Operational Flight Profile (OFP)  
software upgrade for F-16 subsystems,  
as well as Identification Friend or Foe  
(IFF) and secure communications  
equipment for Mode 5 operations, on  
twenty-three (23) F-16 aircraft. Non-  
MDE items and services consisted of  
twenty-nine (29) KIV-78 cryptographic/  
timing modules (twenty-three (23)

installed and six (6) spares); twenty-  
nine (29) KY-100M cryptographic radio  
encryptors (twenty-three (23) installed  
and six (6) spares); twenty-nine (29)  
AN/APX-126 Combined Interrogator  
Transponders (twenty-three (23)  
installed and six (6) spares); Classified  
and Unclassified Computer Program  
Identification Numbers (CPINS)  
upgrades; OFP upgrades for IFF Mode 5  
capable systems; Joint Mission Planning  
System (JMPS) upgrade; Sniper  
Advanced Targeting Pod software,



service support, support equipment, spares, and training; systems support and test equipment; spare and repair parts; publications and technical documentation; training and training equipment; U.S. Government and contractor technical engineering; logistics and technical support services; and other related elements of logistics and program support. The estimated cost was \$62 million.

This transmittal reports the inclusion of thirty-three (33) Link-16 Multifunctional Information Distribution System—Joint Tactical Radio Systems (MIDS-JTRS) (MDE); additional above-the-line transportation costs; and hardware and software integration costs for the Royal Air Force of Oman's F-16s aircraft upgrade program. The addition of the MDE equipment will raise the value of MDE on the sale from \$0 to \$15 million. Additional above-the-line transportation and integration costs increase the non-MDE value by \$22 million. The total case value will increase to \$99 million.

(iv) *Significance*: This notification is being provided as the Link-16 MIDS-JTRS were not included in the original notification. Their inclusion represents an increase in capability over what was previously notified. This equipment and additional funding to support integration efforts provides the Royal Air Force of Oman with the equipment and services necessary to support the requested capability.

(v) *Justification*: This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a friendly country which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

(vi) *Sensitivity of Technology*: Multifunctional Information Distribution System—Joint Tactical Radio System (MIDS-JTRS) is classified CONFIDENTIAL. The MIDS-JTRS is a secure data and voice communication network using Link-16 architecture. The system provides enhanced situational awareness, positive identification of participants within the network, secure fighter-to-fighter connectivity, secure voice capability, and ARN-118 TACAN functionality. It provides three major functions: Air Control, Wide Area Surveillance, and Fighter-to-Fighter. The MIDS-JTRS can be used to transfer data in Air-to-Air, Air-to-Surface, and Air-to-Ground scenarios. The MIDS terminal hardware, publications, performance specifications, operational capability, parameters, vulnerabilities to countermeasures, and software documentation are classified CONFIDENTIAL. The classified information to be provided consists of that which is necessary for the operation, maintenance, and repair (through intermediate level) of the data link terminal installed systems, and related software.

(vi) *Date Report Delivered to Congress*: October 1, 2018

[FR Doc. 2018-24412 Filed 11-7-18; 8:45 am]

BILLING CODE 5001-06-P

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 18-0C]

#### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Arms sales notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** DSCA at [dsca.ncr.lmo.mbx.info@mail.mil](mailto:dsca.ncr.lmo.mbx.info@mail.mil) or (703) 697-9709.

**SUPPLEMENTARY INFORMATION:** This 36(b)(5)(c) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives and Transmittal 18-0C with attached Policy Justification.

Dated: November 2, 2018.

**Aaron T. Siegel,**

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



## DEFENSE SECURITY COOPERATION AGENCY

201 12<sup>TH</sup> STREET SOUTH, STE 203  
ARLINGTON, VA 22202-5408

SEP 28 2018

The Honorable Paul D. Ryan  
Speaker of the House  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 18-0C. This report relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 16-59 of 8 September 2017.

Sincerely,

Charles W. Hooper  
Lieutenant General, USA  
Director

Enclosures:

1. Transmittal
2. Regional Balance (Classified document provided under separate cover)

Transmittal No. 18-0C

*REPORT OF ENHANCEMENT OR  
UPGRADE OF SENSITIVITY OF  
TECHNOLOGY OR CAPABILITY (SEC.  
36(B)(5)(C)), (AECA)*

(i) *Purchaser:* Government of Bahrain  
(ii) *Sec. 36(b)(1), AECA Transmittal*  
No.: 16-59

Date: September 8, 2017

Military Department: U.S. Air Force

(iii) *Description:* On September 8, 2017, Congress was notified by Congressional certification transmittal number 16-59 of the possible upgrade of its existing twenty (23) F-16 Block 40 aircraft to the F-16V configuration. The

requested sale comprises twenty-three (23) F-110-GE-129 engines (includes 3 spares); twenty-three (23) APG-83 Active Electronically Scanned Array Radars (includes 3 spares); twenty-three (23) Modular Mission Computers (includes 3 spares); twenty-three (23) Embedded Global Navigation Systems/LN260 EGI (includes 3 spares); twenty-three (23) Improved Programmable Display Generators (iPDGs) (includes 3 spares); forty (40) LAU-129 launchers; twenty-five (25) AN/AAQ-33 SNIPER Pods; two (2) AIM-9X Sidewinder Missiles; two (2) AGM-88 High-speed Anti-Radiation Missiles (HARM); two (2) WGU-43 Guidance Control Unit

(GBU) Guidance Control Unit (GCU) (for GBU-24 Paveway III); two (2) BSU-84 Air Foil Group (AFG) (for GBU-24 Paveway III); five (5) KMU-572 Joint Direct Attack Munition (JDAM) Tailkits (for GBU-38 JDAM and GBU-54 Laser JDAM); two (2) GBU-39 Small Diameter Bombs (SDB) Guided Test Vehicles (GTV); two (2) AGM-84 Harpoon Exercise Missiles; three (3) MAU-210 ECCG (for GBU-50 Enhanced Paveway II); three (3) BLU-109 Inert Bomb Bodies; four (4) MK-82/BLU-111 Inert Bomb Bodies; and two (2) FMU-152 or FMU-139 Fuzes.

This sale also included one (1) Joint Mission Planning System, one (1) F-16V

simulator, twenty (20) AN/ALQ-211 AIDEWS Systems, one (1) avionics level test station, six (6) DB-110 Advanced Reconnaissance Systems, two (2) LAU-118A Launchers, forty-five (45) AN/ARC-238 SINCGARS Radio or equivalent, twenty-three (23) Advanced Identification Friend or Foe (AIFF) systems or equivalent; twenty-three (23) cryptographic appliques; two (2) CATM-9L/M, two (2) AIM-120C-7 Advanced Medium Range Air-to-Air Missile (AMRAAM) Captive Air Training Missiles (CATM), three (3) MXU-651 AFG (for GBU-50 Enhanced Paveway II), four (4) DSU-38 Precision Laser Guidance sets (PLGS) (for GBU-54 Laser JDAM), four (4) AGM-154 Joint Stand-Off Weapon (JSOW) Captive Flight Vehicles (CFV), three (3) MK-84/BLU-117 Inert Bomb Bodies, two (2) FMU-152 D-1 Inert Fuzes, three (3) BRU-57 Bomb Racks, two (2) BRU-61 Bomb Racks for SDB, two (2) ADU-890 SDB adapter cable for CMBRE, two (2) ADU-891 AMRAAM/AIM-9X adapter cable for CMBRE, Telemetry for all flight test assets secure communication equipment, spares and repair parts, support equipment, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor technical support services, containers, missile support and test equipment, integration test, site survey, design, construction studies/analyses/services, associate operations, maintenance, training, support facilities, cybersecurity, critical computer resources support, force protection, and other related elements of logistics and program support. The total estimated program cost is \$1.082 billion. Major Defense Equipment (MDE) constituted \$406 million of this total.

This transmittal reports:

1. The inclusion of twenty-three (23) Multifunction Information Distribution System Joint Tactical Radio System (MIDS-JTRS) Concurrent Multi-Networking-4 (CMN-4) which are MDE;

2. The inclusion of an additional nineteen (19) AN/ALQ-211 Advanced Integrated Defensive Electronic Warfare Suite (AIDEWS) Systems (non-MDE), which will increase the number from twenty (20) to thirty-nine (39). These additional nineteen (19) were not included in the total value of the AIDEWS systems previously notified. This change was due to a change in system requirements and a desire to prioritize system components with long lead procurement timelines; and

3. The inclusion of additional test weapons quantities and MDE designations outlined below:

- a. BLU-109—Increase from quantity of three (3) to four (4)
- b. Bomb Practice GBU-39 Guided Test Vehicle (GTV)—MDE item not on original notification
- c. MK-82 Inert Filled Bomb Body—Increase in quantity of four (4) to six (6)—MDE not on original notification
- d. KMU-572 JDAM Tail Kit—Quantity of five (5) not included on original Congressional Notification and MDE designation not on original notification
- e. MXU-650 Air Foil Group—Quantity of two (2) not included on original Congressional Notification and MDE designation not on original notification
- f. MXU-651 Air Foil Group—MDE designation not on original notification
- g. MAU-210 Enhanced Computer Control Group—Increase in quantity of three (3) to four (4) and MDE designation not on original notification. Also correct that this MAU is for the GBU-49, not the GBU-50 as outlined in the original notification.
- h. FMU-152—Quantity of six (6) not included on original Congressional Notification and MDE designation not on original notification

These changes are due to unit pack minimum required quantities, items not properly identified as MDE on the original notification, and errors in requirements identification by the procuring office.

The inclusion of these MDE items will not increase the value of MDE beyond what was originally notified. The inclusion of AIDEWS will cause the total case value to rise from \$1.082 billion to \$1.292 billion.

(iv) *Significance*: This notification reports items not included at the time of the original notification. Inclusion and delineation of these items results in an increase in capability over what was originally notified. This proposed sale of the MIDS-JTRS CMN-4, AIDEWS, and additional test weapons will contribute to the crypto modernization, electronic defense, and weapons test capabilities of Bahrain's air fleet, and enhance its interoperability with the United States and NATO members.

(v) *Justification*: This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a

Major non-NATO ally in developing and maintaining a strong and ready self-defense capability. This proposed sale will enhance U.S. national security objectives in the region.

(vi) *Sensitivity of Technology*:

1. Multifunction Information Distribution System Joint Tactical Radio Systems Concurrent Multi-Netting 4 (MIDS JTRS CMN-4) is classified CONFIDENTIAL. MIDS JTRS CMN-4 is a secure data and voice communication network using the Link-16 architecture. The system provides enhanced situational awareness, positive identification of participants within the network, secure fighter-to-fighter connectivity, and secure voice capability. It provides three major functions: Air Control, Wide Area Surveillance, and Fighter-to-Fighter. The MIDS JTRS CMN-4 can be used to transfer data in Air-to-Air, Air-to-Surface, and Air-to-Ground scenarios.

2. The Sensitivity of Technology statement contained in the original transmittal applies to the other items notified here.

(vii) *Date Report Delivered to Congress*: September 28, 2018

[FR Doc. 2018-24402 Filed 11-7-18; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 18-41]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Arms sales notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** DSCA at [dsca.ncr.lmo.mbx.info@mail.mil](mailto:dsca.ncr.lmo.mbx.info@mail.mil) or (703) 697-9709.

**SUPPLEMENTARY INFORMATION:** This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 18-41 with attached Policy Justification and Sensitivity of Technology.

Dated: November 2, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



## DEFENSE SECURITY COOPERATION AGENCY

201 12<sup>TH</sup> STREET SOUTH, STE 203  
ARLINGTON, VA 22202-5408

OCT 03 2018

The Honorable Paul D. Ryan  
Speaker of the House  
U.S. House of Representatives  
H-209, The Capitol  
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-41, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Iraq for defense articles and services estimated to cost \$82.50 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

*Charles W. Hooper*  
Charles W. Hooper  
Lieutenant General, USA  
Director

## Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

Transmittal No. 18-41	Other .....	\$82.30 million	<i>Major Defense Equipment (MDE):</i> Five (5) M240 7.62mm Machine Guns <i>Non-MDE:</i> Also included are five (5) RF-7850A Secure Communications Radios, five (5) AN/AAR-60 MILDS Automatic Plume Detectors, five (5) AN/ALE-47 Airborne Countermeasure Dispensing Systems, five (5) M3P .50 Caliber Machine Guns, five (5) M260 Rocket Launchers (APKWS Configuration), five (5) MX-15Di EO/IR
Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended	Total .....	\$82.50 million	
(i) <i>Prospective Purchaser:</i> Government of Iraq	(iii) <i>Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:</i> Five (5) Armed Bell 407GX Helicopters configured with the following equipment:		
(ii) <i>Total Estimated Value:</i>			
Major Defense Equipment *	\$00.20 million		

Sensors, five (5) GAU–19 .50 Caliber Machine Guns, five (5) Pathfinder Mission Management Systems, five (5) ARES Weapon Management Systems, five (5) Mission Configurable Armament Systems (MCAS), night vision compatible lighting systems, aircraft intercommunications systems (ICS), cockpit and seat armor kits, and bifurcated exhaust infrared suppressor systems, operating manuals, spare parts, maintenance and operator training for radio systems, technical and logistics support services, and other related elements of logistical and program support.

(iv) *Military Department: Army (IQ–B–AEA)*

(v) *Prior Related Cases, if any: IQ–B–VPN*

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None*

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex*

(viii) *Date Report Delivered to Congress: October 3, 2018*

\* As defined in Section 47(6) of the Arms Export Control Act.

#### *Iraq—Armed Bell 407GX Helicopters*

The Government of Iraq has requested to buy five (5) Armed Bell 407GX helicopters configured with five (5) M240 7.62mm Machine Guns. Also included are five (5) RF–7850A Secure Communications Radios, five (5) AN/AAR–60 MILDS Automatic Plume Detectors, five (5) AN/ALE–47 Airborne Countermeasure Dispensing Systems, five (5) M3P .50 Caliber Machine Guns, five (5) M260 Rocket Launchers (APKWS Configuration), five (5) MX–15Di EO/IR Sensors, five (5) GAU–19 .50 Caliber Machine Guns, five (5) Pathfinder Mission Management Systems, five (5) ARES Weapon Management Systems, five (5) Mission Configurable Armament Systems (MCAS), night vision compatible lighting systems, aircraft intercommunications systems (ICS), cockpit and seat armor kits, and bifurcated exhaust infrared suppressor systems, operating manuals, spare parts, maintenance and operator training for radio systems, technical and logistics support services, and other related elements of logistical and program support. The total estimated program cost is \$82.5 million.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a strategic partner. The addition of five Bell 407GX helicopters will help compensate for the combat loss of seven IA407 helicopters in recent

years and increase the Iraqi Security Forces' combat effectiveness against ISIS and other terrorist elements in Iraq. The 407GX variant—an upgrade from the current IA407 configuration—includes Advanced Precision Kill Weapon System (APKWS) launchers. Providing Iraq with this capability supports U.S. security goals by furthering the Iraqi Army Aviation Command's ability to counter terrorism and protect critical infrastructure. Iraq will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Bell, Fort Worth, TX; L3 WESCAM, Burlington, Ontario, Canada; Dillon, Scottsdale, AZ; Tekfusion Global, Williamsburg, VA; Harris, Melbourne, FL; and Fulcrum Concepts, Mattaponi, VA. There are no known offset agreements associated with this proposed sale.

Implementation of this proposed sale will require approximately 17 contractor representatives to travel to Iraq in support of this effort. The GOI desires Contractor Logistics Support (CLS) presence in country.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 18–41

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Bell 407GX Multi-Role Helicopter weapon system contains communications and target identification equipment, navigation equipment, aircraft survivability equipment, displays, and sensors. The airframe itself does not contain sensitive technology, however the pertinent equipment listed below will be either installed on the aircraft or included in the sale:

a. The Harris Falcon III RF–7850A Secure Communication Radio is a Multi-Channel Airborne Networking Radio that offers multi-channel and multiband capabilities. It integrates into a wide variety of platforms to support multiple missions, waveforms and modes of operation and provides two wideband channels. The Harris Multi-channel Airborne Radio extends battlefield networks Beyond-Line-Of-Sight through tactical VHF/UHF networks to provide extended range and secure air-to-air and air-to-ground

communications. The Harris Falcon III hardware is a commercial variant radio and the highest level of information that would be released in support of this transfer is at the UNCLASSIFIED level.

b. The AN/AAR–60 MILDS Automatic Plume Detector is a Missile Launch Detection System (MILDS)/Airborne Missile Protection System (AMPS) or AMPS–M and is based on the off-the-shelf product MILDS AN/AAR–60 UV-Sensor Units and features a MILDS Control and Display Unit (MCDU), an Inertial Measurement Unit (IMU) and Smart Dispensers (SD). The MILDS AMPS represents a complete Missile Protection System and will be used for stand alone installation and operation of an integrated missile warning and Counter Measures dispensing in helicopters. The highest level of information release in support of this transfer is at the UNCLASSIFIED level.

c. The M3P .50 Cal machine gun is a fully automatic .50 Cal (12.7x99mm NATO) machine gun specifically designed to be axially or coaxially mounted in pod or open-air gun configurations for airborne, land or sea weapon system applications. The M3P is a world exclusivity by FN Herstal and offers high firing rate for short time on target: 1,025 ± 75 RPM. The highest level of information release in support of this transfer is at the UNCLASSIFIED level.

d. The M260 Rocket Launcher with APKWS capability is a seven tube rocket launcher with a remote fuze setting function. Once the target is located, single or multiple pairs of the Hydra 70 APKWS folding-fin rockets can be launched toward the target when a predetermined time signal is sent to the electronic time fuze. The highest level of information release in support of this transfer is at the UNCLASSIFIED level.

e. The M240 is a general-purpose machine gun that uses 7.62 mm NATO ammunition. It can be mounted on a bipod, tripod, aircraft, or vehicle. The M240 is a belt-fed, air-cooled, gas-operated, fully automatic machine gun that fires from the open bolt position. The highest level of information release in support of this transfer is at the UNCLASSIFIED level.

f. The MX–15Di EO/IR sensor is a multi-sensor imaging/lasing that can provide medium-altitude; Covert Intelligence, Surveillance & Reconnaissance (ISR), Armed Reconnaissance, CSAR and Target Designation missions. MX–15Di has HD imaging resolution from Electro-Optical (EO) and Infrared (IR) cameras, Short-wave IR imaging, Laser rangefinder/designator 3 laser illuminator. The highest level of information release in

support of this transfer is at the UNCLASSIFIED level.

g. The GAU-19 machine is a low-cost weapon system that is designed to accept standard NATO .50 caliber M9-linked ammunition with a rate of fire of 1300 rounds per minute. The weapon provides highly effective firepower against area suppression and point targets, as well as being ideally suited for utility, scout and attack helicopters. The highest level of information release in support of this transfer is at the UNCLASSIFIED level.

h. The Pathfinder Mission Management System (MMS) is a modular customizable system that provides command and control of onboard navigation, communication, and peripheral electronic equipment. During target engagements, locations and range to target is passed from Pathfinder to the weapons management system. The highest level of information release in support of this transfer is at the UNCLASSIFIED level.

i. The ARES Weapons Management System (WMS) is a modular weapons management system that uses the aircraft's EO/IR monitor as the WMS interface using a touchscreen graphical user interface (GUI). The system is fully integrated with the MX-15Di sensors critical EO/IR functions that can be controlled through the user interface. The system provides aircraft steering commands and targeting overlays to guide the pilot into the proper launch constraints by consolidating mission execution tasks. The highest level of information release in support of this transfer is at the UNCLASSIFIED level.

j. The Mission Configurable Armament System (MCAS) is a plank type weapons mounting system. The MCAS was developed as a lightweight, high strength, multi-purpose, multi-airframe weapons platform utilizing up to 6 weapon stations. The highest level of information release in support of this transfer is at the UNCLASSIFIED level.

k. The AN/ALE-47 is a software reprogrammable dispenser for chaff and flares. It provides for either automatic or aircrew commanded response dispense capabilities. Specific dispense routines are sensitive and are specifically withheld from Iraq. The export version uses a country unique "look-up decision tree" for determining dispense routines. This software when loaded into the AN/ALE-47 is classified CONFIDENTIAL. Increased risk of exploitation is significantly reduced given that the software is in executable form only (i.e. binary code) and the actual dispense routines can be gained through visual observation, which is true for all coalition platforms flying in Iraq.

2. If a technologically advanced adversary obtained knowledge of the specific hardware or software in the proposed sale, the information could be used to develop counter-measures which might reduce weapons system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the recipient government can provide substantially the same degree of protection for the technology being released as the U.S. Government. This sale supports the U.S. foreign policy and

national security objectives as outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Iraq.

[FR Doc. 2018-24410 Filed 11-7-18; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 18-40]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Arms sales notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** DSCA at [dsca.ncr.lmo.mbx.info@mail.mil](mailto:dsca.ncr.lmo.mbx.info@mail.mil) or (703) 697-9709.

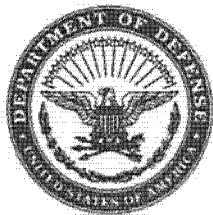
**SUPPLEMENTARY INFORMATION:** This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives and Transmittal 18-40 with attached Policy Justification.

Dated: November 2, 2018.

**Aaron T. Siegel,**

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

BILLING CODE 5001-06-P



## DEFENSE SECURITY COOPERATION AGENCY

201 12<sup>TH</sup> STREET SOUTH, STE 203

ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan  
Speaker of the House  
U.S. House of Representatives  
H-209, The Capitol  
Washington, DC 20515

OCT 19 2018

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-40, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of the United Kingdom for defense articles and services estimated to cost \$3.5 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper  
Lieutenant General, USA  
Director

## Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology (Classified document provided under separate cover)

## BILLING CODE 5001-06-C

Transmittal No. 18-40

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* The Government of the United Kingdom

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$1.655 billion
Other .....	\$1.845 billion
Total .....	\$3.500 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*Major Defense Equipment (MDE):*  
Sixteen (16) H-47 Chinook (Extended Range) Helicopters  
Thirty-six (36) T-55-GA-714A Engines (32 installed, 4 spares)  
Forty-eight (48) Embedded GPS Inertial Navigation Units (32 installed, 16 spares)  
Twenty (20) Common Missile Warning Systems (16 installed, 4 spares)

Twenty-two (22) Radio-Frequency Countermeasures (16 installed, 6 spares)  
Nineteen (19) Multi-Mode Radars (16 installed, 3 spares)  
Forty (40) M-134D0T Mini-Guns, plus mounts and tools (32 installed, 8 spares)  
Forty (40) M240H Machine Guns, plus mounts and tools (32 installed, 8 spares)  
*Non-MDE:* Also included are communications equipment; navigation

equipment; aircraft survivability equipment; initial training equipment and services; synthetic training equipment; support package including spares and repair parts; special tools and test equipment; aviation ground support equipment; safety and air worthiness certification; technical support; maintenance support; technical and aircrew publications; mission planning system equipment and support; and, project management and governance; U.S. Government and contractor engineering and logistics support services; and other related elements of logistic and program support.

(iv) *Military Department: Army (UK-B-WTJ)*

(v) *Prior Related Cases, if any: UK-B-WSY and UK-B-WTN*

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None*

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex (Classified document provided under separate cover)*

(viii) *Date Report Delivered to Congress: October 19, 2018*

\* As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

*United Kingdom—H-47 Chinook (Extended Range) Helicopters and Accessories*

The Government of United Kingdom has requested a possible sale of sixteen (16) H-47 Chinook (Extended Range) helicopters; thirty-six (36) T-55-GA-714A engines (32 installed, 4 spares); forty-eight (48) embedded GPS inertial navigation units (32 installed, 16 spares); twenty (20) common missile warning systems (16 installed, 4 spares); twenty-two (22) radio-frequency countermeasures (16 installed, 6 spares); nineteen (19) multi-mode radars (16 installed, 3 spares); nineteen (19) electro-optical sensor systems (16 installed, 3 spares); forty (40) M-134D-T mini guns, plus mounts and tools (32 installed, 8 spares); and forty (40) M240H machine guns, plus mounts and tools (32 installed, 8 spares). This sale also includes communications equipment; navigation equipment; aircraft survivability equipment; initial training equipment and services; synthetic training equipment; support package including spares and repair parts; special tools and test equipment; aviation ground support equipment; safety and air worthiness certification; technical support; maintenance support; technical and aircrew publications;

mission planning system equipment and support; and, project management and governance; U.S. Government and contractor engineering and logistics support services; and other related elements of logistic and program support. Total estimated cost is \$3.5 billion.

The United Kingdom is a close NATO ally and an important partner on critical foreign policy and defense issues. The proposed sale will enhance U.S. foreign policy and national security objectives by enhancing the United Kingdom's capabilities to provide national defense and contribute to NATO and coalition operations.

The proposed sale will improve the United Kingdom's ability to meet current and future threats by providing a heavy lift rotary wing capability able to execute missions in extreme environments across a full range of military operations. The United Kingdom will have no difficulty absorbing these helicopters into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor of this sale will be Boeing Defense and Space, Ridley Park, PA.

There is no known offset agreement associated with this proposed sale.

Implementation of this proposed sale will require approximately 29–32 U.S. Government personnel and 26 contractors assigned to the United Kingdom plus 3 equivalent man years TDY to support fielding and initial sustainment for a duration of 3–5 years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2018–24418 Filed 11–7–18; 8:45 am]

BILLING CODE 5001–06–P

#### DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0121]

#### Agency Information Collection Activities; Comment Request; Consolidated Annual Report (CAR) for the Carl D. Perkins Career and Technical Education Act of 2006

**AGENCY:** Office of Career, Technical, and Adult Education (OCTAE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before January 7, 2019.

**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–0121. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9088, Washington, DC 20202–0023.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Braden Goetz, 202–245–7405.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Consolidated Annual Report (CAR) for the Carl D.



Perkins Career and Technical Education Act of 2006.

*OMB Control Number:* 1830-0569.

*Type of Review:* A revision of an existing information collection.

*Respondents/Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 54.

*Total Estimated Number of Annual Burden Hours:* 1,296.

*Abstract:* This information collection is used by the U.S. Department of Education to gather annual performance and financial data from eligible agencies under the Carl D. Perkins Career and Technical Education Act of 2006 as amended by the Strengthening Career and Technical Education for the 21st Century Act (Pub. L. 115-224).

Dated: November 5, 2018.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.*

[FR Doc. 2018-24457 Filed 11-7-18; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP19-7-000]

#### Notice of Application; Tennessee Gas Pipeline Company, LLC

Take notice that on October 19, 2018, Tennessee Gas Pipeline Company, LLC (Tennessee), filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations for authorization to construct, install, modify, operate, and maintain certain pipeline and compression facilities located in Massachusetts and Connecticut that will increase natural gas capacity on its pipeline system by approximately 72,400 dekatherms per day (Dth/day) (261 Upgrade Projects). The projects consist of the following: (1) The construction, installation, operation, and maintenance of approximately 2.1 miles of pipeline loop, and (2) the abandonment and replacement of two compressor units with a new compressor unit at an existing compressor station, all as more fully set forth in the application, which is on file with the Commission and open for public inspection.

The filing may also be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the

document. For assistance, please contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or TTY, (202) 502-8659.

Any questions regarding the proposed project should be directed to Ben J. Carranza, Director, Regulatory, Tennessee Gas Pipeline Company, LLC, 1001 Louisiana Street, Suite 1000, Houston, Texas 77002, or by calling (713) 420-5535, by fax (713) 420-1605, or by email at [ben\\_carranza@kindermorgan.com](mailto:ben_carranza@kindermorgan.com).

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 3 copies of filings made with the Commission and must provide a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as

possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16-4-001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new Natural Gas Act section 3 or section 7 proceeding.<sup>1</sup> Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to "show good cause why the time limitation should be waived," and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.<sup>2</sup>

The Commission strongly encourages electronic filings of comments, 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 3 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

*Comment Date:* November 23, 2018.

Dated: November 2, 2018.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2018-24450 Filed 11-7-18; 8:45 am]

**BILLING CODE 6717-01-P**

<sup>1</sup> *Tennessee Gas Pipeline Company, L.L.C.*, 162 FERC ¶61,167 at ¶50 (2018).

<sup>2</sup> 18 CFR 385.214(d)(1).

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 4639–032]

**Ampersand Christine Falls Hydro, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process**

a. *Type of Application:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 4639–032.

c. *Date filed:* September 20, 2018.

d. *Submitted by:* Ampersand Christine Falls Hydro, LLC.

e. *Name of Project:* Christine Falls Hydroelectric Project.

f. *Location:* Located on the Sacandaga River near Speculator, Hamilton County, New York. The project does not occupy any federal lands.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Mr. Sayad Moudachirou, Licensing Manager, Ampersand Christine Falls Hydro LLC, 717 Atlantic Avenue, Suite 1A, Boston, MA 02111, Phone: 617–933–7206, Email: [sayad@ampersandenergy.com](mailto:sayad@ampersandenergy.com).

i. *FERC Contact:* Brandi Sangunett, Phone: (202) 502–8393, Email: [brandi.sangunett@ferc.gov](mailto:brandi.sangunett@ferc.gov).

j. Ampersand Christine Falls Hydro, LLC filed its request to use the Traditional Licensing Process on September 20, 2018. Ampersand Christine Falls Hydro, LLC provided public notice of its request on September 24, 2018. In a letter dated November 1, 2018, the Director of the Division of Hydropower Licensing approved Ampersand Christine Falls Hydro, LLC's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or 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 New York State Historic Preservation Office, 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.

l. With this notice, we are designating Ampersand Christine Falls Hydro, 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.

m. Ampersand Christine Falls Hydro, 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.

n. 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](mailto: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 h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 4639. 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 license for this project must be filed by September 30, 2021.

p. 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: November 2, 2018.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2018–24452 Filed 11–7–18; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. CP17–470–000]

**Freeport LNG Development, L.P., FLNG Liquefaction 4, LLC; Notice of Availability of the Environmental Assessment for the Proposed Train 4 Project**

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an Environmental Assessment (EA) for the Freeport LNG Train 4 Project (Project). Freeport LNG Development, L.P. and FLNG Liquefaction 4, LLC (collectively referred to as Freeport LNG), request authorization (FERC Docket No. CP17–470–000) to site, construct, and operate pipeline, natural gas liquefaction and export facilities near Freeport in Brazoria County, Texas. The Project would be constructed as an expansion of Freeport LNG's existing Quintana Island Terminal (Terminal), as well as associated pretreatment and pipeline facilities, for the purpose of liquefying domestic natural gas for export.

The EA assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Department of Transportation, U.S. Department of Energy, and U.S. Environmental Protection Agency participated as cooperating agencies in the preparation of the EA. A cooperating agency has jurisdiction by law or special expertise regarding environmental impacts involved with the proposal, and is involved in the NEPA analysis.

The EA addresses the potential environmental effects of the construction and operation of the following project facilities:

- One LNG train;
- one natural gas pretreatment unit;
- minor modifications to existing facilities, and
- 10.6 miles of 42-inch-diameter pipeline.

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes;

potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website ([www.ferc.gov](http://www.ferc.gov)), on the Environmental Documents page (<https://www.ferc.gov/industries/gas/enviro/eis.asp>). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (<https://www.ferc.gov/docs-filing/elibrary.asp>), click on General Search, and enter the docket number in the "Docket Number" field, excluding the last three digits (*i.e.*, CP17–470). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments on or before December 3, 2018.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov). Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on the Project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." If you are filing a comment on a particular project, please select "Comment on a Filing" as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the Project docket numbers (CP17–470–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at <http://www.ferc.gov/resources/guides/how-to/intervene.asp>. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

#### Questions?

Additional information about the Projects is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC ([www.ferc.gov](http://www.ferc.gov)) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

Dated: November 2, 2018.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2018–24448 Filed 11–7–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the

Commission's staff may attend the following meetings related to the transmission planning activities of the New York Independent System Operator, Inc. (NYISO):

#### NYISO Electric System Planning Working Group, Installed Capacity Market, Market Issues Working Group Meeting

November 6, 2018, 10:00 a.m.—4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: [http://www.nyiso.com/public/committees/documents.jsp?com=bic\\_espwg&directory=2018-11-06](http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2018-11-06).

#### NYISO Business Issues Committee Meeting

November 14, 2018, 10:00 a.m.—4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: <http://www.nyiso.com/public/committees/documents.jsp?com=bic&directory=2018-11-14>.

#### NYISO Operating Committee Meeting

November 15, 2018, 10:00 a.m.—4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: <http://www.nyiso.com/public/committees/documents.jsp?com=oc&directory=2018-11-15>.

#### NYISO Electric System Planning Working Group Meeting

November 15, 2018, 2:00 p.m.—4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: [http://www.nyiso.com/public/committees/documents.jsp?com=bic\\_espwg&directory=2018-11-15](http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2018-11-15).

#### NYISO Electric System Planning Working Group, Installed Capacity Market, Market Issues Working Group Meeting

November 16, 2018, 10:00 a.m.—4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: [http://www.nyiso.com/public/committees/documents.jsp?com=bic\\_espwg&directory=2018-11-16](http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2018-11-16).

### **NYISO Management Committee Meeting**

November 28, 2018, 10:00 a.m.–2:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: <http://www.nyiso.com/public/committees/documents.jsp?com=mc&directory=2018-11-28>.

The discussions at the meetings described above may address matters at issue in the following proceedings:

*New York Independent System Operator, Inc.*, Docket No. ER15–2059.

*New York Independent System Operator, Inc.*, Docket No. ER17–2327.

For more information, contact James Eason, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–8622 or [James.Eason@ferc.gov](mailto:James.Eason@ferc.gov).

Dated: November 2, 2018.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2018–24451 Filed 11–7–18; 8:45 am]

BILLING CODE 6717–01–P

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

[Project No. 10489–016]

#### **City of River Falls; Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests**

a. *Type of Filing:* Notice of Intent to File License Application for a New License for Junction Falls Development and Decommission of Powell Falls Development, and Commencing Pre-filing Process.

b. *Project No.:* 10489–016.

c. *Dated Filed:* August 30, 2018.

d. *Submitted By:* City of River Falls, Municipal Utilities.

e. *Name of Project:* River Falls Hydroelectric Project.

f. *Location:* On the Kinnickinnic River in the City of River Falls in Pierce County, Wisconsin. The project does not occupy federal lands.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Kevin Westhuis, Utility Director of the City of River Falls Municipal Utilities; [kwesthuis@rfcity.org](mailto:kwesthuis@rfcity.org) (preferred contact) or (715) 426–3442.

i. *FERC Contact:* Shana Wiseman at (202) 502–8736 or email at [shana.wiseman@ferc.gov](mailto:shana.wiseman@ferc.gov).

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in paragraph o below.

Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See 94 FERC 61,076 (2001).

k. *With this notice, we are initiating informal consultation with:* (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402 and (b) the 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.

l. With this notice, we are designating the City of River Falls as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. The City of River Falls filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. 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](mailto: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 h.

Register online at <http://www.ferc.gov/docs-filing/subscription.asp> to be notified via email of new filing and issuances

related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents 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](mailto:FERCOnlineSupport@ferc.gov). 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–10489–016.

All filings with the Commission must bear the appropriate heading: Comments on Pre-Application Document, Study Requests, Comments on Scoping Document 1, Request for Cooperating Agency Status, or Communications to and from Commission Staff. Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by December 28, 2018.

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, the meetings listed below will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

#### **Scoping Meetings**

Commission staff will hold two scoping meetings in the vicinity of the project at the times and places noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested

individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

#### **Evening Scoping Meeting**

Date and Time: Thursday, November 15, 2018 at 6:30 p.m.

Location: River Falls City Hall Training Room, 222 Lewis Street, River Falls, WI 54022, (715) 425-0900.

#### **Daytime Scoping Meeting**

Date and Time: Friday, November 16, 2018 at 9:00 a.m.

Location: River Falls City Hall Council Chambers, 222 Lewis Street, River Falls, WI 54022, (715) 425-0900.

SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at <http://www.ferc.gov>, using the eLibrary link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

#### **Environmental Site Review**

The potential applicant and Commission staff will conduct an Environmental Site Review of the project on Thursday, November 15, 2018, starting at 1:00 p.m. All participants should meet at the Old Power Plant at Junction Falls dam, 401 S. Winter Street, River Falls, WI 54022. If you plan to attend the environmental site review, please contact Mr. Kevin Westhuis, Utility Director of the City of River Falls Municipal Utilities, at [kwesthuis@rfcity.org](mailto:kwesthuis@rfcity.org) (preferred contact) or (715) 426-3442 on or before Friday, November 9, 2018, and indicate how many participants will be attending with you. The City of River Falls' safety policies require that all environmental site review participants wear sturdy footwear; no open toe, sandals, high heels, etc.

#### **Meeting Objectives**

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information

and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in paragraph n of this document.

#### **Meeting Procedures**

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Dated: October 25, 2018.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2018-24453 Filed 11-7-18; 8:45 am]

**BILLING CODE 6717-01-P**

### **DEPARTMENT OF ENERGY**

#### **Federal Energy Regulatory Commission**

**[Docket No. CP18-548-000]**

#### **Eastern Shore Natural Gas Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Del-Mar Energy Pathway Project, Request for Comments on Environmental Issues, Notice of Public Scoping Session, and Notice of Onsite Review**

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Del-Mar Energy Pathway Project involving construction and operation of facilities by Eastern Shore Natural Gas Company (Eastern Shore) in Kent and Sussex Counties, Delaware, and Wicomico and Somerset Counties, Maryland. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. The National Environmental Policy Act (NEPA)

requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 pm Eastern Time on December 3, 2018.

You can make a difference by submitting your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Commission staff will consider all filed comments during the preparation of the EA.

If you sent comments on this project to the Commission before the opening of this docket on September 14, 2018, you will need to file those comments in Docket No. CP18-548-000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law.

Eastern Shore provided landowners with a fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need

To Know?” This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission’s proceedings. It is also available for viewing on the FERC website ([www.ferc.gov](http://www.ferc.gov)) at <https://www.ferc.gov/resources/guides/gas/gas.pdf>.

### Public Participation

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. To sign up go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov). Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission’s website ([www.ferc.gov](http://www.ferc.gov)) under the link to *Documents and Filings*. Using *eComment* is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission’s website ([www.ferc.gov](http://www.ferc.gov)) under the link to *Documents and*

*Filings*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on “*eRegister*.” You will be asked to select the type of filing you are making; a comment on a particular project is considered a “Comment on a Filing”; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP18-548-000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

(4) In lieu of sending written comments, the Commission invites you to attend the public scoping session its staff will conduct in the project area, scheduled as follows:

Date and time	Location
Wednesday, November 14, 2018, 4:00–7:30 p.m. ....	Millsboro Town Office Building, 322 Wilson Highway, Millsboro, DE 19966, (302) 934-8171.

The primary goal of this scoping session is to have you identify the specific environmental issues and concerns that should be considered in the EA. Individual verbal comments will be taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum amount of verbal comments, in a convenient way during the timeframe allotted.

The scoping session is scheduled from 4:00 p.m. to 7:30 p.m. Eastern Time. You may arrive at any time after 4:00 p.m. There will not be a formal presentation by Commission staff when the session opens. If you wish to speak, the Commission staff will hand out numbers in the order of your arrival. Comments will be taken until 7:30 p.m. However, if no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session at 7:00 p.m. Please see appendix 1 for additional information on the session format and conduct.<sup>1</sup>

Your scoping comments will be recorded by a court reporter (with FERC staff or representative present) and become part of the public record for this

proceeding. Transcripts will be publicly available on FERC’s eLibrary system (see below for instructions on using eLibrary). If a significant number of people are interested in providing verbal comments in the one-on-one settings, a time limit of 5 minutes may be implemented for each commenter.

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided verbally at a scoping session. Although there will not be a formal presentation, Commission staff will be available throughout the scoping session to answer your questions about the environmental review process. Representatives from Eastern Shore will also be present to answer project-specific questions.

### Summary of the Proposed Project

Eastern Shore proposes to construct and operate new natural gas pipelines and meter and delivery stations in Kent and Sussex Counties, Delaware and Wicomico and Somerset Counties, Maryland. The Del-Mar Energy Project would provide about 11.8 million cubic feet per day of additional natural gas firm transportation and 2.5 million cubic feet per day of off-peak transportation service to three local distribution companies and one industrial shipper.

The Del-Mar Energy Pathway Project would consist of the construction of the following facilities:

Woodside Loop<sup>2</sup>: Kent County, Delaware

- 4.9 miles of new 16-inch-diameter pipeline looping the existing Hockessin Line, Canterbury Loop.

East Sussex Extension: Sussex County, Delaware

- 7.39 miles of new 8-inch-diameter mainline extension to the existing Milford Line;
- one aboveground pig launcher and one receiver,<sup>3</sup> and aboveground mainline valve; and
- one new delivery metering and regulation (M&R) station at the East Sussex Extension terminus.

Millsboro Pressure Control Station Upgrade: Millsboro, Sussex County, Delaware

- 0.35 mile of 10-inch-diameter pipeline extension between the existing Millsboro Pressure Control Station and the existing Milford Line; and
- a dual run pressure control addition to the existing Millsboro pressure control station with modifications to the existing piping, valves, and associated electronic transmitters.

Somerset Extension: Wicomico and Somerset Counties, Maryland

- 6.83 miles of new 10-inch-diameter pipeline extension to the existing Parkesburg Line;

<sup>1</sup> The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at [www.ferc.gov](http://www.ferc.gov) using the link called “eLibrary” or from the Commission’s Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

<sup>2</sup> A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

<sup>3</sup> A “pig” is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

- one aboveground pig launcher and one receiver, and aboveground mainline valve; and

- one new delivery M&R station at the Somerset Extension terminus. The general location of the project facilities is shown in appendix 2.

### Land Requirements for Construction

Construction of the proposed facilities would disturb about 223.6 acres of land for the aboveground facilities and the pipeline. Of this, Eastern Shore would maintain about 29 acres for permanent operation of the project's facilities following construction. The remaining acreage would be restored and revert to former uses. About 89.6 percent of the proposed pipeline routes parallel existing pipeline, utility, or road rights-of-way.

### The EA Process

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise;
- public safety; and
- cumulative impacts.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present Commission staffs' independent analysis of the issues. The EA will be available in electronic format in the public record through eLibrary<sup>4</sup> and the Commission's website (<https://www.ferc.gov/industries/gas/enviro/eis.asp>). If eSubscribed, you will receive instant email notification when the EA is issued. The EA may be issued for an allotted public comment period. Commission staff will consider all comments on the EA before making recommendations to the Commission. To ensure Commission staff have the opportunity to address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to

the environmental issues of this project to formally cooperate in the preparation of the EA.<sup>4</sup> Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

### Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is are using this notice to initiate consultation with the applicable State Historic Preservation Offices (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.<sup>5</sup> Commission staff will define the project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). The EA for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

### Environmental Mailing List

The environmental mailing list includes: Federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

<sup>5</sup> The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

If the Commission issues the EA for an allotted public comment period, a *Notice of Availability* of the EA will be sent to the environmental mailing list and will provide instructions to access the electronic document on the FERC's website ([www.ferc.gov](http://www.ferc.gov)). If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please return the attached "Mailing List Update Form" (appendix 3).

### Onsite Environmental Review

On November 14 and 15, 2018, the Office of Energy Projects staff will gather data related to the environmental analysis of the proposed Del-Mar Energy Pathway Project. Staff will review the proposed pipeline routes and associated facilities locations. This will assist staff in completing its comparative evaluation of environmental impacts of the proposed project. Viewing of this area is anticipated to be from public access points and Eastern Shore Natural Gas Company right-of-way.

All interested parties planning to attend must provide their own transportation. Those attending should meet at the following location:

#### *East Sussex Extension*

- November 14, 2018, 1:30 p.m., Fire Marshal Office, 22705 Park Ave, Georgetown, DE 19947.

#### *Somerset Extension & Woodside Loop*

- November 15, 2018, 9:30 a.m., Wicomico Public Library, 122 S Division St., Salisbury, MD 21801.

### Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number in the "Docket Number" field, excluding the last three digits (*i.e.*, CP18-548). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at [www.ferc.gov/EventCalendar/EventsList.aspx](http://www.ferc.gov/EventCalendar/EventsList.aspx) along with other related information.

<sup>4</sup> The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.



Dated: November 2, 2018.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2018–24449 Filed 11–7–18; 8:45 am]

BILLING CODE 6717–01–P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–9986–25–Region 3]

### Delegation of Authority to the Commonwealth of Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants Standards and New Source Performance Standards

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

**ACTION:** Notice of delegation of authority.

**SUMMARY:** On September 25, 2018, the Environmental Protection Agency (EPA) sent the Commonwealth of Virginia (Virginia) a letter acknowledging that Virginia's delegation of authority to implement and enforce the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) and New Source Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated facilities and the public, EPA is making available a copy of EPA's letter to Virginia through this notice.

**DATES:** On September 25, 2018, EPA sent Virginia a letter acknowledging that Virginia's delegation of authority to implement and enforce Federal NESHAPs had been updated.

**ADDRESSES:** Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029. Copies of Virginia's submittal are also available at the Virginia Department of Environmental Quality, 1111 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:** Riley Burger, (215) 814–2217, or by email at [burger.riley@epa.gov](mailto:burger.riley@epa.gov).

**SUPPLEMENTARY INFORMATION:** On February 22, 2018, Virginia notified EPA that Virginia had updated its incorporation by reference of Federal NESHAPs to include many such standards, as they were published in final form in the Code of Federal Regulations dated July 1, 2017. On

September 25, 2018, EPA sent Virginia a letter acknowledging that Virginia now has the authority to implement and enforce the NESHAPs as specified by Virginia in its notice to EPA, as provided for under previously approved automatic delegation mechanisms. All notifications, applications, reports, and other correspondence required pursuant to the delegated NESHAPs must be submitted to both the EPA, Region III and to the Virginia Department of Environmental Quality, unless the delegated standard specifically provides that such submittals may be sent to EPA or a delegated State. In such cases, the submittals should be sent only to the Virginia Department of Environmental Quality. A copy of EPA's letter to Virginia follows:

Michael G. Dowd, Director, Air Division,  
Virginia Department of Environmental  
Quality, P.O. Box 1105, Richmond,  
Virginia 23218

Dear Mr. Dowd: The United States Environmental Protection Agency (EPA) has previously delegated to the Commonwealth of Virginia (Virginia) the authority to implement and enforce various federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and National Emission Standards for Hazardous Air Pollutants for Source Categories (MACT standards) which are found at 40 CFR parts 60, 61 and 63, respectively. In those actions, EPA also delegated to Virginia the authority to implement and enforce any future federal NSPS, NESHAP or MACT Standards on the condition that Virginia legally adopt the future standards, make only allowed wording changes, and provide specified notice to EPA.

In a letter dated February 22, 2018, Virginia submitted to EPA revised versions of Virginia's regulations which incorporate by reference specified federal NSPS, NESHAP and MACT standards, as those federal standards had been published in final form in the Code of Federal Regulations dated July 1, 2016. Virginia committed to enforcing the federal standards in conformance with the terms of EPA's previous delegations of authority and made only allowed wording changes.

Virginia stated that it had submitted the revisions "to retain its authority to enforce the NSPSs and NESHAPs under the delegation of authority granted by EPA on August 27, 1981 (46 FR 43300) and to enforce the MACT standards under the delegation of authority granted by EPA on January 26, 1999 (64 FR 3938) and January 8, 2002 (67 FR 825)."

Virginia provided copies of its revised regulations which specify the NSPS, NESHAP and MACT Standards which it had adopted by reference. Virginia's revised regulations are entitled 9 VAC 5–50 "New and Modified Stationary Sources," and 9 VAC 5–60 "Hazardous Air Pollutant Sources." These revised regulations have an effective date of February 21, 2018.

Based on Virginia's submittal, EPA acknowledges that EPA's delegations to Virginia of the authority implement and enforce EPA's NSPS, NESHAP, and MACT Standards have been updated, as provided for under the terms of EPA's previous delegation of authority actions, to allow the Virginia to implement and enforce the federal NSPS, NESHAP and MACT standards which Virginia has adopted by reference as specified in Virginia's revised regulations 9 VAC 5–50 and 9 VAC 5–60, both effective on February 21, 2018.

Please note that on December 19, 2008, in *Sierra Club v. EPA*,<sup>1</sup> the United States Court of Appeals for the District of Columbia Circuit vacated certain provisions of the General Provisions of 40 CFR part 63 relating to exemptions for startup, shutdown, and malfunction (SSM). On October 16, 2009, the Court issued a mandate vacating these SSM exemption provisions, which are found at 40 CFR 63.6(f)(1) and (h)(1).

Accordingly, EPA no longer allows sources the SSM exemption as provided for in the vacated provisions at 40 CFR 63.6(f)(1) and (h)(1), even though EPA has not yet formally removed these SSM exemption provisions from the General Provisions of 40 CFR part 63. Because Virginia incorporated 40 CFR part 63 by reference, Virginia should also no longer allow sources to use the former SSM exemption from the General Provisions of 40 CFR part 63 due to the Court's ruling in *Sierra Club v. EPA*.

EPA appreciates Virginia's continuing NSPS, NESHAP and MACT standards enforcement efforts, and also Virginia's decision to take automatic delegation of additional or updated NSPS, NESHAP and MACT standards by adopting them by reference.

This notice acknowledges the update of Virginia's delegation of authority to implement and enforce NESHAP, NSPS, and MACT.

Dated: October 31, 2018.

**Cristina Fernandez,**

Director, Air Protection Division, Region III.

[FR Doc. 2018–24483 Filed 11–7–18; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Healthcare Infection Control Practices Advisory Committee (HICPAC); Correction

Notice is hereby given of a change in the meeting of the Healthcare Infection Control Practices Advisory Committee (HICPAC); November 15, 2018, 9 a.m. to 5 p.m., EST, and November 16, 2018, 9 a.m. to 12 p.m., EST which was published in the **Federal Register** on

<sup>1</sup> *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008).



October 5, 2018 Volume 83, Number 194, page 50378.

The call-in number and passcode should read as follows: call-in number, 866-803-2146, passcode: 80256461.

**FOR FURTHER INFORMATION CONTACT:** Erin Stone, M.A., HICPAC, Division of Healthcare Quality Promotion, NCEZID, CDC, 1600 Clifton Road NE, Mailstop A-07, Atlanta, Georgia 30329-4027; Email: [HICPAC@cdc.gov](mailto:HICPAC@cdc.gov).

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Sherri Berger,**

*Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2018-24463 Filed 11-7-18; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Solicitation of Nominations for Appointment to the Clinical Laboratory Improvement Advisory Committee (CLIAC)

**ACTION:** Notice.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC) is seeking nominations for membership on the CLIAC. The CLIAC, consists of 20 experts including the Chair in the fields associated with microbiology (including bacteriology, mycobacteriology, mycology, parasitology, and virology), immunology (including histocompatibility), chemistry, hematology, pathology (including histopathology and cytology), genetic testing (including cytogenetics); from representatives in the fields of medical technology, public health, and clinical practice; and from consumer representatives.

Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishments of the committee's objectives. Nominees will be selected based on expertise in the fields of microbiology (including bacteriology, mycobacteriology, mycology, parasitology, and virology), immunology (including histocompatibility), chemistry, hematology, pathology (including histopathology and cytology),

or genetic testing (including cytogenetics); from representatives in the fields of medical technology, public health, and clinical practice; and from consumer representatives. Members may be invited to serve for up to four-year terms.

Selection of members is based on candidates' qualifications to contribute to the accomplishment of CLIAC objectives (<https://www.cdc.gov/cliac/>).

**DATES:** Nominations for membership on the CLIAC must be received no later than May 1, 2019. Packages received after this time will not be considered for the current membership cycle.

**ADDRESSES:** All nominations should be mailed to Nancy Anderson, MMSc, MT(ASCP), CLIAC Secretary, Senior Advisor for Clinical Laboratories, Division of Laboratory Systems, Center for Surveillance, Epidemiology and Laboratory Services, Office of Public Health Scientific Services, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop V24-3, Atlanta, Georgia 30329-4018; telephone (404) 498-2741; or via email at [NAnderson@cdc.gov](mailto:NAnderson@cdc.gov) or faxed to (404) 471-2706.

**FOR FURTHER INFORMATION CONTACT:** Heather Stang, MS, Deputy Branch Chief, Quality and Safety Systems Branch, Division of Laboratory Systems, Center for Surveillance, Epidemiology and Laboratory Services, Office of Public Health Scientific Services, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop V24-3, Atlanta, Georgia 30329-4018; telephone (404) 498-2769; [HStang@cdc.gov](mailto:HStang@cdc.gov).

**SUPPLEMENTARY INFORMATION:** The U.S. Department of Health and Human Services policy stipulates that committee membership be balanced in terms of points of view represented, and the committee's function. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status. Nominees must be U.S. citizens. Current participation on federal workgroups or prior experience serving on a federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Committee members are Special Government Employees (SGEs), requiring the filing of financial disclosure reports at the beginning and annually during their terms. CDC reviews potential candidates for CLIAC membership each year, and provides a

slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in July, or as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year. SGE Nominees must be U.S. citizens. Candidates should submit the following items:

- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, email address)

- At least one letter of recommendation from person(s) not employed by the U.S. Department of Health and Human Services. (Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (e.g., CDC, NIH, FDA, etc.).

Nominations may be submitted by the candidate him- or herself, or by the person/organization recommending the candidate.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

**Sherri Berger,**

*Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2018-24461 Filed 11-7-18; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[Docket Number CDC-2018-0103, NIOSH-322]**

#### Draft—National Occupational Research Agenda for Immune, Infectious and Dermal Disease Prevention (IID)

**AGENCY:** National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Request for comment.

**SUMMARY:** The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces the availability of

a draft NORA Agenda entitled *National Occupational Research Agenda for Immune, Infectious and Dermal Disease Prevention (IID)* for public comment. To view the notice and related materials, visit <https://www.regulations.gov> and enter CDC-2018-0103 in the search field and click "Search."

#### Table of Contents

- Dates
- Addresses
- For Further Information Contact
- Supplementary Information
- Background

**DATES:** Electronic or written comments must be received by January 7, 2019.

**ADDRESSES:** You may submit comments, identified by CDC-2018-0103 and docket number NIOSH-322, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C-34, Cincinnati, Ohio 45226-1998.

*Instructions:* All submissions received in response to this notice must include the agency name and docket number [CDC-2018-0103; NIOSH-322]. All relevant comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226-1998.

**FOR FURTHER INFORMATION CONTACT:** Emily Novicki ([NORACoordinator@cdc.gov](mailto:NORACoordinator@cdc.gov)), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Mailstop E-20, 1600 Clifton Road NE, Atlanta, GA 30329, phone (404) 498-2581 (not a toll free number).

**SUPPLEMENTARY INFORMATION:** The National Occupational Research Agenda (NORA) is a partnership program created to stimulate innovative research and improved workplace practices. The national agenda is developed and implemented through the NORA sector and cross-sector councils. Each council develops and maintains an agenda for its sector or cross-sector.

*Background:* The *National Occupational Research Agenda for Immune, Infectious and Dermal Disease Prevention (IID)* is intended to identify the research, information, and actions most urgently needed to prevent

occupational disease. The document provides a vehicle for stakeholders to describe the most relevant issues, gaps, and safety and health needs for the sector. Each NORA research agenda is meant to guide or promote high priority research efforts on a national level, conducted by various entities, including: Government, higher education, and the private sector. This is the first IID Agenda, developed for the third decade of NORA (2016-2026). The agenda was developed considering information about injuries, the state of the science, and the probability that new information and approaches will make a difference. As the steward of the NORA process, NIOSH invites comments on the draft *National Occupational Research Agenda for Immune, Infectious and Dermal Disease Prevention (IID)*. Comments expressing support or with specific recommendations to improve the Agenda are requested. A copy of the draft Agenda is available at <https://www.regulations.gov> (see Docket Number CDC-2018-0103).

**Frank J. Hearl,**

*Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.*

[FR Doc. 2018-24443 Filed 11-7-18; 8:45 am]

**BILLING CODE 4163-19-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Board of Scientific Counselors, Office of Infectious Diseases (BSC, OID)

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Board of Scientific Counselors, Office of Infectious Diseases (BSC, OID). This meeting is open to the public, limited only by the space available; the meeting room will accommodate up to 100 people. The public is also welcome to listen to the meeting by telephone, limited only by the number of ports available (50); the toll-free dial-in number is 1-877-951-7311, with a pass code of 4123441.

**DATES:** The meeting will be held on December 5, 2018, 8:30 a.m. to 5 p.m., EST, and December 6, 2018, 8:30 a.m. to 12 p.m., EST.

**ADDRESSES:** CDC, Global Communications Center, 1600 Clifton Road NE, Building 19, Auditorium B3, Atlanta, Georgia 30329-4027; also 1-877-951-7311, with a pass code of 4123441.

#### FOR FURTHER INFORMATION CONTACT:

Sarah Wiley, MPH, Designated Federal Officer, CDC, 1600 Clifton Road NE, Mailstop H24-12, Atlanta, Georgia 30329-4027, Telephone (404) 639-4840; [sed5@cdc.gov](mailto:sed5@cdc.gov).

#### SUPPLEMENTARY INFORMATION:

*Purpose:* The BSC, OID, provides advice and guidance to the Secretary, Department of Health and Human Services; the Director, CDC; the OID, CDC; and the Directors of the National Center for Immunization and Respiratory Diseases, the National Center for Emerging and Zoonotic Infectious Diseases, and the National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, CDC, in the following areas: Strategies, goals, and priorities for programs; research within the national centers; and overall strategic direction and focus of OID and the national centers.

*Matters to be Considered:* The agenda will include updates from the infectious disease national centers and the Center for Global Health along with focused discussions on recent outbreaks and affected populations. Reports back from two workgroups will also be given: (1) The Board's Food Safety Modernization Act Surveillance Working Group and (2) the Vector-borne Diseases Workgroup of the BSC, OID, and the Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry. Agenda items are subject to change as priorities dictate.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Sherri Berger,**

*Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2018-24462 Filed 11-7-18; 8:45 am]

**BILLING CODE 4163-19-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Disease Control and Prevention**

[CDC–2018–0025; Docket Number NIOSH–308]

**Final National Occupational Research Agenda for Musculoskeletal Health**

**AGENCY:** National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of availability.

**SUMMARY:** The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), announces the availability of the final *National Occupational Research Agenda for Musculoskeletal Health*.

**DATES:** The final document was published on October 26, 2018 on the CDC website.

**ADDRESSES:** The document may be obtained at the following link: <https://www.cdc.gov/nora/councils/mus/researchagenda.html>.

**FOR FURTHER INFORMATION CONTACT:** Emily Novicki, M.A., M.P.H., (NORACoordinator@cdc.gov), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Mailstop E–20, 1600 Clifton Road NE, Atlanta, GA 30329, phone (404) 498–2581 (not a toll free number).  
**SUPPLEMENTARY INFORMATION:** On March 22, 2018, NIOSH published a request for public review in the **Federal Register** [83 FR 12580] of the draft version of the *National Occupational Research Agenda for Musculoskeletal Health*. All comments received were reviewed and addressed where appropriate.

Dated: November 5, 2018.

**Frank J. Hearl,**

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2018–24445 Filed 11–7–18; 8:45 am]

**BILLING CODE 4163–19–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services (CMS)****Privacy Act of 1974; Matching Program**

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

**ACTION:** Notice of a New Matching Program.

**SUMMARY:** In accordance with subsection (e)(12) of the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is providing notice of a new matching program between CMS and the Office of Personnel Management (OPM), “Verification of Eligibility for Minimum Essential Coverage Under the Patient Protection and Affordable Care Act Through an Office of Personnel Management Health Benefit Plan.”

**DATES:** The deadline for comments on this notice is December 10, 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 January 2019 to July 2020) and within three 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](mailto: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, Center for Consumer Information and Insurance Oversight, CMS, 7501 Wisconsin Ave., Bethesda, MD 20814, (410) 786–0639, or by email at [Jack.Lavelle1@cms.hhs.gov](mailto:Jack.Lavelle1@cms.hhs.gov).

**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 Demopoulos,**

CMS Privacy Advisor, Information Security and Privacy Group, Division of Security, Privacy Policy and Governance, 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 Office of Personnel Management (OPM) 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 assist CMS in determining individuals' eligibility for financial assistance in paying for private health insurance coverage. In this matching program, OPM provides CMS with data, on a monthly basis, verifying each active federal employee's status as enrolled in or eligible for coverage under an OPM Health Benefit Plan, and an annual premium spread index file identifying the lowest premium available to a federal employee in each of 32 premium localities. CMS and state administering entities will use the OPM data to verify whether an applicant for or enrollee in private health insurance coverage under a qualified health plan through a federally-facilitated or state-

based health insurance exchange is eligible for coverage under an OPM health benefit plan. OPM health benefit plans provide minimum essential coverage (MEC), and eligibility for such plans usually precludes eligibility for financial assistance (including an advance payment of the premium tax credit (APTC) or cost sharing reduction (CSR), which are types of insurance affordability programs). The OPM data will be used by CMS to authenticate identity, determine eligibility, and determine the amount of any financial assistance.

### Categories of Individuals

The categories of individuals whose information is involved in the matching program are:

- Active federal employees; and
- consumers who apply for or are enrolled in a qualified health plan through an exchange established under the Patient Protection and Affordable Care Act (ACA) and receive determinations of eligibility for insurance affordability programs.

### Categories of Records

The categories of records which OPM will provide to CMS are monthly status files consisting of identity records and minimum essential coverage period records, and an annual premium spread index file containing premium information based on locality. The data elements are as follows:

- Monthly status file:
  - a. Record type;
  - b. record number;
  - c. unique person ID;
  - d. social security number;
  - e. last name;
  - f. middle name;
  - g. first name;
  - h. last name suffix;
  - i. gender;
  - j. date of birth; and
  - k. health plan code.
- Annual Premium Spread Index File:
  - a. State;
  - b. plan;
  - c. option;
  - d. enrollment code;
  - e. current total bi-weekly premium;
  - f. future total bi-weekly premium;
  - g. future government pays bi-weekly premium;
  - h. future employee pays bi-weekly premium
  - i. future change in employee payment bi-weekly premium;
  - j. current total monthly premium;
  - k. future total monthly premium;
  - l. future government pays monthly premium;
  - m. future employee pays monthly premium; and

n. future change in employee payment monthly premium.

CMS will not send any data about individual applicants/enrollees to OPM in order to receive this data from OPM about active federal employees.

### System(s) of Records

The records used in this matching program will be disclosed to CMS from the OPM system of records identified below, and will be matched against applicant/enrollee records in the CMS system of records identified below:

#### A. System of Records Maintained by CMS

- CMS Health Insurance Exchanges System (HIX), System No. 09–70–0560, last published in full at 78 FR 63211 (Oct. 23, 2013), as amended at 83 FR 6591 (Feb. 14, 2018).

#### B. System of Records Maintained by OPM

- General Personnel Records (OPM/GOVT–1), 77 FR 73694 (Dec. 11, 2012). The disclosures to CMS will be made in accordance with routine use “rr.”

[FR Doc. 2018–24421 Filed 11–7–18; 8:45 am]

**BILLING CODE 4120–03–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier CMS–10401]

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS’ intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency’s functions, the accuracy of

the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by December 10, 2018.

**ADDRESSES:** When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR* Email: [OIRA\\_submissions@omb.eop.gov](mailto:OIRA_submissions@omb.eop.gov).

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS’ website address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>.
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov).
3. Call the Reports Clearance Office at (410) 786–1326.

**FOR FURTHER INFORMATION CONTACT:** William Parham at (410) 786–4669.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of*

**Information Collection:** Standards Related to Reinsurance, Risk Corridors, and Risk Adjustment; **Use:** The data collection and reporting requirements will be used by HHS to run the permanent risk adjustment program, including validation of data submitted by issuers, on behalf of States that requested HHS to run it for them. Risk adjustment is one of 3 market stability programs established by the Patient Protection and Affordable Care Act and is intended to mitigate the impact of adverse selection in the individual and small group health insurance markets inside and outside of the Health Insurance Exchanges. HHS will also use this data to adjust the payment transfer formula for risk associated with high-cost enrollees. State regulators can use the reporting requirements outlined in this collection to request a reduction to the statewide average premium factor of the risk adjustment transfer formula, beginning for the 2019 benefit year, and thereby avoid having to establish their own programs. Issuers and providers can use the alternative reporting requirements for mental and behavioral health records described herein to comply with State privacy laws. **Form Number:** CMS–10401 (OMB control number: 0938–1155); **Frequency:** Annually; **Affected Public:** State, Local, or Tribal Governments; **Number of Respondents:** 700; **Total Annual Responses:** 17,287; **Total Annual Hours:** 5,770,621. (For policy questions regarding this collection contact Ernest Ayukawa at 301–492–5213.)

Dated: November 5, 2018.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2018–24479 Filed 11–7–18; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier CMS–10565 and CMS–10325]

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to

comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments must be received by January 7, 2019.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number \_\_\_\_\_, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov).

3. Call the Reports Clearance Office at (410) 786–1326.

**FOR FURTHER INFORMATION CONTACT:**

William Parham at (410) 786–4669.

**SUPPLEMENTARY INFORMATION:**

## Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

**CMS–10565** Off-cycle Submission of Summaries of Model of Care Changes  
**CMS–10325** Disclosure and Recordkeeping Requirements for Grandfathered Health Plans under the Affordable Care Act

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

## Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Off-cycle Submissions of Summaries of Model of Care Changes; *Use:* The ACA, Section 3205(e), requires that all SNPs be approved by NCQA. This approval is based on NCQA's evaluation of SNPs' MOC narratives using MOC scoring guidelines. The NCQA and CMS will use information collected in the SNP Application HPMS module to review and approve MOC narratives in order for a Medicare Advantage Organization (MAO) to operate as a new SNP in the upcoming calendar year(s). This information is used by CMS as part of the Medicare Advantage SNP application process.

The NCQA and CMS will use information collected in the Renewal Submission section of the HPMS MOC module to review and approve the MOC narrative in order for the SNP to receive a new approval period and operate in the upcoming calendar year(s). Results of the Initial and Renewal MOC review will be made publically available. NCQA and CMS will use information in

the Off-Cycle Submission section of the HPMS MOC module to review changes made to an approved MOCs by SNPs. It is the responsibility of SNPs to notify CMS of significant changes to their MOC in HPMS. NCQA will conduct a review for CMS to determine if the changes made to a MOC are consistent with the overall approved MOC before SNPs may implement the changes.

The Bipartisan Budget Act (BBA) of 2018 Section 50311 modified the MOC requirements for C-SNPs in section 1859(b)(6)(B)(iii) of the Act.

Specifically, section (B)(iv) requires that beginning in 2020 and subsequent years, C-SNPs will submit MOCs annually for evaluation and approval. SNPs are a specific type of Medicare Advantage coordinated care plan that provide targeted care to individuals with unique special needs. *Form Number:* CMS-10565 (OMB control number: 0938-1296); *Frequency:* Yearly; *Affected Public:* Private Sector (Business or other for-profits, Not-for-Profit Institutions); *Number of Respondents:* 354; *Total Annual Responses:* 354; *Total Annual Hours:* 1,856. (For policy questions regarding this collection contact Donna B. Williamson at 410-786-4647.)

**2. Type of Information Collection Request:** Extension of a currently approved collection; **Title of Information Collection:** Disclosure and Recordkeeping Requirements for Grandfathered Health Plans under the Affordable Care Act; **Use:** Section 1251 of the Affordable Care Act provides that certain plans and health insurance coverage in existence as of March 23, 2010, known as grandfathered health plans, are not required to comply with certain statutory provisions in the Act. The final regulations titled "Final Rules under the Affordable Care Act for Grandfathered Plans, Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, Dependent Coverage, Appeals, and Patient Protections" (80 FR 72192, November 18, 2015) require that, to maintain its status as a grandfathered health plan, a plan must maintain records documenting the terms of the plan in effect on March 23, 2010, and any other documents that are necessary to verify, explain or clarify status as a grandfathered health plan. The plan must make such records available for examination upon request by participants, beneficiaries, individual policy subscribers, or a state or federal agency official. A grandfathered health plan is also required to include a statement in any summary of benefits under the plan or health insurance coverage, that the plan or coverage believes it is a grandfathered health plan

within the meaning of section 1251 of the Affordable Care Act, and providing contact information for participants to direct questions and complaints. In addition, a grandfathered group health plan that is changing health insurance issuers is required to provide the succeeding health insurance issuer (and the succeeding health insurance issuer must require) documentation of plan terms (including benefits, cost sharing, employer contributions, and annual limits) under the prior health insurance coverage sufficient to make a determination whether the standards of paragraph § 147.140(g)(1) of the final regulations are exceeded. It is also required that, for an insured group health plan (or a multiemployer plan) that is a grandfathered plan, the relevant policies, certificates, or contracts of insurance, or plan documents must disclose in a prominent and effective manner that employers, employee organizations, or plan sponsors, as applicable, are required to notify the issuer (or multiemployer plan) if the contribution rate changes at any point during the plan year. *Form Number:* CMS-10325 (OMB control number: 0938-1093); *Frequency:* On Occasion; *Affected Public:* State, Local or Tribal Governments; Private Sector; *Number of Respondents:* 20,973; *Number of Responses:* 3,831,484; *Total Annual Hours:* 114. (For policy questions regarding this collection, contact Usree Bandyopadhyay at 410-786-6650.)

Dated: November 5, 2018.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2018-24478 Filed 11-7-18; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Office on Trafficking in Persons; Notice of Meeting

**AGENCY:** Administration for Children and Families (ACF), Department of Health and Human Services.

**ACTION:** Announcement of meeting and call for best practices.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the Federal Advisory Committee Act (FACA) and the Preventing Sex Trafficking and Strengthening Families Act, that a meeting of the National Advisory Committee (NAC) on the Sex

Trafficking of Children and Youth in the United States (Committee) will be held on December 10, 2018. The purpose of the meeting is for the Committee to discuss its duties and information for a draft outline on recommended best practices for States to follow in combating the sex trafficking of children and youth based on multidisciplinary research and promising, evidence-based models and programs. The Committee members will remain in Washington, DC, on December 11, 2018, to conduct internal subcommittee meetings and a fact-finding site visit.

**DATES:** The meeting will be held on Monday, December 10, 2018, from 9:30 a.m. to 5:00 p.m. ET.

**ADDRESSES:** The meeting will be held at 330 C Street SW, Washington, DC, 20201. Space is limited. Identification will be required at the entrance of the facility (e.g., passport, state ID, or federal ID).

To attend the meeting virtually, please register for this event online: <https://www.acf.hhs.gov/otip/resource/nacagenda1218>.

#### FOR FURTHER INFORMATION CONTACT:

Katherine Chon, Director, Office on Trafficking in Persons, Designated Federal Officer (DFO) at [EndTrafficking@acf.hhs.gov](mailto:EndTrafficking@acf.hhs.gov) or (202) 205-4554 or 330 C Street SW, Washington, DC, 20201. Additional information is available at <https://www.acf.hhs.gov/otip/partnerships/the-national-advisory-committee>.

**SUPPLEMENTARY INFORMATION:** The formation and operation of the NAC are governed by the provisions of Public Law 92-463, as amended (5 U.S.C. App. 2), which sets forth standards for the formation and use of federal advisory committees.

**Purpose of the NAC:** The purpose of the NAC is to advise the Secretary and the Attorney General on practical and general policies concerning improvements to the nation's response to the sex trafficking of children and youth in the United States. The NAC is established pursuant to Section 121 of the Preventing Sex Trafficking and Strengthening Families Act of 2014 (Pub. L. 113-183).

**Tentative Agenda:** The agenda can be found at <https://www.acf.hhs.gov/otip/resource/nacagenda1218>.

To submit written statements or RSVP to attend in-person or make verbal statements, email [Ava.Donald@acf.hhs.gov](mailto:Ava.Donald@acf.hhs.gov) by November 19, 2018. Please include your name, organization, and phone number. More details on these options are below.

**Public Accessibility to the Meeting:** Pursuant to 5 U.S.C. 552(b) and 41 CFR

102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Security screening and a photo ID are required. Space and parking is limited. The building is fully accessible to individuals with disabilities.

**Written Statements:** Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, the public may submit written statements in response to the stated agenda of the meeting or to the committee's mission in general. Organizations with recommendations on best practices are encouraged to submit their comments or resources (hyperlinks preferred). Written comments or statements received after November 19, 2018, may not be provided to the Committee until its next meeting.

**Verbal Statements:** Pursuant to 41 CFR 102–3.140(d), the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public are invited to provide verbal statements during the Committee meeting only at the time and manner described in the agenda. The request to speak should include a brief statement of the subject matter to be addressed and should be relevant to the stated agenda of the meeting or the Committee's mission in general.

**Minutes:** The minutes of this meeting will be available for public review and copying within 90 days at: <https://www.acf.hhs.gov/otip/partnerships/the-national-advisory-committee>.

Dated: October 31, 2018.

**Lynn A. Johnson,**

*Assistant Secretary for Children and Families.*

[FR Doc. 2018–24475 Filed 11–7–18; 8:45 am]

**BILLING CODE 4184–40–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Request for Public Comment on the Proposed Adoption of Administration for Native Americans Program Policies and Procedures

CFDA Numbers: 93.581, 93.587, 93.612

**AGENCY:** Administration for Native Americans, Administration for Children and Families, Department of Health and Human Services.

**ACTION:** Notice for public comment.

**SUMMARY:** Pursuant to the Native American Programs Act of 1974 (NAPA), as amended, the

Administration for Native Americans (ANA) is required to provide members of the public an opportunity to comment on proposed changes in interpretive rules and general statements of policy and to give notice of the final adoption of such changes no less than 30 days before such changes become effective. In accordance with notice requirements of NAPA, ANA herein describes proposed interpretive rules and general statements of policy that relate to ANA's funding opportunities beginning in Fiscal Year (FY) 2019. Changes to FY 2019 Funding Opportunity Announcements (FOAs) will be based on the following previously published programs: Environmental Regulatory Enhancement (ERE), HHS–2018–ACF–ANA–NR–1344; Native American Language Preservation and Maintenance–Esther Martinez Immersion (EMI), HHS–2018–ACF–ANA–NB–1343; Native American Language Preservation and Maintenance (P&M), HHS–2018–ACF–ANA–NL–1342; Social and Economic Development Strategies (SEDS), HHS–2018–ACF–ANA–NA–1339; Social and Economic Development Strategies–Alaska (SEDS–AK), HHS–2018–ACF–ANA–NK–1340; and Native Youth Initiative for Leadership, Empowerment, and Development (ILEAD), HHS–2018–ACF–ANA–NC–1341.

**DATES:** Comments are due by December 10, 2018.

**ADDRESSES:** Comments in response to this notice should be addressed to Carmelia Strickland, Director of Program Operations, Administration for Native Americans, 330 C Street SW, Washington, DC 20201. Delays may occur in mail delivery to federal offices; therefore, a copy of comments should be emailed to [ANAComments@acf.hhs.gov](mailto:ANAComments@acf.hhs.gov). Comments will be available for inspection by members of the public at the Administration for Native Americans, 330 C Street SW, Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** Carmelia Strickland, Director, Division of Program Operations, Administration for Native Americans, 330 C Street SW, Washington, DC 20201. Telephone: (877) 922–9262; Email: [ANAComments@acf.hhs.gov](mailto:ANAComments@acf.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Section 814 of NAPA, as amended, incorporates provisions of the Administrative Procedure Act that require ANA to provide notice of its proposed interpretive rules and statements of policy and to seek public comment on such proposals. This notice serves to fulfill the statutory notice and public comment requirement. ANA has also

chosen to provide notice of its proposed rules of agency practice and procedure. The proposed interpretive rules, statements of policy, and rules of ANA practice and procedure reflected in clarifications, modifications, and new text will appear in the five FY 2019 FOAs: ERE, EMI, P&M, SEDS, and SEDS–AK. This notice also reflects ANA's elimination of the ILEAD FOA.

ANA's current FOAs can be accessed at: <http://www.acf.hhs.gov/grants/open/foa/office/ana> or <http://www.acf.hhs.gov/grants/open/foa/>. Synopses and application forms will be available on <https://www.grants.gov>.

A. Interpretive rules, statements of policy, procedures, and practice. The proposals below reflect ANA's proposed changes in rules, policy, or procedure which will take effect in the FY 2019 FOAs.

1. Elimination of the ILEAD FOA. In FY 2019, ANA will no longer publish a FOA for the ILEAD program. ILEAD was established in FY 2015 as a demonstration project with a focus on identifying best practices and effective strategies for working with, and developing leadership among Native American youth. In the first year, ANA funded five cooperative agreements under the program. Due to an overwhelming response to the initiative, ANA published subsequent ILEAD FOAs in FY 2016 and FY 2017, and funded an additional 19 grants. The purpose of the ILEAD program was to work with a cohort of recipients to identify best practices and youth-driven solutions to enhance the development of future leaders for Native communities. In addition, the ILEAD program limited the targeted beneficiaries of the youth between 14 and 24 years of age. ANA proposes to discontinue publication of the ILEAD FOA for FY 2019 to ensure that all projects previously funded under the initiative have the benefit of working as a cohort, which was established and is led by the initial 5 cooperative agreements. Currently, all funded ILEAD projects have project periods that end on or before September 29, 2021. Youth projects previously eligible for funding under the ILEAD program are still eligible for funding under ANA's SEDS program, which has a higher funding ceiling of up to \$400,000 instead of \$300,000 per budget period.

2. Assurance of Community Representation on Board of Directors. ANA has a long-standing policy to require that applicants, other than tribes or Alaska Native villages, must show that a majority of board members are representative of a Native American community to be served. Applicants



must submit documentation that identifies each board member by name and indicates his/her affiliation or relationship to at least one of ANA's three categories of community representation, which include: (1) Members of federally or state-recognized tribes; (2) persons who are recognized by members of the eligible Native American community to be served as having a cultural relationship with that community; or (3) persons considered to be Native American as defined in 45 CFR 1336.10 and Native American Pacific Islanders as defined in Section 815 of NAPA. ANA wishes to clarify that the second category of community representation requires a "cultural" relationship defined as lineage, familial, marriage, or other traditional or social connection to the community and not a business or work relationship, (e.g. person that owns a business or is employed by an organization that serves the Native community). Applicants that do not include this documentation will be considered non-responsive, and the application will not be considered for competition.

3. Only One Active Award Per CFDA Number. ANA has a long-standing policy that organizations can have no more than one active award per Catalog of Federal Domestic Assistance (CFDA) number for an ANA program at any given time. SEDS, SEDS-AK, Native Assets Building Initiative (NABI), and ILEAD have the same CFDA number 93.612. From FY 2016 to FY 2018, ANA allowed an exception for organizations that were applying for the ILEAD FOA to also have an award for SEDS, SEDS-AK, or NABI even though they had the same CFDA number as ILEAD. For FY 2019, this exception will not be available to any currently funded ILEAD grantees; therefore, the policy will remain effective to limit the number of awards an organization can have under a single CFDA number. This policy change will allow other Native communities without current ANA funding to receive an award and therefore increase the impact of funding in more communities.

4. Evaluation Criteria. In FY 2018, ANA made substantial revisions to the application requirements and evaluation criteria included in our FOAs. The purpose of these revisions were to shift from a deficit-based, to strengths-based approach for application planning and development, as well as to emphasize a community-based approach to project planning and implementation. ANA stands behind the revisions made in FY 2018 and does not plan to change the information being requested. However, during the panel review process, ANA

received feedback that the revised evaluation criteria was difficult to understand and apply. In FY 2019, ANA will reorder the evaluation criteria and include sub-criteria with smaller point allotments. We will also remove duplications and clarify language. ANA proposes the following Evaluation criteria scores for FY 2019:

Expected Outcomes for a maximum of 35 points, to consist of: Long Term Community Goal (2 points), Current Community Condition (5 points); Project Goal (4 points); Objectives (7 points); Outcomes and Indicators (7 points); Outputs (5 points); Outcome Tracking Strategy (4 points); and Outcome Tracker (1 point).

Approach for a maximum of 50 points, to consist of: Planning, Readiness and Implementation Strategy (20 points); Community-Based Strategy (8 points); Personnel, Partnerships and Organizational Capacity (12 points); and the Objective Work Plan (OWP) (10 points).

Budget and Budget Justification for a maximum of 15 points, to consist of: Line Item Budget (5 points) and Budget Justification (10 points).

These changes are meant to reorganize the information into smaller point allotments in order to make ANA's evaluation criterion more approachable, and to build consistency in the number of points being allocated for specific application information. As a result of the changes to criteria scoring, ANA will not use a Scoring Guide in its FY 2019 FOAs.

5. Changes to SEDS-AK FOA. ANA plans to modify the description of program purpose for the SEDS-AK FOA to provide an area of interest for economic growth. In addition, ANA wants to provide a competitive advantage for smaller Alaska Native villages or organizations that have never received ANA funding. Therefore, the FOA will state that reviewers may add up to 5 bonus points in the scoring criteria if an eligible entity that has never received an ANA award. ANA staff will confirm during the objective review process whether or not an applicant organization for SEDS-AK has received a past ANA award.

**Statutory Authority:** Section 814 of the Native American Programs Act of 1974 (NAPA), as amended.

**Jean Hovland,**

*Commissioner, Administration for Native Americans.*

[FR Doc. 2018-24458 Filed 11-7-18; 8:45 am]

**BILLING CODE 4184-34-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Data Exchange Standards for Improved Interoperability of Multiple Human Service Programs

**AGENCY:** Office of Planning, Research & Evaluation (OPRE), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

**ACTION:** Request for comments.

**SUMMARY:** A series of statutory changes<sup>1</sup> in recent years require ACF to issue a regulation to establish standards for data exchange for the Social Security Act Title IV programs for child welfare and foster care (title IV-B and IV-E), child support (title IV-D), and Temporary Assistance for Needy Families (TANF, title IV-A). ACF is seeking public comment on the most effective approaches and technological tools to meet the statutory requirements, support program objectives, and expand the ability of these programs to use, share, and analyze data for improved outcomes.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before January 7, 2019.

**ADDRESSES:** Interested persons may submit written comments by any of the following methods:

- Email: [DataRx@acf.hhs.gov](mailto:DataRx@acf.hhs.gov). Please include "Comments on Data Exchange Standards **Federal Register** Notice" in the subject line of the message.
- Mail or Courier Delivery: c/o Chris Traver, Senior Advisor, Division of Data & Improvement, Office of Planning, Research, and Evaluation, Administration for Children and Families, 330 C Street SW, Washington, DC 20201.

**Instructions:** We urge you to submit comments electronically to ensure they are received in a timely manner. All comments received may be posted publicly including any personal information provided. Please be aware that mail via the U.S. Postal Service may take an additional 3 to 4 days to process. If you choose to use an express, overnight, or other special delivery method, please ensure first that they are

<sup>1</sup> Public Law 112-34 for child welfare programs (SSA Title IV-B); Public Law 112-96 for TANF programs (SSA Title IV-A); Section 304 of Public Law 113-183 for child support programs (SSA Title IV-D); and Public Law 115-123 to amend the prior TANF (IV-A) language and add language for foster care programs (SSA Title IV-E).



able to deliver to the above address during the normal workweek.

**FOR FURTHER INFORMATION CONTACT:**

Chris Traver, Senior Advisor, Division of Data & Improvement, Office of Planning, Research, and Evaluation, Administration for Children and Families, 330 C Street SW, Washington, DC 20201; (202) 401-4835.

**SUPPLEMENTARY INFORMATION:**

*Background:* Purpose of Data Exchange Standardization Requirement.

The purpose of the statutory requirements and corresponding regulation is to ensure that state human service programs are able to effectively share data, both at the state level and with the federal government. For instance, states find significant value in the ability to share or link case level data from one information system to another on the same individuals receiving benefits and/or services in order to support a holistic, wrap-around services approach for individuals and families. To achieve this in an efficient manner, each agency must agree to describe the shared data in a common way. As a simple example, if an agency records in its information system a client's birthdate as 12/11/10, it could be interpreted by another agency's information system as December 11, 2010, and by another agency as November 12, 2010, or something else entirely. Those agencies must also agree on the mechanisms for sharing the data, such as secure interfaces (including APIs)<sup>2</sup> or file transfers. Therefore, it is critical to reach agreement beforehand regarding the definitions and structures of data that is shared across programs and systems. Under the required regulation, ACF would work with the states to develop and implement data exchange standards for certain categories of information that would improve the quality and consistency of human services data sharing implementation nationwide.

In human services, data sharing is increasingly relied upon to enable coordination across programs and information/system silos, especially for effective integrated case management and prevention of improper payments. For example, if a single mother of two children is receiving a TANF benefit but the two children are subsequently removed and placed into foster care, data sharing across information systems would allow the TANF agency to know that the children are no longer living in the household and the mother may no

longer be eligible for the same level of benefit.

Data sharing also improves the quality of service delivery. For example, a child welfare caseworker might be able to retrieve a family's current address from child support data to locate the family for an in-person visit or locate the absent parent for possible placement of the children. Additionally, a data exchange between a child welfare agency with care and custody of a child and a child-placing agency with physical custody would ensure both agencies have the most current information on the child in care.

The importance of data sharing may be well understood. However, the preferred implementation method may vary by agency. The greater the degree of standardization, the easier it is to share data across organizations. While more effective and cost effective in the long run, this approach requires a standardized format, structure, and methods for sharing the data prior to implementation and may initially introduce additional considerations that influence time and cost. Therefore, the final regulation will seek the appropriate balance between the benefits of standardization and ease of implementation.

**Regulation Development**

The Office of Planning, Research, and Evaluation (OPRE) will lead the drafting of the regulation with subject matter expertise from the ACF Children's Bureau (CB), Office of Child Support Enforcement (OCSE), and Office of Family Assistance (OFA). Additionally, OPRE will consult with other agencies that may be impacted by the regulation through existing or future data exchange relationships, such as the Centers for Medicare and Medicaid Services (CMS) and the Health Resources and Services Administration (HRSA).

**Definitions (for the Purposes of This Request for Comment)**

Data Exchange should refer to any sharing of information, whether through transfer of data, expanded access to data, or any other mechanism that increases the utilization of information. Data exchange could include sharing for the purposes of case management, program administration, data reporting, analytics, etc. It is generally thought to refer to exchange of data across program, organizational, or jurisdictional boundaries, but this is not strictly necessary to be considered an exchange of information. In this context, data exchange typically refers to the electronic exchange of data via automated data systems, rather than

through more traditional, often paper-based, means.

Standards should refer to any documented, consistent, and repeatable method for exchanging data, either through technical or non-technical means. There are technical standards for the electronic exchange of data (such as through tools including the National Information Exchange Model (NIEM)),<sup>3</sup> and there are also standards of practice in the context of business process. These are often codified in policies, interagency agreements, memoranda of understanding, service-level agreements, etc.

**What We Are Looking for in Public Comments**

ACF is committed to providing state agencies with flexibility to implement standards for economical, efficient, and effective information systems that support policy and practice. Therefore, we are soliciting comments from interested parties on setting standards for data exchanges that affect the SSA Title IV programs for child welfare and foster care (title IV-B and IV-E), child support (title IV-D), and Temporary Assistance for Needy Families (TANF, title IV-A). But we are also interested in receiving input affecting additional programs. Please comment on any aspects of the planned Data Exchange Standards Regulation that you wish.

We are particularly interested in obtaining responses to the following questions:

1. The ability to share data is often impacted by state or federal law, policies, or other governing frameworks. Are there individual programs or agencies that are particularly impacted by their existence or absence? What are the key enablers and/or barriers to automated data exchange in your program or agency?

2. To what degree, if any, are data exchange efforts negatively impacted by a lack of standardization? In other words, where would greater consistency of data (definitions, format, and structure) help improve existing or planned data exchanges?

3. Have you considered adopting a standards-based approach to data exchange? If so, were any existing standards frameworks (such as the National Information Exchange Model) considered, and what influenced the decision for or against? What are some of the benefits (planned or achieved) of adopting a standards-based approach?

4. What factors should be considered before committing to a standards-based

<sup>2</sup> Application Programming Interface—<https://www.techopedia.com/definition/24407/application-programming-interface-api>.

<sup>3</sup> <https://www.niem.gov/communities/human-services>.

approach to data exchange? This might include timing (procurement, fiscal year, or legislative cycles), cost, availability of required expertise, needed regulatory change, impacts on current practices, etc.

5. If a more standards-based approach to data exchange were adopted, what kinds of technical assistance or training would you anticipate needing, if any?

ACF appreciates any and all comments on the above questions, or related recommendations. Comments will be considered carefully and used to inform the development of a planned Notice of Proposed Rulemaking, which is anticipated to be published in the spring of 2019.

Dated: October 25, 2018.

**Lynn A. Johnson,**

*Assistant Secretary for Children and Families.*

[FR Doc. 2018-24459 Filed 11-7-18; 8:45 am]

**BILLING CODE 4184-79-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2018-N-3442]

#### Agency Information Collection Activities; Proposed Collection; Comment Request; Web-Based Pilot Survey To Assess Allergy to Cosmetics in the United States

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on a pilot study entitled “Web-based Pilot Survey to Assess Allergy to Cosmetics in the United States.”

**DATES:** Submit either electronic or written comments on the collection of information by January 7, 2019.

**ADDRESSES:** You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before January 7, 2019. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time

at the end of January 7, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

#### Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

#### Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

**Instructions:** All submissions received must include the Docket No. FDA-2018-N-3442 for “Agency Information Collection Activities; Proposed Collection; Comment Request; Web-based Pilot Survey to Assess Allergy to Cosmetics in the United States.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9

a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

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

**FOR FURTHER INFORMATION CONTACT:** Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, [PRStaff@fda.hhs.gov](mailto:PRStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

**Web-Based Pilot Survey To Assess Allergy to Cosmetics in the United States; OMB Control Number 0910—New**

**I. Background**

In the past 40 years, the cosmetics industry, as well as consumer behaviors and expectations related to cosmetics, have evolved. Technological and scientific advances have been made in cosmetics production, manufacturing, marketing, and usage, while consumer access to information about cosmetic products and ingredients has expanded, because of the internet and social media influences. Most notably, multiple cosmetic products such as lotions,

perfume, body wash, hand wash, shampoo, deodorant, hair spray, baby wipes, nail polish, etc. are used daily by nearly everyone in the United States, including infants, children, adults, geriatric populations, healthy people, and individuals with medical conditions.

Evidence indicates that the prevalence of allergies in the U.S. population is increasing (Ref. 1). However, no publicly available data has been collected on the prevalence of adverse reactions to cosmetic products since 1975 (Ref. 2). FDA proposes a pilot study to collect the data needed for a current and detailed understanding of the impact of allergens on consumer use of cosmetics. In addition to updating our knowledge about cosmetics, this new information collection is consistent with FDA's efforts to improve public awareness of adverse events associated with FDA-regulated products. In December 2016, FDA decided to make public the adverse event data in the Center for Food Safety and Applied Nutrition (CFSAN) Adverse Events Reporting System (CAERS). CAERS (and its imminent successor the CFSAN Adverse Events Management System or CAEMS) provides the public with transparent access to all food and cosmetic related adverse events reported to FDA. However, the information that we have collected and which will be collected through CAERS is an underestimate of adverse events to cosmetics in the United States, as not every adverse event is reported by consumers through CAERS because some consumers are not aware of CAERS or some choose not to report.

To obtain additional relevant data, FDA proposes to conduct a pilot study. "Web-based Pilot Survey to Assess Allergy to Cosmetics in the United States." The objective of the current

effort is to collect information needed for a more current understanding of the prevalence of adverse reactions to cosmetics. FDA proposes to conduct an exploratory consumer web-based survey to collect data on consumer use of cosmetic products, the frequency of adverse events believed to be caused by allergens in cosmetics, consumer awareness of the problem, and actions (if any) taken to avoid the allergens.

The proposed survey will use a 20-minute web-based questionnaire to collect information from 1,000 English-speaking adult members of a probability-based web-enabled research panel maintained by a contractor. Selected panel members will be sent an email invitation to participate in the survey. After clicking on the link in the email invitation, panelists will be directed to the online instrument. On the first screen, panelists will provide disclosure information which includes informed consent and be asked if they would like to proceed with the survey. Consenting respondents will be prompted to complete the survey. After OMB approval of this collection and prior to the full-scale survey, a pretest will be conducted with 100 respondents randomly selected from the panel.

The web-based panel is designed to be representative of the U.S. adult population. This representation is achieved through address-based sampling where every U.S. adult with an address (including those who do not have a landline phone number) has an equal probability of being selected for participation.

This pilot study is part of the Agency's continuing effort to understand the impact of allergens on cosmetics.

FDA estimates the burden of this collection of information as follows:

**TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>**

Study component	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pretest invitation .....	200	1	200	0.033 (2 minutes) .....	7
Pretest .....	100	1	100	0.333 (20 minutes) .....	33
Survey invitation .....	1,667	1	1,667	0.033 (2 minutes) .....	55
Survey .....	1,000	1	1,000	0.333 (20 minutes) .....	333
Total .....	.....	.....	.....	.....	428

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

## II. References

The following references are on display with 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; these are not available electronically at <https://www.regulations.gov> as these references are copyright protected.

1. Peiser, M., T. Traulau, J. Heidler, et al., "Allergic Contact Dermatitis: Epidemiology, Molecular Mechanisms, In Vitro Methods and Regulatory Aspects. Current Knowledge Assembled at an International Workshop at BfR, Germany." *Cellular and Molecular Life Sciences*, 69:763–781, 2012.

2. Westat, Inc. "An Investigation of Consumers' Perceptions of Adverse Reactions to Cosmetic Products." Final report submitted to U.S. Department of Health, Education, and Welfare, Food and Drug Administration. June 1975.

Dated: November 5, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018–24441 Filed 11–7–18; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2011–N–0742]

#### Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Fax written comments on the collection of information by December 10, 2018.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). All comments should be identified with the OMB control number 0910–0045. Also include the FDA docket number found

in brackets in the heading of this document.

#### FOR FURTHER INFORMATION CONTACT:

JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, [PRASStaff@fda.hhs.gov](mailto:PRASStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

#### Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution—21 CFR Part 207; OMB Control Number 0910–0045—Extension

This information collection supports FDA's drug establishment registration and listing regulations and associated guidance intended to assist respondents in this regard. Requirements for drug establishment registration and drug listing are set forth in section 510 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360), and section 351 of the Public Health Service Act (42 U.S.C. 262). Section 224 of the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85) amended section 510(p) of the FD&C Act to require electronic drug establishment registration and drug listing. Regulations implementing these provisions are established under part 207 (21 CFR part 207). Except as provided in § 207.65, all information submitted must be transmitted to FDA in electronic format by using our electronic drug registration and listing system, in a form that we can process, review, and archive. Establishment registration information helps FDA identify who is manufacturing, repackaging, relabeling, and salvaging drugs and where those operations are performed. Drug listing information gives FDA a current inventory of drugs manufactured, repacked, relabeled, or salvaged for commercial distribution. Both types of information facilitate implementation and enforcement of the FD&C Act and are used for many important public health purposes.

#### I. Registration Under Part 207

Unless otherwise exempt under section 510(g) of the FD&C Act or § 207.13, all manufacturers, repackers, relabelers, and salvagers must register each domestic establishment that manufactures, repacks, relabels, or salvages a drug, or an animal feed bearing or containing a new animal drug, and each foreign establishment that manufactures, repacks, relabels, or

salvages a drug, or an animal feed bearing or containing a new animal drug, that is imported or offered for import into the United States. When operations are conducted at more than one establishment and common ownership and control among all the establishments exists, the parent, subsidiary, or affiliate company may submit registration information for all establishments.

Private label distributors who do not also manufacture, repack, relabel, or salvage drugs are not required to register under part 207. FDA will accept registration or listing information submitted by a private label distributor only if it is acting as an authorized agent for and submitting information that pertains to an establishment that manufactures, repacks, relabels, or salvages drugs.

Under § 207.21, domestic manufacturers, domestic repackers, domestic relabelers, and domestic drug product salvagers must complete initial registration of each establishment no later than 5 calendar days after beginning to manufacture, repack, relabel, or salvage a drug. In addition, foreign manufacturers, foreign repackers, foreign relabelers, and foreign drug product salvagers must register each establishment before the drug is imported or offered for import into the United States.

The information that must be provided to FDA for registration is described in § 207.25 and includes the following: (1) Name of the owner or operator of each establishment; if a partnership, the name of each partner; if a corporation, the name of each corporate officer and director, and the place of incorporation; (2) each establishment's name, physical address, and telephone number(s); (3) all name(s) of the establishment, including names under which the establishment conducts business or names by which the establishment is known; (4) registration number of each establishment, if previously assigned by FDA; (5) a Unique Facility Identifier in accordance with the system specified under section 510 of the FD&C Act; (6) all types of operations performed at each establishment; (7) name, mailing address, telephone number, and email address of the official contact for the establishment, as provided in § 207.69(a); and (8) additionally, with respect to foreign establishments subject to registration, the name, mailing address, telephone number, and email address must be provided for: (a) The U.S. agent, as provided in § 207.69(b); (b) each importer in the United States of drugs manufactured, repacked,

re-labeled, or salvaged at the establishment that is known to the establishment; and (c) each person who imports or offers for import such drug to the United States.

Registrants must update their registration information as prescribed under § 207.29.

## II. National Drug Code (NDC)

The NDC for a drug is a numeric code. Each finished drug product or unfinished drug subject to the listing requirements of part 207 must have a unique NDC to identify its labeler, product, and package size and type. The format of an NDC is described under § 207.33.

Under § 207.35, registrants must notify us of a change in any of the drug characteristics (except certain identifying information) for an NDC in § 207.33, and assign a new product code and package code for that drug.

## III. Listing Under Part 207

Under § 207.41, registrants must list each drug that it manufactures, repacks, relabels, or salvages for commercial distribution. Each domestic registrant must list each such drug regardless of whether the drug enters interstate commerce. When operations are conducted at more than one establishment, and common ownership and control exists among all the establishments, the parent, subsidiary, or affiliate company may submit listing

information for any drug manufactured, repacked, relabeled, or salvaged at any such establishment. A drug manufactured, repacked, or relabeled for private label distribution must be listed in accordance with the requirements.

Registrants must provide listing information for each drug in accordance with the listing requirements described in §§ 207.49, 207.53, and 207.54 that correspond to the activity or activities they engage in for that drug. For both animal and human drugs, each registrant must list each drug it manufactures, repacks, or relabels for commercial distribution under the trade name or label of a private label distributor using an NDC that includes such private label distributor's labeler code.

Additionally, in the case of human drugs, each registrant must list each human drug it manufactures, repacks, or relabels using an NDC that includes the registrant's own labeler code, regardless of whether the drug is commercially distributed under the registrant's own label or trade name or under the label or trade name of a private label distributor.

Under § 207.45, for each drug being manufactured, repacked, relabeled, or salvaged for commercial distribution at an establishment at the time of initial registration, drug listing information must be submitted no later than 3 calendar days after the initial registration of the establishment.

Each registrant must provide the listing information described under § 207.49 for each drug it manufactures for commercial distribution. Each registrant must also provide the listing information for each drug it repacks or relabels under § 207.53. A registrant who also relabels or repacks a drug that it salvages must list the drug it relabels or repacks in accordance with § 207.53. Registrants who perform only salvaging with respect to a drug must provide the listing information for that drug as required under § 207.54. Additional information may be requested for a listed drug as described in § 207.55.

Under § 207.57, registrants must update drug listing information submitted previously (either when the change is made or, at a minimum, each June and December). Registrants must also notify FDA if any listed drug has been discontinued from marketing or if any discontinued drug has been reintroduced and provide listing information for any drug not yet listed (at the time of annual establishment registration if not sooner).

In the **Federal Register** of July 18, 2018 (83 FR 33934), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>

Activity; 21 CFR section(s)	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Initial establishment registration; §§ 207.17, 207.21, 207.25.	1,480	2	2,960	1	2,960
Annual review and update of registration information (including expedited updates); § 207.29.	10,000	1	10,000	0.5 (30 minutes)	5,000
Initial listing (including NDC); §§ 207.33, 207.41, 207.45, 207.49, 207.53, 207.54, 207.55.	1,713	7.28	12,470	1.5	18,705
June and December review and update (or certification) of listing; §§ 207.35, 207.57.	5,300	20	106,000	0.75 (45 minutes)	79,500
Waiver requests; § 207.65 .....	1	1	1	0.5 (30 minutes)	1
Public disclosure exemption requests; § 207.81(c) .....	100	1	100	1	100
Total .....					106,266

<sup>1</sup> There are no capital or operating and maintenance costs associated with the information collection.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN <sup>1</sup>

Standard Operating Procedure (SOP) for creating and uploading the Structured Product Labeling file	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Preparation of SOP .....	1,000	1	1,000	40	40,000

<sup>1</sup> There are no capital or operating and maintenance costs associated with the information collection.

Based on FDA data, we estimate that 1,480 respondents will submit 2,960 new establishment registrations annually. Based on the number of registered establishments in our database, we estimate 10,000 registrants will provide 10,000 annual reviews and updates of registration information (including expedited updates) or reviews and certifications that no changes have occurred. The estimates include the registration of establishments for both domestic and foreign manufacturers, repackers, relabelers, and drug product salvagers, and registration information submitted by anyone acting as an authorized agent for an establishment that manufactures, repacks, relabels, or salvages drugs. The estimates include an additional 80 positron emission tomography (PET) drug producers who are not exempt from registration and approximately 30 manufacturers of plasma derivatives.

We estimate that it will take 1 hour for registrants to submit initial registration information electronically for each new establishment. We also estimate that it will take approximately 30 minutes for each annual review and update of registration information (including any expedited updates) or each review and certification that no changes have occurred. The burden hour estimates above are based on our familiarity with the amount of time it takes registrants to input registration information electronically since June 2009. The estimates are an average of the time it would take to register a domestic or foreign establishment and an average of the time it would take to review registration information and update several registration items in the database or review registration information and only certify that no changes have occurred.

Based on the number of drugs listed annually since June 2009, we estimate that approximately 1,713 registrants will report 12,469 new listings annually (including the information submitted to obtain a labeler code and to reserve an NDC for future use).

Based on the number of drugs in our listing database and the current number of changes to listing information submitted, we estimate 5,300 registrants will each report 20 reviews and updates (including the information submitted to revise an NDC) for a total of 106,000 annually.

The estimates for the number of drug listings include both domestic and foreign listings, listings submitted by registrants for products sold under their own names as well as products intended for private label distribution, and information submitted related to an

NDC and to obtain a labeler code. The estimate for the number of drugs subject to the listing requirements includes PET drugs and approximately 30 plasma derivatives. The estimates for the number of June and December reviews and updates of listing information include the number of changes to drug characteristics pertaining to the drug product code to obtain a new NDC and the reports of the withdrawal of an approved drug from sale under § 314.81(b)(3)(iii) (21 CFR 314.81(b)(3)(iii)).

Based on our familiarity with the time required to input listing information electronically since June 2009, we estimate that it will take registrants 1 hour and 30 minutes to submit information electronically for each drug they list for the first time (for both foreign and domestic registrant listings). These estimates are an average of the time it will take manufacturers, repackers, relabelers, and drug product salvagers, with drug product salvagers taking considerably less time than manufacturers. The estimates include the time for submitting the content of labeling and other labeling in electronic format. (For drugs subject to an approved marketing application, the electronic submission of the content of labeling under § 314.50(l)(1)(i) is approved under OMB control number 0910-0001.) We also estimate that it will take 45 minutes for each June and December review and update. These estimates represent the average amount of time to review and update listing information or to review and certify that no changes have occurred. The estimates include the time for submitting any labeling for each drug, changes to the drug's characteristics submitted for a new NDC, and reports of the withdrawal of an approved drug from sale under § 314.81(b)(3)(iii).

In 2009, to help respondents transition to the current electronic reporting requirements, FDA issued the guidance for industry entitled "Providing Regulatory Submissions in Electronic Format—Drug Establishment Registration and Drug Listing." The document provides guidance to industry on the statutory requirement to submit electronically drug establishment registration and drug listing information. The guidance describes the types of information to include for purposes of drug establishment registration and drug listing and how to prepare and submit the information in an electronic format (Structured Product Labeling (SPL) files) that FDA can process, review, and archive. The burden attributed to the guidance includes the preparation of an SOP for

creating and uploading the SPL file. Although most firms will already have prepared an SOP for the electronic submission of drug establishment registration and drug listing information, each year additional firms will need to create an SOP. As reflected in table 2, FDA estimates that approximately 1,000 firms will expend 40 hours to prepare, review, and approve an SOP, for a total of 40,000 hours annually.

Cumulatively, the information collection reflects a decrease of 3,295 in both annual responses and burden hours. This adjustment results from eliminating burden previously attributable to guidance recommendations for creating drug establishment registration and drug listing files for electronic submission. Because electronic registration and listing is now mandatory, we believe respondents have since developed and implemented SOPs consistent with meeting the technical format specifications set forth in the regulations and we no longer attribute burden to this activity.

Dated: November 5, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018-24440 Filed 11-7-18; 8:45 am]

**BILLING CODE 4164-01-P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Food and Drug Administration**

**[Docket No. FDA-2012-N-0253]**

#### **Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Postmarketing Adverse Drug and Biological Product Experience Reporting and Recordkeeping**

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Fax written comments on the collection of information by December 10, 2018.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of

Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). All comments should be identified with the OMB control number 0910–0230. Also include the FDA docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:**

Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, [PRAStaff@fda.hhs.gov](mailto:PRAStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

**Postmarketing Adverse Drug and Biological Product Experience Reporting and Recordkeeping**

*OMB Control Number 0910–0230—Revision*

Sections 201, 502, 505, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 352, 355, and 371) (FD&C Act) require that marketed drugs be safe and effective. To monitor the safety and efficacy of drugs that are on the market, FDA must be promptly informed of adverse experiences associated with the use of marketed drugs. We have issued regulations at §§ 310.305 and 314.80 (21 CFR 310.305 and 314.80) to implement reporting and recordkeeping requirements that enable us to take necessary action to protect the public health from adverse drug experiences.

All applicants who have received marketing approval of drug products are required to report serious, unexpected adverse drug experiences (15-day “Alert reports”), as well as follow-up reports (§ 314.80(c)(1)). This includes reports of all foreign or domestic adverse experiences as well as those based on information from applicable scientific literature and certain reports from postmarketing studies. Section 314.80(c)(1)(iii) pertains to such reports submitted by nonapplicants.

Under § 314.80(c)(2), applicants must provide periodic reports of adverse drug experiences. A periodic report includes, for the reporting interval, reports of serious, expected adverse drug experiences and all nonserious adverse drug experiences and an index of these reports, a narrative summary and analysis of adverse drug experiences, an analysis of the 15-day Alert reports

submitted during the reporting interval, and a history of actions taken because of adverse drug experiences. Under § 314.80(j), applicants must keep for 10 years records of all adverse drug experience reports known to the applicant.

For marketed prescription drug products without approved new drug applications or abbreviated new drug applications, manufacturers, packers, and distributors are required to report to FDA serious, unexpected adverse drug experiences as well as follow-up reports (§ 310.305(c)). Section 310.305(c)(5) pertains to the submission of follow-up reports to reports forwarded to the manufacturers, packers, and distributors by FDA. Under § 310.305(g), each manufacturer, packer, and distributor shall maintain for 10 years records of all adverse drug experiences required to be reported.

Section 760 of the Act (21 U.S.C. 379aa), also provides for mandatory safety reporting for over-the-counter (OTC) human drug products not subject to applications approved under section 505 of the Act (new drug applications or abbreviated new drug applications). These requirements apply to all OTC drug products marketed without an approved application, including those marketed under the OTC Drug Monograph Review process (whether or not subject to a final monograph), those marketed outside the monograph system, and including those that have been discontinued from marketing but for which a report of an adverse event was received. Under 21 CFR part 329.100 respondents must submit section 760 reports in an electronic format.

To assist respondents with implementation of section 760 we developed the guidance document entitled “Postmarketing Adverse Event Reporting for Nonprescription Human Drug Products Marketed Without an Approved Application.” The guidance document discusses what should be included in a serious adverse drug event report submitted under section 760(b)(1) of the FD&C Act (21 U.S.C. 379aa(b)(1)), including follow-up reports under 760(c)(2) of the FD&C Act (21 U.S.C. 379aa(c)(2)), and how to submit these reports.

Section 760(e) of the FD&C Act (21 U.S.C. 379aa(e)) also requires that responsible persons maintain records of nonprescription adverse event reports, whether or not the event is serious, for a period of 6 years. The guidance recommends that respondents maintain records of efforts to obtain the minimum

data elements for a report of a serious adverse drug event and any follow-up reports. The information collection associated with the guidance is currently approved under OMB Control No. 0910–0636, however we are now consolidating it into this collection.

The primary purpose of FDA’s adverse drug experience reporting system is to enable identification of signals for potentially serious safety problems with marketed drugs. Although premarket testing discloses a general safety profile of a new drug’s comparatively common adverse effects, the larger and more diverse patient populations exposed to the marketed drug provide the opportunity to collect information on rare, latent, and long-term effects. Signals are obtained from a variety of sources, including reports from patients, treating physicians, foreign regulatory agencies, and clinical investigators. Information derived from the adverse drug experience reporting system contributes directly to increased public health protection because the information enables us to make important changes to the product’s labeling (such as adding a new warning), to make decisions about risk evaluation and mitigation strategies or the need for postmarketing studies or clinical trials, and when necessary, to initiate removal of a drug from the market.

In the **Federal Register** of July 11, 2018 (83 FR 32132) we published a 60-day notice requesting public comment on the proposed collection of information approved under OMB Control No. 0910–0230. One comment from an anonymous source referred us to attachments that were not successfully transmitted. We are therefore unable to address this comment. In the **Federal Register** of August 15, 2018 (83 FR 40520) we published a 60-day notice requesting public comment on the collection of information approved under OMB Control No 0910–0636. No comments were received.

Respondents to the collection of information are manufacturers, packers, distributors, and applicants of FDA-regulated drug and biological products. The following estimates are based on our knowledge of adverse drug experience reporting, including the time needed to prepare the reports and the number of reports submitted to the Agency.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN<sup>1 2</sup>

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
310.305(c)(5) .....	3	1	3	1	3
314.80(c)(1)(iii) .....	5	1	5	1	5
314.80(c)(2) .....	810	17.19	13,923.90	60	835,434
Reports of serious adverse drug events (21 U.S.C. 379aa(b) and (c)) .....	283	687.099	194,449	6	1,166,694
Total .....					2,002,136

<sup>1</sup> The reporting burden for § 310.305(c)(1), (2), and (3), and § 314.80(c)(1)(i) and (ii) is covered under OMB control number 0910–0645.

<sup>2</sup> The capital costs or operating and maintenance costs associated with this collection of information are approximately \$25,000 annually.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN<sup>1 2</sup>

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
310.305(g) .....	25	1	25	16	400
314.80(j) .....	352	1,870	658,240	16	10,531,840
Recordkeeping (21 U.S.C. 379aa(e)(1)) .....	300	885.6667	265,700	8	2,125,600
Total .....					12,657,840

<sup>1</sup> There are no capital costs or operating costs associated with this collection of information.

<sup>2</sup> There are maintenance costs of approximately \$22,000 annually.

Based on submissions received we have increased our burden estimate for reporting under part 314.80(c)(2) and recordkeeping under part 314.80(j). Additionally, and as previously stated, we are consolidating burden associated with reporting and recordkeeping under section 760 of the FD&C Act. Based on our records, we received 194,449 total annual reports from approximately 283 respondents for nonprescription drugs marketed without an approved application. We estimate each submission takes approximately 6 hours to prepare and submit. We estimate that there are 265,700 records per year maintained by approximately 300 respondents, and that it takes 8 hours to maintain each record.

Dated: November 2, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018–24442 Filed 11–7–18; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Drug Abuse; 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 on Drug Abuse Special Emphasis Panel; R13 Conference Grant Review.

*Date:* November 14, 2018.

*Time:* 12:00 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Ipolia R. Ramadan, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4228, MSC 9550, Bethesda, MD 20892, 301–827–5842, [ramadanir@mail.nih.gov](mailto:ramadanir@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 on Drug Abuse Special Emphasis Panel; Multi-site Clinical Trials.

*Date:* November 16, 2018.

*Time:* 12:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Ipolia R. Ramadan, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4228, MSC 9550, Bethesda, MD 20892, 301–827–5842, [ramadanir@mail.nih.gov](mailto:ramadanir@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.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: November 2, 2018.

**Natasha M. Copeland,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018–24470 Filed 11–7–18; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Mental Health; 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 Mental Health Special Emphasis Panel; Silvio O. Conte Centers for Basic Neuroscience or Translational Mental Health Research (P50).

*Date:* November 14, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

*Contact Person:* Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9608, Bethesda, MD 20892-9608, 301-443-4525, [steinerr@mail.nih.gov](mailto:steinerr@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 Mental Health Special Emphasis Panel; First in Human and Early Stage Clinical Trials of Novel Investigational Drugs or Devices for Psychiatric Disorders.

*Date:* November 14, 2018.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Vinod Charles, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892-9606, 301-443-1606, [charlesvi@mail.nih.gov](mailto:charlesvi@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 Mental Health Special Emphasis Panel; NRSA Institutional Research Grant Training Review.

*Date:* November 16, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications

*Place:* Washington Plaza Hotel, 10 Thomas Circle NW, Washington, DC 20005.

*Contact Person:* Nicholas Gaiano, Ph.D., Review Branch Chief, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center/Room 6150/MSB 9606, 6001 Executive Boulevard,

Bethesda, MD 20892-9606, 301-443-2742, [nick.gaiano@nih.gov](mailto:nick.gaiano@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 No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: November 5, 2018.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-24480 Filed 11-7-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Toxicology Program Board of Scientific Counselors; Announcement of Meeting; Request for Comments

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the next meeting of the National Toxicology Program (NTP) Board of Scientific Counselors (BSC). The BSC, a federally chartered, external advisory group composed of scientists from the public and private sectors, will review and provide advice on programmatic activities. The meeting is open to the public and registration is requested for both attendance and oral comment and required to access the webcast. Information about the meeting and registration are available at <http://ntp.niehs.nih.gov/go/165>.

#### DATES:

*Meeting:* Scheduled for December 11, 2018 at 8:30 a.m. to adjournment on December 12, 2018 at approximately 5:00 p.m. Eastern Standard Time (EST).

*Written Public Comment*

*Submissions:* Deadline is December 3, 2018.

*Registration for Oral Comments:* Deadline is December 3, 2018.

*Registration to Attend Meeting In-person or to View Webcast:* Deadline is December 12, 2018.

*Registration to view the meeting via the webcast is required.*

#### ADDRESSES:

*Meeting Location:* Rodbell Auditorium, Rall Building, National Institute of Environmental Health Sciences (NIEHS), 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

*Meeting web page:* The preliminary agenda, registration, and other meeting

materials are at <http://ntp.niehs.nih.gov/go/165>.

*Webcast:* The URL for viewing the meeting webcast will be provided to registrants.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary Wolfe, Designated Federal Official for the BSC, Office of Liaison, Policy and Review, Division of NTP, NIEHS, P.O. Box 12233, K2-03, Research Triangle Park, NC 27709. Phone: 984-287-3209, Fax: 301-451-5759, email: [wolfe@niehs.nih.gov](mailto:wolfe@niehs.nih.gov). Hand Deliver/Courier address: 530 Davis Drive, Room K2130, Morrisville, NC 27560.

**SUPPLEMENTARY INFORMATION:** The BSC will provide input to the NTP on programmatic activities and issues. The agenda on December 11 will recognize NTP's 40th anniversary with the theme "Celebrate the Past, and Embrace the Future," and on December 12, several talks will focus on translation as a scientific framework. Please see the preliminary agenda for information about the specific presentations. The preliminary agenda, roster of BSC members, background materials, public comments, and any additional information, when available, will be posted on the BSC meeting website (<http://ntp.niehs.nih.gov/go/165>) or may be requested in hardcopy from the Designated Federal Official for the BSC. Following the meeting, summary minutes will be prepared and made available on the BSC meeting website.

*Meeting Attendance Registration:* The meeting is open to the public with time set aside for oral public comment; in-person attendance at the NIEHS is limited by the space available (~100 attendees). Registration for in-person attendance is on a first-come, first-served basis, and registrants will be assigned a number in their confirmation email. After the first 100 registrants, persons will be placed on a wait list and notified should an opening become available. Registration to attend the meeting in-person or view the webcast is by December 12, 2018 at <http://ntp.niehs.nih.gov/go/165>. Registration is required to view the webcast; the URL for the webcast will be provided in the email confirming registration. Visitor and security information for those attending in-person is available at [niehs.nih.gov/about/visiting/index.cfm](http://niehs.nih.gov/about/visiting/index.cfm). Individuals with disabilities who need accommodation to participate in this event should contact Ms. Robbin Guy at phone: (984) 287-3136 or email: [guyr2@niehs.nih.gov](mailto:guyr2@niehs.nih.gov). TTY users should contact the Federal TTY Relay Service at 800-877-8339. Requests should be made at

least five business days in advance of the event.

Written Public Comments: NTP invites written public comments. Guidelines for public comments are available at [https://ntp.niehs.nih.gov/ntp/about\\_ntp/guidelines\\_public\\_comments\\_508.pdf](https://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf).

The deadline for submission of written comments is December 3, 2018. Written public comments should be submitted through the meeting website. Persons submitting written comments should include name, affiliation, mailing address, phone, email, and sponsoring organization (if any). Written comments received in response to this notice will be posted on the NTP website, and the submitter will be identified by name, affiliation, and sponsoring organization (if any).

**Oral Public Comment Registration:** The agenda allows for two public comment periods: The first comment period on the CLARITY-BPA Research Program: Integration Report Strategy (5 commenters, up to 5 minutes per speaker) and the second comment period on the peer review of the Draft Report on Carcinogens Monograph on Night Shift Work and Light at Night (5 commenters, up to 5 minutes per speaker); oral comments may be presented in person at NIEHS or by teleconference line. Registration for oral comments is on or before December 3, 2018, at <http://ntp.niehs.nih.gov/go/165>. Registration is on a first-come, first-served basis, and registrants will be assigned a number in their confirmation email. Each organization is allowed one time slot per comment period. After the maximum number of speakers per comment period is exceeded, individuals registered to provide oral comment will be placed on a wait list and notified should an opening become available. Commenters will be notified after December 3, 2018, about the actual time allotted per speaker, and the teleconference number will be sent to those registered to give oral comments by teleconference line.

If possible, oral public commenters should send a copy of their slides and/or statement or talking points to [NTP-Meetings@icf.com](mailto:NTP-Meetings@icf.com) by December 3, 2018.

Meeting Materials: The preliminary meeting agenda is available on the meeting web page (<http://ntp.niehs.nih.gov/go/165>) and will be updated one week before the meeting. Individuals are encouraged to access the meeting web page to stay abreast of the most current information regarding the meeting.

Background Information on the BSC: The BSC is a technical advisory body comprised of scientists from the public

and private sectors that provides primary scientific oversight to the NTP. Specifically, the BSC advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the program for the purpose of determining and advising on the scientific merit of its activities and their overall scientific quality. Its members are selected from recognized authorities knowledgeable in fields such as toxicology, pharmacology, pathology, biochemistry, epidemiology, risk assessment, carcinogenesis, mutagenesis, molecular biology, behavioral toxicology, neurotoxicology, immunotoxicology, reproductive toxicology or teratology, and biostatistics. Members serve overlapping terms of up to four years. The BSC usually meets biannually. The authority for the BSC is provided by 42 U.S.C. 217a, section 222 of the Public Health Service Act (PHS), as amended.

The BSC is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. app.), which sets forth standards for the formation and use of advisory committees.

Dated: October 31, 2018.

**Brian R. Berridge,**

*Associate Director, National Toxicology Program.*

[FR Doc. 2018-24472 Filed 11-7-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Government-Owned Inventions; Availability for Licensing

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

**FOR FURTHER INFORMATION CONTACT:** Dr. Jenish Patel, Ph.D., 240-669-2894; [jenish.patel@nih.gov](mailto:jenish.patel@nih.gov). Licensing information and copies of the U.S. patent application listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual

Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD, 20852; tel. 301-496-2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

#### SUPPLEMENTARY INFORMATION:

Technology description follows.

#### Universal Influenza Virus Probes for Enrichment of Influenza Viral Sequences

##### *Description of Technology:*

This technology is a set of influenza virus enrichment probes developed to increase the sensitivity of sequence-based, universal detection of all influenza viruses. This universal influenza enrichment probe set contains a unique set of 46,953 biotin-labeled, RNA probes, each 120 base-pairs long, that can be used to enrich for any influenza sequences without prior knowledge of type or subtype. This probe set can capture and enrich influenza viral sequences selectively and effectively in a variety of samples, such as clinical samples with degraded nucleotides or samples containing very low amounts of influenza virus, thus making it a valuable tool for influenza virus diagnoses and surveillance.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

##### *Potential Commercial Applications:*

- Influenza diagnostics; influenza surveillance

##### *Competitive Advantages:*

- Highly sensitive detection of influenza viruses
- Detection of any influenza viruses in a variety of samples

##### *Development Stage:*

- In vitro Testing

*Inventors:* Yongli Xiao, Ph.D., (NIAID), Jeffrey Taubenberger, Ph.D., (NIAID), and Zong-Mei Sheng, Ph.D. (NIAID)

*Publications:* Xiao Y, et al. Design and validation of a universal influenza virus enrichment probe set and its utility in deep sequence analysis of primary cloacal swab surveillance samples of wild birds. *Virology*, 2018, Nov; 524:182-191 [PMID 30212665]

*Intellectual Property:* HHS Reference No. E-032-2018/0-US-01 Patent Application No. 62/611,734 filed December 29, 2017.

*Licensing Contact:* Jenish Patel, Ph.D., 240-669-2894; [jenish.patel@nih.gov](mailto:jenish.patel@nih.gov)

*Collaborative Research Opportunity:* The National Institute of Allergy and Infectious Diseases (NIAID) is also

seeking statements of capability or interest from parties interested in collaborative research, such as from bio-analytic research groups to develop rapid influenza monitoring, diagnostic, and surveillance devices and biotechnology companies to formulate and test influenza next generation sequencing kits for challenging influenza infected samples, for example zoonotic infections of influenza A virus subtypes differing from currently circulating human influenza viruses or in mixed infections. NIAID will consider executing a Confidentiality Agreement with a prospective collaborator to facilitate receipt of a Capability Statement if requested. For collaboration opportunities, please contact Jenish Patel, Ph.D., 240-669-2894; [jenish.patel@nih.gov](mailto:jenish.patel@nih.gov).

Dated: October 19, 2018.

**Suzanne M. Frisbie,**

*Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.*

[FR Doc. 2018-24468 Filed 11-7-18; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### **Proposed Collection; 60-Day Comment Request; National Children's Study (NCS) Vanguard Data and Sample Archive and Access System (Eunice Kennedy Shriver National Institute of Child Health and Human Development)**

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on

proposed data collection projects, the National Institutes of Health *Eunice Kennedy Shriver* National Institute of Child Health and Human Development will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

**DATES:** Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Jack Moye, Jr., MD, Bldg. 6710B Rm. 2130 MSC 7002, 9000 Rockville Pike, Bethesda, MD, 20892-7002, or call non-toll-free number (301) 594-8624 or Email your request, including your address to: [NCSArchive@s-3.net](mailto:NCSArchive@s-3.net). Formal requests for additional plans and instruments must be requested in writing.

**SUPPLEMENTARY INFORMATION:** Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated,

electronic, mechanical, or other technological collection techniques or other forms of information technology.

**Proposed Collection Title:** National Children's Study (NCS) Vanguard Data and Sample Archive and Access System, 0925-0730 exp., date 2/28/2019—EXTENSION *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD), National Institutes of Health (NIH).

**Need and Use of Information Collection:** NICHD requires institutional and investigator contact information from users of the NCS Data and Sample Archive and Access System (NCS Archive). This information collected from potential data users is necessary to fulfill the requirements of their proposed research projects, ensure compliance with Department of Health and Human Services regulations for the protection of human subjects in research (45 CFR 46) and the Common Rule (45 CFR 46 Subpart A), and to document, track, and monitor the use of the NCS Archive, which provides opportunities for qualified researchers to use data and samples collected by the NCS Vanguard phase, for approved research projects. The information in addition will help NIH better understand the use of archived data and samples by the research community. There is no plan to publish the data collected under this request other than to post on the NCS Archive website the titles of approved research projects together with project investigators' institutional affiliations. The data otherwise are for internal monitoring purposes only, to assess the archive resource requirements and for quality improvement.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 109.

#### ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form	Number of respondents	Frequency of response	Average time per response (hours)	Total annual burden hours
Research scientists .....	NCS Vanguard Data User Agreement .....	300	1	10/60	50
Research scientists .....	NCS Vanguard Data Request Form .....	50	1	20/60	17
Research scientists .....	NCS Vanguard Data and Sample Request Form .....	50	1	30/60	25
Research scientists .....	Research Materials Distribution Agreement .....	100	1	10/60	17
Total .....	.....	500	500	.....	109

Dated: November 1, 2018.

**Jennifer M. Guimond,**

*Project Clearance Liaison, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health.*

[FR Doc. 2018-24465 Filed 11-7-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Mental Health; 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 Mental Health Special Emphasis Panel  
Member Conflicts: Mental Health Services Research.

*Date:* November 26, 2018.

*Time:* 4:00 p.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

*Contact Person:* Karen Gavin-Evans, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Boulevard, Room 6153, MSC 9606, Bethesda, MD 20892, 301-451-2356, [gavinevanskm@mail.nih.gov](mailto:gavinevanskm@mail.nih.gov).

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; Rare Genetic Disorders as a Window into the Genetic Architecture of Mental Disorders.

*Date:* November 27, 2018.

*Time:* 10:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Vinod Charles, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892-9606, 301-443-1606, [charlesvi@mail.nih.gov](mailto:charlesvi@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: November 5, 2018.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-24471 Filed 11-7-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Eye Institute Special Emphasis Panel; NEI Institutional Training Grant Applications (T32 and T35).

*Date:* November 27-28, 2018.

*Time:* 10:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6700B Rockledge Drive, Ste. 3400, Bethesda, MD 20817 (Virtual Meeting).

*Contact Person:* Anne E. Schaffner, Ph.D., Chief, Scientific Review Branch, Division of Extramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300, Msc 9300, Bethesda, MD 20892-9300, (301) 451-2020, [aes@nei.nih.gov](mailto:aes@nei.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: November 2, 2018.

**Natasha M. Copeland,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-24467 Filed 11-7-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Government-Owned Inventions; Availability for Licensing

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

#### FOR FURTHER INFORMATION CONTACT:

James M. Robinson, 301-761-7542; [James.Robinson4@nih.gov](mailto:James.Robinson4@nih.gov). Licensing information and copies of the patent application listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD, 20852; tel. 301-496-2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

#### SUPPLEMENTARY INFORMATION:

Technology description follows.

Methods for diagnosing and treating *Mycobacterium tuberculosis* (Mtb) infection through detection of CD153 expression level.

#### Description of Technology:

*Mycobacterium tuberculosis* (Mtb) infection continues to be the leading cause of death due to a single infectious agent and poses significant global health challenges. Past research has shown that CD4 T cells are essential for resistance to Mtb infection, and for decades it has been thought that IFN( $\gamma$ ) production is the primary mechanism of CD4 T cell-mediated protection.

NIAID researchers have discovered that the expression of TNF superfamily molecule CD153 (TNFSF8) is required for control of the pulmonary Mtb infection by CD4 T cells. The results have shown that, in Mtb infected mice, CD153 expression is highest on Ag-specific Th1 cells in the lung tissue parenchyma. On the contrary, CD153 deficient mice have developed high pulmonary bacterial loads and succumb early to Mtb infection. In Mtb infected non-human primates, CD153 expression is much higher on Ag-specific CD4 T cells in the

airways compared to the blood, and the frequency of Mtb-specific CD153-expressing CD4 T cells inversely correlates with bacterial loads in granulomas. Further, in Mtb infected humans, CD153 defines a subset of highly polyfunctional Mtb-specific CD4 T cells that are much more abundant in individuals with controlled latent Mtb infection compared to those with active TB. Since the expression of CD153 by CD4 T cells is a major immune mechanism of host protection against Mtb infection, the discovery can be used to effectively diagnose and treat Mtb infections in the future.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

*Potential Commercial Applications:*

- *Mycobacterium tuberculosis* diagnostic that measures the production of CD153 as an indicator of the disease and its severity

- A companion diagnostic can be used to determine the effectiveness of a vaccine against a *Mycobacterium tuberculosis* infection in a subject

- Therapeutic use to treat *Mycobacterium tuberculosis* in a subject

*Competitive Advantages:*

- Ability to be used as a target for Mtb diagnostics and therapeutics

*Development Stage:*

- Proof of concept in animal models and human subject.

*Inventors:* Daniel L. Barber (NIAID), Michelle A. Sallin (NIAID), Keith D. Kauffman (NIAID)

*Publications:* Sallin, Michelle A., et al. "Host resistance to pulmonary *Mycobacterium tuberculosis* infection requires CD153 expression." *Nature microbiology* (2018): 1.

*Intellectual Property:* HHS Reference No. E-085-2018 US Patent Application No. 62/633,816 filed February 2, 2018

*Licensing Contact:* James M. Robinson, 301-761-7542; [James.Robinson4@nih.gov](mailto:James.Robinson4@nih.gov).

*Collaborative Research Opportunity:* The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize the methods of treating human tuberculosis. For collaboration opportunities, please contact James M. Robison at 301-761-7542 or [James.Robinson4@nih.gov](mailto:James.Robinson4@nih.gov).

Dated: October 31, 2018.

**Suzanne M. Frisbie,**

*Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.*

[FR Doc. 2018-24469 Filed 11-7-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Neurodevelopmental Disorders.

*Date:* November 20, 2018.

*Time:* 12:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301-408-9866, [manospa@csr.nih.gov](mailto:manospa@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Review: Cancer Behavioral Research Communication in the New Media Environment.

*Date:* November 30, 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:* Weijia Ni, Ph.D., Chief/Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3100, MSC 7808, Bethesda, MD 20892, 301-594-3292, [niw@csr.nih.gov](mailto:niw@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Virology.

*Date:* December 4-5, 2018.

*Time:* 8:30 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* Susan Daum, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, Bethesda, MD 20892, 301-827-7233, [susan.boyle-vavra@nih.gov](mailto:susan.boyle-vavra@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

*Date:* December 4, 2018.

*Time:* 10:00 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 (Telephone Conference Call).

*Contact Person:* Jingsheng Tuo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, Bethesda, MD 20892, 301-451-8754, [tuo@nei.nih.gov](mailto:tuo@nei.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurodegeneration.

*Date:* December 4, 2018.

*Time:* 10:30 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:* Afia Sultana, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 4189, Bethesda, MD 20892, (301) 827-7083, [sultanaa@mail.nih.gov](mailto:sultanaa@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Toxicology and Pharmacology.

*Date:* December 4, 2018.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Terez Shea-Donohue, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, [sheadonhuept@mail.nih.gov](mailto:sheadonhuept@mail.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: November 2, 2018.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-24466 Filed 11-7-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

**AGENCY:** Substance Abuse and Mental Health Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines).

A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the internet at <http://www.samhsa.gov/workplace>.

#### FOR FURTHER INFORMATION CONTACT:

Charles LoDico, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N02C, Rockville, Maryland 20857; 240-276-2600 (voice).

**SUPPLEMENTARY INFORMATION:** The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); April 30, 2010 (75 FR 22809); and on January 23, 2017 (82 FR 7920).

The Mandatory Guidelines were initially developed in accordance with

Executive Order 12564 and section 503 of Public Law 100-71. The "Mandatory Guidelines for Federal Workplace Drug Testing Programs," as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated January 23, 2017 (82 FR 7920), the following HHS-certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens

#### HHS-Certified Instrumented Initial Testing Facilities

Dynacare, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780-784-1190, (Formerly: Gamma-Dynacare Medical Laboratories).

#### HHS-Certified Laboratories

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 844-486-9226.  
 Alere Toxicology Services, 111 Newton St., Gretna, LA 70053, 504-361-8989/800-433-3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.).  
 Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804-378-9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.).  
 Baptist Medical Center-Toxicology Laboratory, 11401 I-30, Little Rock, AR 72209-7056, 501-202-2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center).  
 Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215-2802, 800-445-6917.  
 Cordant Health Solutions, 2617 East L Street, Tacoma, WA 98421, 800-442-0438, (Formerly: STERLING Reference Laboratories).

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800-235-4890.

Dynacare\*, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519-679-1630, (Formerly: Gamma-Dynacare Medical Laboratories).

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662-236-2609.

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713-856-8288/800-800-2387.

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908-526-2400/800-437-4986, (Formerly: Roche Biomedical Laboratories, Inc.).

Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919-572-6900/800-833-3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group).

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866-827-8042/800-233-6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center).

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913-888-3927/800-873-8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.).

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651-636-7466/800-832-3244.

Legacy Laboratory Services—MetroLab, 1225 NE 2nd Ave., Portland, OR 97232, 503-413-5295/800-950-5295.

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612-725-2088.

Testing for Veterans Affairs (VA) Employees Only, National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661-322-4250/800-350-3515.

One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888-747-3774, (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory).  
 Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800-328-6942, (Formerly: Centinela

Hospital Airport Toxicology Laboratory).

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509-755-8991/800-541-7891x7.

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888-635-5840.

Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800-729-6432, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610-631-4600/877-642-2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Redwood Toxicology Laboratory, 3700 Westwind Blvd., Santa Rosa, CA 95403, 800-255-2159.

US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755-5235, 301-677-7085, Testing for Department of Defense (DoD) Employees Only.

\* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on January 23, 2017 (82 FR 7920). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

**Summer King,**  
*Statistician.*

[FR Doc. 2018-24447 Filed 11-7-18; 8:45 am]

**BILLING CODE 4160-20-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[Docket No. USCG-2018-0282]

### Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625-0096

**AGENCY:** Coast Guard, DHS.

**ACTION:** Thirty-day notice requesting comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625-0096, Report of Oil or Hazardous Substance Discharge; and Report of Suspicious Maritime Activity. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

**DATES:** Comments must reach the Coast Guard and OIRA on or before December 10, 2018.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number [USCG-2018-0282] to the Coast Guard using the Federal eRulemaking Portal at <https://www.regulations.gov>. Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email:* [dhsdeskofficer@omb.eop.gov](mailto:dhsdeskofficer@omb.eop.gov).

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG-612), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593-7710.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anthony Smith, Office of Information Management, telephone 202-475-3532, or fax 202-372-8405, for questions on these documents.

### SUPPLEMENTARY INFORMATION:

### Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995;

44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG-2018-0282], and must be received by December 10, 2018.

### Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24,



2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0096.

#### Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (83 FR 29563, June 25, 2018) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collection.

#### Information Collection Request

*Title:* Report of Oil or Hazardous Substance Discharge; and Report of Suspicious Maritime Activity.

*OMB Control Number:* 1625–0096.

*Summary:* Any discharge of oil or a hazardous substance must be reported to the National Response Center (NRC) so that the pre-designated on-scene coordinator can be informed and appropriate spill mitigation action carried out. The NRC also receives suspicious activity reports from the public and disseminates this information to appropriate entities.

*Need:* Title 33 CFR 153.203, 40 CFR 263.30 and 264.56, and 49 CFR 171.15 mandate that the NRC be the central place for the public to report all pollution spills. Title 33 CFR 101.305 mandates that owners or operators of those vessels or facilities required to have security plans, report activities that may result in a Transportation Security Incident (TSI) or breaches of security to the NRC. Voluntary reports are also accepted.

*Forms:* N/A.

*Respondents:* Persons-in-charge of a vessel or onshore/offshore facility; owners or operators of vessels or facilities required to have security plans; and the public.

*Frequency:* On occasion.

*Hour Burden Estimate:* The estimated burden has decreased from 3,144 hours to 1,980 hours a year due to a decrease in the estimated annual number of responses.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: October 11, 2018.

**James D. Roppel,**

*U.S. Coast Guard, Acting Chief, Office of Information Management.*

[FR Doc. 2018–24439 Filed 11–7–18; 8:45 am]

**BILLING CODE 9110–04–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1424 (Preliminary)]

### Mattresses From China

#### Determination

On the basis of the record<sup>1</sup> developed in the subject investigation, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of mattresses from China, provided for in subheadings 9404.21.00, 9404.29.10, and 9404.29.90 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (“LTFV”).<sup>2 3</sup>

#### Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission’s rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission’s rules, upon notice from the U.S. Department of Commerce (“Commerce”) of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. 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 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 the investigation.

#### Background

On September 18, 2018, Corsicana Mattress Company, Dallas, Texas; Elite

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> *Mattresses From the People’s Republic of China: Initiation of Less-Than-Fair-Value Investigation*, 83 FR 52386 (October 17, 2018).

<sup>3</sup> Commissioners Meredith M. Broadbent and Jason E. Kearns not participating.

Comfort Solutions, Newnan, Georgia; Future Foam Inc., Council Bluffs, Iowa; FXI, Inc., Media, Pennsylvania; Innocor, Inc., Red Bank, New Jersey; Kolcraft Enterprises Inc., Chicago, Illinois; Leggett & Platt, Incorporated, Carthage, Missouri; Serta Simmons Bedding, LLC, Atlanta, Georgia; and Tempur Sealy International, Inc., Lexington, Kentucky filed a petition with the Commission and Commerce, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of mattresses from China. Accordingly, effective September 18, 2018, the Commission, pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)), instituted antidumping duty investigation No. 731–TA–1424 (Preliminary).

Notice of the institution of the Commission’s investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on September 24, 2015 (83 FR 48332). The conference was held in Washington, DC, on October 9, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)). It completed and filed its determination in this investigation on November 2, 2018. The views of the Commission are contained in USITC Publication 4842 (November 2018), entitled *Mattresses from China: Investigation No. 731–TA–1424 (Preliminary)*.

By order of the Commission.

Issued: November 2, 2018.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2018–24396 Filed 11–7–18; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

[USITC SE–18–053]

### Government in the Sunshine Act Meeting Notice

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** November 16, 2018 at 9:30 a.m.

**PLACE:** Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

**STATUS:** Open to the public.



**MATTERS TO BE CONSIDERED:**

1. Agendas for future meetings: None.
  2. Minutes.
  3. Ratification List.
  4. Vote on Inv. No. 731-TA-739 (Fourth Review) (Clad Steel Plate from Japan). The Commission is currently scheduled to complete and file its determination and views of the Commission by December 6, 2018.
  5. Outstanding action jackets: None.
- In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: November 5, 2018.

**William Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2018-24554 Filed 11-6-18; 4:15 pm]

**BILLING CODE 7020-02-P**

**DEPARTMENT OF JUSTICE****Bureau of Alcohol, Tobacco, Firearms and Explosives**

[OMB Number 1140-0074]

**Agency Information Collection Activities; Proposed eCollection Comments Requested; Extension Without Change of a Currently Approved Collection; List of Responsible Persons**

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until January 7, 2019.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments, regarding 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: Shawn Stevens, Federal Explosives Licensing Center, either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at [Shawn.Stevens@atf.gov](mailto:Shawn.Stevens@atf.gov), or by telephone at 304-616-4400.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

**Overview of This Information Collection**

1. *Type of Information Collection (check justification or form 83):* Extension, without change, of a currently approved collection.
2. *The Title of the Form/Collection:* List of Responsible Persons.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*  
*Form number (if applicable):* None.  
*Component:* Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:*  
*Primary:* Business or other for-profit.  
*Other (if applicable):* None.  
*Abstract:* 27 CFR 555.57, requires that all persons holding ATF explosives licenses or permits as of May 23, 2003, report descriptive information about their responsible persons and possessors of explosives to ATF. Subsequent changes to their list of responsible persons must also be reported to ATF.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 50,000 respondents will utilize this information collection, and it will take each respondent approximately 1 hour to provide their responses twice a year.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 100,000 hours, which is equal to 50,000 (# of respondents) \* 2 (# responses per person) \* 1 hour (total time taken to respond).

*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: November 5, 2018.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2018-24434 Filed 11-7-18; 8:45 am]

**BILLING CODE 4410-FY-P**

**DEPARTMENT OF JUSTICE****Antitrust Division**

**Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cellular V2X Device-to-Device Communication Consortium**

Notice is hereby given that, on November 1, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Cellular V2X Device-to-Device Communication Consortium ("Cellular V2X D2D Consortium") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: Ford Motor Company, Dearborn, MI; General Motors LLC, Detroit, MI; Hyundai America Technical Center, Inc., Superior Township, MI; Nissan Technical Center N.A., Farmington Hills, MI; and Qualcomm, Inc., San Diego, CA. The general area of Cellular V2X D2D Consortium's planned activity is to fund and conduct a program called Cellular V2X Performance Assessment, which will consist of multiple research projects limited to specific areas in which the members believe common solutions to specifically defined technical goals will speed the development and ultimate

consumer access to vehicles equipped with effective cellular-based device-to-device communications ("C-V2X-equipped vehicles"). Cellular V2X D2D Consortium's objectives are to gain further knowledge and understanding of C-V2X-equipped vehicles.

**Suzanne Morris,**

*Chief, Premerger and Division Statistics Unit, Antitrust Division.*

[FR Doc. 2018-24432 Filed 11-7-18; 8:45 am]

**BILLING CODE 4410-11-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On November 1, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Ohio in the lawsuit entitled *United States, et al. v. MPLX, LP, et al.*, Civil Action No. 3:18-cv-02526.

The United States filed this lawsuit against MPLX and eleven of its subsidiaries for violations of the Clean Air Act at twenty natural gas processing facilities in six states. The complaint alleges, among other things, that MPLX violated Leak Detection and Repair requirements of the Clean Air Act's New Source Performance Standards. The proposed Consent Decree requires MPLX and its subsidiaries to take specified actions to come into compliance with the Clean Air Act, pay a civil penalty of \$925,000, and undertake Supplemental Environmental Projects at a cost of \$2,575,000. The Commonwealth of Pennsylvania and the States of West Virginia and Oklahoma have joined us in this action.

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, et al. v. MPLX, LP, et al.*, D.J. Ref. No. 90-5-2-1-11374/1. 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:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$52.75 for the consent decree and appendices (25 cents per page reproduction cost) or \$31.50 for the consent decree without appendices, payable to the United States Treasury.

**Robert Brook,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2018-24473 Filed 11-7-18; 8:45 am]

**BILLING CODE 4410-CW-P**

## DEPARTMENT OF JUSTICE

### Meeting of the NDCAC Executive Advisory Board

**AGENCY:** Justice Department.

**ACTION:** Meeting notice.

**SUMMARY:** The purpose of this notice is to announce the meeting of the Department of Justice's National Domestic Communications Assistance Center's (NDCAC) Executive Advisory Board (EAB). The meeting is being called to address the items identified in the Agenda detailed below. The NDCAC EAB is a federal advisory committee established pursuant to the Federal Advisory Committee Act (FACA).

**DATES:** The NDCAC EAB meeting is open to the public, subject to the registration requirements detailed below. The EAB will meet in open session from 10:00 a.m. until 1:00 p.m. on December 4, 2018.

**ADDRESSES:** The meeting will take place at 5000 Seminary Rd, Alexandria, VA 22311. Entry into the meeting room will begin at 9:00 a.m.

**FOR FURTHER INFORMATION CONTACT:** Inquiries may be addressed to Ms. Alice Bardney-Boose, Designated Federal Officer, National Domestic Communications Assistance Center, Department of Justice, by email at [NDCAC@fbi.gov](mailto:NDCAC@fbi.gov) or by phone at (540) 361-4600.

**SUPPLEMENTARY INFORMATION: Agenda:** The meeting will be called to order at 10:00 a.m. by EAB Chairman Preston Grubbs. All EAB members will be introduced and EAB Chairman Grubbs

will provide remarks. The EAB will hold a discussion regarding the importance of issues identified in the report to the Attorney General; receive an update and hold a discussion on the National Domestic Communications Assistance Center; receive a status report from its Administrative and Technology Subcommittees; and receive an overview of a recent Center for Strategic International Studies report. Note: agenda items are subject to change.

The purpose of the EAB is to provide advice and recommendations to the Attorney General or designee, and to the Director of the NDCAC that promote public safety and national security by advancing the NDCAC's core functions: law enforcement coordination with respect to technical capabilities and solutions, technology sharing, industry relations, and implementation of the Communications Assistance for Law Enforcement Act (CALEA). The EAB consists of 15 voting members from Federal, State, local and tribal law enforcement agencies. Additionally, there are two non-voting members as follows: a federally-employed attorney assigned full time to the NDCAC to serve as a legal advisor to the EAB, and the DOJ Chief Privacy Officer or designee to ensure that privacy and civil rights and civil liberties issues are fully considered in the EAB's recommendations. The EAB is composed of eight State, local, and/or tribal representatives and seven federal representatives.

**Written Comments:** Any member of the public may submit written comments with the EAB. Written comments must be provided to Ms. Alice Bardney-Boose, DFO, at least seven (7) days in advance of the meeting so that the comments may be made available to EAB members for their consideration prior to the meeting. Written comments must be submitted to [NDCAC@fbi.gov](mailto:NDCAC@fbi.gov) on or before November 27, 2018.

In accordance with the FACA, all comments shall be made available for public inspection. Commenters are not required to submit personally identifiable information (such as name, address, etc.). Nevertheless, if commenters submit personally identifiable information as part of the comments, but do not want it made available for public inspection, the phrase "Personally Identifiable Information" must be included in the first paragraph of the comment. Commenters must place all personally identifiable information not to be made available for public inspection in the first paragraph and identify what

information is to be redacted. Privacy Act Statement: Comments are being collected pursuant to the FACA. Any personally identifiable information included voluntarily within comments, without a request for redaction, will be used for the limited purpose of making all documents available to the public pursuant to FACA requirements.

**Registration:** Individuals and entities who wish to attend the public meeting are required to pre-register for the meeting on-line by clicking the registration link found at: <http://ndcac-eab.eventbee.com>. Registrations will be accepted on a space available basis. Attendees must bring registration confirmation (*i.e.*, email confirmation) to be admitted to the meeting. Privacy Act Statement: The information requested on the registration form and required at the meeting is being collected and used pursuant to the FACA for the limited purpose of ensuring accurate records of all persons present at the meeting, which records may be made publicly available. Providing information for registration purposes is voluntary; however, failure to provide the required information for registration purposes will prevent you from attending the meeting.

Online registration for the meeting must be completed on or before 5:00 p.m. (EST) November 20, 2018. Anyone requiring special accommodations should notify Ms. Bardney-Boose at least seven (7) days in advance of the meeting or indicate your requirements on the online registration form.

**Alice Bardney-Boose,**

*Designated Federal Officer, National Domestic Communication Assistance Center, Executive Advisory Board.*

[FR Doc. 2018–24455 Filed 11–7–18; 8:45 am]

**BILLING CODE 4410–02–P**

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

[OMB Number 1121–NEW]

#### **Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection; Fourth National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMART–4)**

**AGENCY:** Office of Justice Programs, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 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 January 7, 2019.

**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 Benjamin Adams, Social Science Analyst, Office of Juvenile Justice and Delinquency Prevention, 810 Seventh Street NW, Washington, DC 20531 (email: [benjamin.adams@usdoj.gov](mailto:benjamin.adams@usdoj.gov); telephone: 202–616–3687).

**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 Office of Juvenile Justice and Delinquency Prevention, including whether the information shall have practical utility;
- Evaluate whether the accuracy of the agency's estimate of the burden on the proposed collection of information, including the validity of the methodology and assumptions that were used;
- Evaluate whether and if so how the quality, utility, and clarity of the information collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

#### **Overview of This Information Collection**

1. *Type of Information Collection:* New collection.
2. *The Title of the Form/Collection:* Fourth National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMART–4).
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Not applicable (new collection).

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, county, and local law enforcement agencies (LEAs), state Missing Child Clearinghouses (MCCs), and the National Center on Missing and Exploited Children (NCMEC). Abstract: The Fourth National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMART–4) will include three pilot studies and one national data collection. The three pilot studies will test methodologies for collecting information from law enforcement agencies on child victims of stranger abductions, parental abductions, and other types of missing children, respectively. The pilot test data will be used solely to evaluate the effectiveness of the proposed survey methodologies. The national study will collect data on the number and characteristics of children abducted by strangers (*i.e.*, “stereotypical kidnappings”). OJJDP will use the information gathered in the national study in published reports and statistics. The reports will be made available to the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, others interested in missing children statistics, and the general public via the OJJDP website.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

**Burden Hours for Law Enforcement Survey—Stereotypical Kidnappings (LES–SK) Pilot:** OJJDP expects 20 law enforcement investigators to spend an average of 40 minutes completing an online case detail survey and 20 minutes completing the telephone debriefing about the online survey (20 × 60 minutes = 20 hours). In addition, OJJDP expects the NCMEC database administrator to spend 5 hours pulling 20 stereotypical kidnappings cases from the NCMEC database for use in testing the online survey (1 × 5 hours = 5 hours). The total amount of time for the LES–SK pilot is 25 hours.

**Burden Hours for Law Enforcement Survey—Family Abductions (LES–FA) Pilot:** The sample size for Components 1 and 2 of the pilot is 30 law enforcement investigators who will be asked to search their database for cases of family abductions occurring in a 1-year period. OJJDP estimates the search will take an average of 3 hours and that 28 will comply (28 × 3 hours = 84 hours), 2 will decline (2 × 3 minutes = 6 minutes). OJJDP estimates that database administrators for NCMEC and the MCCs associated with states in the sample will all agree to conduct

database searches for the agencies in Component 1 and Component 2 and that these searches will take an average of 3 hours ( $31 \times 4$  hours = 124 hours). OJJDP estimates that all 5 agencies selected for telephone debriefing in Component 1 will participate and the interviews will take an average of 20 minutes to complete ( $5 \times 20$  minutes = 1.67 hours). OJJDP expects that all 10 of the law enforcement investigators selected to complete the Component 3 case detail telephone survey will participate and that the interview will take 30 minutes ( $10 \times 30$  minutes = 5 hours). OJJDP estimates that 18 of the 20 investigators selected to complete the Component 3 case detail online survey will comply and that the instrument will take an average of 15 minutes ( $18 \times 15$  minutes = 4.5 hours), 2 will decline ( $2 \times 3$  minutes = 6 minutes). OJJDP expects that all 18 investigators who complete the online survey will agree to participate in the 20 minute debriefing telephone interview ( $18 \times 20$  minutes = 6 hours). The total amount of time for the LES-FA pilot is 225.4 hours.

*Burden Hours for Law Enforcement Survey—Missing Children (LES-MC) Pilot:* The sample size for Components 1 and 2 of the pilot is 30 law enforcement investigators who will be asked to search for case of missing children occurring in a 1-month period. OJJDP estimates the search will take an average of 3 hours and that 28 will comply ( $28 \times 3$  hours = 84 hours), 2 will decline ( $2 \times 3$  minutes = 6 minutes). OJJDP estimates that database administrators for NCMEC and the MCCs associated with states in the sample will all agree to conduct database searches and that these searches will take an average of 4 hours ( $31 \times 4$  hours = 124 hours). OJJDP estimates that all five agencies selected for telephone debriefing in Component 1 will participate and the interviews will take an average of 20 minutes to complete ( $5 \times 20$  minutes = 1.67 hours). OJJDP expects that all 10 of the law enforcement investigators selected to complete the Component 3 case detail telephone survey will participate and that the interview will take 30 minutes ( $10 \times 30$  minutes = 5 hours). OJJDP estimates that 18 of the 20 investigators selected to complete the Component 3 case detail online survey will comply and that the instrument will take an average of 15 minutes ( $18 \times 15$  minutes = 4.5 hours), 2 will decline ( $2 \times 3$  minutes = 6 minutes). OJJDP expects that all 18 investigators who complete the online survey will agree to participate in the 20 minute debriefing telephone interview ( $18 \times 20$  minutes =

6 hours). The total amount of time for the LES-MC pilot is 225.4 hours.

*Burden Hours for National Law Enforcement Survey—Stereotypical Kidnappings (LES-SK):* A total of 4,727 law enforcement agencies are included in the national stratified cluster sample of 400 PSUs (Primary Sampling Units). All of these agencies will receive the mail screener. OJJDP estimates that 2,836 (60 percent) of the law enforcement agencies will complete the screener by mail, based on the response rate for the mail screener obtained for NISMART-3. The great majority of these will have no stereotypical kidnapping cases during the 1-year timeframe of the survey and OJJDP estimates the average time to complete the mail screener to be 15 minutes ( $2,836 \times 15$  minutes = 709.05 hours), 1,891 will not respond by mail ( $1,891 \times 3$  minutes = 94.54 hours). OJJDP estimates that 1,229 (26 percent) of the law enforcement agencies will complete the mail screener by telephone, based on the percentage of mail screeners completed by telephone in NISMART-3. OJJDP estimates that the time to complete the screener by telephone will be 4 minutes ( $1,229 \times 4$  minutes = 81.9 hours), and 662 will not respond ( $662 \times 3$  minutes = 33.1 hours). OJJDP estimates that 204 cases will be identified that appear to meet the definition of a qualifying stereotypical kidnapping case. The estimate is based on the number of cases identified in NISMART-3 for telephone followup from the mail screener and searches of other databases. Investigators of these cases will be asked to complete the online survey about case details. OJJDP estimates that 161 (79 percent) of the law enforcement officers will complete the case detail online instrument (estimate again based on the percentage of investigators who completed this component for NISMART-3) with 145 (90 percent) completing online. OJJDP estimates that the instrument will take an average of 40 minutes to complete ( $145 \times 40$  minutes = 96.6 hours), 59 will not respond online ( $59 \times 3$  minutes = 2.95 hours). OJJDP estimates that 16 (10 percent) of the 161 law enforcement officers who complete the detailed case survey will do it via telephone interview and that the interview will take 60 minutes ( $16 \times 60$  minutes = 16 hours), and that 43 will not respond ( $43 \times 3$  minutes = 2.15 hours). OJJDP estimates the time for NCMEC and state MCCs database administrators to conduct a database search of any stereotypical kidnapping cases in their states to be 4 hours and expect that all NCMEC and the state MCCs in the 49 states where the sampled PSUs are

located will participate ( $50 \times 4$  hour = 200 hours). The total amount of time for the National LES-SK study is 1,236.5 hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,712 total burden hours (1,259 hours for law enforcement investigators and 453 hours for NCMEC and MCC database administrators) associated with the three pilot studies and the national LES-SK study.

*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: November 2, 2018.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2018-24398 Filed 11-7-18; 8:45 am]

**BILLING CODE 4410-18-P**

## NATIONAL SCIENCE FOUNDATION

### Sunshine Act Meeting; National Science Board

The National Science Board's Committee on Strategy (CS), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n-5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

**TIME AND DATE:** Tuesday, November 13, 2018, from noon-1:00 p.m. EST.

**PLACE:** This meeting will be held by teleconference at the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. An audio link will be available for the public. Members of the public must contact the Board Office to request the public audio link by sending an email to [nationalsciencebrd@nsf.gov](mailto:nationalsciencebrd@nsf.gov) at least 24 hours prior to the teleconference.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Chair's opening remarks; discussion of proposed NSB Vision project.

**CONTACT PERSON FOR MORE INFORMATION:** Point of contact for this meeting is: Kathy Jacquart, 703/292-7000, [kjaquar@nsf.gov](mailto:kjaquar@nsf.gov), 2415 Eisenhower Avenue, Alexandria, VA 22314. Meeting information and updates may be found at <http://www.nsf.gov/nsb/notices/>

*.jsp#sunshine*. Please refer to the National Science Board website at [www.nsf.gov/nsb](http://www.nsf.gov/nsb) for general information.

**Chris Blair,**

*Executive Assistant, National Science Board Office.*

[FR Doc. 2018-24532 Filed 11-6-18; 11:15 am]

**BILLING CODE 7555-01-P**

## NATIONAL SCIENCE FOUNDATION

### Advisory Committee for Biological Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub., L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

*Name and Committee Code:* Advisory Committee for Biological Sciences (#1110)

*Rescheduled Date and Time:*

November 15, 2018; 1:00 p.m.–3:00 p.m.  
(Cancelled Date)

November 16, 2018; 2:30 p.m.–4:30 p.m.  
(Rescheduled Date)

*Place:* National Science Foundation, 2415 Eisenhower Avenue, Room E 3410, Alexandria, VA 22314.

Please contact Alexis Patullo at [apatullo@nsf.gov](mailto:apatullo@nsf.gov) to obtain a visitor badge. All visitors to the NSF will be required to show photo ID to obtain a badge.

*Type of Meeting:* Open.

*Contact Person:* Nancy Sung, National Science Foundation, 2415 Eisenhower Avenue, Room C 12031, Alexandria, VA 22314; Tel No.: (703) 292-8400.

*Purpose of Meeting:* The Advisory Committee for the Directorate for Biological Sciences (BIO) provides advice, recommendations, and oversight concerning major program emphases, directions, and goals for the research-related activities of the divisions that make up BIO.

*Agenda:* This meeting will be held telephonically among the Advisory Committee members; public visitors will be able to attend the meeting in person at NSF headquarters. Agenda items will include discussion of establishment of a BIO AC subcommittee on proposal submission limits.

Dated: November 5, 2018.

**Crystal Robinson,**

*Committee Management Officer.*

[FR Doc. 2018-24419 Filed 11-7-18; 8:45 am]

**BILLING CODE 7555-01-P**

## NATIONAL TRANSPORTATION SAFETY BOARD

### SES Performance Review Board

**AGENCY:** National Transportation Safety Board.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the appointment of members of the National Transportation Safety Board, Performance Review Board (PRB).

#### FOR FURTHER INFORMATION CONTACT:

Emily T. Carroll, Chief, Human Resources Division, Office of Administration, National Transportation Safety Board, 490 L'Enfant Plaza SW, Washington, DC 20594-0001, (202) 314-6233.

**SUPPLEMENTARY INFORMATION:** Section 4314(c)(1) through (5) of Title 5, United States Code requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES Performance Review Boards. The board reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor and considers recommendations to the appointing authority regarding the performance of the senior executive.

The following have been designated as members of the 2018 Performance Review Board of the National Transportation Safety Board (NTSB):

The Honorable Bruce Landsberg, Vice Chairman, National Transportation Safety Board, PRB Chair.

The Honorable Earl F. Weener, Member, National Transportation Safety Board.

Mr. Edward Benthall, Chief Financial Officer, National Transportation Safety Board.

Mr. Jerold Gidner, Principal Deputy Special Trustee, Office of the Special Trustee for American Indians, Department of Interior.

Ms. Katherine Herrera, Deputy Technical Director, Defense Nuclear Facilities Safety Board.

Mr. Robert Huttenlocker, Assistant Inspector General for Management, Office of Inspector General, U.S. Department of Agriculture (alternate).

Ms. Susan A. Kantrowitz, Director, Office of Administration, National Transportation Safety Board (alternate).

Dated: November 5, 2018.

**Candi R. Bing,**

*Federal Register Liaison.*

[FR Doc. 2018-24460 Filed 11-7-18; 8:45 am]

**BILLING CODE P**

## PENSION BENEFIT GUARANTY CORPORATION

### Approval of Exemption From the Bond/Escrow Requirement Relating to the Sale of Assets by an Employer That Contributes to a Multiemployer Plan: Marlins Holdings LLC and the Miami Marlins Major League Baseball Franchise

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of Approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation received a request from Marlins Holdings LLC for an exemption from the bond/escrow requirement relating to a sale of assets with respect to the Major League Baseball Players Pension Plan. PBGC published a notice of the request for exemption from the requirement. PBGC is now advising the public that the agency has granted the exemption request.

#### FOR FURTHER INFORMATION CONTACT:

Bruce Perlin, Assistant General Counsel ([Perlin.Bruce@PBGC.gov](mailto:Perlin.Bruce@PBGC.gov)), 202-326-4020, ext. 6818, Jon Chatalian, Acting Assistant General Counsel ([Chatalian.Jon@PBGC.gov](mailto:Chatalian.Jon@PBGC.gov)), ext. 6757, or Mary A. Petrovic, Attorney ([Petrovic.Mary@PBGC.gov](mailto:Petrovic.Mary@PBGC.gov)), ext. 4638, Office of the General Counsel, Suite 340, 1200 K Street NW, Washington, DC 20005-4026; (TTY users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4020).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980 ("ERISA" or "the Act"), provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that:

(A) The purchaser has an obligation to contribute to the plan with respect to the operations for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) the purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year

preceding the year in which the sale occurred (the amount of the bond or escrow is doubled if the plan is in reorganization in the year in which the sale occurred); and

(C) the contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale. Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. Senate Committee on Labor and Human Resources, 96th Cong., 2nd Sess., S. 1076, The Multiemployer Pension Plan Amendments Act of 1980: Summary and Analysis of Considerations 16 (Comm. Print, April 1980); 128 Cong. Rec. S10117 (July 29, 1980). The granting of an exemption or variance from the bond/escrow requirement does not constitute a finding by PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1).

Under PBGC's regulation on variances for sales of assets (29 CFR part 4204), a request for a variance or waiver of the bond/escrow requirement under any of the tests established in the regulation (§§ 4204.12 & 4204.13) is to be made to the plan in question. PBGC will consider waiver requests only when the request is not based on satisfaction of one of the three regulatory tests or when the parties assert that the financial information necessary to show satisfaction of one of the regulatory tests is privileged or confidential financial information within the meaning of 5 U.S.C. 552(b)(4) of the Freedom of Information Act.

Under § 4204.22 of the regulation, PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it: (1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and (2) would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 4204.22(b) of the regulation require PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption. PBGC received no comments on the request for exemption.

### The Decision

On June 6, 2018, PBGC published a notice of the pendency of a request by Marlins Holdings LLC (the "Purchaser") for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) with respect to its purchase of the Miami Marlins Major League Baseball franchise from Miami Marlins, L.P., LLC (the "Seller"). According to the request, the Purchaser represents among other things that:

1. The Seller was obligated to contribute to the Major League Baseball Players Benefit Plan (the "Plan") for certain employees of the sold operations.

2. The Purchaser has agreed to assume the obligation to contribute to the Plan for substantially the same number of contribution base units as the Seller.

3. The Seller has agreed to be secondarily liable for any withdrawal liability it would have had with respect to the sold operations (if not for section 4204) should the Purchaser withdraw from the Plan and fail to pay its withdrawal liability.

4. The estimated amount of the withdrawal liability of the Seller with respect to the operations subject to the sale is \$19,169,342.

5. The amount of the bond/escrow established under section 4204(a)(1)(B) is \$4,781,000.

6. Major League Baseball has a unique structure in which the Plan is funded from the Major League Central Fund (the "Central Fund"), maintained and administered by the Commissioner of Baseball. Under this structure, contributions to the Plan for all participating employers are paid by the Office of the Commissioner of Baseball from the Central Fund on behalf of each participating employer in satisfaction of the employer's pension liability under the Plan's funding agreement. The monies in the Central Fund are derived

directly from common revenues related to the All-Star Game, post-season games, certain media rights and other common revenues (collectively, the "Revenues").

7. In support of the exemption request, the requester asserts that, "the Plan is funded from the Central Fund that is maintained and administered by the Commissioner of Baseball." Major League Baseball pays contributions directly to the Plan from the Central Fund. Further, the requester asserts that, "the Plan enjoys a substantial degree of security with respect to contributions on behalf of the Clubs. A change in ownership of a Club does not affect the obligation of the Central Fund to fund the Plan. As such, approval of this exemption request would not increase the risk of financial loss to the Plan."

8. A complete copy of the request was sent to the Plan and to the Major League Baseball Players Association by certified mail, return receipt requested.

Based on the facts of this case and the representations and statements made in connection with the request for an exemption, PBGC has determined that an exemption from the bond/escrow requirement is warranted, in that it would more effectively carry out the purposes of title IV of ERISA and would not significantly increase the risk of financial loss to the Plan. Therefore, PBGC hereby grants the request for an exemption for the bond/escrow requirement. The granting of an exemption or variance from the bond/escrow requirement of section 4204(a)(1)(B) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1). The determination of whether the transaction satisfies such other requirements is a determination to be made by the Plan sponsor.

Issued in Washington, DC.

**William Reeder,**  
Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2018-24406 Filed 11-7-18; 8:45 am]

BILLING CODE 7709-02-P

## POSTAL REGULATORY COMMISSION

### Sunshine Act Meeting

**TIME AND DATE:** December 17, 2018, at 11 a.m.

**PLACE:** Commission hearing room, 901 New York Avenue NW, Suite 200, Washington, DC 20268-0001.

**STATUS:** The Postal Regulatory Commission will hold a public meeting to discuss the agenda items outlined below. Part of the meeting will be open to the public as well as live audio cast

via telephone, and the dial in number will be posted on the Commission's website at <http://www.prc.gov>. Part of the meeting will be closed.

**MATTERS TO BE CONSIDERED:** The agenda for the Commission's December 17, 2018 meeting includes the items identified below.

#### Portions Open to the Public

1. Report from the Office of Public Affairs and Government Relations.
2. Report from the Office of General Counsel.
3. Report from the Office of Accountability and Compliance.
4. Report from the Office of the Secretary and Administration.
5. Commissioners Vote to designate the Vice-Chairman of the Commission for calendar year 2019 pursuant to 39 U.S.C. 502(e).

#### Portions Closed to the Public

6. Discussion of pending litigation.

**CONTACT PERSON FOR MORE INFORMATION:** David A. Trissell, General Counsel, Postal Regulatory Commission, 901 New York Avenue NW, Suite 200, Washington, DC 20268-0001, at 202-789-6820 (for agenda-related inquiries) and Stacy L. Ruble, Secretary of the Commission, at 202-789-6800 or [stacy.ruble@prc.gov](mailto:stacy.ruble@prc.gov) (for inquiries related to meeting location, changes in date or time of the meeting, access for handicapped or disabled persons, the live-webcast, or similar matters). The Commission's website may also provide information on changes in the date or time of the meeting.

By direction of the Commission.

**Stacy L. Ruble,**  
Secretary.

[FR Doc. 2018-24617 Filed 11-6-18; 4:15 pm]

**BILLING CODE 7710-FW-P**

#### POSTAL REGULATORY COMMISSION

[Docket No. CP2015-123]

#### New Postal Product

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* November 13, 2018.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>.

[www.prc.gov](http://www.prc.gov). Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

#### SUPPLEMENTARY INFORMATION:

#### Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

#### I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.<sup>1</sup>

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and

<sup>1</sup> See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

#### II. Docketed Proceeding(s)

1. *Docket No(s):* CP2015-123; *Filing Title:* USPS Notice of Amendment to Priority Mail Express & Priority Mail Contract 20, filed Under Seal; *Filing Acceptance Date:* November 2, 2018, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.*, and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* November 13, 2018.

This Notice will be published in the **Federal Register**.

**Stacy L. Ruble,**  
Secretary.

[FR Doc. 2018-24444 Filed 11-7-18; 8:45 am]

**BILLING CODE 7710-FW-P**

#### POSTAL REGULATORY COMMISSION

[Docket No. CP2015-61; Order No. 4870]

#### New Postal Products

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is revising the comment due date.

**DATES:** *Comments are due:* November 5, 2018.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

#### SUPPLEMENTARY INFORMATION:

#### Table of Contents

#### I. Introduction

In Order No. 2480, the Commission approved the Priority Mail Express & Priority Mail Contract 18 negotiated service agreement (Existing Agreement).<sup>1</sup> On October 29, 2018, the Postal Service filed notice that it has agreed to the Amendment to the Existing Agreement.<sup>2</sup> On October 30,

<sup>1</sup> See Docket Nos. MC2015-49 and CP2015-61, Order Adding Priority Mail Express & Priority Mail Contract 18 to the Competitive Product List, May 12, 2015 (Order No. 2480).

<sup>2</sup> USPS Notice of Amendment to Priority Mail Express & Priority Mail Contract 18, Filed Under Seal, October 29, 2018 (Notice). The amendment is an attachment to the Notice (Amendment).



2018, the Commission issued a notice reopening this docket to consider the Amendment, appointing a Public Representative, and providing interested persons with an opportunity to comment.<sup>3</sup>

The Commission set the deadline for comments as November 6, 2018. Notice Initiating Dockets at 2. However, the Existing Agreement expires November 8, 2018,<sup>4</sup> and the Amendment extending the agreement, if approved, would not take effect until two days after the Commission completes its review. Notice, Attachment A at 1. Under the current schedule, the soonest the Commission could issue a decision on the Amendment is November 7, 2018, which would cause the Existing Agreement to expire before the Amendment could take effect.

To permit the Commission time to review the comments and issue an order on the Amendment at least two days before the Existing Agreement expires, the deadline for comments is revised to November 5, 2018.

*It is ordered:*

1. The deadline to submit comments is revised to November 5, 2018.

2. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Stacy L. Ruble,**  
Secretary.

[FR Doc. 2018-24392 Filed 11-7-18; 8:45 am]

BILLING CODE 7710-FW-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-84524; File No. SR-OCC-2018-014]

### Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change, as Modified by Partial Amendment No. 1, Related to The Options Clearing Corporation's Margin Methodology for Incorporating Variations in Implied Volatility

November 2, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act" or "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on October 22, 2018, The

Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. On October 30, 2018, OCC filed Partial Amendment No. 1 to the proposed rule change.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change is filed in connection with proposed changes to enhance OCC's model for incorporating variations in implied volatility within OCC's margin methodology ("Implied Volatility Model"), the System for Theoretical Analysis and Numerical Simulations ("STANS").<sup>4</sup> The proposed changes to OCC's Margins Methodology document are contained in confidential Exhibit 5 of the filing. Material proposed to be added is marked by underlining and material proposed to be deleted is marked by strikethrough text. The proposed changes are described in detail in Item 3 below. The proposed rule change does not require any changes to the text of OCC's By-Laws or Rules. The proposed rule change is available on OCC's website at <https://www.theocc.com/about/publications/bylaws.jsp>. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the OCC By-Laws and Rules.<sup>5</sup>

#### II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

<sup>3</sup> In Partial Amendment No. 1, OCC corrected errors in Exhibits 1A and 5 without changing the substance of the proposed rule change.

<sup>4</sup> OCC also has filed an advance notice with the Commission in connection with the proposed changes. See SR-OCC-2018-804.

<sup>5</sup> OCC's By-Laws and Rules can be found on OCC's public website: <http://optionsclearing.com/about/publications/bylaws.jsp>.

#### (A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### (1) Purpose

##### Background

##### STANS Overview

STANS is OCC's proprietary risk management system for calculating Clearing Member margin requirements.<sup>6</sup> The STANS methodology utilizes large-scale Monte Carlo simulations to forecast price and volatility movements in determining a Clearing Member's margin requirement.<sup>7</sup> STANS margin requirements are calculated at the portfolio level of Clearing Member accounts with positions in marginable securities and consists of an estimate of two primary components: A base component and a stress test add-on component. The base component is an estimate of a 99% expected shortfall<sup>8</sup> over a two-day time horizon. The concentration/dependence stress test charge is obtained by considering increases in the expected margin shortfall for an account that would occur due to (i) market movements that are especially large and/or in which certain risk factors would exhibit perfect or zero correlations rather than correlations otherwise estimated using historical data or (ii) extreme and adverse idiosyncratic movements for individual risk factors to which the account is particularly exposed. The STANS methodology is used to measure the exposure of portfolios of options and futures cleared by OCC and cash instruments in margin collateral.<sup>9</sup>

The econometric models underlying STANS currently incorporate a number of risk factors. A "risk factor" within OCC's margin system is defined as a product or attribute whose historical data is used to estimate and simulate the risk for an associated product. The majority of risk factors utilized in the

<sup>6</sup> See Securities Exchange Act Release No. 53322 (February 15, 2006), 71 FR 9403 (February 23, 2006) (SR-OCC-2004-20). A detailed description of the STANS methodology is available at <http://optionsclearing.com/risk-management/margins/>.

<sup>7</sup> See OCC Rule 601.

<sup>8</sup> The expected shortfall component is established as the estimated average of potential losses higher than the 99% value at risk threshold. The term "value at risk" or "VaR" refers to a statistical technique that, generally speaking, is used in risk management to measure the potential risk of loss for a given set of assets over a particular time horizon.

<sup>9</sup> OCC notes that, pursuant to OCC Rule 601(e)(1), OCC also calculates initial margin requirements for segregated futures accounts using the Standard Portfolio Analysis of Risk Margin Calculation System ("SPAN"). No changes are proposed to OCC's use of SPAN because the proposed changes do not concern futures. See Securities Exchange Act Release No. 72331 (June 5, 2014), 79 FR 33607 (June 11, 2014) (SR-OCC-2014-13).

<sup>3</sup> Notice Initiating Docket(s) for Recent Postal Service Negotiated Service Agreement Filings, October 30, 2018 (Notice Initiating Dockets).

<sup>4</sup> USPS Notice of Extension of Priority Mail Express & Priority Mail Contract 18, July 27, 2018, at 1.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.



STANS methodology are the returns on individual equity securities; however, a number of other risk factors may be considered, including, among other things, returns on implied volatility risk factors.<sup>10</sup>

#### Current Implied Volatility Model in STANS

Generally speaking, the implied volatility of an option is a measure of the expected future volatility of the option's underlying security at expiration, which is reflected in the current option premium in the market. Using the Black-Scholes options pricing model, the implied volatility is the standard deviation of the underlying asset price necessary to arrive at the market price of an option of a given strike, time to maturity, underlying asset price and the current risk-free rate. In effect, the implied volatility is responsible for that portion of the premium that cannot be explained by the then-current intrinsic value of the option (*i.e.*, the difference between the price of the underlying and the exercise price of the option), discounted to reflect its time value. OCC considers variations in implied volatility within STANS to ensure that the anticipated cost of liquidating options positions in an account recognizes the possibility that implied volatility could change during the two-business day liquidation time horizon and lead to corresponding changes in the market prices of the options.

OCC models the variations in implied volatility used to re-price options within STANS for substantially all option contracts<sup>11</sup> available to be cleared by OCC that have a residual tenor<sup>12</sup> of less than three years ("Shorter Tenor

Options").<sup>13</sup> To address variations in implied volatility, OCC models a volatility surface<sup>14</sup> for Shorter Tenor Options by incorporating into the econometric models underlying STANS certain risk factors (*i.e.*, implied volatility pivot points) based on a range of tenors and option deltas.<sup>15</sup> Currently, these implied volatility pivot points consist of three tenors of one month, three months and one year, and three deltas of 0.25, 0.5, and 0.75, resulting in nine implied volatility risk factors. These pivot points are chosen such that their combination allows the model to capture changes in level, skew, convexity and term structure of the implied volatility surface. OCC uses a GARCH model<sup>16</sup> to forecast the volatility for each implied volatility risk factor at the nine pivot points.<sup>17</sup> For each Shorter Tenor Option in the account of a Clearing Member, changes in its implied volatility are simulated using forecasts obtained from daily implied volatility market data according to the corresponding pivot point and the price of the option is computed to determine the amount of profit or loss in the account under the particular STANS price simulation. Additionally, OCC uses simulated closing prices for the assets underlying the options in the account of a Clearing Member that are scheduled to expire within the liquidation time horizon of two business days to compute the options' intrinsic value and uses those values to help calculate the profit or loss in the account.<sup>18</sup>

<sup>13</sup> OCC also incorporates variations in implied volatility as risk factors for certain options with residual tenors of at least three years ("Longer Tenor Options"); however, the proposed changes described herein would not apply to OCC's model for Longer Tenor Options. See Securities Exchange Act Release Nos. 68434 (December 14, 2012), 77 FR 57602 (December 19, 2012) (SR-OCC-2012-14); 70709 (October 18, 2013), 78 FR 63267 (October 23, 2013) (SR-OCC-2013-16).

<sup>14</sup> The term "volatility surface" refers to a three-dimensional graphed surface that represents the implied volatility for possible tenors of the option and the implied volatility of the option over those tenors for the possible levels of "moneyness" of the option. The term "moneyness" refers to the relationship between the current market price of the underlying interest and the exercise price.

<sup>15</sup> The "delta" of an option represents the sensitivity of the option price with respect to the price of the underlying security.

<sup>16</sup> The acronym "GARCH" refers to an econometric model that can be used to estimate volatility based on historical data. See generally Tim Bollerslev, "Generalized Autoregressive Conditional Heteroskedasticity," *Journal of Econometrics*, 31(3), 307-327 (1986).

<sup>17</sup> STANS relies on 10,000 price simulation scenarios that are based generally on a historical data period of 500 business days, which are updated daily to keep model results from becoming stale.

<sup>18</sup> For such Shorter Tenor Options that are scheduled to expire on the open of the market

OCC performed a number of analyses of its current Implied Volatility Model and to support development of the proposed model changes, including backtesting and impact analysis of the proposed model enhancements as well as comparison of OCC's current model performance against certain industry benchmarks.<sup>19</sup> OCC's analysis demonstrated that one attribute of the current model is that the volatility changes forecasted by the GARCH model are extremely sensitive to sudden spikes in volatility, which can at times result in over reactive margin requirements that OCC believes are unreasonable and procyclical.<sup>20</sup>

For example, on February 5, 2018, the market experienced extreme levels of volatility, with the Cboe Volatility Index ("VIX")<sup>21</sup> moving from 17% up to 37%, representing a relative move of 116% (which is the largest relative daily jump in the history of the index). Under OCC's current model, OCC observed that the GARCH forecast SPX volatility for at-the-money implied volatility for a one-month tenor was approximately 4 times larger than the comparable market index, the Cboe VVIX Index, which is a volatility of volatility measure in that it represents the expected volatility of the 30-day forward price of the VIX. As a result, aggregated STANS margins jumped more than 80% overnight due to the GARCH model and margins for certain individual Clearing Members increased by a factor of 10.<sup>22</sup>

In addition, volatility tends to be mean reverting; that is, volatility will quickly return to its long-run mean or average from an elevated level, so it is unlikely that volatility would continue to make big jumps immediately following a drastic increase. For example, based on the VIX history from 1990-2018, VIX levels jumped above 35 (about the level observed on February 5,

rather than the close, OCC uses the relevant opening price for the underlying assets.

<sup>19</sup> OCC has provided results of these analyses to the Commission in confidential Exhibit 3 of the filing.

<sup>20</sup> A quality that is positively correlated with the overall state of the market is deemed to be "procyclical." For example, procyclicality may be evidenced by increasing margin requirements in times of stressed market conditions and low margin requirements when markets are calm. Hence, anti-procyclical features in a model are measures intended to prevent risk-based models from fluctuating too drastically in response to changing market conditions.

<sup>21</sup> The VIX is an index designed to measure the 30-day expected volatility of the Standard & Poor's 500 index ("SPX").

<sup>22</sup> For example, under the current model the total margin requirement calculated for one particular Clearing Member jumped from \$120 million on February 2, 2018, to \$1.78 billion on February 5, 2018, representing a 14 times increase in the requirement.

<sup>10</sup> In December 2015, the Commission approved a proposed rule change and issued a Notice of No Objection to an advance notice filing by OCC to its modify margin methodology by more broadly incorporating variations in implied volatility within STANS. See Securities Exchange Act Release No. 76781 (December 28, 2015), 81 FR 135 (January 4, 2016) (SR-OCC-2015-016) and Securities Exchange Act Release No. 76548 (December 3, 2015), 80 FR 76602 (December 9, 2015) (SR-OCC-2015-804). As discussed further below, implied volatility risk factors in STANS are a set of chosen volatility pivot points per product, depending on the tenor of the option.

<sup>11</sup> OCC's Implied Volatility Model excludes: (i) Binary options, (ii) options on commodity futures, (iii) options on U.S. Treasury securities, and (iv) Asians and Cliquets. These relatively new products were introduced as the implied volatility margin methodology changes were in the process of being completed by OCC, and OCC had *de minimis* open interest in those options. OCC therefore did not believe there was a substantive risk if those products were excluded from the implied volatility model. See *id.*

<sup>12</sup> The "tenor" of an option is the amount of time remaining to its expiration.

2018) for approximately 293 days (*i.e.*, 4% of the sample period). From the level of 35 or higher, the range of daily change on the VIX index was between 27% and –35%. However, the largest daily changes on one-month at-the-money SPX implied volatility forecasted by OCC's current GARCH model on February 5, 2018, were far in excess of those historical realized amounts, which points to extreme procyclicality issues that need to be addressed in the current model.<sup>23</sup>

OCC also performed backtesting of the current model and proposed model enhancements to evaluate and compare the performance of each model from a margin coverage perspective. OCC's backtesting demonstrated that exceedance counts<sup>24</sup> and overall coverage levels over the backtesting period using the proposed model enhancements were substantially similar to the results obtained from the current production model. As a result, OCC believes the current model tends to be overly conservative/reactive, and the proposed model is more appropriately commensurate with the risks presented by changes in implied volatility.

OCC believes that the sudden, extreme and unreasonable increases in margin requirements that may be experienced under its current Implied Volatility Model may stress certain Clearing Members' ability to obtain sufficient liquidity to meet these significantly increased margin requirements, particularly in periods of sudden, extreme volatility. OCC therefore is proposing changes to its Implied Volatility Model to limit procyclicality and produce margin requirements that OCC believes are more reasonable and are also commensurate with the risks presented by its cleared options products.

#### Proposed Changes

OCC proposes to modify its Implied Volatility Model by introducing an exponentially weighted moving average<sup>25</sup> for the daily forecasted volatility for implied volatility risk factors calculated using the GARCH

model. Specifically, when forecasting the volatility for each implied volatility risk factor at each of the nine pivot points, OCC would use an exponentially weighted moving average of forecasted volatilities over a specified look-back period rather than using raw daily forecasted volatilities. The exponentially weighted moving average would involve the selection of a look-back period over which the data would be averaged and a decay factor (or weighting factor), which is a positive number between zero and one, that represents the weighting factor for the most recent data point.<sup>26</sup> The look-back period and decay factor would be model parameters subject to monthly review,<sup>27</sup> along with other model parameters that are reviewed by OCC's Model Risk Working Group ("MRWG")<sup>28</sup> in accordance with OCC's internal procedure for margin model parameter review and sensitivity analysis, and these parameters would be subject to change upon approval of the MRWG.

The proposed change is intended to reduce the oversensitivity of the current Implied Volatility Model to large, sudden shocks in market volatility and therefore result in margin requirements that are more stable and that remain commensurate with the risks presented during periods of sudden, extreme volatility.<sup>29</sup> The proposed rule change is expected to produce margin requirements that are very similar to those generated using OCC's existing model during quiet, less volatile market periods; however, during more volatile periods, the proposed changes would result in a more measured initial response to increases in the volatility of volatility with margin requirements that may remain elevated for a longer period

of time after the shock subsides than experienced under OCC's current model. The proposed changes are intended to reduce procyclicality in OCC's margin methodology across volatile market periods while continuing to capture changes in implied volatility and produce margin requirements that are commensurate with the risks presented by OCC's cleared options products. The proposed changes therefore would reduce the risk that a sudden, extreme increase in margin requirements may stress Clearing Members' ability to obtain liquidity to meet such increased requirements, particularly in periods of extreme volatility.

#### Implementation Timeframe

OCC expects to implement the proposed changes within thirty (30) days after the date that OCC receives all necessary regulatory approvals for the proposed changes. OCC will announce the implementation date of the proposed change by an Information Memorandum posted to its public website at least 2 weeks prior to implementation.

#### (2) Statutory Basis

OCC believes that the proposed rule change is consistent with Section 17A of the Act<sup>30</sup> and the rules and regulations thereunder applicable to OCC. Section 17A(b)(3)(F) of Act<sup>31</sup> requires, in part, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and in general, to protect investors and the public interest. As described above, the volatility changes forecasted by OCC's current Implied Volatility Model are extremely sensitive to large, sudden spikes in volatility, which can at times result in over reactive margin requirements that OCC believes are unreasonable and procyclical (for the reasons set forth above). Such sudden, unreasonable increases in margin requirements may stress certain Clearing Members' ability to obtain liquidity to meet those requirements, particularly in periods of extreme volatility, and could result in a Clearing Member being delayed in meeting, or ultimately failing to meet, its daily settlement obligations to OCC. OCC notes that the proposed rule change is expected to produce margin requirements that are very similar to those generated using OCC's existing model during quiet, less volatile market periods. The proposed changes would, however, result in a

<sup>26</sup> The lower the number the more weight is attributed to the more recent data (*e.g.*, if the value is set to one, the exponentially weighted moving average becomes a simple average).

<sup>27</sup> OCC initially would use a look-back period of 22 days and an initial decay factor of 0.94 for the exponentially weighted moving average. OCC believes the 22-day look-back is an appropriate initial parameter setting as it would allow for close to monthly updates of the GARCH parameters used in the model. The decay factor value of 0.94 was selected based on the factor initially proposed by JP Morgan's RiskMetrics methodology (*see* JPMorgan/Reuters, 1996, "RiskMetrics—Technical Document", Fourth edition).

<sup>28</sup> The MRWG is responsible for assisting OCC's Management Committee in overseeing and governing OCC's model-related risk issues and includes representatives from OCC's Financial Risk Management department, Quantitative Risk Management department, Model Validation Group, and Enterprise Risk Management department.

<sup>29</sup> As noted above, OCC has performed analysis of the impact of the proposed changes, and OCC's backtesting of the proposed model demonstrates comparable exceedance counts and coverage levels to the current model during the most recent volatile period.

<sup>23</sup> For example, OCC's current model resulted in a maximum variation of 1100% in the one-month at-the-money SPX implied volatility pivot when compared with a maximum 35% move in the VIX for VIX levels greater than 30. Additionally, the model-generated number is significantly higher than 116%, which is the largest realized historical move in the VIX that occurred on February 5, 2018.

<sup>24</sup> Exceedance counts here refer to instances where the actual loss on portfolio over the liquidation period of two business days exceeds the margin amounts generated by the model.

<sup>25</sup> An exponentially weighted moving average is a statistical method that averages data in a way that gives more weight to the most recent observations using an exponential scheme.

<sup>30</sup> 15 U.S.C. 78q–1.

<sup>31</sup> 15 U.S.C. 78q–1(b)(3)(F).

more measured initial response to increases in the volatility of volatility with margin requirements that may remain elevated for a longer period after the shock subsides than experienced under OCC's current model. The proposed changes are designed to reduce the likelihood that OCC's Implied Volatility Model would produce extreme, over reactive margin requirements that could strain the ability of certain Clearing Members to meet their daily margin requirements at OCC by reducing procyclicality in OCC's margin methodology and ensuring more stable and appropriate changes in margin requirements across volatile market periods while continuing to capture changes in implied volatility and produce margin requirements that are commensurate with the risks presented. As a result, OCC believes the proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest in accordance with Section 17A(b)(3)(F) of the Act.<sup>32</sup>

Rules 17Ad-22(e)(6)(i) and (v)<sup>33</sup> require a covered clearing agency that provides central counterparty services to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that (1) considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market and (2) uses an appropriate method for measuring credit exposure that accounts for relevant product risk factors and portfolio effects across products. As noted above, OCC's current model for implied volatility demonstrates extreme sensitivity to sudden spikes in volatility, which can at times result in over reactive margin requirements that OCC believes are unreasonable and procyclical. The proposed changes are designed to reduce the oversensitivity of the model and produce margin requirements that are commensurate with the risks presented during periods of sudden, extreme volatility. The proposed model enhancements are expected to produce margin requirements that are very similar to those generated using OCC's existing model during quiet, less volatile market periods; however, the proposed changes would result in a more measured initial response to increases in the volatility of volatility with margin requirements that

may remain elevated for a longer period of time after the shock subsides than experienced under OCC's current model. The proposed change would therefore reduce procyclicality in OCC's margin methodology and ensure more stable changes in margin requirements across volatile market periods while continuing to capture changes in implied volatility and produce margin requirements that are commensurate with the risks presented by OCC's cleared options. As a result, OCC believes that the proposed changes are reasonably designed to consider, and produce margin levels commensurate with, the risk presented by the implied volatility of OCC's cleared options and uses an appropriate method for measuring credit exposure that accounts for this product risk factor (*i.e.*, implied volatility) in a manner consistent with Rules 17Ad-22(e)(6)(i) and (v).<sup>34</sup>

The proposed rule changes are not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

*(B) Clearing Agency's Statement on Burden on Competition*

Section 17A(b)(3)(I) requires that the rules of a clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of Act.<sup>35</sup> OCC does not believe the proposed rule change would impose a burden on competition. The proposed rule change is expected to produce margin requirements that are very similar to those generated using OCC's existing model during quiet, less volatile market periods. The proposed changes would, however, result in a more measured initial response to increases in the volatility of volatility with margin requirements that may remain elevated for a longer period after the shock subsides than experienced under OCC's current model. As a result, the proposed model may impact different accounts to a greater or lesser degree depending on the composition of positions in each account. For example, a portfolio containing products that demonstrate higher volatility exposures may see more significant reductions in margin requirements than portfolios containing less volatile products during periods of increased volatility. However, those portfolios seeing larger initial reductions in margin requirements would also tend to experience margin levels that remain elevated for a longer period than would otherwise be experienced under the current model. As a result, OCC does not believe that

the proposed rule change would unfairly inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another user. Accordingly, OCC believes that the proposed rule change would not impose any burden or impact on competition.

*(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-OCC-2018-014 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to File Number SR-OCC-2018-014. 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

<sup>32</sup> *Id.*

<sup>33</sup> 17 CFR 240.17Ad-2(e)(6)(i) and (v).

<sup>34</sup> *Id.*

<sup>35</sup> 15 U.S.C. 78q-1(b)(3)(I).

with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at <https://www.theocc.com/about/publications/bylaws.jsp>.

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR-OCC-2018-014 and should be submitted on or before November 29, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>36</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2018-24400 Filed 11-7-18; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-84527; File No. SR-NYSEAMER-2018-47]

### Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section 805(c)(5) of the Guide to Change the Threshold for Qualifying as a Smaller Reporting Company To Qualify for Certain Exemptions From the Compensation Committee Requirements

November 2, 2018.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 ("Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on October 23, 2018, NYSE American LLC ("NYSE American" or the "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 Section 805(c)(5) of the NYSE American Company Guide (the "Company Guide") to change the threshold for listed companies to benefit from the exemptions from the Exchange's compensation committee requirements applicable to smaller reporting companies so that all companies that qualify for smaller reporting company status under the revised SEC definition will qualify for those exemptions. The proposed rule change is available on the Exchange's website at [www.nyse.com](http://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 SEC recently adopted<sup>4</sup> amendments to the definition of "smaller reporting company" set forth in Item 10(f)(1) of Regulation S-K<sup>5</sup>, Rule 12b-2 under the Act<sup>6</sup> and Rule 405 under the Securities Act of 1933.<sup>7</sup> The amendments raise the smaller reporting company cap from less than \$75 million in public float to less than \$250 million and also include as smaller reporting

companies issuers with less than \$100 million in annual revenues if they also have either no public float or a public float that is less than \$700 million. The amendments became effective on September 10, 2018. The Exchange estimates that a consequence of the SEC rule changes is that a significantly larger number of its listed companies will qualify for smaller reporting company status than was previously the case.

Section 805(c)(1) of the Company Guide requires a heightened standard of independence for compensation committee members.<sup>8</sup> Section 805(c)(4) requires the compensation committee to undertake an independence analysis when hiring a compensation consultant. Section 801(h) of the Company Guide provides that smaller reporting companies are exempt from these heightened independence requirements. Section 805(c)(5) of the Company Guide includes a provision describing the period within which a company must comply with Sections 805(c)(1) and 805(c)(4) after it ceases to be smaller reporting company.<sup>9</sup> This provision

<sup>8</sup> In addition to the director independence requirements of Section 803A, the board must affirmatively determine that all of the members of the Compensation Committee or, in the case of a company that does not have a Compensation Committee, all of the independent directors, are independent under Section 805(c)(1). In affirmatively determining the independence of any director who will serve on the Compensation Committee, the Board must consider all factors specifically relevant to determining whether a director has a relationship to the listed company which is material to that director's ability to be independent from management in connection with the duties of a Compensation Committee member, including, but not limited to: (A) The source of compensation of such director, including any consulting, advisory or other compensatory fee paid by the listed company to such director; and (B) whether such director is affiliated with the listed company, a subsidiary of the listed company or an affiliate of a subsidiary of the listed company.

<sup>9</sup> Under the applicable SEC rules, a company tests its status as a smaller reporting company on an annual basis at the end of its most recently completed second fiscal quarter (the "Smaller Reporting Company Determination Date"). A smaller reporting company ceases to be a smaller reporting company as of the beginning of the fiscal year following the Smaller Reporting Company Determination Date. The compensation committee of a company that has ceased to be a smaller reporting company is required to comply with Section 805(c)(4) as of six months from the date it ceases to be a smaller reporting company and must have:

- One member of its compensation committee that meets the independence standard of Section 805(c)(1) within six months of that date;
- a majority of directors on its compensation committee meeting those requirements within nine months of that date; and
- a compensation committee comprised solely of members that meet those requirements within twelve months of that date.

Any such company that does not have a compensation committee must comply with this transition requirement with respect to all of its independent directors as a group.

<sup>36</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> Release Nos. 33-10513 and 34-83550 (June 28, 2018); 83 FR 31992 (July 10, 2018).

<sup>5</sup> 17 CFR 229.10(F)(1).

<sup>6</sup> 17 CFR 240.12b-2.

<sup>7</sup> 17 CFR 230.405.

currently states explicitly that a smaller reporting company must have less than \$75 million in public float. In light of the recent changes to the SEC's rules with respect to smaller reporting companies, the Exchange proposes to delete this reference to the \$75 million public float cap and revise the provision to state simply that a smaller reporting company that fails to meet the requirements for smaller reporting company status as of the Smaller Reporting Company Determination Date will cease to be a smaller reporting company as of the beginning of the following fiscal year. The effect of this amendment will be to change the threshold for listed companies to be eligible to benefit from the exemptions from the compensation committee independence requirements applicable to smaller reporting companies so that all companies that qualify for smaller reporting company status under the revised SEC definition will qualify for those exemptions.

The Exchange also proposes to delete from Section 805(c)(5) text referencing the transition period for companies to comply with the enhanced compensation committee provisions at the time of their original adoption, as the transition period ended on October 31, 2014 and the text is therefore no longer relevant.<sup>10</sup>

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>11</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>12</sup> in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As noted above, the effect of the proposed change to the definition in Section 805(c)(5) of the definition of a smaller reporting company is to change the threshold for listed companies to benefit from the exemptions from the compensation committee independence requirements applicable to smaller

reporting companies so that all companies that qualify for smaller reporting company status under the revised SEC definition will qualify for those exemptions. Listed smaller reporting companies must comply with all other applicable Exchange corporate governance requirements, including all other applicable compensation committee requirements. The Commission has already determined through its own rulemaking that the revised thresholds for smaller reporting company status proposed in this rule proposal are consistent with the goal of the Act to further the protection of investors and the public interest<sup>13</sup> and the Exchange believes that its own proposal is consistent with Section 6(b)(5) of the Act for the same reasons.

The deletion from Section 805(c)(5) of the text referencing the transition period for companies to comply with the enhanced compensation committee provisions at the time of their original adoption is consistent with Section 6(b)(5), as the transition period ended on October 31, 2014 and the text is therefore no longer relevant.

### *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 proposed change to the definition of smaller reporting company in Section 805(c)(5) will not impose any burden on competition as its sole purpose is to change the threshold for listed companies to benefit from the exemptions from the Exchange's compensation committee independence requirements applicable to smaller reporting companies so that all companies that qualify for smaller reporting company status under the revised SEC definition will qualify for those exemptions. The deletion from Section 805(c)(5) of the text referencing the transition period for companies to comply with the enhanced compensation committee provisions at the time of their original adoption will not impose any burden on competition, as the transition period ended on October 31, 2014 and the text is therefore no longer relevant.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>14</sup> and Rule 19b-4(f)(6) thereunder.<sup>15</sup> Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)<sup>16</sup> 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](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEAMER-2018-47 on the subject line.

<sup>10</sup> The Exchange also proposes to remove a typographical error from Section 805(c)(5).

<sup>11</sup> 15 U.S.C. 78f(b).

<sup>12</sup> 15 U.S.C. 78f(b)(5).

<sup>13</sup> See footnote 4, *supra*.

<sup>14</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>15</sup> 17 CFR 240.19b-4(f)(6).

<sup>16</sup> 15 U.S.C. 78s(b)(2)(B).

*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-NYSEAMER-2018-47. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEAMER-2018-47, and should be submitted on or before November 29, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2018-24399 Filed 11-7-18; 8:45 am]

BILLING CODE 8011-01-P

**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration #15696 and #15697; NORTH CAROLINA Disaster Number NC-00099]

**Presidential Declaration Amendment of a Major Disaster for the State of North Carolina**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 7.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of North Carolina (FEMA-4393-DR), dated 09/14/2018.

*Incident:* Hurricane Florence.

*Incident Period:* 09/07/2018 through 09/29/2018.

**DATES:** Issued on 10/31/2018.

*Physical Loan Application Deadline Date:* 12/13/2018.

*Economic Injury (EIDL) Loan Application Deadline Date:* 06/14/2019.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the State of North Carolina, dated 09/14/2018, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 12/13/2018.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**James Rivera,**  
Associate Administrator for Disaster Assistance.

[FR Doc. 2018-24437 Filed 11-7-18; 8:45 am]

BILLING CODE 8025-01-P

**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration #15786 and #15787; NORTHERN MARIANA ISLANDS Disaster Number MP-00010]

**Presidential Declaration of a Major Disaster for Public Assistance Only for the Commonwealth of the Northern Mariana Islands**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of the Northern Mariana Islands (FEMA-4404-DR), dated 10/31/2018.

*Incident:* Super Typhoon Yutu.

*Incident Period:* 10/24/2018 through 10/26/2018.

**DATES:** Issued on 10/31/2018.

*Physical Loan Application Deadline Date:* 12/31/2018.

*Economic Injury (EIDL) Loan Application Deadline Date:* 07/31/2019.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 10/31/2018, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Areas:* Saipan, Tinian

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Non-Profit Organizations With Credit Available Elsewhere ...	2.500
Non-Profit Organizations Without Credit Available Elsewhere .....	2.500
<i>For Economic Injury:</i>	
Non-Profit Organizations Without Credit Available Elsewhere .....	2.500

The number assigned to this disaster for physical damage is 157868 and for economic injury is 157870.

(Catalog of Federal Domestic Assistance Number 59008)

**James Rivera,**  
Associate Administrator for Disaster Assistance.

[FR Doc. 2018-24422 Filed 11-7-18; 8:45 am]

BILLING CODE 8025-01-P

**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration #15782 and #15783; NORTHERN MARIANA ISLANDS Disaster Number MP-00009]

**Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Northern Mariana Islands**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of the

<sup>17</sup> 17 CFR 200.30-3(a)(12).

Northern Mariana Islands (FEMA-4404-DR), dated 10/26/2018.

*Incident:* Super Typhoon Yutu.

*Incident Period:* 10/24/2018 through 10/26/2018.

**DATES:** Issued on 10/31/2018.

*Physical Loan Application Deadline Date:* 12/26/2018.

*Economic Injury (EIDL) Loan Application Deadline Date:* 07/26/2019.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the Commonwealth of the Northern Mariana Islands, dated 10/26/2018, is hereby amended to establish the incident period for this disaster as beginning 10/24/2018 and continuing through 10/26/2018.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**James Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2018-24435 Filed 11-7-18; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #15756 and #15757; WISCONSIN Disaster Number WI-00066]**

### Presidential Declaration Amendment of a Major Disaster for the State of Wisconsin

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of Wisconsin (FEMA-4402-DR), dated 10/18/2018.

*Incident:* Severe Storms, Tornadoes, Straight-line Winds, Flooding, and Landslides.

*Incident Period:* 08/17/2018 through 09/14/2018.

**DATES:** Issued on 11/01/2018.

*Physical Loan Application Deadline Date:* 12/17/2018.

*Economic Injury (EIDL) Loan Application Deadline Date:* 07/18/2019.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business

Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the State of WISCONSIN, dated 10/18/2018, is hereby amended to include the following areas as adversely affected by the disaster:

*Primary Counties (Physical Damage and Economic Injury Loans):* Marquette. *Contiguous Counties (Economic Injury Loans Only):*

Wisconsin: Green Lake, Waushara.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**James Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2018-24425 Filed 11-7-18; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #15784 and #15785; MONTANA Disaster Number MT-00118]**

### Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Montana

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Montana (FEMA-4405-DR), dated 10/31/2018.

*Incident:* Flooding.

*Incident Period:* 05/01/2018 through 06/10/2018.

**DATES:** Issued on 10/31/2018.

*Physical Loan Application Deadline Date:* 12/31/2018.

*Economic Injury (EIDL) Loan Application Deadline Date:* 07/31/2019.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the

President's major disaster declaration on 10/31/2018, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Carbon, Custer, Golden Valley, Lewis And Clark, Missoula, Musselshell, Park, Powell, Treasure.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Non-Profit Organizations With Credit Available Elsewhere ...	2.500
Non-Profit Organizations Without Credit Available Elsewhere .....	2.500
<i>For Economic Injury:</i>	
Non-Profit Organizations Without Credit Available Elsewhere .....	2.500

The number assigned to this disaster for physical damage is 157846 and for economic injury is 157850.

(Catalog of Federal Domestic Assistance Number 59008)

**James Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2018-24424 Filed 11-7-18; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF STATE

**[Public Notice 10600]**

### Convening of an Accountability Review Board To Examine the Facts and Circumstances Surrounding a January 6, 2017 Attack on a U.S. Government Employee of the U.S. Consulate General in Guadalajara, Mexico

On June 1, 2018, Secretary Pompeo authorized the convening of an Accountability Review Board (ARB) to review a January 2017 attack on a U.S. government employee in Guadalajara, Mexico. Pursuant to Section 304 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, as amended (22 U.S.C. 4834), the ARB will examine the facts and circumstances, and report findings and recommendations as it deems appropriate, in keeping with its mandate.

The Secretary has appointed Lisa Kubiske, a retired U.S. Ambassador, as Chair of the Board. The other Board



members are retired Ambassador Linda Thomas-Greenfield, retired Ambassador Joan Plaisted, Ms. Carol Gallo, and Mr. John DeSalvio. They bring to their deliberations distinguished backgrounds in government service.

The Board will submit its conclusions and recommendations to Secretary Pompeo within 60 days of its first meeting, unless the Chair determines a need for additional time. Within the timeframes required by statute following receipt of the report, the Department will report to Congress on recommendations made by the Board and action taken with respect to those recommendations.

Anyone with information relevant to the Board's examination of these incidents should contact the Board promptly at (202) 647-6427 or send a fax to the Board at (202) 647-5792.

Dated: October 30, 2018.

**William E. Todd,**

*Deputy under Secretary for Management,  
Department of State.*

[FR Doc. 2018-24477 Filed 11-7-18; 8:45 am]

**BILLING CODE 4710-10-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36232]

### **Eyal Shapira—Continuance in Control Exemption—Iowa & Middletown Railway LLC and Wolf Creek Railroad LLC**

Eyal Shapira (Shapira), an individual, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Iowa & Middletown Railway LLC (I&M) and Wolf Creek Railroad LLC (Wolf Creek) upon I&M's and Wolf Creek's becoming Class III rail carriers.

This transaction is related to a verified notice of exemption filed concurrently in *Wolf Creek Railroad—Lease & Operation Exemption—American Ordnance LLC, Owner's Representative for U.S. Army Joint Munitions Command*, Docket No. FD 36236, in which Wolf Creek seeks authority to lease from American Ordnance LLC (AO) and operate approximately ten miles of rail line in Tennessee, and a verified notice of exemption filed on October 12, 2018, in *Iowa & Middletown Railway—Lease & Operation Exemption—American Ordnance LLC, Owner's Representative for U.S. Army Joint Munitions Command*, Docket No. FD 36231, in which I&M seeks authority to lease from AO and operate approximately four miles of rail line in Iowa.

The earliest this transaction may be consummated is November 22, 2018, the effective date of the exemption (30 days after the verified notice of exemption was filed).<sup>1</sup>

According to the verified notice of exemption, Shapira currently controls, through equity ownership, two Class III carriers (Pennsylvania & Southern Railway (PSRR) and Raritan Central Railway, LLC (Raritan Central)). Shapira is filing this verified notice to enable his continuance in control of I&M and Wolf Creek when they become carriers.

Shapira represents that: (1) The rail lines to be operated by I&M and Wolf Creek do not connect with each other or with the other railroads currently controlled by Shapira; (2) the continuance in control is not part of a series of anticipated transactions that would connect I&M and Wolf Creek with each other or the rail lines of the other railroads currently controlled by Shapira; and (3) the transaction does not involve a Class I carrier. The proposed transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11323 pursuant to 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than November 15, 2018 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36232, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Eric M. Hocky, Clark Hill PLC, One Commerce Square, 2005

<sup>1</sup> Although notice of I&M's lease and operation exemption in Docket No. FD 36231 was served and published in the **Federal Register** on October 26, 2018, the effective date was held in abeyance pending review of Shapira's verified notice here. Concurrently with this notice, a decision is being issued in Docket No. FD 36231 making I&M's exemption effective, unless stayed, on November 22, 2018, consistent with this one.

Market Street, Suite 1000, Philadelphia, PA 19103.

According to Shapira, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our website at [www.stb.gov](http://www.stb.gov).

Decided: November 2, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2018-24427 Filed 11-7-18; 8:45 am]

**BILLING CODE 4915-01-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36236]

### **Wolf Creek Railroad LLC—Lease and Operation Exemption—American Ordnance LLC, Owner's Representative for U.S. Army Joint Munitions Command**

Wolf Creek Railroad LLC (Wolf Creek), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from American Ordnance LLC (AO), as owner's representative for the U.S. Army Joint Munitions Command (JMC), and to operate, approximately ten miles of track (the Line)<sup>1</sup> within the Milan Army Ammunition Plant (Plant).<sup>2</sup> According to Wolf Creek, there are no mileposts assigned to the Line. The Line is located in Gibson County, Tenn., on a portion of the Plant that JMC no longer needs and that will be repurposed as a business park.

Wolf Creek states that, upon consummation of the transaction and the commencement of operations, Wolf Creek will be a Class III carrier. Wolf Creek states that it is leasing the Line in order to provide common carrier rail service to transload customers and other rail customers that may locate in the planned business park. Wolf Creek states it that will originate and terminate freight traffic and conduct loading and unloading operations and that it will also offer rail car storage and car repair services within the Plant. According to Wolf Creek, the Line connects with CSX Transportation, Inc. (CSXT), and West Tennessee Railroad (WTNN) at Milan, Tenn., and Wolf Creek will seek to

<sup>1</sup> Wolf Creek states that the lease also includes other tracks that will be operated by Wolf Creek as yard and industrial tracks for which no Board authority is required.

<sup>2</sup> The Plant is owned by JMC. According to Wolf Creek, AO and JMC are parties to an Operations and Maintenance Agreement that permits AO to grant rights to use certain property within the Plant, including the railroad tracks.



establish interchange with both CSXT and WTNN.

This transaction is related to a concurrently filed verified notice of exemption in *Eyal Shapira—Continuance in Control Exemption—Iowa & Middletown Railway*, Docket No. FD 36232, in which Eyal Shapira seeks Board approval to continue in control of Wolf Creek upon Wolf Creek's becoming a Class III rail carrier.<sup>3</sup>

Wolf Creek certifies that its projected annual revenues as a result of this transaction will not exceed \$5 million or result in the creation of a Class II or Class I rail carrier. Wolf Creek also certifies that the lease does not impose or include an interchange commitment.

The earliest this transaction may be consummated is November 22, 2018, the effective date of the exemption (30 days after the verified notice was filed). Wolf Creek states that it expects to commence common carrier operations on January 1, 2019.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed by November 15, 2018 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36236, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Eric M. Hocky, Clark Hill PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

According to Wolf Creek, this action is exempt from environmental review under 49 CFR 1105.6(c) and exempt from historic review under 49 CFR 1105.8(b).

Board decisions and notices are available on our website at [www.stb.gov](http://www.stb.gov).

Decided: November 2, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2018-24428 Filed 11-7-18; 8:45 am]

**BILLING CODE 4915-01-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36231]

### Iowa and Middletown Railway LLC— Lease and Operation Exemption— American Ordinance LLC, Owner's Representative for U.S. Army Joint Munitions Command

On October 12, 2018, Iowa & Middletown Railway LLC (I&M), a noncarrier, filed a verified notice of exemption under 49 CFR 1150.31 to lease from American Ordinance LLC (AO), as owner's representative for the U.S. Army Joint Munitions Command (JMC), and operate, approximately four miles of track (the Line)<sup>1</sup> within the Iowa Army Ammunition Plant (Plant).<sup>2</sup> The Line is located in Des Moines County, Iowa, on a portion of the Plant that JMC no longer needs and will be repurposed as a business park.

Notice of I&M's lease and operation exemption was served and published on October 26, 2018 (83 FR 54162), but the effective date of the exemption was held in abeyance pending review of a related verified notice of exemption filed on October 23, 2018, in *Eyal Shapira—Continuance in Control Exemption—Iowa & Middletown Railway*, Docket No. FD 36232. In that proceeding, Eyal Shapira, President of I&M, seeks to continue in control of I&M and Wolf Creek Railroad LLC<sup>3</sup> upon both entities becoming carriers. Notice of the continuance-in-control exemption in Docket No. FD 36232 will be served and published in the **Federal Register** on November 8, 2018, and that exemption will become effective on November 22, 2018. Therefore, I&M's exemption in Docket No. 36231 likewise will become effective on November 22, 2018. Petitions for stay will be due by November 15, 2018.

*It is ordered:*

1. I&M's exemption will become effective on November 22, 2018. Petitions for stay of the exemption are due by November 15, 2018.
2. This decision is effective on its date of service.

Decided: November 2, 2018.

<sup>1</sup> I&M states that the lease also includes a number of other tracks that will be operated by I&M as yard and industrial tracks for which no Board authority is required.

<sup>2</sup> The Plant is owned by JMC. According to I&M, AO and JMC are parties to an Operations and Maintenance Agreement that permits AO to grant rights to use certain property within the Plant, including the railroad tracks.

<sup>3</sup> See *Wolf Creek R.R.—Lease & Operation Exemption—American Ordinance LLC*, FD 23236 (STB served Nov. 8, 2018).

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2018-24426 Filed 11-7-18; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent of Waiver With Respect to Land; Capital Region International Airport, Lansing, Michigan

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

**ACTION:** Notice.

**SUMMARY:** The FAA is considering a proposal to change approximately 1.24 acres of airport land from aeronautical use to non-aeronautical use and to authorize the lease of airport property located at Capital Region International Airport, Lansing, Michigan. The aforementioned land is not needed for aeronautical use.

The subject property is located at 2824 East Circle Drive, Lansing, Michigan. This property is on the southeast side of the street, south of the Capital Region International Airport's terminal. This property was the location of the former Federal Aviation Administration Automated Flight Service Station. The FAA departed the facility in 2012. The property is currently identified as aeronautical use, however, there is no airside access from the property. The Michigan State Police will purchase the building and lease the land for the Michigan State Police Canine Special Operations Unit.

**DATES:** Comments must be received on or before December 10, 2018.

**ADDRESSES:** Documents are available for review by appointment at the FAA Detroit Airports District Office, Katherine Delaney, Community Planner, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174, Telephone: (734) 229-2900, Fax: (734) 229-2950 and Capital Region Airport Authority, Capital Region International Airport, Jonathon Vrabel, Senior Vice-President, 4100 Capital City Boulevard, Lansing, Michigan, Telephone: (517) 321-6121.

Written comments on the Sponsor's request must be delivered or mailed to: Katherine Delaney, Community Planner, Federal Aviation Administration, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174, Telephone Number: (734) 229-2900, Fax Number: (734) 229-2950.

<sup>3</sup> The verified notice of exemption in Docket No. FD 36232 also relates to a verified notice of exemption in *Iowa & Middletown Railway—Lease & Operation Exemption—American Ordinance LLC, Owner's Representative for U.S. Army Joint Munitions Command*, Docket No. FD 36231.

**FOR FURTHER INFORMATION CONTACT:**

Katherine Delaney, Community Planner, Federal Aviation Administration, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174. Telephone Number: (734) 229-2900/FAX Number: (734) 229-2950.

**SUPPLEMENTARY INFORMATION:**

In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

The property does not currently have an aeronautical use. It was the location of the previous Federal Aviation Administration Automated Flight Service Station until 2012. The land was acquired by the airport through a Quit Claim Deed with the State of Michigan. The sponsor is proposing to sell the building and lease the land for a non-aeronautical use. The proposed use is for the State of Michigan Police to use the parcel for the Canine Special Operations Unit. The CCAA will sell the building for fair market value and lease the land for fair market value rates.

The disposition of proceeds from the sale of the building and the lease of airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999 (64 FR 7696).

This notice announces that the FAA is considering the release of the subject airport property at the Capital Region International Airport, Lansing, Michigan from its obligations to be maintained for aeronautical purposes. Approval does not constitute a commitment by the FAA to financially assist in the change in use of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA.

Commencing at the south ¼ corner of Section 31, T5N., R2W. thence 788.10 ft. along the South Section Line to the Center line of Capital City Blvd. at Station 33+21.71; thence N 0°29'–35" E along the Center line 1186.29 ft. to Station 45+08; thence S 89°–30'–25" E (at right angles) 295.15 ft.; thence N 45°–29'–43" E 74.20 ft. to the point beginning; thence S 44°30'17" E 300.00 ft.; thence N 45°–29'–43" E 180.00 ft.; thence N 44°30'17" W 300.00 ft.; thence S 45°29'43" W 180.00 ft. to the point of beginning and containing 54000 square feet or 1.24 acres.

Issued in Romulus, Michigan, on November 1, 2018.

**John L. Mayfield, Jr.,**

*Manager, Detroit Airports District Office, FAA, Great Lakes Region.*

[FR Doc. 2018–24476 Filed 11–7–18; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF THE TREASURY****Office of Foreign Assets Control****Notice of OFAC Sanctions Actions**

**AGENCY:** Office of Foreign Assets Control, Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons who have been removed from the list of Specially Designated Nationals and Blocked Persons (SDN List). Their property and interests in property are no longer blocked, and U.S. persons are no longer generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:**

OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

**SUPPLEMENTARY INFORMATION:****Electronic Availability**

The Specially Designated Nationals and Blocked Persons List (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

**Notice of OFAC Actions**

OFAC previously determined on August 1, 2018 that the individuals listed below met one or more of the criteria under Executive Order 13818 of December 20, 2017, "Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption," (the "Order"). On November 2, 2018, the Director of OFAC, in consultation with the Secretary of State, determined that circumstances no longer warrant the inclusion of the following individuals on the SDN List under this authority. These individuals are no

longer subject to the blocking provisions of Section 1(a) of the Order.

**Individuals**

1. GUL, Abdulhamit; DOB 12 Mar 1977; POB Nizip, Gaziantep, Turkey; nationality Turkey; Gender Male (individual) [GLOMAG].

2. SOYLU, Suleyman; DOB 21 Nov 1969; POB Istanbul, Turkey; nationality Turkey; Gender Male (individual) [GLOMAG].

Dated: November 2, 2018.

**Andrea Gacki,**

*Director, Office of Foreign Assets Control.*

[FR Doc. 2018–24385 Filed 11–7–18; 8:45 am]

**BILLING CODE 4810–AL–P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Internal Revenue Service Advisory Council; Renewal of Charter**

**AGENCY:** Internal Revenue Service, Department of Treasury.

**ACTION:** Notice of charter renewal.

**SUMMARY:** The Charter for the Internal Revenue Service Advisory Council (IRSAC), has been renewed for two years beginning October 17, 2018, in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2.

**FOR FURTHER INFORMATION CONTACT:** Anna Millikan at (202) 317–6564, or send an email to [publicliaison@irs.gov](mailto:publicliaison@irs.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the charter for the Internal Revenue Service Advisory Council (IRSAC) has been renewed for two years beginning October 17, 2018, in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2.

The purpose of the IRSAC is to provide an organized public forum for discussion of relevant tax administration issues between Internal Revenue Service (IRS) officials and representatives of the public. Beginning in 2019, the IRSAC will incorporate the Advisory Committee on Tax Exempt and Government Entities (ACT) and the Information Reporting Program Advisory Committee (IRPAC), which will cease to function as separate committees at the end of 2018.

The IRSAC proposes enhancements to IRS operations, recommends administrative and policy changes to improve taxpayer service, compliance and tax administration, discusses relevant information reporting issues, addresses matters concerning tax-exempt and government entities and

conveys the public's perception of professional standards and best practices for tax professionals.

Conveying the public's perception of IRS activities to Internal Revenue Service officials, the IRSAC is comprised of individuals representing a cross-section of the taxpaying public

with substantial, disparate experience in: Tax preparation for individuals, small businesses and/or large, multi-national corporations; information reporting; tax-exempt and government entities; digital services; and professional standards of tax professionals.

Dated: November 2, 2018.

**John Lipold,**

*Chief, Relationship Management & Tax Forums.*

[FR Doc. 2018-24414 Filed 11-7-18; 8:45 am]

**BILLING CODE 4830-01-P**

# Reader Aids

## Federal Register

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Thursday, November 8, 2018

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