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Presidential Documents

Title 3—

The President

Memorandum of October 26, 2018

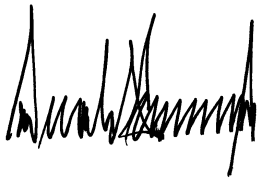
Delegation of Authorities Under Section 1294 of the National Defense Authorization Act for Fiscal Year 2019

Memorandum for the Secretary of State[,] the Secretary of the Treasury[,] the Secretary of Defense[, and] the Assistant to the President for National Security Affairs

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State, in coordination with the Secretary of the Treasury, the Secretary of Defense, and the Assistant to the President for National Security Affairs, the functions and authorities vested in the President by section 1294 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

The delegation in this memorandum shall apply to any provision of any future public law that is the same or substantially the same as the provision referenced in this memorandum.

The Secretary of State is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, October 26, 2018

[FR Doc. 2018–25156
Filed 11–15–18; 8:45 am]
Billing code 4710–10–P

Presidential Documents

Presidential Determination No. 2019–04 of October 31, 2018

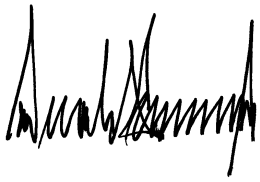
Presidential Determination Pursuant to Section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012

Memorandum for the Secretary of State[,] the Secretary of the Treasury[, and] the Secretary of Energy

By the authority vested in me as President by the Constitution and the laws of the United States, after carefully considering the reports submitted to the Congress by the Energy Information Administration, including the report submitted in August 2018, and other relevant factors such as global economic conditions, increased oil production by certain countries, the global level of spare petroleum production capacity, and the availability of strategic reserves, I determine, pursuant to section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012, Public Law 112–81, and consistent with prior determinations, that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

I will continue to monitor this situation closely.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,

Washington, October 31, 2018

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0446; Product Identifier 2010–SW–007–AD; Amendment 39–19498; AD 2013–21–05R1]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (Previously Eurocopter Deutschland GmbH) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are revising Airworthiness Directive (AD) 2013–21–05 for Eurocopter Deutschland GmbH (now Airbus Helicopters Deutschland GmbH) (Airbus Helicopters) Model EC135 P1, P2, P2+, T1, T2, and T2+ helicopters. AD 2013–21–05 required an initial and repetitive inspections of certain bearings and modifying the floor and a rod. Since we issued AD 2013–21–05, we have determined that modifying the floor and rod removes the unsafe condition. This AD retains the requirements of AD 2013–21–05 but removes the repetitive inspections. The actions of this AD are intended to prevent an unsafe condition on these products.

DATES: This AD is effective December 21, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 5, 2013 (78 FR 65169, October 31, 2013).

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/website/technical-expert/*. You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0446.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* in Docket No. FAA–2013–0446; 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 European Aviation Safety Agency (EASA) AD, any incorporated-by-reference information, the economic evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is Docket Operations, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to remove AD 2013–21–05, Amendment 39–17629 (78 FR 65169, October 31, 2013) (AD 2013–21–05) and add a new AD. AD 2013–21–05 applied to Eurocopter Deutschland GmbH (now Airbus Helicopters) Model EC135 P1, P2, P2+, T1, T2, and T2+ helicopters with bearing part number (P/N) LN9367GE6N2; rod P/N L671M5040205; lever P/N L671M5040101; and floor P/N L533M1014101, L533M1014102, L533M1014103, L533M1014104, L533M1014105 or L533M1014106 installed. AD 2013–21–05 required inspecting each bearing for freedom of movement within 100 hours time-in-service (TIS) and thereafter at intervals not to exceed 800 hours TIS. AD 2013–21–05 also required modifying the floor and modifying and re-identifying the rod with a new P/N. The NPRM published in the **Federal Register** on April 2, 2018 (83 FR 13883). The NPRM was prompted by AD No. 2006–0318R2, dated April 25, 2017, issued by EASA, which is the Technical Agent for the Member States of the European Union, issued to correct an unsafe condition for all Eurocopter Model EC 135 helicopters. EASA determined, based on a review of data and operator feedback, that repetitive inspections are not required for helicopters with the modified rod and floor. EASA accordingly revised its AD to remove the repetitive inspections.

Accordingly, the NPRM proposed to retain the requirements of AD 2013–21–05 but remove the repetitive inspections. The proposed actions were intended to detect and prevent the binding of a bearing, which could lead to loss of helicopter control.

Comments

We gave the public the opportunity to participate in developing this AD, but we received no comments on the NPRM.

FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are issuing this AD because we evaluated all information provided by EASA and determined that an unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Differences Between This AD and the EASA AD

The EASA AD sets compliance times from its original effective date of October 20, 2006, and this AD does not. This AD requires modifying each rod within 100 hours TIS, rather than within 800 hours TIS as specified in the EASA AD. This AD does not require contacting Eurocopter customer support, unlike the EASA AD. Finally, this AD does not apply to Airbus Helicopters Model EC635 T1, EC635 P2+, and EC635 T2+ helicopters because they have no FAA type certificate.

Related Service Information Under 1 CFR Part 51

We reviewed Eurocopter Alert Service Bulletin EC135–67A–012, Revision 1, dated October 18, 2006 (ASB Rev 1), which specifies repetitively inspecting the bearing of the linear transducer for freedom of movement and the lower side of the floor for chafing or damage. If there is binding, ASB Rev 1 specifies replacing the bearing. If there is chafing or damage on the floor, ASB Rev 1 specifies replacing the bearing and repairing the floor. ASB Rev 1 also specifies modifying and re-identifying a certain rod.

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

Other Related Service Information

We also reviewed Airbus Helicopters Alert Service Bulletin EC135–67A–012, Revision 2, dated April 3, 2017 (ASB Rev 2). ASB Rev 2 states that the repetitive inspection has been added to the helicopter maintenance manual. The repetitive inspection is therefore removed, and ASB Rev 2 requires no action. ASB Rev 1 is attached to ASB Rev 2 as an Appendix.

Costs of Compliance

We estimate that this AD affects 304 helicopters of U.S. Registry and that labor costs average $85 a work hour. We estimate it takes about 10 work-hours to inspect the bearing, and no parts or materials are required, for a cost of $850 per helicopter and $258,400 for the U.S. fleet. If necessary, replacing the bearing requires 3 additional work-hours, and parts cost $50, for a cost of $305 per helicopter. Repairing the floor requires 3 additional work-hours and a minimal cost for materials, for a cost of $255 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2013–21–05, Amendment 39–17629 (78 FR 65169, October 31, 2013), and adding the following new AD:

2013–21–05R1 Airbus Helicopters Deutschland GmbH (Previously Eurocopter Deutschland GmbH): Amendment 39–19498; Docket No. FAA–2013–0446; Product Identifier 2010–SW–007–AD.

(a) Applicability

This AD applies to Model EC135 P1, P2, P2+, T1, T2, and T2+ helicopters, with bearing, part number (P/N) LN9367GE6N2; rod, P/N L671M5040205; lever, P/N L671M5040101; and floor, P/N L533M1014101, L533M1014102, L533M1014103, L533M1014104, L533M1014105 or L533M1014106, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as limited control of a tail rotor because of the binding of a bearing. This condition could result in subsequent loss of control of the helicopter.

(c) Affected ADs

This AD replaces AD 2013–21–05, Amendment 39–17629 (78 FR 65169, October 31, 2013).

(d) Effective Date

This AD becomes effective December 21, 2018.

(e) Compliance

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

(f) Required Actions

(1) Within 100 hours time-in-service (TIS), inspect each bearing for freedom of movement by turning and tilting the bearing as depicted in Figure 2 of Eurocopter Alert Service Bulletin No. EC135–67A–012, Revision 1, dated October 18, 2006 (ASB). During any inspection:

(i) If there is binding or rough turning, before further flight, replace the bearing with an airworthy bearing.

(ii) If there is chafing on the lower side of the floor that does not extend through the panel outer layer, before further flight, replace the bearing with an airworthy bearing.

(iii) If there is damage on the lower side of the floor in the area of the assembly opening that extends through the panel outer layer (revealing an open honeycomb cell or layer), before further flight, replace the bearing with an airworthy bearing and repair the floor.

(2) After performing the actions in paragraphs (f)(1)(i) through (iii) of this AD, before further flight, install a Teflon strip and identify the floor by following the Accomplishment Instructions, paragraphs 3.E.(1) through 3.E.(4), of the ASB.

(3) Within 100 hours TIS, modify and re-identify the rod as depicted in Figure 1 of the ASB and by following the Accomplishment Instructions, paragraphs 3.H.(1) through 3.H.(3)(f), of the ASB.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or

certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Airbus Helicopters Alert Service Bulletin No. EC135–67A–012, Revision 2, dated April 3, 2017, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2006–0318R2, dated April 25, 2017. You may view the EASA AD on the internet at *http://www.regulations.gov* in the AD Docket.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6720, Tail Rotor Control System.

(j) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on December 5, 2013 (78 FR 65169, October 31, 2013).

(i) Eurocopter Alert Service Bulletin No. EC135–67A–012, Revision 1, dated October 18, 2006.

(ii) [Reserved]

(4) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.*

(5) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued in Fort Worth, Texas, on November 7, 2018.

James A. Grigg,

Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2018–24989 Filed 11–15–18; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33–10566A; 34–84325A; 39–2522A; IC–33261A]

Adoption of Updated EDGAR Filer Manual; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; correction.

SUMMARY: The Securities and Exchange Commission published a document in the **Federal Register** of November 5, 2018 adopting revisions to the Electronic Data Gathering, Analysis, and Retrieval System (''EDGAR'') Filer Manual and related rules. There was a mistake in the **SUPPLEMENTARY INFORMATION** section.

DATES: Effective November 16, 2018.

FOR FURTHER INFORMATION CONTACT: Christian Windsor, EDGAR Business Office, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, (202) 551–3419.

SUPPLEMENTARY INFORMATION: In FR Doc. 2018–24128 appearing on page 55264 in the **Federal Register** of Monday, November 5, 2018, the following corrections are made:

Correction

On page 55264, in the 20th line of the third column, the phrase ''(Version 32)'' is corrected to read ''(Version 31)''.

Dated: November 9, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–25005 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 3282

[Docket No. FR–5877–F–02]

RIN 2502–AJ33

Manufactured Home Procedural and Enforcement Regulations; Clarifying the Exemption for Manufacture of Recreational Vehicles

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rulemaking revises the exemption for the manufacture of recreational vehicles to clarify which recreational vehicles qualify for an exemption from HUD's Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement regulations. HUD is adopting a recommendation of the Manufactured Housing Consensus Committee (MHCC) but expanding the definition of recreational vehicle and modifying it to require certification with the updated ANSI standard, A119.5–15.

DATES:

Effective Date: January 15, 2019.

Incorporation by Reference: The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of January 15, 2019.

Compliance Date: The Manufacturer's Notice requirement under this rule applies to all covered units, beginning with the first unit to leave production on January 15, 2019.

FOR FURTHER INFORMATION CONTACT: Teresa Payne, Acting Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 Seventh Street SW, Room 9164, Washington, DC 20410; telephone 202–402–5216. (This is not a toll-free number.) Individuals with speech or hearing impairments may access this number through TTY by calling the Federal Relay Service, toll-free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

A. HUD's Regulatory Authority and the Recreational Vehicle Exemption

The National Manufactured Housing Construction and Safety Standards Act of 1974 (the Act) [1] authorizes HUD, through its Office of Manufactured Housing Programs (OMHP), to establish and amend the Federal Manufactured Home Construction and Safety Standards (HUD Code) and the Procedural and Enforcement regulations, codified at 24 CFR parts 3280 and 3282, respectively. This authority authorizes HUD to issue and enforce appropriate standards for the construction, design, performance, and installation of manufactured homes—formerly known as mobile homes—to ensure their quality, durability, affordability, and safety.

Since the HUD Code's inception in 1976, Recreational Vehicles (RVs) have been largely exempted from the HUD Code. Self-propelled RVs are statutorily exempted, and other classes of RVs over

[1] *See* The National Manufactured Housing Construction and Safety Standards Act of 1974, Public Law 93–383, approved August 22, 1974, codified at 42 U.S.C. 5401–5426.

which HUD maintains statutory jurisdiction have been exempted by regulations codified at 24 CFR 3282.8(g).[2] Over time, the RV exemption has evolved. Since codifying its regulatory exemption in 1982, HUD has exempted RVs from both HUD's Manufactured Home Construction and Safety Standards at 24 CFR part 3280 and its Manufactured Home Procedural and Enforcement regulations at 24 CFR part 3282 if they are: Built on a single chassis; 400 square feet or less when measured at their largest horizontal projections; self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.[3] In 1988, HUD issued an interpretative bulletin to clarify the method for measuring a unit to determine whether an RV qualified under the exemption.[4] In 1997, HUD also allowed for small lofts to be excluded from the exemption's square footage requirements.[5]

B. The Need for a Broader Exemption

Prior to this rulemaking, the RV exemption was roundly criticized for not drawing a clear enough distinction between RVs, which are designed for temporary, recreational use, and manufactured housing, which is designed for permanent, year-round dwelling. This distinction has become increasingly relevant, because RV manufacturers have begun to produce larger products that include more features, such as porches built on the chassis, and that resemble manufactured homes. These additions have raised questions as to whether these features should be included when measuring according to Interpretive Bulletin A–1–88 for the purposes of exemption. This has increased the confusion over whether HUD should regulate certain RVs because they meet the statutory definition of a manufactured home or whether they should be exempted based on their intended design for temporary, recreational use.[6] Subsequently, HUD determined that some manufacturers were producing Park Model Recreational Vehicles (PMRVs, also known as recreational park trailers or RPTs) in excess of the RV exemption's 400-square-foot threshold, which was based on a 1988 HUD Interpretative Bulletin guidance on how to measure a unit. These PMRVs contained screened-in porches built on the chassis and were advertised for all-season use.

To address this issue, HUD issued memoranda in 2014 and 2015, reiterating the method through which RVs should be measured to qualify for the RV exemption.[7] HUD also questioned whether it should exercise regulatory authority over fifth-wheel travel trailers, some of which, because they exceeded the 320 square foot threshold under the statutory definition of ''manufactured home,'' are subject to HUD's Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement regulations. From December 2–4, 2014, the MHCC met and considered HUD's October 1, 2014, memorandum.[8] After discussion and debate, the MHCC voted to approve a recommendation that HUD adopt language more clearly differentiating RVs from manufactured housing and simplify its RV exemption.[9]

II. HUD's February 9, 2016, Proposed Rule; Expanding the RV Exemption

HUD issued a proposed rule on February 9, 2016, at 81 FR 6806, to revise the definitions of ''Manufactured home'' at 24 CFR 3280.2 and ''Recreational vehicles'' at 24 CFR 3282.8(g), to clarify—and effectively expand—the exemption of RVs from the HUD's Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement regulations. The rule proposed to change the definition of RVs by revising the four-part test used to determine whether a structure qualifies for the RV exemption. Specifically, HUD's rule proposed a definition focused on whether or not the structure is certified as a manufactured home and whether it is constructed according to two consensus RV standards: The ANSI A119.5 Park Model Recreational Vehicle Standard and the NFPA 1192–15 Standard on Recreational Vehicles.[10] By incorporating by reference the ANSI A119.5 Park Model Recreational Vehicle Standard, HUD's February 9, 2016, proposed rule would have allowed factory-constructed porches to be added to RPTs/PMRVs in excess of the RV exemption's 400 square foot threshold.

III. HUD's January 26, 2018, Document; Regulatory Review of Manufactured Housing Rules

HUD issued a **Federal Register** document on January 26, 2018, at 83 FR 3635, entitled ''Regulatory Review of Manufactured Housing Rules,'' to solicit public comment on all of its current and pending manufactured housing regulatory actions. Consistent with Executive Order 13771, entitled ''Reducing Regulation and Controlling Regulatory Costs,'' and Executive Order 13777, entitled, ''Enforcing the Regulatory Reform Agenda,'' and as part of the efforts of HUD's Regulatory Reform Task Force, the document informed the public that HUD was reviewing its existing and planned manufactured housing regulatory actions to assess their actual and potential compliance costs and reduce regulatory burden. HUD invited public comment to assist in identifying regulations that may be outmoded, ineffective or excessively burdensome and should be modified, streamlined, replaced or repealed. Of the 156 unique comments that HUD received in response to the document, fewer than 20 referenced the proposed RV rule, and all expressed support for this rulemaking.

This final rule adopts the approach of the proposed rule to reinforce the distinction between manufactured housing, which HUD regulates under its Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement

[2] *See* 41 FR 19846 (May 13, 1976).

[3] *See* 47 FR 28091, June 29, 1982, codified at 24 CFR 3282.8(g).

[4] HUD stated that ''measurements shall be taken on the exterior of the home. The square footage includes all siding, corner trim, including storage space, and area enclosed by windows, but not the roofing overhang.'' *Interpretative Bulletin A–1–88* (Oct. 5, 1988), *available at https://portal.hud.gov/hudportal/documents/huddoc?id=A188.pdf.*

[5] *See* Letter from HUD, dated August 1, 1997, available at *https://portal.hud.gov/hudportal/documents/huddoc?id=loftletter.pdf.*

[6] For example, in November 2012, the Recreation Vehicle Industry Association (RVIA) issued a Standards News Bulletin to its members. Citing past HUD guidance, RVIA announced its position that in measuring the size and calculating the square footage of a Recreation Park Trailer, manufacturers should apply the ''shadow rule'' to determine what is included in the measurement, and they should not include in their measurement: Roof overhangs, porches, patios, decks, enclosed door entries, or loft areas with a ceiling height of less than 5 feet.

[7] *See* HUD, RV Exemption Under Manufactured Housing Act, Parts I and II (Oct. 1, 2014 and Jan. 20, 2015), *available at https://portal.hud.gov/hudportal/documents/huddoc?id=rvmemo12015.pdf.*

[8] *See The FACTS: HUD's Manufactured Housing Newsletter* (Feb. 2015), *available at https://portal.hud.gov/hudportal/documents/huddoc?id=mhnewsletter11515.pdf.*

[9] MHCC proposed the following language: ''Recreational vehicles are not subject to this part, part 3280. A recreational vehicle is a factory built vehicular structure designed only for recreational use and not as a primary residence or for permanent occupancy, built and certified in accordance with NFPA 1192–2015 or ANSI A119.5–09 consensus standards for recreational vehicles and not certified as a manufactured home.'' Manufactured Housing Consensus Committee, *MHCC Proposed Changes* (Received as of May 31, 2015), 5–6, *available at https://portal.hud.gov/hudportal/documents/huddoc?id=changes53115.pdf.*

[10] NFPA 1192–15 is available for review at *http://www.nfpa.org/freeaccess.* ANSI A119.5–15 is available for review at *www.rvia.org/?ESID=A119.*

regulations; and other structures, which HUD will exempt from such regulation. The rule takes into consideration the public comments submitted in response to the February 9, 2016, proposed rule and the January 26, 2018, **Federal Register** document. This final rule provides that the requirements of 24 CFR parts 3280 and 3282 do not apply to the manufacture of a ''recreational vehicle'' as defined by this rule.

IV. Changes Made at the Final Rule Stage

After considering public comments received on the February 9, 2016, proposed rule, and after further review, HUD makes the following changes at the final rule stage.

1. In the final rule, HUD elects not to revise the definition of ''manufactured home,'' found at 24 CFR 3280.2, to ensure that the regulatory definition of ''manufactured home'' tracks with its statutory definition.

2. In § 3282.15(b)(1), HUD removes the term ''factory built,'' in response to public comment. HUD agrees with commenters who stated that some RV manufacturers do not produce their products in a factory, but nevertheless should qualify for the exemption if they meet all other exemption criteria.

3. In § 3282.15(b)(1), HUD adds the term ''vehicle'' to the definition of a recreational vehicle in response to public comment. HUD agrees with commenters who stated that ''vehicle'' is also a term of art used by state and local governments in regulating RVs.

4. In § 3282.15(b)(3), HUD makes a technical correction to remove the term ''Recreational Park Trailer Standard'' and replace it with the term ''Park Model Recreational Vehicle Standard,'' in response to public comment and to reflect the standard's proper title.

5. In § 3282.15(c), HUD makes several changes; to remove the term ''Notice'' and replace it with the term ''Manufacturer's Notice'' for clarity; and to specify that in all cases where the exemption is based on the unit being certified to the ANSI A–119.5–15 standard, the Manufacturer's Notice must be provided to the consumer prior to the completion of the sales transaction, as defined in this final rule. Finally, HUD adds a definition of ''completion of sales transaction'' in this final rule, because the cross-reference to § 3282.252(b), in the proposed rule, was inapplicable.

V. Discussion of Public Comments Submitted on the Proposed Rule and HUD's Responses

The public comment period for the February 9, 2016, proposed rule closed on April 11, 2016. HUD received approximately 5,300 public comments in response to the proposed rule. A wide variety of interested entities submitted comments, including individuals, homeowners' associations, industry groups, state and local governments, and trade associations. At the outset, HUD notes that an overwhelming majority of these public comments were based on a misunderstanding of the proposed rule's intent and legal effect. This misunderstanding was propagated by social media, which opined that the rule was intended to increase regulation and restrict or prohibit consumer use of RVs and other types of housing, such as tiny homes. HUD emphasizes that this rule does not affect the use of RVs by consumers. Rather, this final rule clarifies the exemption for RVs from HUD manufactured housing regulation.

This section of the preamble addresses significant issues raised in the public comments, and organizes them into subject groups, with a description of each group of comments followed by HUD's responses.

A. General Misunderstanding of the Proposed Rule

Comments: Commenters stated that the rule would prohibit full-time RV living. Other commenters stated that the rule implied that HUD would regulate consumer use of RVs. Commenters may have based this conclusion on the proposed definition of ''recreational vehicle'' that includes a criterion that a RV be designed only for recreational use. The commenters stated that the criterion would deter full-time RV and tiny home living while yielding no safety improvements.

Many commenters stated that individuals have a right to housing choice, including where and how they live, so long as the housing they choose is safe and contains necessities. Some commenters shared current housing trends toward small homes to base their opposition to the rule. Commenters stated that consumers, not HUD, should determine what housing should be acceptable for full-time living. Commenters stated that there is no harm in full-time RV living.

Commenters also stated that many people rely on full-time RV living as an economic necessity, particularly in high-cost areas. Commenters also stated that many people live full-time in RVs, Fifth-Wheel Travel Trailers, or tiny homes, and have been doing so for years, particularly in warm climates.

Some commenters stated that RVs are designed for full-time living and that many RV parks encourage full-time RV living. Commenters also stated that HUD should recognize the many benefits of full-time RV or tiny home living, including but not necessarily limited to: Expanding access to housing or home ownership, especially for people with limited incomes, criminal records, or poor rental histories; homelessness prevention; flexible housing for people who are elderly; ease of evacuation from natural disasters or terrorism; and individual freedom—to live where a person wants, to have pets, to avoid environmental contaminants, to live mortgage-free, to have less to care for, to live frugally, to practice environmental responsibility, or to travel for enjoyment, work, or retirement. Commenters stated that HUD should specifically incorporate language into the rule, stating that full-time living in RVs remains legal. Commenters stated that HUD should not adopt any recommendations from the MHCC, as its agenda is to force people into manufactured homes.

Some commenters stated that because the rule would make it more difficult for full-time RV users to maintain their lifestyle, a host of detrimental secondary effects would result. For example, commenters stated that the rule would worsen homelessness and undermine HUD's mission by limiting the supply of affordable housing in the United States. Commenters stated that this would disproportionately affect, and effectively discriminate against, people who lack financial resources or face economic hardship; *e.g.,* people adapting to worsening economic conditions, people with disabilities, students with significant debt, veterans, senior citizens, and people who must travel for their work (and their employers, including national parks). Commenters stated that this would also disproportionately affect people who live alone and people who want to live frugally or practice environmentally responsible living. Commenters stated that the rule would inhibit people from retiring, reduce people's financial independence, force them into assisted living facilities, and force them to choose between housing and other basic necessities, like food, medicine, and utilities. Commenters stated that the rule would increase burdens already faced by RV residents, including local restrictions on parking, minimum size requirements, and zoning laws. Commenters stated that in response to the rule, manufacturers will merely adjust the square footage of RVs or change their marketing materials.

Commenters stated that the rule dictates the minimum square footage of a home or requires modular homes to be

as stable as foundation-built homes. A commenter stated that HUD should not base its RV exemption on Recreation Vehicle Industry Association (RVIA) certification because doing so would have the effect of excluding most sport utility RV trailers, including toy hauler sport utility RV trailers, RV trailers with garage areas and the large number of RV trailers with generators.

HUD Response: HUD respectfully disagrees with the various fundamental premises and conclusions of these commenters about secondary effects. Initially, as stated in this preamble, HUD is not regulating use of manufactured homes or RVs. More specifically, how individuals decide to use their manufactured home or RV unit after purchase—and, in some cases, after receiving a Manufacturer's Notice about the unit's compliance with RV standards—is beyond the scope of this final rule. The regulation of use and occupancy of RVs is the purview of state and local authorities, not HUD.

Because this rule does not prohibit or regulate the use of manufactured homes or RVs, including tiny homes, the secondary consequences described by certain commenters are moot, and HUD does not believe that there exists a need to address them individually. HUD also states that this rule does not dictate the minimum square footage of a home, nor does it require modular homes to be ''as stable'' as foundation-built homes. It also does not require manufacturers to obtain RVIA certification to claim the RV exemption. HUD reiterates that when it first codified the RV exemption in 1976, it unequivocally stated that RVs were not designed to be used as permanent dwellings. This final rule does not alter that underlying rationale for the exemption. Moreover, as noted above, both the ANSI and NFPA standard descriptions underscore the need to distinguish RVs from permanent housing.

B. Public Comments in Support of and Against the Rule

1. Comments in Support of the Rule

Comment: Some commenters stated that they agreed with MHCC's recommendations that HUD should not apply HUD's Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement regulations to RVs, PMRVs, or Fifth-Wheels, because such structures are vehicles, not manufactured homes, and they are designed and built for temporary recreational or seasonal camping accommodation in accordance with widely accepted national standards. Commenters also stated that HUD has no role regulating vehicles. Some commenters stated that the number of people living full-time in RVs constitute a small minority of RV consumers. Other commenters stated that the rule will positively discourage full-time residential use, protecting consumers and preserving the market for small, single-section manufactured homes.

Some commenters stated that HUD's manufactured home regulations were created to ensure minimum standards of safety, qualify, and affordability in housing designed for permanent residential use—while the market also demanded vehicles for recreational and seasonal use—but that both manufactured homes and RVs evolved and grew larger over time, making it more difficult to distinguish them. Several commenters stated that dwellings should be classified based on their design intent—*i.e.,* whether they are for temporary or permanent use—and not on their size. Some commenters stated that those who live full-time in RVs constitute a small minority of all RV consumers.

Commenters also stated that the MHCC's RV definition is appropriate, insofar as it reflects a broad consensus among stakeholders, regulators, and Congress that regulating RVs is outside the scope of HUD's housing mission and is not contemplated by the National Manufactured Housing Construction and Safety Standards Act, and it allows for RVs and manufactured homes to be more easily distinguished. Commenters stated that HUD should not exercise regulatory authority over RVs, because they are already extensively regulated by the U.S. Department of Transportation and state motor vehicle and taxing authorities, and if HUD were to regulate them, it would create conflicts. One commenter stated that the rule will beneficially deter future requests for regulatory exemptions by creating an important regulatory firewall between manufactured housing and RVs. Other commenters stated that the rule serves to eliminate regulatory uncertainty and the likelihood of congressional inquiries, and litigation, by more broadly exempting RVs from HUD's regulations.

HUD Response: As stated in the proposed rule, HUD agrees with the MHCC that the RV exemption should be applied based on the manufacturer's design intent, and certification to a consensus-based RV building standard. HUD notes that because some RVs meet the statutory definition of manufactured home, and would otherwise fall within HUD's regulatory jurisdiction, those units require a regulatory exemption to avoid being covered under the Act and regulations.

Comment: Some commenters stated their support for the Manufacturer's Notice requirement, because it serves to protect consumers from an unregulated class of de facto homes by ensuring consumers do not unintentionally purchase homes that are unsafe for full-time living or that are actually less valuable than their retail price. Commenters also stated that the Manufacturer's Notice provides an objective basis for HUD to enforce its regulations in the event of false certifications or misuse of the RV exemption.

HUD Response: HUD welcomes these perspectives and agrees that the Manufacturer's Notice requirement is an important tool for ensuring that consumers are aware to what standard and purpose the units they are purchasing are built.

2. Comments Against the Rule

Comment: Many commenters stated their general opposition to the rule. One commenter stated that rather than revising its RV exemption, HUD should eliminate it entirely. Some commenters stated that the rule is an example of government overreach, overregulation, or waste of resources. Some expressed confusion regarding what problem the rule addressed. Others stated that the rule was based on opinion, lacked sufficient empirical justification, was disingenuous, was not sufficiently considered, or was unclear.

Many commenters stated that the rule was contrary to law or public policy. Some commenters stated that the rule is unconstitutional, *e.g.,* due to federalism concerns or because it amounts to a regulatory taking. Commenters also stated that the rule exceeds HUD's regulatory authority, because only state or local governments should, and already do, regulate use of RVs. Some commenters also stated that the rule violates the Fair Housing Act. For these reasons, some commenters stated that the rule would lead to litigation or consumer claims against RV manufacturers.

Commenters also stated that the rule is vague, *e.g.,* in terms of what constitutes ''seasonal'' or ''permanent'' occupancy, and, because of this, it is unenforceable, and it will require HUD to hire people to enforce it. Commenters stated that it was unclear whether the rule applied only to RVs that are permanently placed in a park or campground, or also to those being used to travel the country. Commenters stated that the rule will lead RV parks to evict residents out of fear of legal

consequences. Commenters stated that some RV manufacturers have been marketing their products for full-time living. One commenter stated that if HUD will not issue a loan to purchase an RV, then it should not be able to regulate RVs. Commenters stated that HUD should exempt from its manufactured housing regulations altogether individuals who build their own tiny homes.

HUD Response: As explained above, this rule does not regulate the use of manufactured homes or RVs but serves to expand the exemption for RVs, and to provide for a clear way of determining whether RVs that meet the statutory definition of a ''manufactured home'' are exempt from complying with HUD's Manufactured Home Construction and Safety Standards and Procedural and Enforcement regulations. The rule does not address ''seasonal'' or ''permanent'' occupancy or distinguish between RVs that are permanently placed in a park or campground and those being used to travel the county. This rule should not be used by RV parks to evict residents out of fear of legal consequences.

HUD's regulation applies to the design and manufacture of manufactured homes and by way of this rulemaking allows for exemption for manufacturers of RVs that meet the exemption criteria. HUD's rule also helps to ensure that consumers are aware of the building standards used to construct the unit and the design purpose of the unit that they purchase. Both reference standards (ANSI A119.5 and NFPA 1192) contain definitions that specify, for both an RV and PMRV, as applicable, that the units are primarily designed to provide temporary living quarters. Both the manufactured housing and RV industries have expressed overwhelming support for this rule.

HUD reiterates that it is issuing this rule well within the bounds of its regulatory authority, and the rule in no way encroaches upon or violates the constitutional rights of individuals, businesses, or states, and nothing in the rule violates any statute, including the Fair Housing Act. HUD additionally notes that the rule could potentially lessen the likelihood of litigation or consumer claims against RV manufacturers, because the Manufacturer's Notice will provide for greater transparency and consumer awareness before transactions are complete.

Moreover, HUD states that the rule provides clear and commonly-used standards by which RVs must be manufactured in order to qualify for the exemption. Any fears regarding secondary market consequences on consumers, RV parks, or insurance or housing financing are both unfounded and well outside the scope of this rulemaking. HUD again stresses that this rule clarifies the existing RV regulatory exemption and does not affect the aforementioned markets.

Comment: A large number of commenters questioned HUD's intent in proposing this rule. Some commenters stated that it was unclear what problem HUD hopes to address with this change. Some commenters stated that HUD should be required to demonstrate that full-time RV living is harmful. Some commenters stated that HUD wants to limit the number of RV dwellings or keep people from living in RVs full-time, *e.g.,* in order to reform trailer parks. Commenters stated that HUD wants to incentivize people to live in public housing or other types of housing to allow the government or industry to profit off poor or elderly people and others. Commenters suggested that the rule might be the result of lobbying by one or more industries that HUD improperly favors, *e.g.,* the mortgage or lending industry, home builders, the manufactured home industry, the RV industry, mobile home manufacturers, PMRV manufacturers, or realtors. Commenters stated that the rule is HUD's attempt to penalize people who pay lower or no property taxes.

HUD Response: As HUD explained in the proposed rule, this rule is appropriate, because exempting RVs from manufactured housing regulations remains sound policy, and clearer standards are needed to further that goal. The rule better differentiates RVs from manufactured homes to ensure that HUD does not unnecessarily regulate RVs. HUD received feedback from the manufactured housing and recreational vehicle industries and the public stating that the existing exemption had been difficult to apply, resulting in some RVs and PMRVs being manufactured in excess of the RV exemption's 400-square-foot threshold because of the addition of porches onto the chassis. As several commenters noted, this rule reflects broad consensus among stakeholders, regulators, and Congress that regulating RVs is outside the scope of HUD's housing mission and not contemplated by the National Manufactured Housing Construction and Safety Standards Act; and the revised rule allows for RVs and manufactured homes to be more readily distinguished. The rule does not incentivize public housing, nor is it an attempt to penalize individuals that pay lower or no property taxes. Rather than being directed at individuals, the rule is directed at manufacturers of manufactured housing and RVs.

Comment: Several industry commenters disagreed with HUD's inclusion of a Manufacturer's Notice as part of the RV exception. Some commenters stated their opposition to the Manufacturer's Notice requirement, noting, for example, that the MHCC did not recommend the Manufacturer's Notice, and that the RVIA certifies 95 percent of PMRVs and 98 percent of other RVs, requiring them to contain permanent seals of ANSI and NFPA certification respectively, with the same or similar information. Commenters stated that if HUD lacks regulatory authority over these classes of vehicles, then it should not prescribe or enforce the Manufacturer's Notice requirement, because it would lead to improper regulation beyond the scope of HUD's statutory authority.

Commenters stated that HUD should follow the example of state regulations and incorporate broader references to the ANSI and NFPA standards, *e.g.,* ''the latest edition of . . .'' rather than specific editions, to avoid having to issue a new rule each time a standard is updated, typically every three years. A commenter stated that HUD's reference to the ANSI standard in § 3282.15(b)(3) should be corrected to read: ''. . . or ANSI A119.5–15, Park Model Recreational Vehicle Standard.''

HUD Response: The Manufacturer's Notice requirement was not part of the recreational vehicle definition recommended by MHCC for purposes of revising the RV exemption. However, HUD added the notice requirement as a means of ensuring that consumers are aware of the distinctions among the products available to them on the market. This is especially true because products that qualify for the RV exemption from HUD's Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement regulations nevertheless still fall under HUD's statutory jurisdiction. HUD retains the reference to specific editions of the ANSI and NFPA standards because it must do so under the **Federal Register**'s rules for incorporation by reference of publications, found at 1 CFR part 51. HUD corrects the reference to ANSI A119.5–15, Park Model Recreational Vehicle Standard in every place where it is mentioned.

HUD acknowledges that the Manufacturer's Notice prescribed by this final rule is similar in content to the one issued by RVIA to its PMRV members; however, it also emphasizes two distinctions. First, HUD's

requirement for a Manufacturer's Notice applies to all RVs built and certified to the ANSI A119.5–15 standard and seeking an exemption from HUD's Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement regulations, not just RVs certified by RVIA. Additionally, HUD's Manufacturer's Notice, which is required to be placed more conspicuously than the RVIA seal or made available prior to the completion of the sales transaction, serves to inform consumers directly about the standard to which the prospective unit was built, and the purpose for which it was designed. While the RVIA seal contains similar language, the purposes of the RVIA seal and the Notice are substantially different. RVIA's seal signifies a voluntary certification by an RVIA PMRV member to the ANSI A119.5 standard. The Manufacturer's Notice is specifically designed to ensure that consumers are aware to what standard and purpose their prospective units are built.

Comment: Many commenters stated that the rule will have a detrimental impact on various segments of the market, the economy, industry or consumers. Commenters stated that the rule would make it difficult for people to obtain loans or insurance for RVs. Commenters stated that the rule would drive up RV costs, because manufacturers would need to build them to higher standards for full-time living or obtain additional certifications. Commenters stated that the rule would permit manufacturers to create inferior products and disclaim them with the Manufacturer's Notice prescribed by the rule.

Commenters stated that by deterring full-time RV living, the rule would also have a negative impact on local economies and the United States and state and local tourist industries, particularly in warmer climates. Commenters similarly stated that the rule will have a detrimental impact on various segments of the market, the economy, industry or consumers, including manufacturers, the RV industry, RV parks, campgrounds. Commenters stated that the rule would force people to choose renting over home ownership, which would have the secondary effect of causing rent prices to increase.

HUD Response: As already stated, this rule allows manufacturers to choose the standard(s) to which they produce their products, so that their design intent is properly reflected in the information they provide to consumers, whether the product is manufactured housing designed as a primary residence or permanent dwelling and regulated under HUD's Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement regulations, or is an RV designed for recreational use, and not as a primary residence or permanent dwelling and exempt from HUD's Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement regulations by way of its conformance to NFPA or ANSI standards. Because the rule has no impact on consumer use, the question of its impact on the economy, tourism, or the rental market is outside the scope of this rulemaking. The issues HUD seeks to clarify in publishing this rule are to: (1) Identify which manufacturing standards apply to what structures; and (2) enhance consumer knowledge and confidence in their purchases.

Comment: Some commenters stated that the rule would lead state or local governments to adopt changes reflecting HUD's interpretation that RVs are not designed for full-time living, which would ultimately lead them to prohibit full-time RV living. Commenters stated that such entities often incorporate the language of HUD's rule, verbatim, into their laws and ordinances. Commenters stated that the rule will lead HUD and state or local jurisdictions to question the legality of other types of alternative structures, such as tree homes and container homes.

HUD Response: HUD has made it very clear, in this rulemaking and elsewhere, including the HUD website and program materials, that the intent of HUD's Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement regulations, including the revised RV exemption under this rule, is to regulate the manufacture and installation of manufactured housing and to exempt RVs from such HUD regulation.

C. Comments in Response to HUD's Questions

1. Public Comments in Response to HUD's First Set of Questions

Comment: In response to HUD's first set of questions,[11] commenters provided no specific evidence that the rule would result in additional costs to PMRV manufacturers. Commenters further stated that RVIA members produce nearly 95 percent of all PMRVs sold in the United States. Commenters stated that as a condition of membership, RVIA member manufacturers must agree to: (1) Build units in compliance with ANSI A119.5; (2) self-certify compliance with ANSI A119.5; display RVIA's ANSI compliance seal for PMRVs, which states ''This park model RV is designed for temporary recreational, camping, or seasonal use. Manufacturer certifies compliance with park model RV standard—ANSI A119.5.'' Commenters stated that RVIA conducts 6 or 7 unannounced annual compliance inspections at each member's plant(s). Commenters stated that in 2015, 3,600 PMRV units were manufactured, and while approximately 180 of those may not meet the ANSI A119.5 standard, they nevertheless may still be in compliance, due to state and local building codes and campground regulations. Commenters stated that third-party agencies offer ANSI A119.5 inspections and seals to non-RVIA members and product liability laws strongly favor ANSI A119.5 compliance.

Commenters stated that HUD's Office of Manufactured Housing is charged with regulating the manufactured housing industry, which provides permanent housing, and not the RV industry, which provides temporary accommodations for recreational and seasonal use. Commenters stated that if HUD were to regulate any RVs, it would waste scarce resources appropriated by Congress for the regulation of manufactured housing.

HUD Response: HUD appreciates these comments and believes that they support the final rule in its current form. Consistent with these comments, HUD has decided to clarify the definition of the RV exemption so that PMRVs may take advantage of a clearer and simpler RV exemption if they would otherwise technically fall within the statutory definition of manufactured home.

2. Public Comments in Response to HUD's Second Set of Questions

Comment: In response to HUD's second set of questions,[12] commenters

[11] What if any costs beyond the Notice requirements for recreational vehicle manufacturers seeking an ANSI A119.5 exception would be imposed on recreational vehicle manufacturers as a result of the implementation of this proposed rule? Are PMRVs that meet HUD's statutory and regulatory definitions of ''manufactured homes'' currently being constructed outside the scope of ANSI A119.5? If so, how many units are being built? What would be the costs of requiring these manufacturers to build to ANSI A119.5 in order to take advantage of the exemption? Would it be more efficient and advantageous for HUD to exercise direct regulatory oversight over this portion of the industry? What would be the costs and benefits of doing so?

[12] In what manner, if any, should HUD ensure that recreational vehicles conforming to NFPA 1192–2015 be certified to be exempt from the provisions of HUD's Manufactured Home

stated that HUD should not require certification of RVs built to the NFPA 1192 standard in order to exempt them from HUD's manufactured housing standards. Commenters stated that RV trailer types built to the NFPA 1192 standard, including travel trailers, Fifth-wheels, and folding camping trailers, are vehicles and not manufactured homes. Commenters stated that vehicles should not need certification to escape classification by HUD as housing, especially since well-established law in all 50 states, and the U.S. Department of Transportation, already classify RVs as vehicles and not manufactured homes. Commenters stated that the Manufacturer's Notice requirement would be redundant, because RVIA members comprise 98 percent of the industry, and as a condition of membership, RVIA member manufacturers must agree to: (1) Build units in compliance with NPFA 1192; (2) self-certify compliance with NPFA 1192. Commenters stated that most local and campground regulations require NFPA 1192 compliance.

HUD Response: HUD appreciates these responses and believes that they support the final rule in its current form. Consistent with these comments, HUD elects not to require a Manufacturer's Notice for RVs to be exempted from HUD's Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement regulations on the grounds that they are built to the NFPA 1192–15 standard.

3. Public Comments in Response to HUD's Third Set of Questions

Comment: In response to HUD's third set of questions,[13] commenters stated that HUD should not regulate Fifth-wheels or any other type of RV. Commenters stated that even deeming a Fifth-wheel camper ''not for full-time occupancy'' would be inappropriate, because Fifth-wheels are already regulated as vehicles and not as housing. Commenters stated that the National Highway Traffic Safety Administration (NHTSA), the U.S. Department of Transportation, and all 50 states define and regulate Fifth-wheel RVs as motor vehicles, regardless of how long people spend in them, and on the clear understanding that they are not permanent housing. Commenters stated that NHTSA, which administers the Federal Motor Vehicle Safety Standards (FMVSS), requires Fifth-wheel manufacturers to register as vehicle manufacturers, and subjects them to the same vehicle recall requirements as cars, trucks, and buses. Commenters stated that states require Fifth-wheel vehicles to comply with maximum vehicle dimensions, titling and registration requirements, taxation, tag statutes, and licensed vehicle manufacturers and dealer requirements. Commenters stated that since HUD last updated the RV definition for purposes of the exemption, most states have increased maximum vehicle widths to 8.5 feet and maximum lengths to more than 45 feet, yielding combination vehicle lengths of more than 65 feet. Commenters stated that Fifth-wheels do not become manufactured homes simply because industry created larger versions of them, nor because states increased the maximum allowable size of vehicles. Commenters stated that regulation of Fifth-wheel trailers or other classes of vehicles is clearly not a logical outgrowth of the proposed rule, because the proposed rule nowhere defines Fifth-wheel trailers; nor does it offer any justification or cost-benefit analysis relating to regulation of Fifth-wheel trailers as housing; nor does it describe or detail specific regulations that would apply to Fifth-wheel trailers; nor does it offer any rationale for treating Fifth-wheel trailers differently from other RVs. Commenters stated that if HUD were to regulate Fifth-wheel trailers, it would be an example of mission creep or ''bait-and-switch.'' One commenter, on the contrary, stated that Fifth-wheel trailers should be distinguished, because they are recreational camp trailers and not RVs.

HUD Response: HUD appreciates these responses and believes that they support the final rule in its current form. Consistent with these comments, HUD elects not to exercise direct regulatory oversight over Fifth-wheel trailers and instead to allow them to take advantage of a bright-line RV exemption if they would otherwise technically fall within the statutory definition of manufactured home.

D. Public Comments Offering Recommendations

Comment: Commenters stated that HUD should affirmatively state in the rule that it does not regulate RVs and revise the regulatory text and preamble to state that HUD's definition of RV is for the express purpose of exempting RVs from manufactured home requirements and, in effect, any regulation by HUD. Commenters stated that HUD should make explicit that its Office of Manufactured Housing Programs has no authority to regulate consumer use of RVs. Commenters stated that HUD should affirmatively specify that RVs may be used as a primary residence or for permanent occupancy. Commenters stated that HUD should specifically define RVs as permanent dwellings. Commenters stated that HUD should make explicit that the rule is not intended and should not be interpreted to involve HUD in the regulation of consumer use, particularly if HUD's intent is only to develop and enforce manufactured housing standards. Commenters stated that HUD should state that the rule cannot be used by any entity to impede people from living in small dwellings, whether RVs or not. A commenter stated that HUD should not regulate any structure that can hitch up to a pickup truck or be driven independently. Commenters stated that HUD should focus on the issue of RVs exceeding 400 square feet, *e.g.,* by ensuring that patio roofs, screened-in porches, and other outdoor areas or slide-outs are not counted as living space or by increasing the RV exemption size to 460 square feet. Commenters stated that if HUD requires a sharper distinction between RVs and manufactured homes, it should clarify differences between foundations and leveling techniques, *e.g.,* if a home has wheels, it should be classified as a vehicle, and if has a foundation, it should be classified as a manufactured home. Some commenters stated that dwelling classification should only be done by local authorities, and it should take into account differences in local climates. Some commenters stated that dwellings should be classified based on square footage per inhabitant. Some commenters stated that if the problem with RVs is poor construction, then HUD should set guidelines and conduct inspections, *e.g.,* regulate the RV industry more, and not less.

Commenters stated that HUD should not include in the definition of ''recreational vehicle'' that it is a non-permanent dwelling or otherwise reference the duration a user dwells within an RV. Commenters stated that

Procedural and Enforcement Regulations? For example, should HUD require that a Notice of certification be provided in each such recreational vehicle built to NFPA 1192–15 similar to the Notice being proposed for PMRVs or should other methods be considered such as a label to be exempt from HUD's regulations?

[13] As described in the preamble to this proposed rule, HUD has not exercised regulatory oversight over Fifth Wheel Recreational Vehicles that might meet the statutory and regulatory definitions of ''manufactured home.'' This proposed rule proposes to except Fifth Wheel Recreational Vehicles from regulatory oversight. Should HUD take a different approach and begin exercising regulatory oversight of these units that meet the statutory and regulatory definitions of ''manufactured home?'' What are the costs and benefits of bringing these units within HUD oversight? Should HUD exercise any regulatory authority over Fifth Wheelers or other forms of recreational vehicles?

HUD should specifically strike from its RV definition at 24 CFR 3282.15(b)(2): Subparagraph (2) in its entirety, or ''. . . only for recreational use . . .'' or ''. . . Designed only for recreational use and not as a primary residence or for permanent occupancy . . .'' [14] Commenters stated that HUD should clarify the rule's effects on all structures, including RVs, mobile homes, mobile trailers, mobile tiny homes, and fixed tiny homes less than 400 square feet in size. Commenters stated that HUD should better distinguish PMRVs from other classes of RVs. Commenters stated that HUD should require PMRVs to meet standards rather than be exempted from them. Commenters stated that HUD should use frequency of moves, or movability, to distinguish RVs from manufactured housing. A commenter stated that HUD should specifically exempt RVs that remain stationary for seven or fewer consecutive months, regardless of whether an individual resides in them full-time.

HUD Response: As stated above, HUD takes the opportunity in this final rule to emphasize that while it possesses statutory authority to regulate the manufacture of certain RVs that meet the statutory definition of manufactured home, it nevertheless believes that exercising such authority is currently unnecessary. HUD believes that the non-permanent design intent of RVs favors that they be exempt from such regulation, even in cases where they fall within the statutory definition of ''manufactured home.'' Accordingly, HUD takes this opportunity to state that while it possesses statutory authority to regulate the manufacture of certain types of RV, it declines to do so by clarifying—and effectively broadening—the RV exemption and by requiring PMRV manufacturers claiming the exemption to notify consumers as to the standards their unit is built to, as well as the unit's design and appropriate use. HUD also believes it would be inappropriate to use other criteria recommended by commenters, such as movability, to distinguish exempted RVs from regulated manufactured homes. Because ANSI A119.5–15 sets forth a maximum size of 400 square feet, excluding porches, size will continue to be a factor in defining the exemption for a Park Model RV. HUD reiterates that its goal is to establish a broad, easily applied exemption for purposes of its own regulatory activities. HUD maintains statutory jurisdiction over the manufacture and installation of all structures falling within the statutory definition of ''manufactured home,'' but it elects not to regulate all structures that qualify for the RV exemption. However, HUD's OMHP will continue to regulate those structures that do not qualify for the RV exemption from HUD's Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement regulations. As stated above, HUD has no authority to dictate how its rule is used by other entities, including state and local governments, to formulate or interpret their own rules.

Comment: Some commenters recommended that HUD amend the definition of ''recreational vehicle'' in order to exempt recreational vehicles beyond those that are factory-built.

HUD Response: HUD appreciates these comments and upon further consideration agrees that some non-factory-built RVs should qualify for the exemption, if they were manufactured in non-factory facilities and still meet all of the remaining exemption requirements. Accordingly, HUD removes the term ''factory built'' from the definition of ''recreational vehicle.''

Comment: Commenters stated that for accuracy and clarity, HUD should amend the definition of ''recreational vehicle'' by substituting the word ''vehicle'' for ''vehicular structure,'' on the grounds that states and municipalities classify RVs as vehicles—and RV manufacturers and dealers as ''vehicle'' manufacturers and dealers—for purposes of regulation and taxation.

HUD Response: HUD appreciates these comments and agrees that ''vehicle'' is an equally appropriate and widely-recognized term. Accordingly, HUD is including both the terms ''vehicle'' and ''vehicular structure'' in the definition of a ''recreational vehicle.''

Comment: Commenters stated that HUD should make null and void existing manufactured housing regulations for snow load and roof slope.

HUD Response: This comment is beyond the scope of this rulemaking.

Comment: Commenters stated that it was unclear whether the rule applied only prospectively, or also retrospectively. Commenters stated that HUD should ''grandfather'' older products or have a delayed compliance date of two years after this rule's publication.

HUD Response: Because this rulemaking only affects the manufacture of RVs, providing a clause ''grandfathering'' older products would have no effect. Similarly, because the only new requirement imposed by the rule is the inclusion of a printed Manufacturer's Notice in certain units, HUD finds that there is no need for a delayed compliance date. As HUD states in the preamble, the Manufacturer's Notice requirement under this rule applies to all covered units, beginning with the first unit to leave production on the 60-day effective date. This provides manufacturers with sufficient notice to identify which units require the Manufacturer's Notice and include the Notice in those units prior to their leaving production.

Comment: Commenters stated that HUD should disclose all who participated in the formulation of the proposed rule.

HUD Response: As discussed above, HUD formulated its proposed rule based on a recommendation by the Manufactured Housing Consensus Committee (MHCC). MHCC members are appointed by the HUD Secretary based on selection procedures published by the American National Standards Institute (ANSI) or successor organization as modified by the Act. The MHCC has 21 members at any given time, with seven members in each of the following categories: (1) Producers or retailers of manufactured housing; (2) users, representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes; and (3) general interest and public official members, three of whom must be public officials. All MHCC meetings are announced in the **Federal Register** and are open to the public. In this final rulemaking, HUD further takes into account public comment received on the proposed rule.

E. Public Comments Regarding Other Issues

''Tiny home,'' while not formally defined, generally refers to a type of home that is compact (usually below 400 square feet), on wheels, and intended for permanent residence. These tiny homes are gaining popularity even though most are built by do-it-yourself builders and do not conform to any established building code or construction standard for safety. The majority of these homes are built and occupied in ways that do not meet construction standards for recreational vehicles (RVs), which are designed for use as temporary living quarters for non-commercial, recreational and/or camping use. They also do not meet construction standards for a manufactured home, which is a

[14] 24 CFR 3282.15(b) reads in part: ''*Definition.* A Recreational Vehicle is: . . . (2) Designed only for recreational use and not as a primary residence or for permanent occupancy . . .''

structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length or which when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure ''except that such terms shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this title.'' 42 U.S.C. Section 5402(6). Sizes of tiny homes can range from around 80–500 square feet in floor area.

Comment: Commenters stated that HUD should investigate and support the burgeoning ''tiny home'' movement, especially as a potential solution to the problem of homelessness. Commenters stated that tiny homes should not be classified as RVs, and HUD should better distinguish tiny homes from RVs. Commenters stated that HUD should set standards for or regulate tiny homes, even if they fall outside the current scope of regulation for manufactured housing or do not fall within the RV exemption. Commenters stated that HUD should define tiny homes as permanent dwellings. Commenters stated that HUD should regulate tiny homes as manufactured housing. Commenters stated that MHCC should define tiny homes as manufactured homes.

One commenter stated that HUD should broaden the definition of manufactured housing to include tiny homes, including those that are under 400 square feet, those that are built by manufacturers, and those that are built by so-called ''do-it-your-selfers,'' assuming that they meet or exceed ANSI standards, other than square footage, and are built on a trailer frame, a foundation, a boat, or piers. Commenters stated that such tiny homes are fit for year-round use, and should be recognized as such, particularly if they are insulated and include heating and cooling systems. Commenters stated that HUD regulation of tiny homes would make it easier for states and municipalities to recognize tiny homes as legitimate year-round, permanent dwellings, and it would make it easier for tiny house owners to obtain insurance policies.

Commenters stated that there are currently no safety, construction, or energy efficiency standards specifically and uniformly being applied to tiny homes. Commenters stated that the National Organization of Alternative Housing (NOAH) already encourages the tiny home industry to self-regulate using various standards, *e.g.,* National Highway Traffic Safety Administration (NTSHA), NFPA 1192–2015, NFPA 70/National Electrical Code (NEC), and American Tiny House Association (ATHA). Commenters stated that tiny homes are designed more for full-time or permanent living than RVs, that they are often built to code with durable materials, that they typically exceed RV standards like ANSI and NFPA, that they are typically smaller than manufactured homes, *e.g.,* less than 250 square feet, and that they have their own standards. One commenter cited to NOAH as one viable standard. Commenters stated that cities like Austin, Texas, Nashville, Tennessee, Olympia, Washington, Ithaca, New York, and Portland, Oregon, use tiny homes as an important tool to combat homelessness, *e.g.,* by establishing tiny home shelters.

A commenter stated that HUD should create a new and separate exemption for tiny homes, to define them in a fashion similar to the definition of RV under the prior exemption at 24 CFR 3282.8; *e.g.,* with a maximum dimension of between 240 and 320 square feet, built on a single chassis, and permanently towable by a light-duty truck. The commenter stated that most tiny homes are no larger than 28 by 8 feet and built on a single chassis. The commenter stated that this exemption would not apply to larger PMRVs, but it would provide a safe harbor for innovation. The commenter stated that the proposed rule's reliance on permanent versus recreational design intent is unnecessarily vague and discourages the use of energy-efficient insulation.

HUD Response: As stated above, HUD currently regulates as manufactured housing only those structures that are built on a permanent chassis and that ''in traveling mode, [are] eight body feet or more in width or forty body feet or more in length or, when erected on site, [are] three hundred twenty or more square feet.'' Accordingly, HUD lacks jurisdiction to regulate any tiny home that is less than eight body feet in width, 40 body feet in length, or 320 square feet, or any tiny home that is built on a foundation without a permanent chassis. While this statutorily precludes HUD from regulating many tiny homes, manufacturers can voluntarily opt-in to regulation by HUD (See 42 U.S.C. 5402(6)).

That said, HUD is considering whether it should develop Federal Manufactured Home Construction and Safety Standards to allow manufactured homes with reduced dimensions and design requirements to be built to a national preemptive HUD standard. Additionally, the International Code Council (ICC) has recently considered a ''tiny house appendix,'' which is incorporated into the 2018 International Residential Code. HUD will consider other appropriate measures, including potential rulemaking related to tiny homes, as it receives new information.

Comment: Many commenters stated their concern that the rule could have negative consequences for the tiny home community. Commenters stated that the rule would have the effect of banning tiny homes. Commenters stated that HUD should not regulate tiny homes at all. Commenters stated that by requiring compliance with either ANSI/NFPA standards or HUD's Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement regulations, HUD would extinguish the community of small-scale hobbyist and small-business builders of tiny homes, which would in turn kill innovation in construction and manufacturing—particularly given that the exemption as stated in the proposed rule only applies to factory-built structures. Commenters stated that by restricting the tiny home movement, the rule would allow other countries to gain tiny home advantages over the United States.

HUD Response: As already discussed, it is neither HUD's intention nor goal with this rule to regulate temporary, recreational structures in the form of RVs. At the same time, HUD is cognizant of the increased popularity of so-called ''tiny homes,'' many of which are purported to be built to the ANSI A119.5 Park Model Recreational Vehicle standard. HUD believes that consumers should be fully aware of the construction standard used to build a particular product at the time of purchase. If a tiny home is a ''manufactured home'' as defined by statute, then it can be regulated as manufactured housing, unless it also falls within HUD's regulatory exemption for recreational vehicles as provided by this final rule. If a tiny home is not a ''manufactured home'' as defined by statute, then HUD does not have authority to regulate its construction under its Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement regulations. It is also important that the general public be aware that HUD regulates manufacturers

of manufactured homes, as defined by statute.

VI. Incorporation by Reference

This rulemaking incorporates by reference ANSI A119.5–15 and NFPA 1192–15 consensus standards for Recreational Vehicles. The Recreation Vehicle Industry Association (RVIA) sponsors and is accredited to manage the ANSI A119.5 Park Model Recreational Vehicle Standard, which is designed specifically for PMRVs. According to the RVIA, ''[m]embers of the engineering profession and others associated with the design, manufacture, and inspection of Park Model Recreational Vehicles have been aware of the need for a standard providing for healthful and safe, portable, seasonal housing, arranged and equipped to assure suitable living conditions. They have also recognized that because of conditions of transport, size, and use, existing standards for permanent buildings and recreational vehicles are not completely applicable to Park Model RVs. It is with these factors in mind that this standard has been developed.'' [15] Specifically, the ANSI A119.5–15 standard covers fire and life safety criteria and plumbing for PMRVs considered necessary to provide a reasonable level of protection from loss of life from fire and explosion.

The National Fire Protection Association (NFPA) develops and maintains the NFPA 1192 Standard on Recreational Vehicles. According to NFPA, ''Those members of the engineering profession and others associated with the design, manufacturing, and inspection of recreational vehicles have been aware of the need for uniform technical standards leading to the proper use of this special type of equipment. They also have recognized that, because of conditions of transport, size, and use, existing standards for motor vehicles or permanent buildings are not completely applicable to recreational vehicles.'' [16] The NFPA 1192–15 standard provides the minimum construction standards considered necessary to protect against loss of life from fire and explosion for non-Park Model Recreational Vehicles.

Incorporated standards have the same force and effect as 24 CFR part 3282, except that whenever reference standards and 24 CFR part 3282 are inconsistent, the requirements of 24 CFR part 3282 prevail to the extent of the inconsistency. The Department will enforce the listed editions of incorporated material. Where two or more incorporated standards are equivalent in application, the manufacturer may use either standard.

HUD has worked with both organizations to ensure that both ANSI A119.5–15 and NFPA 1192–15 are available via read-only, electronic access. NFPA 1192–15 is available at *http://www.nfpa.org/freeaccess.* ANSI A119.5–15 is available for review at *www.rvia.org/?ESID=A119.* Additionally, interested parties have access to the standards through their normal course of business.

VII. Findings and Certifications

Executive Order 12866 and Executive Order 13563

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned. Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

This rule is a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and was formally reviewed by the OMB. This rule revises the definition of recreational vehicle to clarify the types of recreational vehicles exempted from 24 CFR parts 3280 and 3282. In the past, both consumers and manufacturers of recreational vehicles have questioned whether certain recreational vehicles are subject to HUD's Construction and Safety Standards, codified in 24 CFR part 3280 (the HUD Code), and HUD's Manufactured Home Procedural and Enforcement regulations, codified in 24 CFR part 3282. This rule will provide that a recreational vehicle is exempted from HUD's Manufactured Home Construction and Safety Standards and its Manufactured Home Procedural and Enforcement regulations if the unit is built in conformance with either NFPA 1192–15, Standard on Recreational Vehicles, or ANSI A119.5–15, Park Model Recreational Vehicle Standard.

Executive Order 13771 and Executive Order 13777

Under the leadership of Secretary Carson, HUD has undertaken an effort, consistent with Executive Order 13771 (82 FR 9339), entitled ''Reducing Regulation and Controlling Regulatory Costs,'' to identify and eliminate or streamline regulations that are wasteful, inefficient or unnecessary. In furtherance of this objective, the Secretary has also led HUD's implementation of Executive Order 13777 (82 FR 12285), entitled ''Enforcing the Regulatory Reform Agenda.'' Executive Order 13777 reaffirms the rulemaking principles of Executive Order 13771 by directing each agency to establish a Regulatory Reform Task Force to evaluate existing regulations to identify those that merit repeal, replacement, modification, are outdated, unnecessary, or are ineffective, eliminate or inhibit job creation, impose costs that exceed benefits, or derive from or implement Executive Orders that have been rescinded or significantly modified. This final rule is considered an Executive Order 13771 deregulatory action. Details on the estimated cost savings of this proposed rule can be found in the rule's economic analysis.

Summary of Benefits and Costs of Final Rule

Exemption Criteria

Under this rule, self-propelled RVs qualify for the RV exemption, insofar as they meet all three RV exemption criteria by definition. For towable RVs, however, the standard for the RV exemption is clarified to provide that the RV must be designed, built, and certified in accordance with one of two national standards: NFPA 1192–15, Standard for Recreational Vehicles; or ANSI A119.5–15, Park Model Recreational Vehicle Standard. These standards are already being used by the Recreation Vehicle Industry Association (RVIA) in its standards, inspection, and self-certification process. HUD concludes that the exemption criteria for towable RVs impose negligible costs on the market of RV manufacturers and consumers.

As far as benefits of the new exemption criteria on the market are concerned, the rule provides regulatory clarity to both RV manufacturers and consumers. HUD's Office of Manufactured Housing receives approximately 4–6 complaints per year

[15] *See* RVIA, Standard for Park Model Recreational Vehicles, *http://www.rvia.org/UniPop.cfm?v=2&OID=6772&CC=7040.*

[16] *See http://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards?mode=code&code=1192.*

on the topic of RVs. In reviewing these complaints, HUD has determined that some come from manufacturers questioning whether a competitor's RV product is exempt from HUD's manufactured housing regulations. These manufacturers may be unsure of the scope of the exemption and feel that the RV in question meets the statutory definition of manufactured housing and does not satisfy the existing RV exemption. Complaints also have been submitted by consumers, who experience difficulty in determining whether their RVs meet the statutory definition of manufactured housing and are suitable for full-time living. This final rule provides both manufacturers and consumers additional clarity to make informed decisions without additional help from HUD.

Manufacturer's Notice

The Manufacturer's Notice, required for an ANSI-certified PMRVs to be exempt from HUD manufactured housing regulation, imposes a negligible or nonexistent burden on industry and provides informational benefit to consumers. RVIA already requires a seal to be affixed to PMRVs meeting the ANSI standard. RVIA's own statement in support of this rule indicates that there will be no additional cost as a result of this notice. RVIA's current seal does not satisfy HUD's standard for the Manufacturer's Notice, however, which provides specific requirements regarding the content and prominence of the notice and which requires the notice to be prominently displayed in the unit and delivered to the consumer before the sale transaction is complete, regardless of whether the transaction occurs online or in person.

Nevertheless, HUD's Manufacturer's Notice requirement is not burdensome. A PMRV manufacturer could satisfy this requirement with at most two printed sheets of paper per PMRV: One in the kitchen, and one delivered to the consumer before the transaction. These sheets could be identical for every PMRV and would not need to be modified between sales. In the case of an online transaction, the seller could deliver the notice to the purchaser by email or include the notice as a document in the transaction process and leave the notice in the kitchen.

RVIA data show that about 4,000 PMRVs are sold each year by 22 manufacturers. The costs of ensuring that a notice is printed, included within a sales packet, and left in the PMRV kitchen are negligible. A simple calculation is that 22 quality managers, one at each PMRV manufacturer, will prepare a manufacturer's notice and include it in their manufacturer information and sales packet, spending up to one hour in the process. A Bureau of Labor Statistics estimate for a quality manager (Managers—All other) mean wage is $54.41 as of May 2017. A loaded wage may be double that. In this scenario, 22 quality managers might incur a cost of $2,394, if this task took them a full hour each year. Printing 8,000 sheets of paper at $0.10 each, a conservative estimate, would yield an additional cost of $800.

Conclusion

This rule can be considered deregulatory, as it imposes only de minimis new costs and creates potential cost savings for consumers and manufacturers by providing additional clarity to inform production and purchasing of RVs. In practice, HUD has not exercised regulatory oversight over RV manufacturers and only seeks to update its regulations to conform to its existing practices. The new exemption criteria are less exacting than the existing criteria, and possibly than industry self-regulation as well. The requirement for a Manufacturer's Notice in the case of PMRVs comes at negligible cost, estimated conservatively at less than $4,000 per year for the entire RV industry. This cost will be easily outweighed by the regulatory clarity that the exemption provides to the RV industry and consumers.

Impact on Small Entities

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. It is HUD's position that this rule will not have a significant economic impact on a substantial number of small entities.

This rule is intended to clarify and effectively expand the RV exemption and ensure that RV manufacturers have a clear understanding of which units qualify to be exempt. In addition to benefiting the consumer by providing clarity regarding the manufactured housing standards used to construct the unit, this rule would reduce the paperwork burden and costs of construction delays on RV manufacturers.

As noted above, there are 22 manufacturers. The small business size standard is 1,000 employees for NAICS Code 336211. Pursuant to the small business size standard, 14 of the 22 manufacturers are small. The final rule would apply to all of them. However, the economic impact will not be significant. This rule's notice requirement, the Manufacturer's Notice in question, may be produced and displayed within a unit at $1.00 expense for each unit to the manufacturer. The average small business will need to prepare an estimated 300 notices per year. As such, a small business may incur $150 in additional costs. Easing the process for RV certification assists manufacturers, while the Manufacturer's Notice requirement supports achievement of the goal of ensuring a clear distinction between RV structures and residential manufactured housing. Accordingly, the undersigned certifies that this rule would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. This rule does not impose any federal mandates on any state, local, or tribal governments or the private sector within the meaning of the UMRA.

Paperwork Reduction Act

The information collection requirements contained in this regulation have been approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB Control Number 2502–NEW. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

In its proposed rule, HUD estimated the burden of information collection in the rule and solicited public comments on that estimate. HUD received several public comments regarding the information collection estimate. One comment stated that HUD's proposed information collection was accurate and necessary to carry out the purposes of the proposed rule. Several others, as part of a letter writing campaign, stated that HUD's proposed collection would not enhance the quality, utility and clarity of the information to be collected. HUD considered the comments and concludes that the Manufacturer's Notice provides important information to prospective purchases of Park Model RVs that may otherwise be uninformed about the design of Park Model RVs for

recreational use and temporary occupancy. HUD did not receive any comments from OMB. In this final rule, HUD is updating its information collection analysis based on current RV industry data. Specifically, HUD has confirmed that the number of RV manufacturers that build and ship Park Model RV's, in accordance with ANSI–A119.5–15, total approximately 22 manufacturers. HUD has also updated the burden estimate necessary for each affected manufacturer to provide 2 copies of the manufacturer's notice (see § 3282.15(c)).

Environmental Impact

A Finding of No Significant Impact (FONSI) with respect to the environment was made at the proposed rule stage in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). That FONSI remains applicable to this final rule and is available for public inspection during regular business hours in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the FONSI by calling the Regulations Division at 202–402–3055 (this is not a toll-free number).

Federalism Impact

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either (1) imposes substantial direct compliance costs on state and local governments and is not required by statute, or (2) the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

The Catalog of Federal Domestic Assistance number for the Manufactured Housing Program is 14.171.

List of Subjects in 24 CFR Part 3282

Administrative practice and procedure, Consumer protection, Incorporation by reference, Intergovernmental relations, Investigations, Manufactured homes, Reporting and recordkeeping requirements.

Accordingly, for the reasons stated in the preamble, HUD amends part 3282 of Title 24 of the Code of Federal Regulations, as follows:

PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

■ 1. The authority citation for part 3282 is revised to read as follows:

Authority: 28 U.S.C. 2461; 42 U.S.C. 3535(d), 5403, and 5424.

§ 3282.8 [Amended]

■ 2. In § 3282.8, remove and reserve paragraph (g).

■ 3. Add § 3282.15 to subpart A to read as follows:

§ 3282.15 Exemption for recreational vehicles

(a) *Exemption.* A recreational vehicle that meets the requirements of this section is exempt from 24 CFR parts 3280 and 3282.

(b) *Definition.* A recreational vehicle is:

(1) A vehicle or vehicular structure not certified as a manufactured home;

(2) Designed only for recreational use and not as a primary residence or for permanent occupancy; and is either:

(i) Built and certified in accordance with either NFPA 1192 (incorporated by reference, see § 3282.16) or ANSI A119.5 (incorporated by reference, see § 3282.16) as provided by paragraph (c) of this section; or

(ii) Any vehicle which is self-propelled.

(c) *Notice and certification requirements.* In order for the exemption to apply to an ANSI A119.5–15 certified recreational vehicle, a Manufacturer's Notice must be delivered to the consumer prior to the completion of the sales transaction. The Manufacturer's Notice must also be prominently displayed in a temporary manner in the kitchen (*i.e.,* countertop or exposed cabinet face). The Manufacturer's Notice must meet the following requirements:

(1) *Title of Manufacturer's Notice.* The title of the Manufacturer's Notice shall be ''*****MANUFACTURER'S NOTICE*****'' which shall be legible and typed using bold letters at least 1 inch in size.

(2) *Content of Notice.* The content of the Manufacturer's Notice text shall be as follows:

The Manufacturer of this unit certifies that it is a Park Model Recreational Vehicle designed only for recreational use, and not for use as a primary residence or for permanent occupancy. The manufacturer of this unit further certifies that this unit has been built in accordance with the ANSI A119.5–15 consensus standard for Park Model Recreational Vehicles.

(3) *Text of Notice.* The text of the Manufacturer's Notice, aside from the Manufacturer's Notice's title shall be legible and typed using letters at least ½ inch in size.

(4) *Removal of Manufacturer's Notice.* The Manufacturer's Notice shall not be removed by any party until the entire sales transaction has been completed.

(5) *Completion of sales transaction.* A sales transaction with a Park Model Recreational Vehicle purchaser is considered completed when all the goods and services that the dealer agreed to provide at the time the contract was formed have been provided. Completion of a retail sale will be at the time the dealer completes installation of the Park Model Recreational Vehicle, if the dealer has agreed to provide the installation, or at the time the dealer delivers the recreational vehicle to a transporter, if the dealer has not agreed to transport or install the Park Model Recreational Vehicle. The sale is also complete upon delivery to the site if the dealer has not agreed to provide installation as completion of sale.

■ 4. Add § 3282.16 to subpart A to read as follows:

§ 3282.16 Incorporation by reference

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Department must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the Office of Manufactured Housing Programs, Manufactured Housing and Construction Standards Division, U.S. Department of Housing and Urban Development, 451 7th Street SW, Room B–133, Washington, DC 20410, 202–402–5216, and is available from the sources listed below. Copies of incorporated standards that are not available from their producer organizations may be obtained from the Office of Manufactured Housing Programs. These standards are also available for inspection at the National Archives and Records Administration (NARA). For more 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.

(b) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02169, telephone number 800–344–3555, website *http://www.nfpa.org.*

(1) NFPA 1192, Standard on Recreational Vehicles, 2015 Edition, issued August 14, 2014, IBR approved for § 3282.15(b).

(2) [Reserved]

(c) Recreational Vehicle Industry Association (RVIA), 1896 Preston White Drive, Reston, VA 20191, telephone number 703–620–6003, website *http://www.rvia.org.*

(1) ANSI A119.5: Park Model Recreational Vehicle Standard, 2015 Edition, ANSI-approved April 7, 2015, IBR approved for § 3282.15(b).

(2) [Reserved]

Dated: November 8, 2018.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2018–24950 Filed 11–15–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–1028]

Drawbridge Operation Regulation; Snohomish River, Everett, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Burlington Northern Santa Fe Railway Company (BNSF) Railroad Bridge (BNSF Bridge 37.0) across the Snohomish River, mile 3.5 near Everett, WA. The deviation is necessary to accommodate scheduled replacement of bridge ties across the swing span replacement. The deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 11 a.m. on November 26, 2018 to 3 p.m. on December 14, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–1028 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email the Bridge Administrator, Coast Guard Thirteenth District; telephone 206–220–7282 email *d13-pf-d13bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: BNSF has requested a temporary deviation from the operating schedule for the BNSF Bridge 37.0, mile 3.5, across the Snohomish River, near Everett, WA. BNSF requested for BNSF Bridge 37.0 be allowed to remain in the closed-to-navigation position for swing span maintenance. This maintenance will improve the reliability of the bridge for marine openings. The normal operating schedule for the subject bridge is in 33 CFR 117.5. BNSF Bridge 37.0 is a swing bridge and provides 9 feet of vertical clearance above mean high water elevation while in the closed-to-navigation position.

This deviation allows the BNSF Bridge 37.0 to remain in the closed-to-navigation position, and need not open for maritime traffic from 11 a.m. on November 26, 2018 to 3 p.m. on December 14, 2018 per the table below:

From time/date	To time/date	Span position
11 a.m./Nov 26, 2018	3 p.m./Nov 30, 2018	Closed.
11 a.m./Dec 3, 2018	3 p.m./Dec 7, 2018	Closed.
11 a.m./Dec 10, 2018	3 p.m./Dec 14, 2018	Closed.

The bridge shall operate in accordance to 33 CFR 117.5 at all other times. Vessels able to pass through the subject bridge in the closed-to-navigation position may do so at any time. The bridge will be required to open, if needed, for vessels engaged in emergency response operations during this closure period.

Waterway usage on this part of the Snohomish River includes tug and barge to small pleasure craft. The BNSF Bridge 37.0 receives an average number of three opening request during this time of year. BNSF has coordinated with Snohomish River users that frequently request bridge openings during this time of year. An alternate route for vessels to pass is available through Steamboat Slough to the north. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: November 9, 2018.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2018–25058 Filed 11–15–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2018–0567; FRL–9986–15]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances; Withdrawal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: EPA is withdrawing significant new use rules (SNURs) promulgated under the Toxic Substances Control Act (TSCA) for 28 chemical substances, which were the subject of premanufacture notices (PMNs). EPA published these SNURs using direct final rulemaking procedures, which requires EPA to take certain actions if an adverse comment is received. EPA received adverse comments and a request to extend the comment period regarding the SNURs

identified in the direct final rule. Therefore, the Agency is withdrawing the direct final rule SNURs identified in this document, as required under the direct final rulemaking procedures.

DATES: The direct final rule published at 83 FR 47004 on September 17, 2018 is withdrawn effective November 16, 2018.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0567, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave. Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

A list of potentially affected entities is provided in the **Federal Register** of September 17, 2018 (83 FR 47004) (FRL–9983–14). If you have questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

II. What direct final SNURs are being withdrawn?

In the **Federal Register** of September 17, 2018 (83 FR 47004) (FRL–9983–14), EPA issued direct final SNURs for 28 chemical substances that are identified in the document. Because the Agency received adverse comments and a request to extend the comment period regarding the SNURs identified in the document, EPA is withdrawing the direct final SNURs issued for these 28 chemical substances, which were the subject of PMNs. In addition to the direct final SNURs, elsewhere in the same issue of the **Federal Register** of September 17, 2018 (83 FR 47026) (FRL–9983–59), EPA issued proposed SNURs covering these 28 chemical substances. EPA will address all adverse public comments in a subsequent final rule, based on the proposed rule.

III. Good Cause Finding

EPA determined that this document is not subject to the 30-day delay of effective date generally required by the Administrative Procedure Act (APA) (5 U.S.C. 553(d)) because of the time limitations for publication in the **Federal Register**. This document must publish on or before the effective date of the direct final rule containing the direct final SNURs being withdrawn.

IV. Statutory and Executive Order Reviews

This action withdraws regulatory requirements that have not gone into effect and which contain no new or amended requirements and reopens a comment period. As such, the Agency has determined that this action will not have any adverse impacts, economic or otherwise. The statutory and Executive Order review requirements applicable to the direct final rules were discussed in the September 17, 2018 **Federal Register** (83 FR 47004). Those review requirements do not apply to this action because it is a withdrawal and does not contain any new or amended requirements.

V. Congressional Review Act (CRA)

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). Section 808 of the CRA allows the issuing agency to make a rule effective sooner than otherwise provided by CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. As required by 5 U.S.C. 808(2), this determination is supported by a brief statement in Unit III.

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: November 5, 2018.

Lance Wormell,

Acting Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

■ Accordingly, the amendments to 40 CFR parts 9 and 721 published on September 17, 2018 (83 FR 47004), are withdrawn effective November 16, 2018.

[FR Doc. 2018–24973 Filed 11–15–18; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 83, No. 222
Friday, November 16, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

[Doc. No. AMS–SC–18–0061; SC18–932–1 PR]

Olives Grown in California; Establish Procedures To Meet Via Electronic Communications

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on a recommendation made by the California Olive Committee (Committee) to establish procedures to conduct meetings and voting using electronic means of communication.

DATES: Comments must be received by December 17, 2018.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: *http://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Peter Sommers, Marketing Specialist, or Terry Vawter, Senior Marketing Specialist, California Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *PeterR.Sommers@usda.gov* or *Terry.Vawter@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes to amend regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Agreement and Order No. 932, as amended (7 CFR part 932), regulating the handling of olives grown in California. Part 932 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The California Olive Committee (Committee) locally administers the Order and is comprised of producers and handlers of olives operating within the area of production.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this proposed rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

On May 17, 2018 (83 FR 22831), the Agricultural Marketing Service published a final rule amending 7 CFR part 900, the general regulations for federal fruit, vegetable, and specialty crop marketing agreements and orders, to authorize the use of electronic means of communication for meetings and voting.

During a meeting on June 13, 2018, the Committee unanimously recommended adoption of modern communication methods to conduct Committee meetings, as outlined in the **Federal Register** volume referenced above. On August 17, 2018, the Committee unanimously approved the recommended procedures for the use of communication technology. This proposed rule would establish those procedures in a new section § 932.136, Use of communication technology in Subpart B—Administrative Requirements.

The Order currently states that the Committee may only meet in assembled, in-person, meetings and that voting may only be conducted at meetings or via mail or telegraph. Such limitations present logistical problems for many Committee members since membership is widely distributed across California. Some members travel over 400 miles to attend a Committee meeting, thus resulting in lost work hours for the members and increased costs for the Committee.

Allowing the Committee to conduct meetings via electronic means of communication would likely result in increased member participation and productivity at a reduced cost, as well as greater potential for meeting quorum and voting requirements.

The Committee recommended that audio or audiovisual technology (AVT)

that facilitates open communication and effectively assembles Committee members be used to conduct meetings by AVT or partial in-person meetings (meaning some members not present participate in an in-person meeting via technology). These meetings would be subject to the same quorum and voting requirements currently in effect for in-person meetings under § 932.36. These requirements define a quorum as a majority of the 16-member Committee, of which at least half are producer members and half are handler members. Voting requirements state that a passing recommendation must receive a majority vote, with at least half of the voting members representing producers and half representing handlers. For recommendations regarding grade and size, a minimum of ten votes representing five producer and five handler members are necessary for approval. The requirements further state that issues to be voted on shall be explained accurately and fully, and that all votes cast will be confirmed through a roll call.

Regarding casting votes electronically or by email, the Committee proposed that such votes be subject to the same requirements currently in effect for mail voting in § 932.36. These requirements state that advanced notice, as well as an accurate, full and identical description of the issues to be voted on, be given to all members. For a recommendation to pass, at least 14 affirmative votes representing seven producer and seven handler members are required.

The Committee recommended these changes to provide an opportunity to conduct meetings more efficiently and cost-effectively; use of audio and or audiovisual communication technology would result in time and cost savings to the Committee and its members by allowing for meetings to be conducted with all or a portion of its membership attending by audio and or AVT.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 1,100 producers of olives in the production area and two handlers subject to regulation under the Order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,500,000 (13 CFR 121.201).

Based on National Agricultural Statistics Service (NASS) information, the average price to producers for the 2017 crop year was $974.00 per ton, and total assessable volume for the 2017 crop year was 83,799 tons. Based on production, price paid to producers, and the total number of California olive producers, the average annual producer revenue is less than $750,000 ($974.00 times 83,799 tons equals $81,620,226, divided by 1,100 producers equals an average annual producer revenue of $74,200). Based on Committee data, both handlers may be classified as large entities under the SBA's definitions because their annual receipts are greater than $7,500,000.

This proposed rule would not impose additional costs on handlers or producers of any size. Committee members are expected to see a reduction in their travel expenses and time lost from work in order to attend Committee meetings in person. Thus, this proposed rule would reduce the cost burden on both handlers and producers.

The Committee considered the alternative of making no changes to the regulations. However, it was determined that by taking no action, the Committee would be unnecessarily limiting the participation of some members due to time constraints and travel considerations. Therefore, the Committee determined that recommending this change was in the best interest of the Committee, its members, and the industry.

Like all Committee meetings, the June 13, 2018, meeting was public and was widely publicized throughout the production area. All entities, both large and small, were able to express their views on this issue and participate in Committee deliberations. Following the meeting, ballots along with the proposed procedures were sent to all Committee members on July 31, 2018, and the mail vote concluded on August 17, 2018. The proposal received unanimous support.

Interested persons are invited to submit comments on this proposed rule, including the regulatory and information collection impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178 Vegetable Crops. No changes in those requirements would be necessary as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large California olive handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this action.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is proposed to be amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Add § 932.136 to subpart B to read as follows:

§ 932.136 Use of communication technology.

The Committee may conduct meetings by any means of audio and/or audiovisual communication technology available that effectively assembles members and alternates, and facilitates open communication; *Provided,* That, quorum and voting requirements specified in § 932.36 for physically assembled meetings shall apply. The Committee may also vote electonically; *Provided,* That, such voting shall be subject to the same requirements specified for mail voting in § 932.36.

Dated: November 9, 2018.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2018–25006 Filed 11–15–18; 8:45 am]

BILLING CODE 3410–02–P

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 103, 120, and 121

RIN 3245–AG74

Express Loan Programs; Affiliation Standards

AGENCY: U.S. Small Business Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On September 28, 2018, the U.S. Small Business Administration (SBA) published a notice of proposed rulemaking in the **Federal Register** to solicit public comments on, among other things, Express loan programs and affiliation standards. This document announces the extension of the current comment period for an additional 15 business days until December 18, 2018.

DATES: The comment period for the notice of proposed rulemaking published on September 28, 2018 (83 FR 49001) is extended until December 18, 2018.

ADDRESSES: You may submit comments, identified by RIN 3245–AG74, by any of the following methods: (1) Federal Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments; or (2) Mail/Hand Delivery/Courier: U.S. Small Business Administration, Attn: Kimberly Chuday or Thomas Heou, Office of Financial Assistance, 409 Third Street SW, 8th Floor, Washington, DC 20416. SBA will post all comments to this notice of proposed rulemaking on *http://www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *http://www.regulations.gov,* you must submit such information to the U.S. Small Business Administration, Attn: Kimberly Chuday or Thomas Heou, Office of Financial Assistance, 409 Third Street SW, 8th Floor, Washington, DC 20416. Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review your information and determine whether it will make the information public.

FOR FURTHER INFORMATION CONTACT: Robert Carpenter, Acting Chief, 7(a) Policy & Program Branch, U.S. Small Business Administration, Office of Financial Assistance, 409 3rd Street SW, 8th Floor, Washington, DC 20416; telephone: (202) 619–1654; email: *robert.carpenter@sba.gov.*

SUPPLEMENTARY INFORMATION: On September 28, 2018, SBA published a notice of proposed rulemaking at 83 FR 49001 to solicit comments on the Express loan program, affiliation standards, and other miscellaneous amendments to SBA business loan programs. This proposed rulemaking, which is identified by RIN 3245–AG74, is also available at *https://www.regulations.gov/searchResults?rpp=25&po=0&s=SBA-2018-0009&fp=true&ns=true.*

SBA received a formal request from several trade associations that represent participants in SBA's business loan programs to extend the comment period on this proposed rulemaking for an additional 60 days. After considering the request, SBA decided to extend the comment period an additional 15 business days until December 18, 2018. This extension will give commenters additional time to consider the proposed rulemaking and submit comments.

Dianna L. Seaborn,

Director, Office of Financial Assistance.

[FR Doc. 2018–25037 Filed 11–15–18; 8:45 am]

BILLING CODE 8025–01–P

FEDERAL TRADE COMMISSION

16 CFR Part 609

RIN 3084–AB54]

Military Credit Monitoring

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking; request for public comment.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') is publishing for comment a proposed rule to implement the credit monitoring provisions applicable to active duty military consumers in section 302 of the Economic Growth, Regulatory Relief, and Consumer Protection Act, which amends the Fair Credit Reporting Act (FCRA). That section requires nationwide consumer reporting agencies to provide a free electronic credit monitoring service to active duty military consumers, subject to certain conditions. The proposed rule defines ''electronic credit monitoring service,'' ''contact information,'' ''material additions or modifications to the file of a consumer,'' and ''appropriate proof of identity,'' among other terms. It also contains requirements on how nationwide consumer reporting agencies must verify that an individual is an active duty military consumer.

DATES: Written comments must be received on or before January 7, 2019.

ADDRESSES: Interested parties may file a comment online or on paper by following the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Military Credit Monitoring Rulemaking, Matter No. R811007'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/militarycreditmonitoringnprm* following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex B), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Amanda Koulousias (202–326–3334), Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Economic Growth, Regulatory Relief, and Consumer Protection Act (''the Act'') was signed into law on May 24, 2018. Public Law 115–174. The Act, among other things, amends section 605A of the FCRA, 15 U.S.C. 1681c–1 to add a section 605A(k). Section 605A(k)(2) requires that nationwide consumer reporting agencies provide free electronic credit monitoring services to active duty military consumers.

Section 605A(k)(3) of the FCRA requires the Commission to issue a

regulation clarifying the meaning of certain terms used in section 605A(k)(2), including ''electronic credit monitoring service'' and ''material additions or modifications to the file of a consumer.'' In addition, section 605A(k)(3) requires that the Commission's regulation clarify what constitutes appropriate proof that an individual is an active duty military consumer.

II. Summary of the Proposed Rule

The proposed rule applies to nationwide consumer reporting agencies, as defined in section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. 1681a(p). The proposed rule requires the nationwide consumer reporting agencies to provide a free electronic credit monitoring service that notifies a consumer of material additions or modifications to the consumer's file when the consumer provides (1) contact information, (2) appropriate proof that the consumer is an active duty military consumer, and (3) appropriate proof of identity. The proposed rule specifies that the nationwide consumer reporting agency must provide notification to the consumer within 24 hours of the material addition or modification. The proposed rule also requires that the notices to consumers include a hyperlink to a summary of the consumer's rights under the Fair Credit Reporting Act, as prescribed by the Bureau of Consumer Financial Protection under 15 U.S.C. 1681g(c).

The proposed rule defines certain key terms. Specifically, the proposed rule defines ''electronic credit monitoring service'' as a service through which nationwide consumer reporting agencies provide, at a minimum, electronic notification of material additions or modifications to a consumer's file. Electronic notification may include notification by website, mobile application, email, or text message. In addition, the proposed rule defines ''material additions or modifications'' as significant changes to a consumer's file, including: (1) New accounts opened in the consumer's name; (2) inquiries or requests for a consumer report; (3) changes to a consumer's name, address, or phone number; (4) changes to credit account limits; and (5) negative information, which is separately defined to include information concerning a customer's delinquencies, late payments, insolvency, or any form of default. The term ''material additions or modifications'' excludes requests for prescreened lists and requests to review a consumer's account, as discussed further below.

The proposed rule also specifies what constitutes appropriate proof that the consumer is an active duty military consumer. Under the proposed rule, appropriate proof includes a copy of the consumer's active duty orders; a certification of active duty status issued by the Department of Defense; verification obtained through a method or service approved by the Department of Defense; or a certification of active duty status approved by the nationwide consumer reporting agency.

Further, the proposed rule restricts nationwide consumer reporting agencies' ability to use and disclose the information they collect from consumers in order to provide the required electronic credit monitoring service. The nationwide consumer reporting agencies may use and disclose the information they collect from consumers only for the following: (1) To provide the free electronic credit monitoring service requested by the consumer; (2) to process a transaction requested by the consumer at the same time as a request for the free electronic credit monitoring service; (3) to comply with applicable legal requirements; or (4) to update information already maintained by the nationwide consumer reporting agency for the purpose of providing consumer reports.

Additionally, the proposed rule contains some limitations on communications surrounding enrollment in an electronic credit monitoring service. First, the proposed rule prohibits any advertising or marketing to a consumer who has indicated an interest in obtaining the free electronic credit monitoring service for active duty military consumers until after the consumer has enrolled in the service. Second, the proposed rule does not allow any communications or instructions that interfere with, detract from, contradict, or otherwise undermine the purpose of the proposed rule. Prohibited communications include materials that represent, expressly or by implication, that an active duty military consumer must purchase a paid product or service in order to receive the service required under § 609.3(a). They also include materials that falsely represent, expressly or by implication, that a product or service offered ancillary to the free electronic credit monitoring service, such as identity theft insurance, is free. The proposed rule also prohibits any advertising or marketing for a free service, without clearly and prominently disclosing that consumers must cancel the service to avoid being charged, if such is the case.

Finally, the proposed rule prohibits asking or requiring an active duty military consumer to agree to terms or conditions in connection with obtaining a free electronic credit monitoring service.

III. Section-by-Section Analysis

Section 609.1 Scope of Regulations

Proposed § 609.1 sets forth the scope of the Commission's rule and generally tracks the statutory language in section 605A(k)(2) of the Fair Credit Reporting Act. 15 U.S.C. 1681c–1(k)(2). It implements the requirement that nationwide consumer reporting agencies, as defined in section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. 1681a(p), provide a free electronic credit monitoring service to active duty military consumers that, at a minimum, notifies them of any material additions or modifications to their files.

Section 609.2 Definitions

Proposed § 609.2 contains definitions for the following terms: ''active duty military consumer,'' ''appropriate proof of identity,'' ''consumer,'' ''consumer report,'' ''contact information,'' ''credit,'' ''electronic credit monitoring service,'' ''electronic notification,'' ''file,'' ''firm offer of credit,'' ''free,'' ''material additions or modifications,'' ''nationwide consumer reporting agency,'' and ''negative information.''

Active Duty Military Consumer, Consumer, Consumer Report, Credit, File, Firm Offer of Credit, Nationwide Consumer Reporting Agency, and Negative Information

Proposed paragraphs (a), (c), (d), (f), (i), (j), (m), and (n) incorporate the FCRA's statutory definitions of ''active duty military consumer,'' ''consumer,'' ''consumer report,'' ''credit,'' ''file,'' ''firm offer of credit,'' ''nationwide consumer reporting agency,'' and ''negative information.'' Each of these terms is used in the proposed rule.

Appropriate Proof of Identity

Proposed paragraph (b) defines ''appropriate proof of identity'' as having the same meaning as set forth in 12 CFR 1022.123. Although the statute requires only that consumer reporting agencies obtain contact information and appropriate proof of active duty military status before providing electronic credit monitoring to military consumers, the proposed rule adds language that would permit the nationwide consumer reporting agencies to request appropriate proof of identity before providing a military consumer with the statutorily required credit monitoring service.

The Commission believes that, before providing sensitive consumer report information to a military consumer in

connection with credit monitoring, a consumer reporting agency should be able to verify the consumer's identity. Consumer report information is very sensitive and it is imperative that consumers only receive credit monitoring with respect to their own credit file. For example, under section 610 of the FCRA, consumer reporting agencies must obtain ''proper identification'' from a consumer before providing the consumer with a disclosure of his or her credit file. More generally, consumer reporting agencies are required to establish reasonable procedures designed to limit the furnishing of consumer reports to legitimate persons with legitimate purposes for obtaining the report. See 15 U.S.C. 1681e.

The proposed rule defines ''appropriate proof of identity'' by cross-referencing 12 CFR 1022.123. This existing definition was established to provide guidance on what information consumers should be required to provide to constitute proof of identity for purposes of FCRA sections 605A (obtaining a fraud alert), 605B (requesting that information resulting from identity theft be blocked from one's consumer report), and 609(a)(1) (requesting a file disclosure from a consumer reporting agency). This definition is risk-based, meaning that a consumer reporting agency's policy with respect to appropriate proof of identity should be commensurate with the risk of harm to the consumer resulting from misidentification, and should not unreasonably restrict a consumer's access to statutorily required services.

Because consumer reporting agencies already are required to implement procedures for obtaining appropriate proof of identity under 12 CFR 1022.123, the Commission believes it would be efficient to permit consumer reporting agencies to comply with the proposed rule by using the same requirements, already in place.

The Commission is soliciting comments on whether the rule should cross-reference 12 CFR 1022.123, stay silent on the definition, or develop a different approach.

Contact Information

Proposed paragraph (e) contains a definition of ''contact information.'' The statute allows nationwide consumer reporting agencies to condition provision of the free electronic credit monitoring service to those consumers that provide both appropriate proof that they are active duty military consumers and contact information. The Commission believes that clarifying the term ''contact information'' is beneficial to the nationwide consumer reporting agencies and consumers. Nationwide consumer reporting agencies need a minimal amount of information from a consumer in order to provide the free credit monitoring service. Accordingly, the proposed rule defines ''contact information'' as information about a consumer, such as a consumer's first and last name and email address, that is reasonably necessary to collect in order to provide the electronic credit monitoring service.

Electronic Credit Monitoring Service

Proposed paragraph (g) defines ''electronic credit monitoring service'' as a service through which nationwide consumer reporting agencies provide electronic notifications of material additions or modifications to a consumer's file. Section 605A(k)(3) of the FCRA specifically requires the Commission to define this term. The Commission believes that this definition and the accompanying definitions of ''material addition or modification'' and ''electronic notification'' provide the detail necessary for nationwide consumer reporting agencies to provide the credit monitoring required by the statute.

Electronic Notification

Proposed paragraph (h) defines ''electronic notification'' as a notice provided to the consumer via a website; mobile application; email; or text message. The Commission wants to give the nationwide consumer reporting agencies and consumers the flexibility to communicate in a manner that is most convenient for them. Currently, the nationwide consumer reporting agencies typically send customers of their commercial credit monitoring services an email alerting them that changes have been made to their files. Customers then log in to the consumer reporting agency's website to see the specific changes that have occurred. Other commercial credit monitoring services provide a mobile application through which they notify customers of changes to their consumer reports. In addition to these methods, the Commission believes some consumers would find the option of receiving notifications via text message convenient. However, the Commission notes, that any nationwide consumer reporting agency electing to provide consumers the option of receiving notifications via text message must comply with Telephone Consumer Protection Act, 47 U.S.C. 227, and all other applicable laws and requirements. The Commission welcomes comment on this proposed definition of electronic notification.

Free

Proposed paragraph (k) defines ''free'' as being provided at no cost to the consumer. This definition comes from Merriam-Webster's Dictionary. The Commission seeks comment on whether a definition of ''free'' is necessary, and if so, whether it should include any additional requirements.

Material Additions or Modifications

Proposed paragraph (*l*) defines ''material additions or modifications'' as significant changes to a consumer's file, including: (1) New accounts opened in the consumer's name; (2) inquiries or requests for a consumer report (with the exceptions noted below); (3) changes to a consumer's name, address, or phone number; (4) changes to credit account limits; and (5) negative information.

The changes set forth in (1)–(5) above are material because they can indicate that a consumer is the victim of identity theft or other fraud. The sooner a consumer is alerted to these changes, the sooner the consumer can begin to mitigate harm. Notifications of these changes are included in many of the credit monitoring products available commercially today.

The definition also includes any other ''significant changes to a consumer's file.'' The enumerated list is not exhaustive, and nationwide consumer reporting agencies may elect to provide notification of other significant changes to a consumer's file. There may be other information that is useful to particular types of consumers or other significant changes that the Commission cannot contemplate today. Therefore, the Commission believes that the nationwide consumer reporting agencies should have discretion to include additional significant changes to a consumer's file within their free electronic credit monitoring service.

At the same time, the Commission proposes that the definition of ''material additions or modifications'' specifically exclude (1) inquiries for a prescreened list obtained for the purpose of making a firm offer of credit or insurance as described in 15 U.S.C. 1681b(c)(1)(B), and (2) inquiries for the purpose of reviewing an account of the consumer (''account review''). As to inquiries for prescreened lists, while most credit inquiries signal that a consumer is affirmatively seeking credit and may affect their credit scores, inquiries for prescreened lists are made without consumers' knowledge or specific consent and do not affect their credit scores. Consumers may opt out of

prescreening. The Commission does not believe that there would be any benefit to active duty military consumers if they received notification every time an inquiry for a prescreened list is made. In fact, including inquiries for prescreened lists in the proposed rule's notification requirement could result in over-notification to the consumer, which could be confusing and make it difficult for consumers to determine when an inquiry indicates that they are potentially the victim of identity theft or other fraud.

Similarly, inquiries made for purposes of account review, such as when a credit card issuer reviews a customer's credit file in order to determine whether to change the annual percentage rate (''APR'') on a credit card, also do not indicate that a consumer is shopping for credit. These account review inquiries may not result in any changes to the consumer's credit account. In cases where account review does result in a change to the consumer's credit account, such as by increasing the APR on a credit card, the creditor must send the consumer a risk-based pricing notice. *See* 12 CFR 1022.70–1022.75. The risk-based pricing notice contains information about the account review and provides consumers with additional information and gives them a right to obtain a free copy of their consumer report. The Commission believes that requiring notification of account review inquiries could result in over-notification and be confusing to consumers. For those consumers for whom account review results in changes to their credit accounts, the risk-based pricing notice is more informative and valuable than a notification that simply indicates that a creditor has reviewed their credit files.

Section 609.3 Requirement To Provide Free Electronic Credit Monitoring Service

Proposed § 609.3 establishes the basic rules surrounding the provision of free electronic credit monitoring to active duty military consumers. Paragraph (a) states the general requirement that nationwide consumer reporting agencies must provide a free electronic credit monitoring service to active duty military consumers.

Determining Whether a Consumer Must Receive Electronic Credit Monitoring Service

Proposed § 609.3(b) allows nationwide consumer reporting agencies to condition the provision of the free electronic credit monitoring service upon the consumer providing appropriate proof of identity, contact information, and appropriate proof that the consumer is an active duty military consumer. The Act itself specifically states that nationwide consumer reporting agencies need only provide the free electronic credit monitoring to consumers that provide contact information and appropriate proof of active duty military status.

The Commission also proposes to include the condition that consumers provide the nationwide consumer reporting agencies with appropriate proof of identity. Consumer report information is very sensitive and it is imperative that consumers only receive credit monitoring of their own file. The Commission is proposing to define ''appropriate proof of identity'' by cross-referencing 12 CFR 1022.123, as explained in further detail above.

Appropriate Proof of Active Duty Military Status

Proposed paragraph (c) fulfills the statutory requirement that the Commission determine what constitutes appropriate proof of active duty military status. The proposed rule allows active duty military status to be verified through: (1) A copy of the consumer's active duty military orders; (2) a copy of a certification of active duty status issued by the Department of Defense; (3) a method or service approved by the Department of Defense; or (4) a certification of active duty status approved by the nationwide consumer reporting agency.

The first two methods require consumers to provide nationwide consumer reporting agencies with documents verifying their active duty status. The third method—one approved by the Department of Defense—anticipates future developments in this area. The Commission understands from the Department of Defense that there is not currently an automated method by which nationwide consumer reporting agencies may obtain notice of a consumer's active duty military status from the Department of Defense for the purpose of fulfilling their obligations under this proposed rule. If such a method does become available, however, this language makes sure it would suffice as ''appropriate proof of active duty military status'' under the proposed rule. The Commission defers to the Department of Defense on what methods it may determine are appropriate to prove active duty status.

The fourth method would allow any nationwide consumer reporting agency to develop its own method for determining proof of active duty military status. The Commission believes that it may be burdensome for consumers and the nationwide consumer reporting agencies to have a system that requires documents to be uploaded in order to confirm active duty status. In an effort to provide nationwide consumer reporting agencies the flexibility to design a less burdensome method of proof, the proposed rule allows them to approve other certifications of status. For example, the proposed rule would allow the nationwide consumer reporting agencies to accept consumers' self-certification of active duty military status, *e.g.,* by allowing consumers to check a box certifying active duty military status.

The Commission welcomes comment on the efficacy of these methods, and whether there are other methods of determining active duty military status that it should add to the definition.

Information Use and Disclosure

Proposed § 609.3(d) limits nationwide consumer reporting agencies' use and disclosure of information they collect from consumers as a result of a consumer's request to obtain the free electronic credit monitoring service. Specifically, the proposed rule allows nationwide consumer reporting agencies to use and disclose information collected from consumers only: (1) To provide the free electronic credit monitoring service requested by the consumer; (2) to process a transaction requested by the consumer at the same time as a request for the free electronic credit monitoring service; (3) to comply with applicable legal requirements; or (4) to update information already maintained by the nationwide consumer reporting agency for the purpose of providing consumer reports. Under (4), if a nationwide consumer reporting agency updates information it maintains for consumer reporting purposes, the updated information is subject to the same restrictions that apply to the original, pre-updated data. These restrictions on use and disclosure are identical to the requirements placed on the nationwide consumer reporting agencies' collection of personally identifiable information from consumers using the centralized source found in 12 CFR 1022.136(f). Restricting ''secondary'' use and disclosure of information collected from active duty military consumers seeking to obtain the free electronic credit monitoring service ensures that these consumers will not be subjected to unintended consequences, such as unwanted marketing. Additionally, the Commission does not believe that it would be appropriate to make an active duty military consumer's access to the free electronic credit

monitoring service contingent on the consumer's willingness to allow a nationwide consumer reporting agency to use the consumer's information for unrelated, secondary uses.

The proposed rule does allow information collected from consumers as part of the free electronic credit monitoring enrollment process to be used to process transaction requests made by consumers at the same time. This provision allows consumers to avoid having to reenter information in order to obtain products and services separate from the free electronic credit monitoring. For example, a consumer would not have to reenter information if, after enrolling in the free electronic credit monitoring service, the consumer decided to also obtain identity theft insurance. The proposed rule also permits nationwide consumer reporting agencies to use and disclose information in order to comply with all applicable legal requirements. Finally, the proposed rule permits nationwide consumer reporting agencies to use the information collected to update information they already maintain for consumer reporting purposes, but does not permit them to add additional information that they do not already collect from other sources. The Commission seeks comments on whether these restrictions are appropriate and whether any modifications to the proposed restrictions are necessary.

Communications Surrounding Enrollment in Electronic Credit Monitoring Service

Proposed § 609.3(e) places limitations on the types of communications that may surround enrollment in the electronic credit monitoring service. Section 609.3(e)(1) restricts any advertising or marketing for products or services, or any communications or instructions that advertise or market any products and services to a consumer that has indicated an interest in signing up for the free electronic credit monitoring service until after the consumer has enrolled in the service. This restriction is similar to the restriction on advertising on the annual credit report website found in 12 CFR 1022.136(g). The goal of including a similar requirement is to ensure that the Act's purpose of providing active duty military consumers with a free electronic credit monitoring service is not thwarted by confusing advertisements or communications that dissuade active duty military consumers from enrolling in the free service. The proposed requirement is not intended to ban advertising on all web pages of the nationwide consumer reporting agencies. Instead, it seeks to limit advertising directed to those consumers who have indicated that they want to enroll in the free credit monitoring for active duty military consumers. Thus, for example, the proposed requirement would apply only to the pages on a nationwide consumer reporting agency's website or app dedicated to providing active duty military consumers with their rights under this regulation. The Commission appreciates that this restriction on advertising may increase costs to the nationwide consumer reporting agencies by, among other things, requiring them to create separate enrollment processes for active duty military consumers. The Commission requests comment on whether this restriction is consistent with the authority granted under the Act and necessary to ensure that active duty military consumers are able to enroll easily in the free electronic credit monitoring service.

Section 609.3(e)(2) of the proposed rule specifies that any communications, instructions, or permitted advertising or marketing may not interfere with, detract from, contradict, or otherwise undermine the purpose of providing a free electronic credit monitoring service to active duty military consumers. The proposed rule provides examples of conduct that would interfere with, detract from, contradict, or undermine the purpose of the rule. For example, a nationwide consumer reporting agency would be prohibited from providing materials that represent, expressly or by implication, that in order to obtain the free credit monitoring service, active duty military consumers must also purchase identity theft insurance. This limitation on communications is identical to 12 CFR 1022.136(g)'s requirements for the centralized source for free annual file disclosures.

Sections 609.3(e)(1) and (2) are complementary and are designed to ensure that active duty military consumers are not confused or deceived by communications related to a nationwide consumer reporting agency's products and services. Using the example of the identity theft insurance product described above, section 609.3(e)(1) would prohibit any advertising of such a product from the time the consumer indicates an interest in obtaining free credit monitoring for active duty military until after that consumer has enrolled in the service. Section 609.3(e)(2) applies to any advertising before the consumer indicates such an interest, or after the consumer has enrolled in the service. It also applies to non-advertising communications or instructions relating to the free electronic credit monitoring service.

The Commission recognizes that if done appropriately, access to some identity theft services—such as identity theft insurance—may be beneficial and convenient for consumers. The Commission wants to ensure, however, that these additional services are not offered in a way that is confusing to active duty military consumers or dissuades them from enrolling in the free electronic credit monitoring service that they are entitled to under the Act. The Commission solicits comment on whether this restriction is consistent with the authority granted under the Act and necessary to ensure that active duty military consumers can easily obtain the free credit monitoring service.

Other Prohibited Practices

Proposed § 609.3(f) prohibits asking or requiring an active duty military consumer to agree to terms or conditions in connection with obtaining a free electronic credit monitoring service. This restriction is similar to the restriction for the annual credit report website found in 12 CFR 1022.136(h). The Commission believes that an active duty military consumer's right to obtain a free electronic credit monitoring service should be unfettered and without any restrictions or conditions, apart from providing appropriate proof of identity, contact information, and appropriate proof that the consumer is an active duty military consumer. The Commission solicits comment on whether this restriction is consistent with authority granted under the Act and necessary to ensure that active duty military consumers can easily obtain the free credit monitoring service.

Section 609.4 Timing of Credit Monitoring Notices

Proposed § 609.4 requires that the notices required under § 609.3(a) be provided within 24 hours of any material additions or modifications to a consumer's file. Advertisements for commercial credit monitoring services that are currently on the market suggest that consumers can be notified of changes to their files as soon as those changes are detected. Therefore, the Commission believes that 24 hours provides ample time for the nationwide consumer reporting agencies to give an electronic notification to affected consumers.

Section 609.5 Additional Information To Be Included in Electronic Credit Monitoring Notices

Proposed § 609.5 states that the electronic notifications shall include a hyperlink to a summary of the consumer's rights under the Fair Credit Reporting Act, as prescribed by the Bureau of Consumer Financial Protection under 15 U.S.C. 1681g(c). The Commission believes that it will be useful for consumers to be able to easily access information about their rights to, for example, obtain consumer reports and dispute information on their reports. Including a link to the summary with each electronic notification will ensure that consumers can find that information when it may be most useful to them. The Commission welcomes comment on this proposed requirement.

Section 609.6 Severability

Proposed § 609.6 states that the provisions of the proposed rule are separate and severable from one another, so that if any provision is stayed or determined to be invalid, it is the Commission's intention that the remaining provisions shall continue in effect.

IV. Request for Comment

The Commission seeks comment on various aspects of the proposed rule. Without limiting the scope of issues on which it seeks comment, the FTC is particularly interested in receiving comments on the questions that follow. In responding to these questions, please include detailed factual supporting information if possible.

Section 609.2 Definitions

1. Does the definition of ''electronic credit monitoring service'' adequately describe the service that the proposed rule should cover? If not, how should the definition be modified?

2. Does the definition of ''material additions or modifications'' adequately cover the changes to a consumer's file that should require notification? If not, what other elements should be added to the definition? Should changes to credit account limits remain in the definition? What benefits to consumers would notifications of account limit changes provide?

3. The proposed rule does not require notice to be given if an inquiry was made for a prescreened list obtained for the purpose of making a firm offer of credit or insurance as described in 15 U.S.C. 1681b(c)(1)(B) or for the purpose of account review. Are these exceptions appropriate? Are there other exceptions that should be added to the proposed rule?

4. The proposed rule requires notice to be given if an inquiry is made for the purpose of collection of an account of the consumer. Do nationwide consumer reporting agencies have the ability to differentiate between inquiries made for the purposes of account review and collection?

5. Is the definition of ''electronic notification'' adequate? Are there other methods of notification that should be included in the definition?

6. Is the definition of ''appropriate proof of identity'' necessary? Is the current definition, referencing the requirements of 12 CFR 1022.123 appropriate? Is there a better approach to determining what constitutes ''appropriate proof of identity?'' What procedures are consumer reporting agencies currently employing to comply with 12 CFR 1022.123? Do consumer reporting agencies currently require customers of commercial credit monitoring services to provide appropriate proof of identity? If so, what proof of identity is being required?

Section 609.3 Requirement To Provide Electronic Credit Monitoring Service

1. The proposed rule states that ''appropriate proof of active duty military status'' can be verified through: (1) A copy of the consumer's active duty orders; (2) a copy of a certification of active duty status issued by the Department of Defense; (3) a method or service approved by the Department of Defense; or (4) a certification of active duty status approved by the nationwide consumer reporting agency. Are these methods adequate? Are there other methods of verifying active duty status that should be included? What is the most efficient method for providing nationwide consumer reporting agencies with proof of active duty military status? Is it burdensome for consumers to provide appropriate proof? Is there a way to minimize the burden?

2. Proposed § 609.3(d) restricts secondary uses and disclosures of information collected from a consumer requesting to obtain the service required under § 609.3(a). Is this limitation necessary to ensure that consumers seeking to obtain the free electronic credit monitoring service are not forced to provide personal information for unrelated, secondary purposes?

3. Proposed § 609.3(d) allows nationwide consumer reporting agencies to use and disclose information collected from consumers requesting to obtain the service required under § 609.3(a) only: (1) To provide the free electronic credit monitoring service requested by the consumer; (2) to process a transaction requested by the consumer at the same time as a request for the free electronic credit monitoring service; (3) to comply with specific legal requirements; or (4) to update information already maintained by the nationwide consumer reporting agency for the purpose of providing consumer reports, provided that the nationwide consumer reporting agency uses and discloses the updated information subject to the same restrictions that would apply, under any applicable provision of law or regulation, to the information updated or replaced. Are these approved uses appropriate? Are there additional uses that should be permitted?

4. Proposed § 609.3(e)(1) bans marketing until after a consumer who has indicated an interest in obtaining the service required under § 609.3(a) has enrolled in the free electronic credit monitoring service. Is this limitation necessary to ensure that active duty military consumers are able easily to obtain their free electronic credit monitoring service? Does this limitation impose undue burdens on nationwide consumer reporting agencies? If so, is there a way to minimize these burdens?

5. Proposed § 609.3(e)(2) prohibits any communications, instructions, or permitted advertising or marketing from interfering with, detracting from, contradicting, or otherwise undermining the purpose of providing a free electronic credit monitoring service to active duty military consumers. Is this prohibition necessary?

6. Section 609.3(e)(3) provides the following examples of prohibited conduct: (1) Any representation that an active duty military consumer must purchase a paid product or service in order to obtain the free electronic credit monitoring service required by § 609.3(a); (2) a false representation that a product or service ancillary to receipt of the free electronic credit monitoring service, such as identity theft insurance, is free; or (3) the offering of an ongoing service without a clear and prominent disclosure that the consumer must cancel the service to avoid being charged. Are there more examples of prohibited conduct that should be included in the proposed rule? Should ''clearly and prominently'' be defined?

7. Proposed § 609.3(f) prohibits asking or requiring an active duty military consumer to agree to terms or conditions in connection with obtaining a free electronic credit monitoring service. Is this prohibition necessary to ensure that active duty military consumers are able easily to obtain their free electronic credit monitoring service? Do consumer reporting agencies currently require customers of

commercial credit monitoring services to agree to terms or conditions? If so, does this prohibition impose undue burdens on nationwide consumer reporting agencies? If so, is there a way to minimize these burdens?

Section 609.4 Timing of Credit Monitoring Services

1. The proposed rule also requires that these notices be provided within 24 hours of any material additions or modifications to a consumer's file. Is this time requirement appropriate?

Section 609.5 Additional Information To Be Included in Electronic Credit Monitoring Notices

1. The proposed rule requires that the electronic notifications include a link to the summary of the consumer's rights under the Fair Credit Reporting Act. Will requiring this link provide useful information to consumers or is there different information that would be more useful? Is there a different method of providing this information that would be more effective?

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before January 7, 2019. Write ''Military Credit Monitoring Rulemaking, Matter No. R811007'' on the comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public FTC website, at *https://www.ftc.gov/policy/public-comments.*

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

If you file your comment on paper, write ''Military Credit Monitoring Rulemaking, Matter No. R811007'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex B), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610, Washington, DC 20024. If possible, please submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular, competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before January 7, 2019. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

V. Communications by Outside Parties to the Commissioners or Their Advisors

Written communications and summaries or transcripts of oral communications respecting the merits of this proceeding, from any outside party to any Commissioner or Commissioner's advisor, will be placed on the public record.[1]

VI. Paperwork Reduction Act

The Paperwork Reduction Act (''PRA''), 44 U.S.C. chapter 35, requires federal agencies to seek and obtain OMB approval before undertaking a collection of information directed to ten or more persons.[2] Under the PRA, the Commission may not conduct, or sponsor, and, notwithstanding any other provision of law, a person is not required to respond to an information collection, unless the information displays a valid control number assigned by OMB.

As the proposed notification requirements fall upon the three nationwide consumer reporting agencies, it does not meet the PRA threshold count of ten or more persons to constitute a ''collection of information.'' Further, the proof of identity the proposed rule would require of those for whom the rulemaking is designed to benefit, consumers on active duty military status, falls within OMB's general exception for disclosures that require persons to provide or display only facts necessary to identify themselves.[3]

VII. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires an agency to either provide an Initial Regulatory Flexibility Analysis with a proposed rule, or certify that the proposed rule will not have a significant impact on a substantial number of small entities.[4] The Commission does not expect the proposed Rule will have a significant economic impact on small entities. The proposed Rule applies to nationwide consumer reporting agencies. The Commission has not identified any nationwide consumer reporting agencies

[1] *See* 16 CFR 1.26(b)(5).

[2] 44 U.S.C. 3502(3)(A)(i).

[3] *See* 5 CFR 1320.3(h)(1).

[4] 5 U.S.C. 603–605.

that are small entities.[5] This document serves as notice to the Small Business Administration of the agency's certification of no effect. Nonetheless, the Commission has determined that it is appropriate to publish an Initial Regulatory Flexibility Analysis in order to inquire into the impact of the proposed Rule on small entities. The Commission invites comment on the burden on any small entities and has prepared the following analysis.

1. Reasons for the Proposed Rule

The Economic Growth, Regulatory Relief, and Consumer Protection Act, Public Law 115–174, directs the Commission to promulgate regulations to implement section 302(d)(1) of the Act, which shall at a minimum: (1) Define ''electronic credit monitoring service'' and ''material additions or modifications to the file of a consumer,'' and (2) establish what constitutes appropriate proof that a consumer is an active duty military consumer. In this action, the Commission proposes, and seeks comment on, a rule that would fulfill the statutory mandate. The Act requires that the Commission promulgate this rule not later than one year after the date of enactment, or May 24, 2019.

2. Statement of Objectives and Legal Basis

The objectives of the proposed Rule are discussed above. The legal basis for the proposed rule is section 302(d) of the Economic Growth, Regulatory Relief, and Consumer Protection Act.

3. Description of Small Entities to Which the Rule Will Apply

The proposed rule will apply only to nationwide consumer reporting agencies. The Commission has not identified any nationwide consumer reporting agencies that are small entities.

4. Projected Reporting, Recordkeeping, and Other Compliance Requirements

Under the proposed rule, nationwide consumer reporting agencies will have to provide free electronic credit monitoring services to active duty military consumers. There are no reporting or recordkeeping requirements, or types of professional skills necessary for preparation of any such report or record, under the proposed rule. In any event, as noted earlier, the proposed rule applies only to nationwide consumer reporting agencies, and they are not small entities.

5. Identification of Duplicative, Overlapping, or Conflicting Federal Rules

The Commission has not identified any other federal statutes, rules, or policies that would duplicate, overlap, or conflict with the proposed rule. The proposed definitions and requirements of the proposed rule have been designed to work in conjunction with the existing definitions and requirements found in the Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.,* and Regulation V, 12 CFR part 1022. The Commission invites comment and information on that issue.

6. Discussion of Significant Alternatives

The Commission has not identified any particular alternative methods of compliance as necessary to reduce burdens on small entities, because the Commission does not believe any nationwide consumer reporting agencies subject to the proposed rule are small entities, as noted earlier.

List of Subjects in 16 CFR Part 609

Consumer reporting agencies, Consumer reports, Credit, Fair Credit Reporting Act, Trade practices.

For the reasons stated in the preamble, the Federal Trade Commission proposes to amend chapter I, title 16, Code of Federal Regulations, as follows:

■ 1. Revise the heading of subchapter F to read as follows:

SUBCHAPTER F—FAIR CREDIT REPORTING ACT

■ 2. Add part 609 to subchapter F to read as follows:

PART 609—FREE ELECTRONIC CREDIT MONITORING FOR ACTIVE DUTY MILITARY

Sec.
609.1 Scope of regulations in this part.
609.2 Definitions.
609.3 Requirement to provide free electronic credit monitoring service.
609.4 Timing of electronic credit monitoring notices.
609.5 Additional information to be included in electronic credit monitoring notices.
609.6 Severability.

Authority: 15 U.S.C. 1681c–1(k).

§ 609.1 Scope of regulations in this part.

This part implements Section 605A(k)(2) of the Fair Credit Reporting Act, 15 U.S.C. 1681c–1(k)(2), which requires consumer reporting agencies that compile and maintain files on consumers on a nationwide basis to provide a free electronic credit monitoring service to active duty military consumers that, at a minimum, notifies them of any material additions or modifications to their files.

§ 609.2 Definitions.

For purposes of this part, the following definitions apply:

(a) *Active duty military consumer* means a consumer in military service as defined in 15 U.S.C. 1681a(q)(1) and 1681c–1(k)(1).

(b) *Appropriate proof of identity* has the meaning set forth in 12 CFR 1022.123.

(c) *Consumer* has the meaning provided in 15 U.S.C. 1681a(c).

(d) *Consumer report* has the meaning provided in 15 U.S.C. 1681a(d).

(e) *Contact information* means information about a consumer, such as a consumer's first and last name and email address, that is reasonably necessary to collect in order to provide the electronic credit monitoring service.

(f) *Credit* has the meaning provided in 15 U.S.C. 1681a(r)(5).

(g) *Electronic credit monitoring service* means a service through which nationwide consumer reporting agencies provide, at a minimum, electronic notification of material additions or modifications to a consumer's file.

(h) *Electronic notification* means a notice provided to the consumer via:

(1) A website;

(2) Mobile application;

(3) Email; or

(4) Text message.

(i) *File* has the meaning provided in 15 U.S.C. 1681a(g).

(j) *Firm offer of credit* has the meaning provided in 15 U.S.C. 1681a(*l*).

(k) *Free* means provided at no cost to the consumer.

(l) *Material additions or modifications* means significant changes to a consumer's file, including:

(1) New accounts opened in the consumer's name;

(2) Inquiries or requests for a consumer report;

(i) However, an inquiry made for a prescreened list obtained for the purpose of making a firm offer of credit or insurance as described in 15 U.S.C. 1681b(c)(1)(B) or for the purpose of reviewing an account of the consumer shall not be considered a material addition or modification.

(ii) [Reserved].

(3) Changes to a consumer's name, address, or phone number;

(4) Changes to credit account limits; and

[5] The size standard the Small Business Administration has identified by the North American Industry Classification System code for credit bureaus (code number 561450), *i.e.,* consumer reporting agencies, is $15 million. *See* 13 CFR 121.201. The Rule only applies to nationwide consumer reporting agencies. There are currently only three nationwide consumer reporting agencies, Equifax, Experian, and TransUnion, and all exceed this size standard.

(5) Negative information.

(m) *Nationwide consumer reporting agency* has the meaning provided in 15 U.S.C. 1681a(p).

(n) *Negative information* has the meaning provided in 15 U.S.C. 1681s–2(a)(7)(G)(i).

§ 609.3 Requirement to provide free electronic credit monitoring service.

(a) *General requirements.* Nationwide consumer reporting agencies must provide a free electronic credit monitoring service to active duty military consumers.

(b) *Determining whether a consumer must receive electronic credit monitoring service.* Nationwide consumer reporting agencies may condition provision of the service required under paragraph (a) of this section upon the consumer providing:

(1) Appropriate proof of identity,

(2) Contact information, and

(3) Appropriate proof that the consumer is an active duty military consumer.

(c) *Appropriate proof of active duty military status.* A consumer's status as an active duty military consumer can be verified through:

(1) A copy of the consumer's active duty orders;

(2) A copy of a certification of active duty status issued by the Department of Defense;

(3) A method or service approved by the Department of Defense; or

(4) A certification of active duty status approved by the nationwide consumer reporting agency.

(d) *Information use and disclosure.* Any information collected from consumers as a result of a request to obtain the service required under paragraph (a) of this section, may be used or disclosed by the nationwide consumer reporting agency only:

(1) To provide the free electronic credit monitoring service requested by the consumer;

(2) To process a transaction requested by the consumer at the same time as a request for the free electronic credit monitoring service;

(3) To comply with applicable legal requirements; or

(4) To update information already maintained by the nationwide consumer reporting agency for the purpose of providing consumer reports, provided that the nationwide consumer reporting agency uses and discloses the updated information subject to the same restrictions that would apply, under any applicable provision of law or regulation, to the information updated or replaced.

(e) *Communications surrounding enrollment in electronic credit monitoring service.* (1) Once a consumer has indicated that the consumer is interested in obtaining the service required under paragraph (a) of this section, such as by clicking on a link for services provided to active duty military consumers, any advertising or marketing for products or services, or any communications or instructions that advertise or market any products and services, must be delayed until after the consumer has enrolled in that service.

(2) Any communications, instructions, or permitted advertising or marketing shall not interfere with, detract from, contradict, or otherwise undermine the purpose of providing a free electronic credit monitoring service to active duty military consumers that notifies them of any material additions or modifications to their files.

(3) Examples of interfering, detracting, inconsistent, and/or undermining communications include:

(i) Materials that represent, expressly or by implication, that an active duty military consumer must purchase a paid product or service in order to receive the service required under paragraph (a) of this section; or

(ii) Materials that falsely represent, expressly or by implication, that a product or service offered ancillary to receipt of the free electronic credit monitoring service, such as identity theft insurance, is free, or that fail to clearly and prominently disclose that consumers must cancel a service, advertised as free for an initial period of time, to avoid being charged, if such is the case.

(f) *Other prohibited practices.* A nationwide consumer reporting agency shall not ask or require an active duty military consumer to agree to terms or conditions in connection with obtaining a free electronic credit monitoring service.

§ 609.4 Timing of electronic credit monitoring notices.

The notice required in section 609.3(a) must be provided within 24 hours of any material additions or modifications to a consumer's file.

§ 609.5 Additional information to be included in electronic credit monitoring notices.

The notice required in section 609.3(a) shall include a hyperlink to a summary of the consumer's rights under the Fair Credit Reporting Act, as prescribed by the Bureau of Consumer Financial Protection under 15 U.S.C. 1681g(c).

§ 609.6 Severability.

The provisions of this part are separate and severable from one another. If any provision is stayed, or determined to be invalid, it is the Commission's intention that the remaining provisions shall continue in effect.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2018–24940 Filed 11–15–18; 8:45 am]

BILLING CODE 6750–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2007–0314; FRL–9985–97–Region 6]

Air Plan Approval; Oklahoma; Interstate Transport Requirements for the 1997 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule, withdrawal of proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve a portion of an Oklahoma State Implementation Plan (SIP) submittal that pertains to the good neighbor provision requirements of the CAA with respect to interstate transport of air pollution which will interfere with maintenance of the 1997 ozone National Ambient Air Quality Standards (NAAQS). The good neighbor provision requires, in part, that each state, in its SIP, prohibit emissions that will interfere with maintenance of a new or revised NAAQS in another state. In this action, EPA is proposing to approve the Oklahoma SIP submittal as having met the interfere with maintenance requirement of the good neighbor provision for the 1997 ozone NAAQS in accordance with section 110 of the CAA. EPA is also withdrawing its October 17, 2011 proposed rule to disapprove this portion of Oklahoma SIP submittal.

DATES: Written comments must be received on or before December 17, 2018.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2007–0314, at *https://www.regulations.gov* or via email to *young.carl@epa.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, please contact Carl Young, 214–665–6645, *young.carl@epa.gov*. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*.

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Carl Young, 214–665–6645, *young.carl@epa.gov*. To inspect the hard copy materials, please schedule an appointment with Mr. Young or Mr. Bill Deese at 214–665–7253.

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

I. Background

A. The 1997 8-Hour Ozone NAAQS and Interstate Transport of Air Pollution

Under section 109 of the CAA, we are required to establish NAAQS that are protective of human health (primary NAAQS) and public welfare (secondary NAAQS). In 1997, we established new primary and secondary 8-hour ozone NAAQS of 0.08 parts per million (July 18, 1997, 62 FR 38856).[1] Ground level ozone is formed when nitrogen oxides (NO_X) and volatile organic compounds (VOCs) react in the presence of sunlight.

Section 110(a)(1) of the CAA requires states to submit, within three years after promulgation of a new or revised standard, SIPs meeting the applicable ''infrastructure'' elements of sections 110(a)(2). One of these applicable infrastructure elements, CAA section 110(a)(2)(D)(i), requires SIPs to contain ''good neighbor'' provisions to prohibit certain adverse air quality effects on neighboring states due to interstate transport of pollution. There are four sub-elements within CAA section 110(a)(2)(D)(i). The first two sub-elements are to prohibit emissions to any other state which would (1) significantly contribute to nonattainment or (2) interfere with maintenance of the new or revised NAAQS. The State of Oklahoma provided a May 1, 2007 SIP submittal to address these two sub-elements. The portion of the submittal addressing sub-element 1 (prohibit significant contribution to nonattainment in other states) was approved on December 29, 2011 (76 FR 81838). This action addresses the second sub-element of that submittal (prohibit interference with maintenance in other states).

The EPA has addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 1997 8-hour ozone NAAQS in several past regulatory actions. Most relevant to this action, EPA promulgated the Clean Air Interstate Rule (CAIR) in 2005 to address the requirements of the good neighbor provision for the 1997 (fine particulate) ($PM_{2.5}$) and 1997 ozone NAAQS (70 FR 25162, May 12, 2005). In the CAIR rulemaking, we did not analyze the contributions to downwind ozone nonattainment for Oklahoma and 5 other states along the western border of the CAIR modeling domain (70 FR 25162, 25246). CAIR was remanded to the EPA by the D.C. Circuit in *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008), *modified on reh'g,* 550 F.3d 1176. The court determined that CAIR was ''fundamentally flawed'' and ordered EPA to ''redo its analysis from the ground up.'' 531 F.3d at 929.

In 2011, we promulgated the Cross-State Air Pollution Rule (CSAPR) to address the remand of CAIR.[2] CSAPR addressed the state and federal obligations under CAA section 110(a)(2)(D)(i)(I) to prohibit air pollution contributing significantly to nonattainment in, or interfering with maintenance by, any other state with regard to the 1997 8-hour ozone NAAQS and the 1997 annual $PM_{2.5}$ NAAQS, as well as the 2006 24-hour $PM_{2.5}$ NAAQS. To address the transport obligation under CAA section 110(a)(2)(D)(i)(I) with regard to the 1997 8-hour ozone NAAQS, CSAPR established Federal Implementation Plan (FIP) requirements for affected electric generating units (EGUs) in 20 states.[3] The air quality modeling conducted for CSAPR projected that emissions from Oklahoma would impact a receptor (or monitor) located in Allegan County, Michigan (monitor ID 260050003), which would have difficulty maintaining the 1997 8-hour ozone NAAQS (76 FR 48208, 48213, August 8, 2011). Thus, we issued a CSAPR supplemental rule that promulgated similar FIP requirements for Oklahoma and four other states (76 FR 80760, December 27, 2011).

The CSAPR set emissions budgets which were to be implemented in two phases, with phase 1 to be implemented beginning with the 2012 ozone season and phase 2 to be implemented beginning with the 2014 ozone season. However, the CSAPR budgets were stayed by the D.C. Circuit in December 2011 pending further litigation. The D.C. Circuit issued a decision in *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012) (*EME Homer City I*), vacating CSAPR, but in April 2014, the Supreme Court issued an opinion reversing the D.C. Circuit and remanding the case for further proceedings. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584, 1600–01 (2014). After the Supreme Court issued its decision, the D.C. Circuit granted our motion to lift the stay and toll the compliance timeframes by three years.[4] Thus, phase 1 of CSAPR was implemented beginning in 2015 and phase 2 was set to be implemented beginning in 2017(81 FR 13275).

On July 28, 2015, the D.C. Circuit issued its opinion on CSAPR regarding the remaining legal issues raised by the petitioners on remand from the Supreme Court, *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118 (*EME Homer City II*). This decision largely upheld our approach to

[1] In 2008, we revised the primary and secondary 8-hour ozone NAAQS to 0.075 ppm (73 FR 16436, March 27, 2008) and in 2015 we revised the primary and secondary 8-hour ozone NAAQS to 0.070 ppm (80 FR 65292, October 26, 2015). This proposal pertains to the 1997 8-hour ozone NAAQS only.

[2] Federal Implementation Plans; Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals, 76 FR 48208 (August 8, 2011); and Federal Implementation Plans for Iowa, Michigan, Missouri, Oklahoma, and Wisconsin and Determination for Kansas Regarding Interstate Transport of Ozone, 76 FR 80760 (December 27, 2011) (codified as amended at 40 CFR 52.38 and 52.39 and 40 CFR part 97).

[3] Including an emissions budget that applied to the EGUs' collective ozone-season emissions of NO_X.

[4] *See* Respondents' Motion to Lift the Stay Entered on December 30, 2011, Document #1499505, *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. filed June 26, 2014); Order, Document #1518738, *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. issued Oct. 23, 2014).

addressing interstate transport in CSAPR, leaving the rule in place and affirming the EPA's interpretation of various statutory provisions and the EPA's technical decisions. The decision also remanded CSAPR without vacatur for reconsideration of the EPA's emission budgets for certain states.[5] The court declared the CSAPR phase 2 ozone season emission budgets of 11 states invalid, holding that those budgets over-control with respect to the downwind air quality problems to which those states were ''linked'' for the 1997 ozone NAAQS, *id.* at 129–30, 138.[6] For 10 of these states, the court found the budgets were invalid because modeling conducted as part of the CSAPR rulemaking showed that downwind air quality problems to which the states were linked in 2012 would be resolved in 2014, *id.* We addressed the remand of the ozone-season emissions budgets in the CSAPR Update.[7] In doing so, EPA relieved all 11 states of the obligation to comply with the remanded phase 2 ozone season emission budgets, which would have gone into effect in 2017, 40 CFR 52.38(b)(2)(ii).

Various petitioners also filed legal challenges in the D.C. Circuit to the 2011 supplemental rule that promulgated a FIP for four states including Oklahoma.[8] Considering the court's decision in *EME Homer City II,* we examined the record supporting this supplemental rule and determined that, like the 10 states with remanded budgets, our modeling demonstrated that air quality problems at the downwind air quality problems to which four of the states added to CSAPR in the supplemental rule, including Oklahoma, were linked in 2012 would resolve by 2014 without further transport regulation (81 FR 74525). Accordingly, we removed the FIP requirements associated with the 1997 ozone NAAQS and sources in each of the four states are no longer subject to the phase 2 ozone season budget calculated to address that standard. 40 CFR 52.38(b)(2)(ii) (relieving sources in these four states, including Oklahoma, of the obligation to comply with the CSAPR phase 2 ozone season emission budgets after 2016).[9]

B. Oklahoma SIP Submittal Pertaining to the 1997 8-Hour Ozone NAAQS and Interstate Transport of Air Pollution

As noted above, relevant to this proposed action, Oklahoma made a May 1, 2007 SIP submittal to address CAA requirements to prohibit emissions which will significantly contribute to nonattainment or interfere with maintenance of the 1997 ozone NAAQS in other states. Oklahoma provided additional information pertaining to the requirements in a supplemental December 5, 2007 letter. The submittals document the State's assessments that Oklahoma emissions will not contribute significantly to nonattainment or interfere with maintenance of the 1997 ozone NAAQS in other states.

Consistent with EPA guidance at the time and EPA's approach in the Clean Air Interstate Rule (CAIR), the State's May 1, 2007 submittal focused primarily on whether emissions from Oklahoma sources significantly contribute to nonattainment of the 1997 ozone NAAQS in other states.[10] The State did not evaluate whether Oklahoma emissions interfere with maintenance of these NAAQS in other states separately from significant contribution to nonattainment in other states. Like our CAIR approach, the SIP submittal presumed that if Oklahoma sources were not significantly contributing to violations of the NAAQS in other states, then no further specific evaluation was necessary for purposes of the interfere with maintenance sub-element of section 110(a)(2)(D). However, CAIR was remanded to EPA, in part because the court found that EPA had not correctly addressed whether emissions from sources in a state interfere with maintenance of the standards in other states. *See North Carolina,* 531 F.3d at 910–11. Therefore, we evaluated the May 1, 2007, Oklahoma submittal in light of the decision of the court.

Because EPA's 2011 CSAPR modeling projected that Oklahoma would be linked to a downwind maintenance receptor with respect to the 1997 ozone NAAQS, but not to a nonattainment receptor, EPA proposed to approve the portion of the SIP submittal asserting that Oklahoma emissions do not contribute significantly to nonattainment of the 1997 8-hour ozone NAAQS in other states (76 FR 64065, October 17, 2011).[11] EPA finalized approval of this portion of the SIP submittal on December 29, 2011 (76 FR 81838).

Because EPA's CSAPR modeling projected that Oklahoma would be linked to a downwind maintenance receptor with respect to the 1997 ozone NAAQS, we proposed to disapprove, or in the alternative, approve, the portion of the May 7, 2007 SIP submittal asserting that Oklahoma does not interfere with maintenance of the 1997 8-hour ozone NAAQS in other states (76 FR 64065, October 17, 2011). We proposed to finalize our approval or disapproval action based on the final action for Oklahoma in the then-proposed supplemental CSAPR rule.[12] We are now withdrawing the October 17, 2011 proposal with respect to the ''interfere with maintenance'' clause of the good neighbor provision and instead proposing to approve this portion of the SIP submittal based on the rationale described below.

II. The EPA's Evaluation

More recent information provides support for our proposed approval of the conclusion in the SIP submittals that the State will not interfere with maintenance of the 1997 ozone NAAQS in any other state. As discussed above, air quality modeling conducted for the 2011 CSAPR rulemaking projected that emissions from Oklahoma would be linked to a maintenance receptor in Allegan County, Michigan, in 2012. In CSAPR, we used air quality projections for the year 2012, which was also the intended start year for implementation of the CSAPR Phase 1 EGU emission budgets, to identify receptors projected to have air quality problems. The CSAPR final rule record also contained air quality projections for 2014, which was the intended start year for

[5] The Oklahoma emission budgets were not part of this court case and were not addressed in the ruling.

[6] States are considered ''linked'' to a downwind air quality problem when their emissions contribute more than a threshold amount of ozone pollution to a receptor (monitor) projected to have problems attaining or maintaining the ozone NAAQS in a future year.

[7] Promulgated in 2016 to address the requirements of the good neighbor provision for the 2008 ozone NAAQS. CSAPR Update Rule for the 2008 ozone NAAQS, 81 FR 74504, October 26, 2016.

[8] *See Public Service Company of Oklahoma* v. *EPA,* No. 12–1023 (D.C. Cir., filed Jan. 13, 2012), the case was held in abeyance during the pendency of the litigation in *EME Homer City* and as of the time of this rule making is still held in abeyance.

[9] We note that, because Oklahoma was linked to downwind air quality problems with respect to the 2008 ozone NAAQS in its analysis, we promulgated a new ozone season NO_X emission budget to address that standard at 40 CFR 97.810(a).

[10] On August 15, 2006, we issued our ''Guidance for State Implementation Plan (SIP) Submissions to Meet Current Outstanding Obligations Under Section 110(a)(2)(D)(i) for the 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards''. The document is available in the *regulations.gov* docket at: *https://www.regulations.gov/document?D=EPA-R06-OAR-2007-0314-0030.*

[11] A maintenance receptor is a monitor projected to have difficulty maintaining the ozone NAAQS while a nonattainment is a monitor projected to have trouble attaining and maintaining the ozone NAAQS. Oklahoma was linked to an Allegan, Michigan maintenance receptor as discussed above.

[12] The supplemental CSAPR rule was proposed on July 11, 2011 (76 FR 40662) and finalized on December 27, 2011 76 FR 80760). It added EGUs in Oklahoma, Iowa, Kansas, Michigan, Missouri, and Wisconsin to CSAPR.

implementation of the CSAPR Phase 2 EGU emission budgets. The 2014 modeling results projected that the Allegan County receptor would have a maximum 8-hour ozone ''design value'' of 83.6 part per billion (ppb) before considering the emissions reductions anticipated from implementation of CSAPR.[13] This value is below the value of 85 ppb that we used to determine whether a particular ozone receptor should be identified as having air quality problems that may trigger transport obligations in upwind states with regard to the 1997 ozone NAAQS (76 FR 48208, 48236). The 2014 modeling results show that the Allegan County, Michigan monitor to which Oklahoma was linked in the 2012 modeling was projected to no longer have air quality problems sufficient to trigger transport obligations with regard to the 1997 8-hour ozone NAAQS. Thus, Oklahoma would no longer interfere with maintenance of the 1997 ozone NAAQS at the Allegan County receptor in 2014.

As discussed above, in light of the remand of 10 other states' CSAPR phase 2 ozone season budgets by the D.C. Circuit in *EME Homer City II,* we also evaluated the validity of the emissions budget promulgated for Oklahoma in the supplemental CSAPR rule, and determined that Oklahoma's emissions would no longer contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to the 1997 ozone NAAQS at either receptor or in any other state. (81 FR 74524–25). This conclusion is based on EPA's most recent modeling analysis.

III. Proposed Action

We are proposing to approve the portion of a May 1, 2007 Oklahoma SIP submittal pertaining to the interfere with maintenance requirement of CAA section 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS. We propose to find that the state's conclusion that Oklahoma emissions do not interfere with maintenance of the 1997 ozone NAAQS in another state is consistent with our conclusion regarding this good neighbor obligation.

IV. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone.

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

Dated: November 7, 2018.

Anne Idsal,

Regional Administrator, Region 6.

[FR Doc. 2018–24873 Filed 11–15–18; 8:45 am]

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[13] Design values are used to determine whether a NAAQS is being met. *See* projected 2014 base case maximum design value for Allegan County, Michigan receptor 26005003 at page B–16 of the June 2011 Air Quality Modeling Final Rule Technical Support Document for CSAPR, Document ID No. EPA–HQ–OAR–2009–0491–4140, available in *regulations.gov*.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2018–0153; FRL–9986–62–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendment to Control of Emissions of Volatile Organic Compounds From Consumer Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Environmental Protection Agency (EPA) is reopening the comment period for the proposed approval to a state implementation plan (SIP) revision submitted by the State of Maryland pertaining to the Code of Maryland Regulations (COMAR) 26.11.32—Control of Emissions of Volatile Organic Compounds (VOCs) from Consumer Products. The proposed rule was published in the **Federal Register** on August 8, 2018 (83 FR 39009). Written comments on the proposed rule were to be submitted to EPA on or before September 7, 2018. The purpose of this document is to reopen the comment period for an additional 30 days. This extension of the comment period is provided to allow the public additional time to provide comment on the August 8, 2018 proposed rule. All comments submitted between the close of the original comment period and the reopening of this comment period will be accepted and considered.

DATES: Written comments must be received on or before December 17, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2018–0153 at *http://www.regulations.gov,* or via email to Susan Spielberger, Associate Director, Office of Air Planning and Programs, *Spielberger.Susan@epa.gov*. For

comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Gregory Becoat (215) 814–2036, or by email at *becoat.gregory@epa.gov*.

SUPPLEMENTARY INFORMATION: On August 8, 2018 (83 FR 39009), EPA proposed approval to a SIP revision submitted by the Maryland Department of Environment (MDE) for COMAR 26.11.32—Control of Emissions of Volatile Organic Compounds from Consumer Products. The amendment is part of Maryland's strategy to achieve and maintain the 8-hour ozone national ambient air quality standards (NAAQS) throughout the State.

I. Extension of Comment Period

EPA is reopening the comment period due to a comment noting that the California Air Resources Board (CARB) and the Ozone Transport Commission (OTC) model rules referenced in the NPR were not in the docket on *www.regulations.gov*. EPA has now put these documents into the docket identified by Docket ID No. EPA–R03–OAR–2018–0153 at *www.regulations.gov*.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Consumer products, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: November 1, 2018.

Cosmo Servidio,

Regional Administrator, Region III.

[FR Doc. 2018–25078 Filed 11–15–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 180212158–8158–01]

RIN 0648–BH73

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Regional Fishery Management Council Membership; Financial Disclosure and Recusal

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes changes to the regulations that address disclosure of financial interests by, and voting recusal of, council members appointed by the Secretary of Commerce (Secretary) to the regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act. The regulatory changes are needed to provide guidance to ensure consistency and transparency in the calculation of a Council member's financial interests; determine whether a close causal link exists between a Council decision and a benefit to a Council member's financial interest; and establish regional procedures for preparing and issuing recusal determinations. This proposed rule is intended to improve regulations implementing the statutory requirements governing disclosure of financial interests and voting recusal at section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Written comments must be received on or before March 6, 2019.

ADDRESSES: You may submit comments on this document, identified by FDMS Docket Number NOAA–NMFS–2018–0092, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0092,* click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- *Fax:* 301–713–1175.
- *Mail:* Submit written comments to Alan Risenhoover, Director, Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East-West Highway, SSMC3, Silver Spring, MD 20910. Please mark the outside of the envelope "Financial Disclosure/Recusal."

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

Electronic copies of NMFS Policy Directive 01–116 Fishery Management Council Financial Disclosures and NMFS Procedural Directive 01–116–01 Procedures for Review of Fishery Management Council Financial Disclosures may be obtained at *https://www.fisheries.noaa.gov/national/laws-and-policies/fisheries-management-policy-directives.*

FOR FURTHER INFORMATION CONTACT: Brian Fredieu, 301–427–8505.

SUPPLEMENTARY INFORMATION: Section 302 of the Magnuson-Stevens Act (16 U.S.C. 1852) includes provisions for the establishment and administration of the regional fishery management councils (Councils). Section 302(j) (16 U.S.C. 1852(j)) sets forth the statutory requirements for the disclosure of financial interests, and the circumstances under which a Council member is prohibited, or recused, from voting on a matter before a Council. These requirements apply to "affected individuals." The Magnuson-Stevens Act defines "affected individual" at section 302(j)(1)(A) as individuals who are nominated by the Governor of a State for appointment as a voting member of a Council under section 302(b)(2), and voting members of a Council appointed under section 302(b)(2), or (b)(5) if the individual is not subject to disclosure and recusal requirements under the laws of an Indian tribal government. An affected individual is required to disclose any

financial interest in any harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within a fishery over which the Council concerned has jurisdiction or with respect to an individual or organization with a financial interest in such activity (16 U.S.C. 1852(j)(2)). See also 50 CFR 600.235(a) (further defining ''financial interest in harvesting, processing, lobbying, advocacy, or marketing activity''). Disclosure is required for the above types of financial interests held by that individual; the individual's spouse, minor child or partner; or any organization in which the individual is serving as an officer, director, trustee, partner or employee (16 U.S.C. 1852(j)(2)).

Regulations implementing the provisions at section 302(j) appear at 50 CFR 600.235. NMFS also has issued policy and procedural directives (see **ADDRESSES**) to provide additional guidance on the disclosure of financial interests and recusal.

Pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)), this proposed rule would modify the regulations at 50 CFR 600.235 to provide guidance to (1) ensure consistency and transparency in the calculation of an affected individual's financial interests; (2) determine whether a close causal link exists between a Council decision and a benefit to an affected individual's financial interest; and (3) establish regional procedures for preparing and issuing recusal determinations. This proposed rule also makes several minor modifications to the regulations governing financial disclosure. The remainder of this preamble provides detailed information on the background and application of the recusal regulations, the issues that have arisen given the lack of regulations addressing certain aspects of recusal, and a detailed description of the regulatory changes being proposed to determine when a voting recusal is required and the process for issuing recusal determinations.

Background on the Financial Disclosure and Recusal Regulations at 50 CFR 600.235

In 1986, the Magnuson-Stevens Act, originally called the Fishery Conservation and Management Act, was amended by Public Law 99–659 to require voting members and Executive Directors of each Council to disclose any financial interest they held in harvesting, processing, or marketing of fishery resources under the jurisdiction of their respective Council. With passage of the Sustainable Fisheries Act in 1996 (Pub. L. 104–297), Congress amended the Magnuson-Stevens Act to include provisions that prohibit an affected individual from voting on Council decisions that would have a significant and predictable effect on the individual's disclosed financial interests. Section 302(j)(7) of the Magnuson-Stevens Act (16 U.S.C. 1852(j)(7)) includes a substantive threshold that requires a voting recusal when met, and procedural provisions that apply if an affected individual is prohibited from voting on a Council decision. The substantive threshold requires a voting recusal when a Council decision would have a ''significant and predictable effect'' on an affected individual's disclosed financial interests. Section 302(j)(7)(A) states that a council decision is considered to have a ''significant and predictable effect'' on a financial interest if there is ''a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interests of the affected individual relative to the financial interests of other participants in the same gear type or sector of the fishery.'' The procedural provisions (1) identify a designated official as the person making determinations on whether a Council decision would have a significant and predictable effect on an affected individual's financial interest (recusal determination), (2) allow a Council member to request the Secretary of Commerce's (Secretary's) review of a recusal determination, (3) permit an affected individual who is recused from voting to state how he or she would have voted, and (4) state that any reversal of a recusal determination may not be cause for the invalidation or reconsideration of the Council decision. Section 302(j)(7)(F) requires NMFS to promulgate regulations implementing the provisions of section 302(j)(7).

In August 1997, NMFS published a proposed rule to implement the new voting restriction and procedural provisions at section 302(j)(7) (62 FR 42474; August 7, 1997). Most relevant to this proposed rulemaking, NMFS proposed regulations that implemented the Magnuson-Stevens Act's substantive threshold for recusal and defined the phrase ''expected and substantially disproportionate benefit''. This definition established a 10 percent interest threshold in either the total harvest, marketing or processing, or ownership of vessels as an indicator of whether an affected individual's interest in the fishery was significant enough to constitute an expected and substantially disproportionate benefit for purposes of recusal determinations. In the proposed rule preamble, NMFS explained that it interpreted the statutory term ''benefit'' to include both positive and negative impacts on the affected individual's financial interests, noting that, ''Avoiding a negative is as advantageous as gaining a positive.'' NMFS also explained that the choice of a particular percentage as ''indicative of a 'significant' interest'' was a difficult one. NMFS stated that it was considering ''a tiered approach, with different percentage indicators for different-sized sectors of the fishing industry,'' but that it had been unable to develop a workable model and invited suggestions from the public on dealing with the issue.

The proposed regulations also defined the term ''designated official'' as ''an attorney designated by the NOAA General Counsel'' and included a process for the issuance and review of recusal determinations. The proposed regulations did not define the term ''Council decision,'' provide any formula for calculating harvesting, processing, and marketing activity of an affected individual's financial interests relative to the 10 percent thresholds, or provide any regulatory guidance on how to determine the existence of ''close causal link.''

NMFS received a number of comments on the proposed rule and published a final rule implementing the voting recusal provisions in November 1998 (63 FR 64182; November 19, 1998). In response to one comment, NMFS added a regulatory definition for the term ''Council decision.'' Several comments addressed the proposed definition of ''expected and substantially disproportionate benefit.'' In response to one comment, NMFS explained that the agency had focused on the comparative aspect of the defined term and emphasized that, ''The disqualifying effect is not that the Council action will have a significant impact on the member's financial interest; the action must have a disproportionate impact as compared with that of other participants in the fishery sector.'' Additionally, some commenters said the 10 percent thresholds were too high for any fishery; other commenters said the 10 percent thresholds were too low for small fisheries. NMFS maintained the 10 percent thresholds, and responded ''While NMFS has no quantitative data on which to base the selection of 10 percent as the disqualifying industry share, qualitative information available from existing disclosure forms and other

sources indicates that this value would accomplish the Congressional intent of disqualifying from voting only those current Council members whose financial interests would be disproportionately affected by Council actions, in comparison with the financial interests of other participants in the fishery sector.'' NMFS received no comments on, and made no changes in the final rule to address, the calculation of harvesting, processing and marketing activity relative to the 10 percent thresholds or regulatory guidance on determining the existence of ''close causal link.'' The recusal regulations, located at 50 CFR 600.235, became effective on February 17, 1999.

No changes were made to the statutory or regulatory provisions governing financial disclosure and recusal until January 2007, when the Magnuson-Stevens Act was reauthorized (Pub. L. 109–479). The Magnuson-Stevens Reauthorization Act amended section 302(j) to include advocacy and lobbying as types of activities that must be disclosed by affected individuals and to require members of each Council's Scientific and Statistical Committee to disclose their financial interests. NMFS modified the regulations governing disclosure of financial interests and recusal to address these changes in 2010 (75 FR 59143, September 27, 2010). No further amendments to section 302(j) have occurred since the Magnuson-Stevens Reauthorization Act and NMFS has made no modifications to the financial disclosure and recusal regulations since 2010.

Agency Application of the Recusal Regulations

Since the effective date of the recusal regulations in February 1999, designated officials within the regional offices of the NOAA Office of General Counsel have followed and applied the recusal regulations and have prepared and issued recusal determinations when requested and as necessary for affected individuals within each of the Councils. However, because the regulations lack guidance on several key aspects of reaching a recusal determination, and provide little guidance on the procedures to be followed when preparing and issuing a recusal determination, designated officials have developed practice principles and interpretations over time to fill in these regulatory gaps and to address new factual circumstances that have arisen. The following describes the current practice, principles, and interpretations that have been used in preparing and issuing recusal determinations, which are being either modified or supplemented through this rulemaking.

Attribution Principles

Without a regulatory formula for calculating harvesting, processing or marketing activity (*i.e.,* covered activity) and vessel ownership relative to the 10 percent thresholds, designated officials have applied a ''full attribution'' principle. Under the full attribution principle, all covered activity of, and all vessels owned by, a financial interest that is wholly or partially owned by an affected individual are fully attributed to the affected individual. Percentage of ownership has not been a relevant factor under the full attribution principle; the determining factor has been that there is some percentage of ownership in the financial interest. The full attribution principle has also been applied to employment; and to all covered activity of, including all vessels owned by, a financial interest that employs an affected individual. The full attribution principle also extends to financial interests that are wholly or partially owned by an affected individual's financial interests.

A slightly different attribution principle has been applied for financial interests that wholly or partially own an affected individual's financial interests. A designated official will apply the full attribution principle when a financial interest owns fifty percent or more of an affected individual's financial interest. However, if a financial interest owns less than fifty percent of an affected individual's financial interest, then the designated official has not attributed to an affected individual any covered activity of, or vessels owned by, the financial interest.

Finally, designated officials have followed certain guidelines in applying attribution principles when the financial interest is an association or organization, or when a spouse, partner, or minor child holds the financial interest. For associations and organizations, designated officials have applied the full attribution principle when the affected individual's association or organization receives from NMFS an allocation of harvesting or processing privileges, owns vessels, or is directly engaged in a covered activity. However, if the association or organization, as an entity separate from its members, does not own any vessels and is not directly engaged in any covered activity, designated officials have not attributed to the affected individual the covered activity of, or vessel ownership by, the members of the association or organization. For spouses, partners, and minor children, application of the attribution principle depends on whether there is ownership of, or employment with, the financial interest. Designated officials apply the full attribution principle and attribute to an affected individual all covered activity of, and vessels owned by, a financial interest that is wholly or partially owned by a spouse, partner, or minor child. Similarly, designated officials have applied the full attribution principle and attributed to an affected individual all covered activity of, and vessels owned by, a financial interest that employs a spouse, partner or minor child when the spouse's, partner's, or minor child's compensation is influenced by, or fluctuates with, the financial performance of the company. Conversely, designated officials have not attributed to an affected individual any covered activity of, or vessels owned by, a financial interest that employs a spouse, partner or minor child when the spouse's, partner's, or minor child's compensation is not influenced by, or fluctuates with, the financial performance of the company.

Close Causal Link

Since implementation of the recusal regulations in 1999, designated officials have understood that the Magnuson-Stevens Act and the regulations require a voting recusal when there is a close causal link between the Council decision and an expected and substantially disproportionate benefit to an affected individual's financial interest in the fishery or sector of the fishery affected by the Council decision relative to other participants and using the most recent fishing year for which information is available. However, without any regulatory guidance concerning the close causal link requirement, the issue has sometimes been subsumed in the determination of whether there is an expected and substantially disproportionate benefit.

Process and Procedure for Preparing and Issuing Recusal Determinations

Regulations at 50 CFR 600.235(f) set forth two paths for initiating a recusal determination. First, an affected individual may request a recusal determination by notifying the designated official either within a reasonable time before the Council meeting at which the Council decision will be made or during a Council meeting before a Council vote on the decision. Second, a designated official may initiate a recusal determination. The designated official may initiate based on his or her knowledge of the fishery and the financial interests disclosed by an affected individual or

based on written and signed information received either within a reasonable time before a Council meeting or, if the issue could not have been anticipated before the meeting, during a Council meeting before a Council vote on the decision. Regulations at § 600.235(f) also state that the recusal determination will be based upon a review of the information contained in the affected individual's financial interest form and any other reliable and probative information provided in writing and that all information considered will be made part of the public record for the decision.

While the regulations at § 600.235(f) provide some structure for the initiation, development, and issuance of a recusal determination, they are silent on other important procedural aspects of preparing and issuing a recusal determination. For example, the regulations do not address: (1) The process by which the designated official will make the affected individual, the Council, and the public aware of recusal determinations, (2) how and when designated officials are identified, or (3) the timing of issuing a recusal determination relative to the start of a Council meeting and the request for review process. Without additional regulatory guidance concerning the procedure for preparing and issuing recusal determinations, regional practices have developed to address these gaps.

Concerns With the Recusal Regulations and Need for Action

Several recent determinations resulting in voting recusals have raised concerns among the Regional Fishery Management Councils. In April 2015, the NOAA General Counsel received a request for review (*i.e.,* appeal) of a recusal determination issued in March 2015 that concluded that a voting recusal was required for an affected individual on the North Pacific Council. The appeal challenged the use of the full attribution approach and argued that the regulations and common business practices support using a proportional share, or partial attribution, approach to calculating financial interests. Under such an approach, an affected individual would be attributed with covered activity and vessel ownership commensurate with the affected individual's percentage of ownership in the company. The appeal noted that the language of the regulations refers to the interests of the affected individual and explained that if an affected individual owns five percent of a fishing company, then the affected individual only receives five percent of the company distributions because the affected individual does not have a financial interest in more than five percent of the company. According to the appeal, to attribute all activity of a partially-owned company unreasonably credits the affected individual with more of the financial interest than is actually owned. The appeal also argued that in an employment situation, the affected individual should only be attributed with a proportional share of the harvesting and processing activity of companies that are partially-owned subsidiary companies of the affected individual's employer.

After reviewing the appeal, the NOAA General Counsel upheld the use of the full attribution approach, concluding that (1) the term ''interest'' as used in the recusal regulations is broad and not limited solely to direct financial benefit from harvest; (2) that the full attribution approach is more consistent with the purpose of the Magnuson-Stevens Act and the regulations; and (3) while past practice is not necessarily binding, consistency and predictability are important for all stakeholders in the fisheries management process.

After receiving another recusal determination in May 2015 that used the full attribution approach, the North Pacific Council submitted a letter to NMFS in August 2015, asking NMFS to consider changes to the way in which covered activity is calculated. Specifically, the North Pacific Council asked NMFS to consider using a proportional share approach similar to the approach described in the appeal. Under the approach, the designated official would attribute to the affected individual the percentage of the company's covered activity that is commensurate with the affected individual's ownership percentage. The North Pacific Council argued that use of the full attribution approach is an ''unfair and illogical interpretation of the recusal regulations, and results in unintended recusals of Council members.'' The North Pacific Council also stated that it had general concerns with the lack of transparency and predictability of the recusal process and asked that NMFS provide more clarity and predictability to the process of issuing recusal determinations.

While NMFS was considering the North Pacific Council's requests, another determination requiring a voting recusal of an affected individual of the North Pacific Council was issued in March 2017. The recusal determination applied the full attribution approach and determined that a voting recusal was required because the action before the North Pacific Council was a Council decision and the affected individual's financial interests harvested more than ten percent of the total harvest in the affected fishery during the previous fishing year. However, the Council decision was a fishery management plan amendment that required no implementing regulations. The North Pacific Council argued that because the action had no real possibility of affecting the affected individual's financial interests, there was no close causal link between the Council decision and the expected and substantially disproportionate benefit to the affected individual's financial interests and no voting recusal should have been required. Around this same time, the Western Pacific Council raised similar concerns with regard to ''close causal link'' between a benefit and a Council decision, and what constituted an ''expected and substantially disproportionate benefit'' regarding an affected individual's financial interest, especially when the affected individual is an employee of a fishing company versus an owner of a fishing company.

NMFS discussed these concerns with the Council Coordination Committee and decided to initiate this rulemaking to address the concerns. NMFS tasked a recusal working group, comprised of experts in both NMFS and the NOAA Office of General Counsel, to consider whether the agency should take any action regarding how the recusal provisions should be applied in such circumstances in the future. The group considered the attribution principles for recusal determinations and sought solutions to clarify the application of the close causal link requirement in the Magnuson-Stevens Act. The group also discussed ways in which to improve the transparency of regional procedures employed in preparing and issuing recusal determinations.

Proposed Changes to the Financial Disclosure and Recusal Regulations

NMFS proposes to make the following changes to the financial disclosure and recusal regulations at § 600.235.

Decision-Making Process for Recusal Determinations

NMFS proposes regulations that explain the steps to be followed in determining whether an affected individual is required to be recused from voting. Regulations at 50 CFR 600.235(c)(3) would be modified to clarify the multi-part test that is used in making this determination. First, the designated official would need to determine if the action being taken by a Council is a ''Council decision'' and

whether an affected individual (*i.e.,* member, spouse, partner, minor child) had an interest in the fishery affected by the Council decision. If the action before the Council is not a ''Council decision'' or no affected individuals have any financial interests in the fishery affected by the decision, the designated official's inquiry would end. But if the answer to these factors is yes, the designated official would then need to examine the next two factors: Whether there is an expected and substantially disproportionate benefit to the affected individual's financial interests and whether there is a close causal link between the Council decision and the expected and substantially disproportionate benefit. Under the proposed rule, a designated official would be able to decide the order in which these factors are examined. If the answer to either of these factors is no, then the designated official's inquiry would end and a voting recusal would not be required. But if the answer to both of these factors is yes, then a voting recusal would be required.

Expected and Substantially Disproportionate Benefit

NMFS proposes to make minor adjustments to the current regulatory definition of ''expected and substantially disproportionate benefit.'' One of these changes would be to remove the ten percent recusal thresholds from the definition of ''expected and substantially disproportionate benefit'' and use them to define the term ''significant financial interest.''

NMFS also proposes to add § 600.235(c)(5) to provide guidance on determining whether an expected and substantially disproportionate benefit exists. This proposed regulation clarifies that an expected and substantially disproportionate benefit will be determined to exist if an affected individual has a significant financial interest in the fishery that is likely to be positively or negatively impacted by the Council decision. An affected individual's significant financial interest in a fishery indicates that the affected individual will experience an expected and substantially disproportionate impact, either positive or negative, relative to the financial interests of other participants in the fishery. The magnitude of the positive or negative impact is not determinative of whether there is an expected and substantially disproportionate benefit. NMFS also proposes regulatory guidance on how to calculate an affected individual's financial interests in order to determine whether the affected individual has a significant financial interest, which is described later in the preamble.

Close Causal Link

NMFS proposes to create a definition of close causal link to better guide the application of the requirement for causation between a Council decision and an expected and substantially disproportionate benefit to the financial interests of an affected individual. The proposed definition would state that a close causal link means that ''a Council decision would reasonably be expected to directly impact or affect the financial interests of an affected individual.''

NMFS also proposes regulatory guidance on determining whether a close causal link exists. Due to the nature of Council decisions, NMFS concluded that it generally is likely that a close causal link between a benefit and a Council decision exists for all Council decisions, especially those with implementing regulations, as regulations typically impact the public directly in some way. However, NMFS also recognizes that there may be instances where no impact would occur or where the chain of causation is attenuated. Therefore, NMFS proposes exceptions under which a designated official may determine that a close causal link does not exist. One proposed exception would be for a Council decision affecting a fishery or sector of a fishery in which an affected individual has a financial interest but the chain of causation between the Council decision and the affected individual's financial interest is attenuated or is contingent on the occurrence of events that are speculative or that are independent and unrelated to the Council decision. The other proposed exception would be for a Council decision affecting a fishery or sector of a fishery in which an affected individual has a financial interest but there is no real, as opposed to speculative, possibility that the Council decision will affect the affected individual's financial interest. This proposed language provides guidance on how to determine an element of causation in those instances where a Council decision is not reasonably expected to directly impact or affect the financial interest of an affected individual.

Calculating Significant Financial Interest

In response to the requests for increased transparency and predictability, NMFS proposes to amend the regulations to provide guidance on the attribution principles to be applied when calculating whether an affected individual has a significant financial interest in a fishery. The proposed attribution principles address (1) direct ownership and employment, (2) indirect ownership, (3) parent ownership, (4) financial interests in associations and organizations, and (5) financial interests of a spouse, partner, or minor child. The proposed attribution principles for parent ownership, associations and organizations, and financial interests of a spouse, partner, or minor child represent the approach NMFS has been following and would continue to follow if this proposed rule is finalized. However, NMFS proposes to adopt a partial attribution approach when calculating direct and indirect ownership.

NMFS recognizes a distinction between two different types of partial interest: (1) Direct ownership, and (2) indirect ownership (*i.e.,* a subsidiary relationship). A direct ownership interest exists where a council member (or the member's employer) directly owns some interest—whether full ownership or some share—in a particular company. An indirect or subsidiary ownership interest exists where a company in which the council member (or the member's employer) has a direct interest owns a share of another company. NMFS believes the direct and indirect ownership situations should be distinguished because an individual has a direct interest in, and more control over, a company that he or she owns, even if the interest represents a partial interest in the company. On the other hand, an individual's indirect ownership interest in a subsidiary company is more attenuated. Note also that in some cases employees are treated differently than owners because an employee cannot be ''partially'' employed by a company.

An affected individual would be considered to have a direct ownership interest when the affected individual wholly or partially owns, or is employed by, a business, vessel, or other entity (*i.e.,* company) reported on the individual's financial interest form. For direct ownership, NMFS proposes that a designated official fully attribute to an affected individual all covered activity and vessel ownership of a company when the affected individual is employed by, or owns 50 percent or more of, the company. If the affected individual owns less than 50 percent of the company, NMFS proposes that a designated official attribute covered activity and vessel ownership commensurate with the affected individual's percentage of ownership.

In the case of direct ownership, NMFS determined that affected individuals owning 50 percent or more of a company should continue to be attributed with 100 percent of the covered activity and vessel ownership of that company because an individual has a direct interest in, and more control over, a company that he or she owns, even if the interest represents less than a 100 percent interest in the company. NMFS believes that when a Council member owns a controlling interest in a company, the member can also control a company's response to any particular council decision and the potential for a conflict of interest is heightened. Additionally, NMFS determined that an employee of a company should continue to be attributed with 100 percent of the covered activity and vessel ownership of that company because an employee cannot be ''partially'' employed and thus the employee's interest is always fully attributed to a company through the nature of their employment. However, NMFS determined that a partial attribution approach for less than 50 percent direct ownership would more closely align the owner's actual ownership interest in a company and better reflect the ability to control the company's activities. Therefore NMFS proposes to only attribute the proportional level of interest to the owner.

In the case of indirect (or subsidiary) ownership, an affected individual would be considered to have an indirect ownership interest when the affected individual's company or employer wholly or partially owns a company that must be reported on the individual's financial interest form. For subsidiary ownership, NMFS proposes to apply a partial attribution approach and attribute to the affected individual the harvesting, processing, and marketing activity of, and vessels owned by, a company that is owned by an affected individual's company or employer commensurate with the member's percentage ownership in the directly owned company, and the directly owned company's ownership in the indirectly owned company. For example, if Jones owns 25 percent of Acme, and Acme owns 50 percent of Zenith, then Jones should be attributed 12.5 percent of Zenith's activity in an affected fishery. NMFS determined that this partial attribution approach better captures the attenuated nature of indirect ownership and reflects that an affected individual has less control or a more partial interest in the activities of a company indirectly owned by the affected individual's directly owned company or employer. In any of these cases, the burden would be on the Council member to provide reliable information concerning partial ownership interests. In the absence of such information, a 100 percent interest would be assumed.

NMFS recognizes that the proposed revisions to the direct and indirect attribution principles may not address every situation in which an affected individual's interest may seem attenuated. However, under the proposed multi-part test for determining whether recusal is required, a designated official must specifically determine whether there is a close causal link between a council decision and an expected and substantially disproportionate benefit to an affected individual's financial interests. The proposed guidance on close causal link will further address situations where an affected individual's interest is attenuated from a Council decision.

Process for Development and Issuance of Recusal Determinations

In order to increase transparency and to add clarity to the process for development and issuance of recusal determinations, NMFS intends to require that each NMFS Regional Office, in conjunction with NOAA Office of General Counsel, will publish and make available to the public a Regional Recusal Determination Procedure Handbook, which explains the process and procedure typically followed by the region in preparing and issuing recusal determinations. The handbook would include: A statement that the Regional Recusal Determination Procedure Handbook is intended as guidance to describe the recusal determination process and procedure typically followed within the region; identification of the Council(s) to which the Regional Recusal Determination Procedure Handbook applies; a description of the process for identifying the fishery or sector of the fishery affected by the action before the Council; a description of the process for preparing and issuing a recusal determination relative to the timing of a Council decision; a description of the process by which the Council, Council members, and the public will be made aware of recusal determinations; and a description of the process for identifying the designated official(s) who will prepare recusal determinations and attend Council meetings.

Other Proposed Changes

In addition to the proposed changes described above, NMFS proposes to make several minor changes to section 600.235 to provide additional clarity to the financial disclosure regulations and guidance concerning the length of time Regional Administrators and NMFS Regional Offices must retain financial disclosure forms submitted by Council and Scientific and Statistical Committee (SSC) members. First, NMFS proposes to amend the heading for section 600.235 to include reference to recusal. The current heading for section 600.235 only refers to financial disclosure but this section has included the recusal regulations since 1998. The addition of ''recusal'' to the heading would provide clarity as to the subject of the regulations at section 600.235.

Second, the proposed rule would modify regulations at 600.235(h) to change ''financial disclosure report'' to ''Financial Interest Form'' to provide the accurate title of the financial disclosure form when it is referenced in the regulations. The proposed modifications would provide clarity and consistency in the financial disclosure regulations by including an accurate reference to the financial disclosure form.

Third, the proposed rule would add a new paragraph 600.235(b)(5), which would require a Regional Administrator to retain a Council member's financial disclosure forms for 20 years from the date the form is signed by the Council member, or in accordance with the records retention schedule published by the National Archives and Records Administration (NARA), and as implemented by NOAA, if the schedule requires retention of such forms for longer than 20 years. Currently, the financial disclosure regulations do not provide Regional Administrators or NMFS Regional Offices with any guidance on the length of time a Council member's financial disclosure forms should be retained by NMFS. NMFS has determined that financial disclosure forms submitted by Council members are important documents worthy of retention for 20 years after their submission, or for as long as required by NARA. The proposed change would ensure that a Council member's financial disclosure forms are available for public inspection and agency examination for a sufficient period of time during and following the Council member's tenure on a regional fishery management council.

Finally, the proposed rule would make minor clarifying changes through proposed § 600.235(b)(8) by changing the phrase ''shall maintain on file'' to ''must retain.''

Classification

The NMFS Assistant Administrator has determined that the proposed rule is

consistent with the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed action is significant for the purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. This rule regulates only those Council members who have voting privileges and are appointed to their position by the Secretary of Commerce.

This proposed rule would modify regulations at 50 CFR 600.235 to provide guidance to: (1) Ensure consistency and transparency in the calculation of an affected individual's financial interests; (2) determine whether a close causal link exists between a Council decision and a benefit to an affected individual's financial interest; and (3) establish regional procedures for preparing and issuing recusal determinations. NMFS invites public comment on whether the changes proposed are sufficient and effective in distinguishing the calculation of direct ownership, indirect ownership and employment interests; whether the proposed language appropriately defines when a close causal link exists between a Council decision and a benefit; and whether the establishment of regional procedures provides consistency and transparency in the preparation and issuance of recusal determinations. Specifically, NMFS invites public comment on whether partial attribution should extend to cases where the affected individual is an employee, a member of an association or organization, a spouse, partner, or minor child of a council member, or in cases of parent ownership; on whether there are additional circumstances that merit an exception from the standard that a close causal link exists for all Council decision that require implementing regulations and that affect a fishery or sector of a fishery in which an affect individual has a financial interest; whether partial attribution appropriately reflects the attenuated nature of indirect ownership. NMFS also invites comment on whether a 50 percent ownership threshold captures the nature of direct ownership, including whether an interest of less than 50 percent might in some cases be controlling, but also notes that any subjective control test would likely require council members to submit additional financial information and would require NMFS to develop a process and expertise to analyze control. In accordance with 50 CFR 600.235, Council members may be required to recuse themselves from voting on a Council decision that would have a significant and predictable effect on a disclosed financial interest. This proposed rule would have no effect on any small entities, as defined under the Regulatory Flexibility Act, 5 U.S.C. 601. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 600

Administrative practice and procedure, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

Dated: November 8, 2018.

Samuel D. Rauch III,

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

For reasons set out in the preamble, NMFS proposes to amend 50 CFR part 600 as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

■ 1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

■ 2. In § 600.235:

■ a. Revise the section heading;

■ b. In paragraph (a) add in alphabetical order the definitions for ''Close causal link,'' ''Expected and substantially disproportionate benefit,'' and ''Significant financial interest;''

■ c. Redesignate paragraphs (b)(5) through (b)(7) as paragraphs (b)(6) through (b)(8), respectively, add new paragraph (b)(5), and revise newly redesignated paragraph (b)(8);

■ d. Revise paragraph (c)(3), redesignate paragraph (c)(4) as (c)(7), and add new paragraphs (c)(4), (c)(5), and (c)(6);

■ e. Revise the heading of paragraph (f), (f)(1), and add paragraph (f)(6);

■ f. Revise paragraphs (g)(2) and (h).

The additions and revisions to read as follows:

§ 600.235 Financial disclosure and recusal.

(a) * * *

Close causal link means that a Council decision would reasonably be expected to directly impact or affect the financial interests of an affected individual.

* * * * *

Expected and substantially disproportionate benefit means a positive or negative impact with regard to a Council decision that is likely to affect a fishery or sector of a fishery in which the affected individual has a significant financial interest.

* * * * *

Significant financial interest means:

(1) A greater than 10-percent interest in the total harvest of the fishery or sector of the fishery affected by the Council decision;

(2) A greater than 10-percent interest in the marketing or processing of the total harvest of the fishery or sector of the fishery affected by the Council decision; or

(3) Full or partial ownership of more than 10 percent of the vessels using the same gear type within the fishery or sector of the fishery affected by the Council decision.

(b) * * *

(5) The Regional Administrator must retain the Financial Interest Form for a Council member for 20 years from the date the form is signed by the Council member or in accordance with the current NOAA records schedule.

* * * * *

(8) The Regional Administrator must retain the Financial Interest Forms of all SSC members for at least five years after the expiration of that individual's term on the SSC. Such forms are not subject to sections 302(j)(5)(B) and (C) of the Magnuson-Stevens Act.

(c) * * *

(3) In making a determination under paragraph (f) of this section as to whether a Council decision will have a significant and predictable effect on an affected individual's financial interests, the designated official will:

(i) Initially determine whether the action before the Council is a Council decision, and whether the affected individual has any financial interest in the fishery or sector of the fishery affected by the action.

(ii) If the designated official determines that the action is not a Council decision or that the affected individual does not have any financial interest in the fishery or sector of the fishery affected by the action, the designated official's inquiry ends and the designated official will determine that a voting recusal is not required under 50 CFR 600.235.

(iii) However, if the designated official determines that the action is a Council decision and that the affected individual has a financial interest in the fishery or sector of the fishery affected by the Council decision, a voting recusal is required under 50 CFR 600.235 if there is:

(A) An expected and substantially disproportionate benefit to the affected individual's financial interest (see paragraph (c)(5) of this section), and

(B) A close causal link (see paragraph (c)(4) of this section) between the Council decision and the expected and substantially disproportionate benefit to the affected individual's financial interest.

(4) *Determining close causal link.* (i) For all Council decisions that require implementing regulations and that affect a fishery or sector of a fishery in which an affected individual has a financial interest, a close causal link exists unless:

(A) The chain of causation between the Council decision and the affected individual's financial interest is attenuated or is contingent on the occurrence of events that are speculative or that are independent of and unrelated to the Council decision; or

(B) There is no real, as opposed to speculative, possibility that the Council decision will affect the affected individual's financial interest.

(ii) For Council decisions that do not require implementing regulations, a close causal link exists if there is a real, as opposed to speculative, possibility that the Council decision will affect the affected individual's financial interest.

(5) *Determining expected and substantially disproportionate benefit.* A designated official will determine that an expected and substantially disproportionate benefit exists if an affected individual has a significant financial interest (see paragraph (c)(6) of this section) in the fishery or sector of the fishery that is likely to be positively or negatively affected by the Council decision. The magnitude of the positive or negative impact is not determinative of whether there is an expected and substantially disproportionate benefit. The determining factor is the affected individual's significant financial interest in the fishery or sector of the fishery affected by the Council decision.

(6) *Calculating significant financial interest*—(i) *Information to be used.* (A) The designated official will use the information included in the Financial Interest Form and any other reliable and probative information provided in writing.

(B) The designated official may contact an affected individual to better understand the reported financial interest or any information provided in writing.

(C) The designated official will presume that the information reported on the Financial Interest Form is true and correct and the designated official is not responsible for determining the veracity of the reported information when preparing a determination under paragraph (f) of this section.

(D) If an affected individual does not provide information concerning the specific percentage of ownership of a financial interest reported on his or her Financial Interest Form, the designated official will attribute all harvesting, processing, or marketing activity of, and vessels owned by, the financial interest to the affected individual.

(ii) *Attribution principles to be applied when calculating an affected individual's financial interests relative to the significant financial interest thresholds.* The designated official will apply the following principles when calculating an affected individual's financial interests relative to the significant financial interest thresholds for the fishery or sector of the fishery affected by the action. For purposes of this paragraph, use of the term ''company'' includes any business, vessel, or other entity.

(A) *Direct ownership (companies owned by, or that employ, an affected individual).* The designated official will attribute to an affected individual all harvesting, processing, and marketing activity of, and all vessels owned by, a company when the affected individual owns 50 percent or more of that company. If an affected individual owns less than 50 percent of a company, the designated official will attribute to the affected individual the harvesting, processing, and marketing activity of, and vessels owned by, the company commensurate with the affected individual's percentage of ownership. The designated official will attribute to an affected individual all harvesting, processing, and marketing activity of, and all vessels owned by, a company that employs the affected individual.

(B) *Indirect ownership (companies owned by an affected individual's company or employer).* The designated official will attribute to the affected individual the harvesting, processing, and marketing activity of, and vessels owned by, a company that is owned by that affected individual's company or employer commensurate with the affected individual's percentage ownership in the directly owned company, and the directly owned company's ownership in the indirectly owned company.

(C) *Parent ownership (companies that own some percentage of an affected individual's company or employer).* The designated official will attribute to an affected individual all harvesting, processing, and marketing activity of, and all vessels owned by, a company that owns fifty percent or more of a company that is owned by the affected individual or that employs the affected individual. The designated official will not attribute to an affected individual the harvesting, processing, or marketing activity of, or any vessels owned by, a company that owns less than fifty percent of a company that is owned by the affected individual or that employs the affected individual.

(D) *Associations and Organizations.* An affected individual may be employed by or serve, either compensated or unpaid, as an officer, director, board member or trustee of an association or organization. The designated official will not attribute to the affected individual the vessels owned by, or the harvesting, processing, or marketing activity conducted by, the members of that association or organization if such organization or association, as an entity separate from its members, does not own any vessels and is not directly engaged in harvesting, processing or marketing. However, if such organization or association receives from NMFS an allocation of harvesting or processing privileges, owns vessels, or is directly engaged in harvesting, processing or marketing, the designated official will attribute to the affected individual the vessels owned by, and all harvesting, processing, and marketing activity of, that association or organization.

(E) *Financial interests of a spouse, partner or minor child*—(*1*) *Ownership.* The designated official will attribute to an affected individual all harvesting, processing, and marketing activity of, and all vessels owned by, a company when the affected individual's spouse, partner or minor child owns 50 percent or more of that company. If an affected individual's spouse, partner or minor child owns less than 50 percent of a company, the designated official will attribute to the affected individual the harvesting, processing, and marketing activity of, and vessels owned by, the company commensurate with the spouse's, partner's or minor child's percentage of ownership.

(*2*) *Employment.* The designated official will not attribute to an affected individual the harvesting, processing, or marketing activity of, or any vessels owned by, a company that employs the affected individual's spouse, partner or minor child when the spouse's, partner's or minor child's compensation are not influenced by, or fluctuate with, the financial performance of the company. The designated official will attribute to an affected individual all harvesting, processing, and marketing activity of, and all vessels owned by, a company that employs the Council

member's spouse, partner or minor child when the spouse's, partner's or minor child's compensation are influenced by, or fluctuate with, the financial performance of the company.

* * * * *

(f) *Process and procedure for determination.* (1) At the request of an affected individual, and as provided under paragraphs (c)(3) through (6), the designated official shall determine for the record whether a Council decision would have a significant and predictable effect on that individual's financial interest. Unless subject to confidentiality requirements, all information considered will be made part of the public record for the decision. The affected individual may request a determination by notifying the designated official—

(i) Within a reasonable time before the Council meeting at which the Council decision will be made; or

(ii) During a Council meeting before a Council vote on the decision.

* * * * *

(6) *Regional Recusal Determination Procedure Handbook.* (i) Each NMFS Regional Office, in conjunction with NOAA Office of General Counsel, will publish and make available to the public its Regional Recusal Determination Procedure Handbook, which explains the process and procedure typically followed in preparing and issuing recusal determinations.

(ii) A Regional Recusal Determination Procedure Handbook must include:

(A) A statement that the Regional Recusal Determination Procedure Handbook is intended as guidance to describe the recusal determination process and procedure typically followed within the region.

(B) Identification of the Council(s) to which the Regional Recusal Determination Procedure Handbook applies. If the Regional Recusal Determination Procedure Handbook applies to multiple Councils, any procedure that applies to a subset of those Councils should clearly identify the Council(s) to which the procedure applies.

(C) A description of the process for identifying the fishery or sector of the fishery affected by the action before the Council.

(D) A description of the process for preparing and issuing a recusal determination relative to the timing of a Council decision.

(E) A description of the process by which the Council, Council members, and the public will be made aware of recusal determinations.

(F) A description of the process for identifying the designated official(s) who will prepare recusal determinations and attend Council meetings.

(iii) A Regional Recusal Determination Procedure Handbook may include additional material related to the region's process and procedure for recusal determinations not specifically identified in paragraph (f)(6)(ii) of this section. A Regional Recusal Determination Procedure Handbook may be revised at any time upon agreement by the NMFS Regional Office and NOAA Office of General Counsel.

(g) * * *

(2) A Council member may request a review of any aspect of the recusal determination, including but not limited to, whether the action is a Council decision, the description of the fishery or sector of the fishery affected by the Council action, the calculation of an affected individual's financial interests or the finding of a significant financial interest, and the existence of a close causal link. A request for review must include a full statement in support of the review, including a concise statement as to why the Council member believes that the recusal determination is in error and why the designated official's determination should be reversed.

* * * * *

(h) The provisions of 18 U.S.C. 208 regarding conflicts of interest do not apply to an affected individual who is a voting member of a Council appointed by the Secretary, as described under section 302(j)(1)(A)(ii) of the Magnuson-Stevens Act, and who is in compliance with the requirements of this section for filing a Financial Interest Form. The provisions of 18 U.S.C. 208 do not apply to a member of an SSC, unless that individual is an officer or employee of the United States or is otherwise covered by the requirements of 18 U.S.C. 208.

* * * * *

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Notices

Federal Register

Vol. 83, No. 222

Friday, November 16, 2018

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

DEPARTMENT OF AGRICULTURE

Forest Service

Salmon-Challis National Forest; Idaho; Plan Development

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to initiate the plan development phase of the land management plan revision for the Salmon-Challis National Forest.

SUMMARY: The Salmon-Challis National Forest is initiating the land management planning process pursuant to the 2012 Planning Rule. This process will result in a revised land management plan that describes the strategic direction for management of forest resources for the next 10 to 15 years on the Salmon-Challis National Forest. The Salmon-Challis is inviting the public to help us identify the need to change the existing Challis and Salmon Land Management Plans, as well as, the appropriate plan components that will become a proposed action for the land management plan revision.

DATES: The assessment for the Salmon-Challis National Forest was completed July 19, 2018, and posted on the web at *http://bit.ly/SCNF_Final_Assessment.*

From November 2018 through February 2019, the public is invited to engage in a collaborative process to identify the primary concepts to be considered for the proposed action and associated plan components. The Salmon-Challis will then initiate procedures pursuant to the National Environmental Policy Act (NEPA) and prepare a revised land management plan.

ADDRESSES: Send written comments or questions concerning this notice to Salmon-Challis National Forest, Attn.: Plan Revision, 1206 South Challis Street, Salmon, Idaho, 83467. Comments may also be sent via email to *scnf_plan_rev@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Josh Milligan, Planning Team Leader, 208–756–5560. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday. More information on the planning process can also be found on the Salmon-Challis National Forest website at *https://www.fs.usda.gov/detail/scnf/landmanagement/planning/?cid=fseprd544724.*

SUPPLEMENTARY INFORMATION: The National Forest Management Act (NFMA) of 1976 requires that every National Forest System (NFS) unit develop a land management plan. The 2012 Planning Rule (36 CFR 219) provides broad programmatic direction to national forests and national grasslands for developing and implementing their land management plans. These plans describe the strategic direction for management of forest resources for ten to fifteen years, and are adaptive and amendable as conditions change over time.

Under the 2012 Planning Rule, the assessment of ecological, social, and economic trends and conditions is the first stage of the planning process. The assessment phase began in January 2018 and interested parties were invited to contribute in the development of the assessment (36 CFR 219.6). The Salmon-Challis hosted several public meetings and on-line webinars throughout the assessment phase. The assessment was completed in July 2018. The trends and conditions identified in the assessment will help to develop the needs for change and the development of plan components.

The second stage is a development and decision process guided, in part, by NEPA and includes the preparation of a draft environmental impact statement and revised land management plan for public review and comment, and the preparation of the final environmental impact statement and revised land management plan. The third stage of the process is monitoring and feedback, which is ongoing over the life of the revised plan.

With this notice, the agency invites other governments, non-governmental parties, and the public to contribute to the development of the proposed action. The intent of public engagement during development of the proposed action is to identify the appropriate plan components that the Forest Service should consider in developing its land management plan. We encourage contributors to share material about desired conditions, standards and guidelines, land suitability determinations, management area designations, and plan monitoring.

Collaboration in the development of the proposed action supports the development of relationships of key stakeholders throughout the plan development process and is an essential step to understanding current conditions, available data, and feedback needed to support a strategic, efficient planning process.

As public meetings, other opportunities for public engagement, and public review and comment opportunities are identified to assist with the development of the land management plan revision, public announcements will be made, notifications will be posted on the Salmon-Challis website at *https://www.fs.usda.gov/detail/scnf/landmanagement/planning/?cid=fseprd544724,* and information will be sent out to the Salmon-Challis land management plan revision mailing list.

If anyone is interested in being on the Salmon-Challis land management plan revision mailing list to receive these notifications, please contact Planning Team Leader Josh Milligan at the mailing address identified above, by sending an email to *scnf_plan_rev@fs.fed.us,* or by telephone at 208–756–5560.

Responsible Official

The responsible official for the revision of the Salmon-Challis National Forest Land Management Plan is Chuck Mark, Forest Supervisor, Salmon-Challis National Forest, 1206 South Challis Street, Salmon, Idaho, 83467.

Dated: October 4, 2018.

Allen Rowley,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2018–25057 Filed 11–15–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Umatilla National Forest, Oregon, Ellis Integrated Vegetation Management Project

AGENCY: Forest Service, USDA.

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

SUMMARY: The Heppner and North Fork John Day Ranger Districts propose the Ellis Integrated Vegetation Project (Ellis Project) to reduce overstocking, improve ecosystem health, and enhance resilient landscapes by creating and maintaining heterogeneous vegetative conditions at multiple scales. As a result, this action will reduce the risk of uncharacteristic disturbances; enhance vegetative communities; provide well-distributed, high quality wildlife habitat for associated species; aid in protecting values at risk; promote the health and safety of the public and firefighters; and contribute to social, cultural, and economic needs. The project area is approximately 15 miles southeast of Heppner and 7 miles west of Ukiah, Oregon, in Morrow, Umatilla, and Grant Counties. Based on internal and external issues raised early in proposal development; and the scope, scale, and potentially significant beneficial impacts to distribution of wildlife, forest health, and fuels reduction, the Umatilla National Forest plans to prepare an environmental impact statement (EIS).

DATES: Comments concerning the scope of the analysis must be received by January 15, 2019. The draft EIS is expected November 2019 and the final EIS is expected July 2020.

ADDRESSES: Send written comments to Heppner District Ranger, Brandon Houck; c/o Leslie Taylor, PO Box 7, Heppner, Oregon, 97836, or they can be hand delivered to the Heppner Ranger District (117 So. Main St., Heppner, OR 97836). Comments may also be submitted electronically via *https://www.fs.usda.gov/project/?project=41350* selecting the ''Comment on Project'' link in the ''Get Connected'' group at the right hand side of the project web page, or via facsimile to 541–278–3730.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berkley, 541–278–3814, *elizabethberkley@fs.fed.us*.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Ellis Project is located within the Upper Butter Creek, Upper Willow Creek, Rhea Creek, Lower Camas Creek, and the Potamus Creek-North Fork John Day River 5th field watersheds. Private land accounts for approximately 4,626 acres within the project boundary, leaving about up to 110,000 acres that may be considered for treatment on National Forest System lands.

Purpose and Need for Action

The Ellis Project is an interdisciplinary project developed to meet a wide variety of program needs. The key purposes are to reduce the risk of undesirable wildfire, improve ingress and egress for firefighters, increase forest health and vigor for timber and non-timber values, and improve wildlife habitat. This project is needed to protect values at risk, create healthy, fire-resistant landscapes and improve wildlife habitat and forage variability. Additional program purposes include improving the quality of rangelands, enhancing unique vegetation communities, improving ethnographically important foods, and improving and maintaining recreational opportunities.

Proposed Action

The Ellis Project is expected to include the following types of treatments: commercial thinning; small diameter thinning; mechanical fuels treatments; pile, jackpot, and broadcast burning; landscape burning; pruning and planting. Target basal area for thinning will be dependent on species composition, stand age, size classes and desired future conditions. Varying desired stand density will create or maintain a clumpy, patchy, uneven mosaic of trees across the landscape. Regeneration harvest will occur in cold and cool moist forest areas affected by insect and disease. Areas of additional treatment will be focused on the ember reduction zone, areas of scenic recreational value, and areas of conifer encroachment on aspen stands, wet meadows and shrub-steppe. Additional wildlife habitat improvements will include forage plantings and road closures to increase security. Rangeland improvements may include water developments and fencing. Project outputs include a variety of forest products including fuelwood, posts and poles, saw logs, and other wood fiber products.

Responsible Officials

Brandon Houck (Heppner) and Paula Guenther (North Fork John Day) District Rangers.

Nature of Decision To Be Made

Given the purpose and need, the responsible officials will review the proposed action and comments on the scope of the project to develop any alternatives to address issues identified by the public. Alternatives and the environmental consequences will be drafted and analyzed in the draft decision. The responsible officials will compare the proposed action and alternatives and consider environmental consequences of the Ellis Project in order to decide how well the selected alternative meets the purpose and need described in the EIS; how well the selected alternative moves the project area toward the desired conditions; and if the selected alternative mitigates potential adverse effects.

Preliminary Issues

Issues identified so far include potential impact of treatments in cold and cool moist forest and wildlife movement/displacement. Vegetation treatments in cold and cool moist forest remains a contentious topic among stakeholders as these areas are considered more sensitive to disturbance, but the need still exists to reduce stand density for forest vigor and to reestablish historical fire regimes. Wildlife movement and distribution, particularly for elk, is also a growing concern. Early stakeholder engagement has identified a need to improve security and forage on National Forest System lands to better retain elk, which are pushed off-forest onto private lands, creating conflict in agricultural areas. High road use and road density exacerbate this issue.

Scoping Process

The Heppner and North Fork John Day Ranger Districts have scheduled three public workshops to help facilitate conversations about the project area and solicit input on the proposal. These workshops are scheduled for November 8, November 15, and December 13, 2018, from 1800 to 2000 hours (6:00 p.m. to 8:00 p.m.). Two will be held at the Heppner Ranger District (117 So. Main St., Heppner, OR 97836) and the other at the North Fork John Day Ranger District office (401 W. Main, Ukiah, OR 97880). Exact locations will be announced closer to scheduled dates in consideration of weather and road conditions.

Comments should be as specific as possible and focus on desired conditions or means to address concerns about the proposed action. It is important that reviewers provide their comments at such times and in such

manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the commenter's suggestions for alternatives.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not allow the Agency to provide the respondent with updates or subsequent environmental documents.

Dated: November 1, 2018.

Gregory C. Smith,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2018–25059 Filed 11–15–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest Advisory Board

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to Re-establish the Black Hills National Forest Advisory Board Charter.

SUMMARY: The U. S. Department of Agriculture (USDA), intends to re-establish the Black Hills National Forest Advisory Board (Board) charter. In accordance with the provisions of the Federal Advisory Committee Act (FACA), the Board is being re-established to continue obtaining advice and recommendations on a broad range of forest issues such as forest plan revisions or amendments, forest health including fire management and mountain pine beetle infestations, travel management, forest monitoring and evaluation, recreation fees, and site-specific projects having forest wide implications.

FOR FURTHER INFORMATION CONTACT: Scott Jacobson, Committee Coordinator, USDA, Black Hills National Forest, by telephone at 605–673–9216, by fax at 605–673–9208 or by email at *sjjacobson@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Board is a non-scientific program advisory Board established by the Secretary of Agriculture in 2003 to provide advice and counsel to the U.S. Forest Service, Black Hills National Forest, in the wake of increasingly severe and intense wild fires and mountain pine beetle epidemics.

The Board serves to meet the needs of the Federal Lands Recreation Enhancement Act of 2005 (FLREA) as a Recreation Resource Advisory Committee (RRAC) for the Black Hills of South Dakota and provides timely advice and recommendations to the regional forester through the forest supervisor regarding programmatic forest issues and project-level issues that have forest-wide implications for the Black Hills National Forest.

The Board meets approximately ten times a year, with one month being a field trip, held in August and focusing on both current issues and the educational value of seeing management strategies and outcomes on the ground. This Board has been established as a truly credible entity and a trusted voice on forest management issues and is doing often astonishing work in helping to develop informed consent for forest management.

For years, the demands made on the Black Hills National Forest have resulted in conflicts among interest groups resulting in both forest-wide and site-specific programs being delayed due to appeals and litigation. The Board provides a forum to resolve these issues to allow for the Black Hills National Forest to move forward in its management activities. The Board is believed to be one of the few groups with broad enough scope to address all of the issues and include all of the jurisdictional boundaries.

Significant Contributions

The Board's most significant accomplishments include:

1. A 2004 report on the Black Hills Fuels Reduction Plan, a priority following the major fires including the 86,000 acre Jasper Fire in 2000;
2. A 2004 initial Off-Highway Vehicle Travel Management Subcommittee report;
3. A report on their findings regarding the thesis, direction, and assumptions of Phase II of our Forest Plan produced in 2005;
4. The Invasive Species Subcommittee Report in 2005 covering recommendations to better stop invasive species from infiltrating the Forest;
5. A final Travel Management Subcommittee Report in 2006 in which the Board made 11 recommendations regarding characteristics of a designated motor vehicle trail system, the basis for our initial work to prepare our Motor Vehicle Use Map in 2010–2011;
6. The Mountain Pine Beetle Response Project in 2012 covering landscape scale treatments on portions of 248,000 acres of ponderosa pine stands at high risk for infestation.
7. The Board's annual work to attract funding through grants based on the Collaborative Landscape Forest Restoration Program (CFLRP), a program of the Secretary of Agriculture CFLR Program to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes;
8. A letter to the Secretary and the Chief of the Forest Service to work, restore and maintain open space for wildlife habitat and recreation needs like snowmobile trails; and
9. The annual reports to the Secretary detailing the Board's activities, issues, and accomplishments.

The Board is deemed to be among the most effective public involvement strategies in the Forest Service and continues to lead by example for Federal, State, and local government agencies working to coordinate and cooperate in the Black Hills of South Dakota and Wyoming.

Background

Pursuant to the Federal Advisory Committee Act, the Secretary of Agriculture intends to reestablish the Black Hills National Forest Advisory Board charter. The Board provides advice and recommendations on a broad range of forest planning issues and, in accordance with FLREA, more specifically will provide advice and recommendations on Black Hills National Forest recreation fee issues (serving as the RRAC for the Black Hills National Forest). The Board membership consists of individuals representing commodity interests, amenity interests, and State and local government.

The Board has been determined to be in the public interest in connection with the duties and responsibilities of the Black Hills National Forest. National forest management requires improved coordination among the interests and governmental entities responsible for land management decisions and the public that the agency serves.

Advisory Committee Organization

The Board consists of 16 members that are representatives of the following interests (this membership is similar to the membership outlined by the Secure Rural Schools and Community Self

Determination Act for Resource Advisory Committees):

1. Economic development;
2. Developed outdoor recreation, off-highway vehicle users, or commercial recreation;
3. Energy and mineral development;
4. Timber products industry;
5. Permittee (grazing or other land use within the Black Hills area);
6. Nationally recognized environmental organizations;
7. Regionally or locally recognized environmental organizations;
8. Dispersed recreation;
9. Archeology or history;
10. Nationally or regionally recognized sportsmen's groups, such as anglers or hunters;
11. South Dakota State-elected offices;
12. Wyoming State-elected offices;
13. South Dakota or Wyoming county- or local-elected officials;
14. Tribal government elected or-appointed officials;
15. South Dakota State natural resource agency official; and
16. Wyoming State natural resource agency official.

The members of the Board will elect and determine the responsibilities of the Chairperson and the Vice-Chairperson. In the absence of the Chairperson, the Vice-Chairperson will act in the Chairperson's stead. The Forest Supervisor of the Black Hills National Forest serves as the Designated Federal Officer (DFO) under sections 10(e) and (f) of the Federal Advisory Committee Act.

The Committee will meet approximately nine times, and will attend at least one summer field tour as designated by the DFO. Members will serve without compensation, but may be reimbursed for travel expenses while performing duties on behalf of the Board, subject to approval by the DFO.

Equal opportunity practices are followed in all appointments to the Board in accordance with USDA policies. To ensure that the recommendations of the Board have been taken into account the needs of diverse groups, served by the Black Hills National Forest, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women and persons with disabilities.

Dated: October 31, 2018.

Donald Bice,

Deputy Assistant Secretary for Administration.

[FR Doc. 2018–25060 Filed 11–15–18; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Oklahoma Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Oklahoma Advisory Committee (Committee) will hold a meeting on Monday, December 10, 2018 at 1:00 p.m. Central time. The Committee will discuss the implementation stage of their study of the state's 2012 ''Civil Rights Initiative,'' which prohibited preferential treatment or discrimination based on race, color, sex, ethnicity or national origin in public employment, education, and contracting.

DATES: Monday, December 10, 2018 at 1:00 p.m. Central.

Public Call Information: Dial: 1–877–260–1479, Conference ID: 1713750.

FOR FURTHER INFORMATION CONTACT: Alejandro Ventura, DFO, at *aventura@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call in number. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 230 S Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324, or emailed to Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Oklahoma Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Dated: November 9, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–25011 Filed 11–15–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–73–2018]

Foreign-Trade Zone (FTZ) 41—Milwaukee, Wisconsin; Notification of Proposed Production Activity, Jeneil Biotech, Inc. (Natural Fragrance Intermediates), Saukville, Wisconsin

The Port of Milwaukee, grantee of FTZ 41, submitted a notification of proposed production activity to the FTZ Board on behalf of Jeneil Biotech, Inc. (Jeneil), located in Saukville, Wisconsin. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on September 27, 2018.

The Jeneil facility is located within Site 16 of FTZ 41. The facility is used for the biotransformation of a plant-derived raw material into a natural fragrance intermediate molecule. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status material/component and specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Jeneil from customs duty payments on the foreign-status component used in export production. On its domestic sales, for the foreign-status material/component noted below, Jeneil would be able to choose the duty rate during customs entry procedures that applies to sclareolide (off-white powder) (duty rate 3.7%). Jeneil would be able to avoid duty on foreign-status

components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The component/material sourced from abroad is sclareol (off-white powder) (duty rate 5.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is December 26, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: November 9, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–25062 Filed 11–15–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–72–2018]

Foreign-Trade Zone (FTZ) 122—Corpus Christi, Texas; Notification of Proposed Production Activity; Gulf Coast Growth Ventures LLC; (Ethylene, Polyethylene and Monoethylene Glycol and Related Co-Products); San Patricio County, Texas

The Port of Corpus Christi Authority, grantee of FTZ 122, submitted a notification of proposed production activity to the FTZ Board on behalf of Gulf Coast Growth Ventures LLC (GCGV), at sites located in San Patricio County, Texas. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on November 1, 2018.

The applicant has submitted a separate application for FTZ designation at the GCGV sites under FTZ 122 (B–59–2018). The facilities (currently proposed for construction) will be used for the production of ethylene, polyethylene and monoethylene glycol and related co-products. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt GCGV from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status materials/components noted below, GCGV would be able to choose the duty rates during customs entry procedures that apply to: Ethylene; polyethylene; monoethylene glycol; dilute propylene; crude C4; pyrolysis gasoline; fuel oil; spent caustic; heavy glycol; and, glycol bleed (duty rates range from duty-free to 5.25 cents/barrel to 6.5%). GCGV would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Butene; hexene; furnace selective catalyst reduction catalyst; front end acetylene converter catalyst; and, molecular sieve desiccant (duty free). The request indicates that certain materials/components are subject to special duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is December 26, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: November 9, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–25061 Filed 11–15–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG629

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of the following: Personnel Committee (Closed Session); Standard Operating, Policy, and Procedure (SOPPs) Committee; Habitat Protection and Ecosystem-Based Management Committee; Dolphin Wahoo Committee; Snapper Grouper Committee; Executive Finance Committee; Southeast Data, Assessment, and Review (SEDAR) Committee (Partially Closed Session) and the Citizen Science Committee. The Council meeting week will include the swearing in of a new member, a formal public comment period, and a meeting of the full Council. A Federal For-Hire Electronic Reporting Training Session will also be held as part of the Council meeting week.

DATES: The Council meetings will be held from 1:30 p.m. on Monday, December 3, 2018 until 12 p.m. on Friday, December 7, 2018.

ADDRESSES: *Meeting address:* The meeting will be held at the Hilton Garden Inn/Outer Banks, 5353 N Virginia Dare Trail, Kitty Hawk, NC 27949; phone: (252) 261–1290; fax: (252) 255–0153.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 302–8440 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.* Meeting information is available from the Council's website at: *http://safmc.net/safmc-meetings/council-meetings/.*

SUPPLEMENTARY INFORMATION: *Public comment:* Written comments may be directed to Gregg Waugh, Executive Director, South Atlantic Fishery Management Council (see *Council address*) or electronically via the Council's website at *http://safmc.net/safmc-meetings/council-meetings/.* Comments received by close of business

the Monday before the meeting (11/26/18) will be compiled, posted to the website as part of the meeting materials, and included in the administrative record; please use the Council's online form available from the website. For written comments received after the Monday before the meeting (after 11/26/18), individuals submitting a comment must use the Council's online form available from the website. Comments will automatically be posted to the website and available for Council consideration. Comments received prior to noon on Thursday, December 6, 2018 will be a part of the meeting administrative record.

The items of discussion in the individual meeting agendas are as follows:

Swearing in of New Council Member, Monday, December 3, 2018 From 1:30 p.m. Until 1:40 p.m.

Newly appointed Council member David Whitaker (South Carolina) will be sworn to duty by the NOAA Fisheries Regional Administrator.

Personnel Committee (Closed Session), Monday, December 3, 2018, 1:40 p.m. Until 5 p.m.

The Committee will meet in Closed Session to provide a performance review for the Executive Director, review and discuss Council staff medical benefits, and review other recommendations from the Personnel Committee.

SOPPs Committee, Tuesday, December 4, 2018, 8:30 a.m. Until 9:30 a.m.

The Committee will review and approve proposed changes to the Council Handbook and develop recommendations as appropriate.

Habitat Protection and Ecosystem-Based Management Committee, Tuesday, December 4, 2018, 9:30 a.m. Until 11 a.m.

1. The Committee will discuss ways to address species moving northwards along the Atlantic Coast.

2. The Committee will receive an update on the Fishery Ecosystem Plan II Dashboard and tools development, ecosystem modelling and regional partner coordination, and take action as needed.

3. The Committee will also receive a report from the Habitat Advisory Panel meeting; presentations on renewable energy development including the Kitty Hawk Wind Energy Project; and take action as needed.

Dolphin Wahoo Committee, Tuesday, December 4, 2018, 11 a.m. Until 2:30 p.m.

1. The Committee will receive updates from NOAA Fisheries on the status of recreational and commercial catches versus annual catch limits (ACLs).

2. The Committee will receive a presentation on issues affecting bullet and frigate mackerels as prey for dolphin and wahoo, and provide guidance to staff.

3. The Committee will review draft actions for dolphin to include in Amendment 10 to the Dolphin Wahoo Fishery Management Plan including revising the Optimum Yield, modifying annual catch targets (ACTs), adaptive management of sector ACLs, and addressing authorized gear. The Committee will take action as needed.

Snapper Grouper Committee Meeting, Tuesday, December 4, 2018, 2:30 p.m. Until 5 p.m. and Wednesday, December 5, 2018, 8:30 a.m. Until 3:45 p.m.

1. The Committee will receive updates from NOAA Fisheries on commercial and recreational catches versus quotas for species under ACLs and the status of amendments under formal Secretarial review.

2. The Committee will receive a report from the Snapper Grouper Advisory Panel and from the Council's Scientific and Statistical Committee and take action as appropriate.

3. The Committee will review Snapper Grouper Regulatory Amendment 30 addressing the rebuilding plan for red grouper, discuss timing for the amendment, modify the draft amendment as necessary, and provide guidance to staff.

4. The Committee will receive an overview of Vision Blueprint Regulatory Amendment 26 addressing recreational management actions and alternatives as identified in the 2016–2020 Vision Blueprint for the Snapper Grouper Fishery Management Plan. The Committee will modify the document as necessary and consider recommending for formal Secretarial review.

5. The Committee will review Regulatory Amendment 42 addressing sea turtle release gear requirements and snapper grouper framework modifications, select preferred management alternatives and consider approving the amendment for public hearings.

6. The Committee will receive an overview for a draft Allocation Review Trigger Plan to establish criteria for reviewing sector allocations and provide guidance to staff on timing and approach.

7. The Committee will receive an overview and review public comments for Snapper Grouper Regulatory Amendment 32 addressing yellowtail snapper accountability measures, review public comments, modify actions as needed, and consider approval for formal review.

8. The Committee will also review options for a Recreational Accountability Amendment, review the Vision Blueprint Biennial Evaluation, receive an update on the Catch Per Unit Effort for red snapper, and receive a review of the Characterization of the Snapper Grouper Commercial Fishery, and provide direction to staff as appropriate.

Executive/Finance Committee, Wednesday, December 5, 2018, 3:45 p.m. Until 4 p.m. and Thursday, December 6, 2018 From 1:30 p.m. Until 3 p.m.

1. The Committee will review the Council's ranking of amendments for its work schedule, receive an update on Magnuson-Stevens Act Reauthorization efforts and the CCC Working Paper which includes positions on reauthorization, discuss, and provide guidance to staff.

2. The Committee will receive an update on the Calendar-Year 2018 expenditures, review a preliminary list of items for the 2019 budget, and take action as appropriate.

3. The committee will review the Council's Follow Up Document, Priorities and Tiering List, discuss, and provide guidance to staff.

Formal Public Comment, Wednesday, December 5, 2018, 4 p.m.

Public comment will be accepted on items on the Council meeting agenda scheduled to be approved for Secretarial Review: Snapper Grouper Vision Blueprint Regulatory Amendment 26 (recreational measures) and Snapper Grouper Regulatory Amendment 32 (yellowtail snapper accountability measures). Public comment will also be accepted on all agenda items. The Council Chair, based on the number of individuals wishing to comment, will determine the amount of time provided to each commenter.

SEDAR Committee, Thursday, December 6, 2018, 8:30 a.m. Until 10 a.m. (Partially Closed Session)

1. The Committee will make recommendations for appointments to the tilefish stock assessment and to the Scamp Stock Identification Workshop (Closed Session).

2. In open session, the Committee will review the SSC Report and provide

recommendations on snowy grouper terms of reference (TORs), and the stock assessment schedule and TORs for scamp and tilefish.

3. The Committee will also receive an assessment activities update and an overview of the next SEDAR Steering Committee meeting, and provide guidance to staff as needed.

Citizen Science Committee, Thursday, December 6, 2018, 10 a.m. Until 12 p.m.

1. The Committee will review the Draft Citizen Science Program SOPPs, modify as needed and provide recommendations for approval.

2. The Committee will also receive an update on the Citizen Science Program and projects and take action as needed.

Council Session: Thursday, December 6, 2018, 3:15 p.m. Until 5 p.m. and Friday, December 7, 2018, 8:30 a.m. Until 12 p.m. (Partially Closed Session if Needed)

The Full Council will begin with the Call to Order, adoption of the agenda, approval of minutes, and awards/recognition. The Council will receive a Legal Briefing on Litigation from NOAA General Counsel (if needed) during Closed Session. The Council will receive staff reports including the Executive Director's Report, updates on the MyFishCount pilot project, recent hurricane impacts on fishing communities, and a report from the Atlantic Large Whale Take Reduction Team. Updates will be provided by NOAA Fisheries including a report on the status of recreational and commercial catches versus ACLs for species not covered during an earlier committee meeting, status of amendments under formal review, data-related reports, protected resources updates, update on the status of the of the Commercial Electronic Logbook Program, and the status of the Marine Recreational Information Program (MRIP) conversions for recreational fishing estimates. The Council will discuss and take action as necessary.

The Council will review any Exempted Fishing Permits received as necessary. The Council will also receive a presentation on recent research activities conducted by the NOAA Ship *Okeanos Explorer.*

The Council will receive committee reports from the Snapper Grouper, Habitat, Dolphin Wahoo, SEDAR, Citizen Science, Personnel, SOPPs, and Executive Finance Committees, and take action as appropriate.

The Council will receive agency and liaison reports; and discuss other business and upcoming meetings. Under other business, the Council will receive a presentation on the Monitor National Marine Sanctuary and take action as necessary.

Federal For-Hire Electronic Reporting Training Session, Thursday, December 6, 2018, 6 p.m.

Council staff will provide a hands-on training session to learn about new electronic reporting requirements for federally permitted for-hire captains and practice using tools that will be available to meet the reporting requirements.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. 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 Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 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 13, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–25054 Filed 11–15–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG621

Mid-Atlantic Fishery Management Council (MAFMC); Public Hearings

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

ACTION: Notice of public hearings.

SUMMARY: The Mid-Atlantic Fishery Management Council will hold five public hearings to solicit public comments on the Chub Mackerel Amendment to the Mackerel, Squid, Butterfish Fishery Management Plan.

DATES: The meetings will be held in December 2018 and January 2019. Written comments must be received by 11:59 p.m. EST, January 18, 2019. See **SUPPLEMENTARY INFORMATION** for the dates and times of each hearing.

ADDRESSES: *Meeting addresses:* Public hearings will be held in Virginia Beach, VA; Berlin, MD; Narragansett, RI; Cape May, NJ; and via webinar. For specific locations, see **SUPPLEMENTARY INFORMATION**.

Public comments: Written comments may also be sent by any of the following methods:

- *Email to: jbeaty@mafmc.org*
- *Via webform at: http://www.mafmc.org/comments/chub-mackerel-amendment*
- *Mail to:* Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901. Please write ''chub mackerel comments'' on the outside of the envelope.
- *Fax to:* (302) 674–5399.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council is developing an amendment to consider adding Atlantic chub mackerel (*Scomber colias*) as ''stock in the fishery'' in the Mackerel, Squid, and Butterfish Fishery Management Plan. Additional information is available at: *http://www.mafmc.org/actions/chub-mackerel-amendment.*

The Council will hold five public hearings on this amendment, during which Council staff will summarize the management alternatives under consideration prior to opening the hearing for public comments. The hearings schedule is as follows:

1. *Monday December 3, 2018 at 6 p.m.,* at the Hilton Garden Inn Virginia Beach Oceanfront, 3315 Atlantic Avenue, Virginia Beach, VA 23451.

2. *Tuesday December 4, 2018 at 6 p.m.,* at the Worcester County Library—Ocean Pines Branch, 11107 Cathell Road, Berlin, MD 21811.

3. *Monday December 17, 2018 at 6 p.m.,* at the University of Rhode Island Bay Campus, Corless Auditorium, 215 South Ferry Road, Narragansett, RI 02882.

4. *Tuesday December 18, 2018 at 6 p.m.,* at the Congress Hall Hotel, 200 Congress Place, Cape May, NJ 08204.

5. *Monday January 14, 2019 at 6 p.m.,* via webinar, which can be accessed at

http://mafmc.adobeconnect.com/chub_mackerel_public_hearing/. Audio only can be accessed via telephone by dialing 1–800–832–0736 and entering room number 5068871.

Public comments will be accepted at the public hearings and can also be submitted via email, an online form, mail, or fax, as described in the **ADDRESSES** section, above.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office (302) 526–5251 at least 5 days prior to the meeting date.

Dated: November 13, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–25056 Filed 11–15–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG622

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice; public hearings and webinar.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold ten in-person public hearings and a webinar public hearing to solicit public comments on Draft Amendment 50—State Management of Recreational Red Snapper.

DATES: The public hearings will take place December 3, 2018–January 17, 2019. The meetings and webinar will begin at 6 p.m. and will conclude no later than 9 p.m. For specific dates and times, see **SUPPLEMENTARY INFORMATION**. Written public comments must be received on or before 5 p.m. EST on Tuesday, January 22, 2019.

ADDRESSES: The public documents can be obtained by contacting the Gulf of Mexico Fishery Management Council, 4107 West Spruce Street, Suite 200, Tampa, FL 33607; (813) 348–1630 or on their website at *www.gulfcouncil.org.*

Meeting addresses: The public hearings will be held in Pensacola, Destin, Ft. Myers, and St. Petersburg, FL; Mobile, AL; Baton Rouge, LA; Biloxi, MS; and Brownsville, Corpus Christi, and League City, TX. For specific locations, see **SUPPLEMENTARY INFORMATION**.

Public comments: Comments may be submitted online through the Council's public portal by visiting *www.gulfcouncil.org* and clicking on ''CONTACT US''.

FOR FURTHER INFORMATION CONTACT: Dr. Ava Lasseter, Anthropologist; *ava.lasseter@gulfcouncil.org,* Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The agenda for the following ten in-person hearings and one webinar are as follows: Council staff will brief the public on the purpose and need of the amendment. The Council is currently considering state management that would provide flexibility to the Gulf states to set the recreational red snapper fishing season and potentially other management measures. Council staff will also provide an overview of the actions and alternatives considered in the amendment including the Council's preferred alternatives.

Staff and a State Representative Council member will be available to answer any questions, and the public will have the opportunity to provide testimony on the amendment and other related testimony.

The schedule is as follows:

Locations

Monday, December 3, 2018; Sanders Beach-Corrine Jones Center, 913 South I Street, Pensacola, FL 35202; telephone: (850) 436–5670.

Tuesday, December 4, 2018; City of Destin Community Center, 101 Stahlman Ave., Destin, FL 32541; telephone: (850) 654–5184.

Wednesday, December 5, 2018; Renaissance Mobile Riverview Plaza Hotel, 64 South Water Street, Mobile, AL 36602; telephone: (251) 438–4000.

Monday, December 10, 2018; Embassy Suites, 4914 Constitution Avenue, Baton Rouge, LA 70808; telephone: (225) 228–7164.

Tuesday December 11, 2018; Imperial Palace (IP) Casino and Resort, 850 Bayview Avenue, Biloxi, MS 39530; telephone: (228) 436–3000.

Monday, January 7, 2019; Hyatt Place Fort Myers at the Forum; 2600 Champion Ring Road, Ft. Myers, FL 33905; telephone: (239) 418–1844.

Tuesday, January 8, 2019; Hilton St. Petersburg Carillon Park, 950 Lake Carillon Drive, St. Petersburg, FL 33716; telephone: (727) 540–0050.

Monday, January 14, 2019; Courtyard by Marriott Brownsville, 3955 N Expressway, Brownsville, TX 78520; telephone: (956) 350–4600.

Tuesday, January 15, 2019; Omni Hotels Corpus Christi, 900 North Shoreline Blvd., Corpus Christi, TX 78401; telephone: (361) 887–1600.

Wednesday, January 16, 2019; League City Civic Center and Recreation Center, 300 West Walker St., League City, TX 77573; telephone: (281) 554–1190.

Thursday, January 17, 2019, Webinar—6 p.m. EST at: *https://attendee.gotowebinar.com/register/2288573373994739724.* After registering, you will receive a confirmation email containing information about joining the webinar.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira (see **ADDRESSES**), at least 5 working days prior to the meeting date.

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

Dated: November 13, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–25055 Filed 11–15–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Nevada Broadband Workshop

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Telecommunications and Information Administration's (NTIA) BroadbandUSA Program will host a Broadband Workshop in Carson City, Nevada on January 11, 2019. The purpose of the Workshop is to engage the public and stakeholders with information to accelerate broadband connectivity, improve digital inclusion, and support local priorities. The Workshop will provide information on topics including local broadband planning, funding, and engagement with service providers. Speakers and attendees from Nevada, federal agencies, and across the country will come together to explore ways to facilitate the expansion of broadband capacity, access, and utilization.

DATES: The Broadband Workshop will be held on January 11, 2019, from 9:00 a.m. until 3:00 p.m. Pacific Time.

ADDRESSES: The Broadband Workshop will be held in Carson City, Nevada at the Nevada Legislative Counsel Bureau, 401 South Carson Street, Carson City, NV 89701.

FOR FURTHER INFORMATION, CONTACT: Janice Wilkins, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4678, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5791; email: *broadbandusaevents@ntia.doc.gov*. Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email: *press@ntia.doc.gov*.

SUPPLEMENTARY INFORMATION: The NTIA's BroadbandUSA program promotes innovation and economic growth by supporting efforts to expand broadband access and meaningful use across America.

The Broadband Workshop is open to the public. Pre-registration is requested because space may be limited. NTIA asks registrants to provide their first and last name, title, organization/company, and email address for registration purposes, name tags to be provided at the workshop, and to receive any updates on the workshop. Information about the workshop is subject to change. Registration information, meeting updates, including changes in the agenda, and relevant documents will be available on NTIA's website at *https://broadbandusa.ntia.doc.gov/NevadaBroadbandWorkshop2019*.

The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as language interpretation or other ancillary aids, should notify Janice Wilkins at the contact information listed above at least ten (10) business days before the meeting so that accommodations can be made.

Dated: November 9, 2018.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2018–25008 Filed 11–15–18; 8:45 am]

BILLING CODE 3510–60–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions From the Procurement List.

SUMMARY: The Committee is proposing to add products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and services previously furnished by such agencies.

DATES: *Comments must be received on or before:* December 16, 2018.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN(s)—Product Name(s): 8465–00–NIB–0263—Airborne Rucksack, Modular Lightweight Load Carrying Equipment (MOLLE), OCP2015
Mandatory Sources of Supply:
Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Peckham Vocational Industries, Inc., Lansing, MI
Mandatory for: 20,000 units annually for the requirement for the U.S. Army
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK
Distribution: C-List
NSN(s)—Product Name(s):
6135–01–616–5152—Battery, Non-Rechargeable, AA, 1.5V, Alkaline, NEDA 15A, PG/8
6135–01–308–5688—Battery, Non-Rechargeable, BR–2/3A, 3V, Lithium, EA/1
6135–01–435–5558—Battery, Non-Rechargeable, Cylindrical, 3.6V, Lithium, EA/1
Mandatory Source of Supply: Eastern Carolina Vocational Center, Inc., Greenville, NC
Mandatory for: Total Government Requirement
Contracting Activity: DEFENSE LOGISTICS AGENCY LAND AND MARITIME
Distribution: A-List

Deletions

The following products and services are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s):
MR 10722—Sticker Book, Halloween, Includes Shipper 20722
MR 378—Christmas Sticker Book
MR 10663—Pouf Balls, Bath, Toddler
MR 833—Onion Saver
Mandatory Source of Supply:
Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity:
Defense Commissary Agency

Services

Service Type: Laundry Service
Mandatory for: USDA, National Animal Disease Center: 2300 Dayton Avenue, Ames, IA
Mandatory Source of Supply: Genesis Development, Jefferson, IA
Contracting Activity: ANIMAL AND PLANT HEALTH INSPECTION SERVICE, USDA APHIS MRPBS

Service Type: Janitorial/Custodial Service
Mandatory for:
U.S. Army Reserve Center: 1635 Berks Road, Norristown, PA
U.S. Army Reserve Center: Santa Rosa, CA
Mandatory Source of Supply: The Chimes, Inc., Baltimore, MD
Contracting Activity: DEPT OF THE ARMY, W40M NORTHEREGION CONTRACT OFC

Service Type: Distribution Service
Mandatory for: Department of Transportation: 400 7th Street SW Library and Distribution Services, Washington, DC
Mandatory Source of Supply: ServiceSource, Inc., Oakton, VA
Contracting Activity: Government Printing Office

Michael R. Jurkowski,

Business Management Specialist, Business Operations.

[FR Doc. 2018–25067 Filed 11–15–18; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes a product and services from the Procurement List previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date deleted from the Procurement List:* December 16, 2018.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 10/12/2018 (83 FR 198), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the product and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product and services deleted from the Procurement List.

End of Certification

Accordingly, the following product and services are deleted from the Procurement List:

Product

NSN(s)—Product Name(s): MR 377—Socks, Holiday
Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Defense Commissary Agency

Services

Service Types:
Grounds Maintenance Service
Janitorial/Custodial Service
Mandatory for:
U.S. Army Reserve Facility:
4415 N Market Street, Mann Hall, Spokane, WA
N 3800 Sullivan Road, Spokane, WA
Mandatory Source of Supply: Good Works, Inc., Spokane, WA
Contracting Activity: DEPT OF THE ARMY, W6QM MICC FT MCCOY (RC)
Service Type: Disposal Support Service
Mandatory for:
Columbus Air Force Base
Columbus AFB, MS
Mandatory Source of Supply: Alabama Goodwill Industries, Inc., Birmingham, AL
Contracting Activity: DEPT OF THE AIR FORCE, FA3022 14 CONS LGCA

Michael R. Jurkowski,

Business Management Specialist, Business Operations.

[FR Doc. 2018–25069 Filed 11–15–18; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG19–17–000.
Applicants: Bridgewater Power Company, L.P.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Bridgewater Power Company, L.P.
Filed Date: 11/8/18.
Accession Number: 20181108–5164.
Comments Due: 5 p.m. ET 11/29/18.

Docket Numbers: EG19–18–000.
Applicants: Peony Solar LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Peony Solar LLC.
Filed Date: 11/9/18.
Accession Number: 20181109–5026.
Comments Due: 5 p.m. ET 11/30/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–2231–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Compliance filing: DEC Revised Depreciation Rates (Compliance Filing) to be effective 8/1/2018.
Filed Date: 11/9/18.
Accession Number: 20181109–5029.
Comments Due: 5 p.m. ET 11/30/18.

Docket Numbers: ER19–154–001.
Applicants: Southern California Edison Company.
Description: Tariff Amendment: Amendment to Harry Allen Interconnection Agreement to be effective 10/23/2018.
Filed Date: 11/8/18.
Accession Number: 20181108–5147.
Comments Due: 5 p.m. ET 11/29/18.

Docket Numbers: ER19–298–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Errata—Amendment to ISAs, SA Nos. 4682 & First Revised 4332; Queue No. AA1–139 to be effective 11/17/2017.
Filed Date: 11/9/18.
Accession Number: 20181109–5143.
Comments Due: 5 p.m. ET 11/30/18.

Docket Numbers: ER19–313–000.
Applicants: Midcontinent Independent System Operator, Inc. ALLETE, Inc.
Description: § 205(d) Rate Filing: 2018–11–08 SA 3207 MP–GRE ICA (Langola) to be effective 11/9/2018.
Filed Date: 11/8/18.
Accession Number: 20181108–5165.
Comments Due: 5 p.m. ET 11/29/18.

Docket Numbers: ER19–314–000.
Applicants: Bridgewater Power Company, L.P.
Description: Baseline eTariff Filing: Bridgewater Power Company, L.P. Market Based Rates Tariff to be effective 1/8/2019.
Filed Date: 11/8/18.
Accession Number: 20181108–5166.
Comments Due: 5 p.m. ET 11/29/18.

Docket Numbers: ER19–315–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: Unsecured credit scoring model revisions to be effective 1/9/2019.
Filed Date: 11/9/18.
Accession Number: 20181109–5027.
Comments Due: 5 p.m. ET 11/30/18.

Docket Numbers: ER19–316–000.
Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: ATSI submits IA SA No. 5132 to be effective 1/9/2019.
Filed Date: 11/9/18.
Accession Number: 20181109–5040.
Comments Due: 5 p.m. ET 11/30/18.

Docket Numbers: ER19–317–000.
Applicants: El Paso Electric Company.

Description: § 205(d) Rate Filing: Rate Schedule No. 115 EPE E & P Agreement with EDF Renewables Development, Inc. to be effective 11/10/2018.
Filed Date: 11/9/18.
Accession Number: 20181109–5041.
Comments Due: 5 p.m. ET 11/30/18.

Docket Numbers: ER19–319–000.
Applicants: Midcontinent Independent System Operator, Inc., ALLETE, Inc.
Description: § 205(d) Rate Filing: 2018–11–10_SA 3209 MP–GRE ICA (Brainerd) to be effective 11/10/2018.
Filed Date: 11/9/18.
Accession Number: 20181109–5069.
Comments Due: 5 p.m. ET 11/30/18.

Docket Numbers: ER19–320–000.
Applicants: Midcontinent Independent System Operator, Inc., ALLETE, Inc.
Description: § 205(d) Rate Filing: 2018–11–09_SA 3208 MP–GRE T–L IA (Taft) to be effective 11/10/2018.
Filed Date: 11/9/18.
Accession Number: 20181109–5074.
Comments Due: 5 p.m. ET 11/30/18.

Docket Numbers: ER19–321–000.
Applicants: Duke Energy Progress, LLC.
Description: Tariff Cancellation: DEP–FBEMC (Rate Schedule No. 195) Cancellation Filing to be effective 12/31/2017.
Filed Date: 11/9/18.
Accession Number: 20181109–5083.
Comments Due: 5 p.m. ET 11/30/18.

Docket Numbers: ER19–322–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: First Amended Interconnection Agreement for the Bob Switch to be effective 11/10/2018.
Filed Date: 11/9/18.
Accession Number: 20181109–5095.
Comments Due: 5 p.m. ET 11/30/18.

Docket Numbers: ER19–323–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to the OATT and OA re Transmission Constraint Penalty Factors to be effective 2/1/2019.
Filed Date: 11/9/18.
Accession Number: 20181109–5099.
Comments Due: 5 p.m. ET 11/30/18.

Docket Numbers: ER19–324–000.
Applicants: Central Maine Power Company.
Description: § 205(d) Rate Filing: First Amendment to Bilateral, Cost-Based Trans. Service Agreements (Eversource) to be effective 1/9/2019.
Filed Date: 11/9/18.
Accession Number: 20181109–5137.
Comments Due: 5 p.m. ET 11/30/18.

Docket Numbers: ER19–325–000.
Applicants: Central Maine Power Company.
Description: § 205(d) Rate Filing: First Amendment to Bilateral, Cost-Based Trans. Service Agreements (NG) to be effective 1/9/2019.
Filed Date: 11/9/18.
Accession Number: 20181109–5142.
Comments Due: 5 p.m. ET 11/30/18.

Docket Numbers: ER19–326–000.
Applicants: Central Maine Power Company.
Description: § 205(d) Rate Filing: First Amendment to Bilateral, Cost-Based Trans. Service Agreements (Unitil) to be effective 1/9/2019.
Filed Date: 11/9/18.
Accession Number: 20181109–5144.
Comments Due: 5 p.m. ET 11/30/18.

Docket Numbers: ER19–327–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: E&P Agreement for Gonzaga Ridge Wind Farm to be effective 11/10/2018.
Filed Date: 11/9/18.
Accession Number: 20181109–5153.
Comments Due: 5 p.m. ET 11/30/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 9, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–25073 Filed 11–15–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR19–13–000.
Applicants: Cypress Gas Pipeline, LLC.
Description: Tariff filing per 284.123(b),(e)+(g): 20180327 Petition for Rate Approval and Revised SOC to be effective 11/8/2018.
Filed Date: 11/8/18.
Accession Number: 201803275001.
Comments Due: 5 p.m. ET 11/29/18.
284.123(g) Protests Due: 5 p.m. ET 1/7/19.

Docket Numbers: RP19–265–000.
Applicants: Garden Banks Gas Pipeline, LLC.
Description: eTariff filing per 1430: Garden Banks FERC Form 501–G.
Filed Date: 11/8/18.
Accession Number: 20181108–5048.
Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: RP19–266–000.
Applicants: Southeast Supply Header, LLC.
Description: eTariff filing per 1430: SESH FERC Form 501–G.
Filed Date: 11/8/18.
Accession Number: 20181108–5049.
Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: RP19–267–000.
Applicants: Southeast Supply Header, LLC.
Description: eTariff filing per 1440: SESH Limited Section 4 to be effective 1/1/2019.
Filed Date: 11/8/18.
Accession Number: 20181108–5056.
Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: RP19–268–000.
Applicants: Elba Express Company, L.L.C.
Description: eTariff filing per 1430: FERC Form No. 501–G Report.
Filed Date: 11/8/18.
Accession Number: 20181108–5059.
Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: RP19–269–000.
Applicants: Southern LNG Company, L.L.C.
Description: eTariff filing per 1430: FERC Form No. 501–G Report.
Filed Date: 11/8/18.
Accession Number: 20181108–5060.
Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: RP19–270–000.
Applicants: Dominion Energy Carolina Gas Transmission.
Description: eTariff filing per 1430: DECG—FERC Form No. 501–G Report.
Filed Date: 11/8/18.
Accession Number: 20181108–5061.
Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: RP19–271–000.
Applicants: Big Sandy Pipeline, LLC.
Description: eTariff filing per 1430: BSP FERC Form 501–G.
Filed Date: 11/8/18.

Accession Number: 20181108–5084.
Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: RP19–272–000.
Applicants: KPC Pipeline, LLC.
Description: eTariff filing per 1430: FERC Form No. 501–G Filing.
Filed Date: 11/8/18.
Accession Number: 20181108–5101.
Comments Due: 5 p.m. ET 11/20/18.

Docket Numbers: RP19–273–000.
Applicants: MarkWest New Mexico, L.L.C.
Description: eTariff filing per 1430: FERC Form No. 501–G Filing.
Filed Date: 11/8/18.
Accession Number: 20181108–5106.
Comments Due: 5 p.m. ET 11/20/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 9, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–25074 Filed 11–15–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2520–076]

Great Lakes Hydro America, LLC; Notice of Technical Meeting

a. *Date and Time of Meeting:* November 28, 2018 at 10:00 a.m. Eastern Standard Time.

b. *Place:* Telephone conference.

c. *FERC Contact:* Adam Peer at *adam.peer@ferc.gov,* or (202) 502–8449.

d. *Purpose of Meeting:* Commission Staff is hosting a technical meeting to discuss Endangered Species Act consultation as it relates to relicensing the Mattaceunk Hydroelectric Project.

e. A summary of the meeting will be prepared and filed in the Commission's public file for the project.

f. All local, state, and federal agencies, Indian tribes, and other interested parties are invited to participate by phone. Please contact Adam Peer at *adam.peer@ferc.gov,* or (202) 502–8449 by November 26, 2018, to RSVP and to receive specific instructions on how to participate.

Dated: November 9, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–25075 Filed 11–15–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9986–59–OW]

Meeting of the National Drinking Water Advisory Council

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a public meeting.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing a meeting of the National Drinking Water Advisory Council (NDWAC or Council) as authorized under the Safe Drinking Water Act (SDWA). The purpose of the meeting is to allow the EPA to present an overview of the Agency's Safe Drinking Water Act programs for the fiscal year 2019, including an introduction of the benefits of improving public drinking water system's capacity through partnerships. A public comment period will be provided.

DATES: The meeting will be held on December 6, 2018, from 9:30 a.m. to 4:15 p.m., eastern time, and on December 7, 2018 from 8:45 a.m. to 12:30 p.m., eastern time.

ADDRESSES: The U.S. Environmental Protection Agency, 1201 Constitution Avenue NW, WJC South, Room 6226, ARS NETI Training Room, Washington, DC 20004.

SUPPLEMENTARY INFORMATION:

Details about Attending the Meeting: The meeting is open to the general public. If you wish to attend the meeting, you may register by sending an email to Tracey M. Ward, the NDWAC Designated Federal Officer (DFO) at: *ward.tracey@epa.gov.* The email subject line should read: ''NDWAC 2018 Attendee.'' Your email should include your name, address, and telephone number.

Guests from the private sector must present an unexpired, government-issued photo identification (ID) that comports with requirements of the REAL ID Act, be screened through security equipment, sign in, and be verified/met in the lobby by an EPA employee. *Please Note:* driver's licenses from some states may not be compliant with the REAL ID Act and, therefore, will not be accepted; alternative ID documents will be necessary in those cases. Foreign national visitors are strongly encouraged to provide advanced notice of attendance, must present a valid passport for entry, and must meet all pre-clearance requirements.

The EPA will allocate one hour for the public to present comments at the meeting on December 7, 2018. Oral statements will be limited to five minutes per person during the public comment period. It is preferred that only one person present a statement on behalf of a group or organization. To ensure adequate time for public involvement, individuals or organizations interested in presenting an oral statement should notify: Tracey M. Ward, the NDWAC DFO, by email at: *ward.tracey@epa.gov,* no later than November 26, 2018. Any person who wishes to file a written statement can do so before or after the Council meeting. Send written statements to: Tracey Ward, NDWAC DFO, Office of Ground Water and Drinking Water (Mail Code 4601), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; or email at: *ward.tracey@epa.gov.*

Written statements intended for the meeting must be received before November 26, 2018, to be distributed to all members of the Council for their consideration. Any statements received on or after the date specified will become part of the permanent file for the meeting and will be forwarded to the Council members after conclusion of the meeting.

Special Accommodations: For information on access or services for individuals with disabilities, please contact Tracey Ward at: (202) 564–3796 or by email at: *ward.tracey@epa.gov.* To request an accommodation for a disability, please contact Tracey Ward at least 15 days prior to the meeting date to allow the EPA as much time as possible to attend to your request.

National Drinking Water Advisory Council: The NDWAC was created by Congress on December 16, 1974, as part of the Safe Drinking Water Act (SDWA) of 1974, Public Law 93–523, 42 U.S.C. 300j–5, and is operated in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The NDWAC was established under the SDWA to provide practical and independent advice,

consultation, and recommendations to the EPA Administrator on the activities, functions, policies, and regulations required by the SDWA.

Dated: November 7, 2018.

Peter Grevatt,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 2018–25081 Filed 11–15–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9042–3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–5632 or *https://www.epa.gov/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 11/05/2018 Through 11/09/2018

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20180267, Final, USFS, CO, Golden Peak Improvements 2016, Review Period Ends: 12/26/2018, Contact: Max Forgensi 970–309–4861

EIS No. 20180268, Draft Supplement, FHWA, NH, Derry-Londonderry I–93 Exit 4A, Comment Period Ends: 01/04/2019, Contact: Jamison S. Sikora 603–410–4870

EIS No. 20180269, Draft, FHWA, NV, Interstate 80/Interstate 580/US Highway 395 Freeway-to-Freeway Interchange and Connecting Road Improvements, Comment Period Ends: 01/15/2019, Contact: Abdelmoez Abdalla 775–687–1231

EIS No. 20180270, Final, NSF, NM, Sacramento Peak Observatory, Review Period Ends: 12/17/2018, Contact: Elizabeth Pentecost 703–292–4907

EIS No. 20180271, Final, APHIS, PRO, Fruit Fly Cooperative Control Program, Review Period Ends: 12/17/2018, Contact: Jim E. Warren 212–316–3216

EIS No. 20180272, Draft, USN, NV, Fallon Range Training Complex Modernization, Comment Period Ends: 01/15/2019, Contact: Sara Goodwin 619–532–4463

EIS No. 20180273, Final, NRC, LA, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 58, Regarding River Bend Station, Unit 1, Final Report, Review Period Ends: 12/17/2018, Contact: David Drucker 301–415–6223

EIS No. 20180274, Final, NMFS, AK, Final Environmental Impact Statement for Issuing Annual Catch Limits To the Alaska Eskimo Whaling Commission for A Subsistence Hunt On Bowhead Whales for The Years 2019 And Beyond, Review Period Ends: 12/17/2018, Contact: John Henderschedt, ATTN: Carolyn Doherty 301–427–8385

EIS No. 20180275, Final, USACE, VA, Final Integrated City of Norfolk Coastal Storm Risk Management Feasibility Study, Review Period Ends: 12/17/2018, Contact: Katherine Perdue 757–201–7218

Amended Notices

EIS No. 20180235, Draft, USACE, VA, Draft Integrated City of Norfolk Coastal Storm Risk Management Feasibility Study, Contact: Katherine Perdue 757–201–7218

Revision to FR Notice Published 10/12/2018; Retracted due to erroneous filing.

Dated: November 13, 2018.

Robert Tomiak,

Director, Office of Federal Activities.

[FR Doc. 2018–25045 Filed 11–15–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, November 20, 2018, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' Meetings.

Memorandum and resolution re: Regulatory Capital Rule: Capital Simplification for Qualifying Community Banking Organizations.

Memorandum and resolution re: Notice of Proposed Rulemaking to Increase the Appraisal Threshold for Residential Real Estate Transactions, Implement the Residential Rural Exemption, and Require Appropriate Appraisal Review.

Memorandum and resolution re: Final Rule on Transferred OTS Regulations Regarding Fiduciary Powers of State Savings Associations and Consent Requirements for the Exercise of Trust Powers.

Memorandum and resolution re: Final Rule to Revise the FDIC's Regulations Concerning Inflation-Adjusted Maximum Civil Money Penalty Amounts.

Report of actions taken pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum and resolution re: Notice of Proposed Rulemaking on Proposed Changes to Applicability Thresholds for Regulatory Capital Requirements and Liquidity Requirements.

The meeting will be held in the Board Room located on the sixth floor of the FDIC Building located at 550 17th Street NW, Washington, DC.

This Board meeting will be webcast live via the internet and subsequently made available on-demand approximately one week after the event. Visit *http://fdic.windrosemedia.com* to view the event. If you need any technical assistance, please visit our Video Help page at: *https://www.fdic.gov/video.html.*

The FDIC will provide attendees with auxiliary aids (*e.g.,* sign language interpretation) required for this meeting. Those attendees needing such assistance should call 703–562–2404 (Voice) or 703–649–4354 (Video Phone) to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at 202–898–7043.

Dated: November 14, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–25184 Filed 11–14–18; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail,

Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201282.

Agreement Name: Hyundai Glovis/Grimaldi West Africa Space Charter Agreement.

Parties: Hyundai Glovis Co. Ltd. and Grimaldi Deep Sea S.P.A.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The Agreement authorizes the parties to charter space to/from one another on an ''as needed/as available'' basis in the trade between ports on the U.S. Atlantic and Gulf Coasts on the other hand and ports in West Africa and South Africa on the other hand.

Proposed Effective Date: 11/2/2018.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/20303.

Agreement No.: 011550–018.

Agreement Name: ABC Discussion Agreement.

Parties: Crowley Caribbean Services LLC; King Ocean Services Limited, Inc.; and Seaboard Marine Ltd.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment adds Crowley Caribbean Services, LLC as a party to the Agreement.

Proposed Effective Date: 12/22/2018.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/883.

Agreement No.: 011741–023.

Agreement Name: U.S. Pacific Coast-Oceania Agreement.

Parties: ANL Singapore Pte Ltd; Hapag Lloyd AG; and Maersk Line A/S.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment revises Article 5.1(a) to clarify the operational capacity of the vessels operated under this Agreement.

Proposed Effective Date: 12/24/2018.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/601.

Dated: November 9, 2018.

Rachel Dickon,

Secretary.

[FR Doc. 2018–24986 Filed 11–15–18; 8:45 am]

BILLING CODE 6731–AA–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3360–FN]

Medicare and Medicaid Programs; Continued Approval of the Community Health Accreditation Partner's Hospice Accreditation Program

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve the Community Health Accreditation Partner (CHAP) for continued recognition as a national accrediting organization for hospices that wish to participate in the Medicare or Medicaid programs. A hospice that participates in Medicaid must also meet the Medicare Conditions for Participation (CoPs).

DATES: The approval is effective November 20, 2018 through November 20, 2024.

FOR FURTHER INFORMATION CONTACT: Lillian Williams, (410) 786–8636, or Monda Shaver, (410) 786–3410.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in a hospice, provided certain requirements are met by the hospice. Section 1861(dd) of the Social Security Act (the Act) establishes distinct criteria for facilities seeking designation as a hospice. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 418 specify the conditions that a hospice must meet in order to participate in the Medicare program, the scope of covered services and the conditions for Medicare payment for hospices.

Generally, to enter into an agreement, a hospice must first be certified as complying with the conditions set forth in part 418 and recommended to the Centers for Medicare & Medicaid Services (CMS) for participation by a state survey agency. Thereafter, the hospice is subject to periodic surveys by a state survey agency to determine whether it continues to meet these conditions. However, there is an alternative to certification surveys by state agencies. Accreditation by a nationally recognized Medicare accreditation program approved by CMS may substitute for both initial and ongoing state review.

Section 1865(a)(1) of the Act provides that, if the Secretary of the Department of Health and Human Services (the Secretary) finds that accreditation of a provider entity by an approved national accrediting organization meets or exceeds all applicable Medicare conditions, CMS may treat the provider entity as having met those conditions, that is, we may ''deem'' the provider entity to be in compliance. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

If an accrediting organization is recognized by the Secretary as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting organization's approved program may be deemed to meet the Medicare conditions. A national accrediting organization applying for CMS approval of their accreditation program under 42 CFR part 488, subpart A, must provide CMS with reasonable assurance that the accrediting organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at § 488.5. Section 488.5(e)(2)(i) requires accrediting organizations to reapply for continued approval of its Medicare accreditation program every 6 years or sooner as determined by CMS. The Community Health Accreditation Partner's (CHAP'S) term of approval as a recognized accreditation program for its hospice accreditation program expires November 20, 2018.

II. Application Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of applications for CMS-approval of an accreditation program is conducted in a timely manner. The Act provides us 210 days after the date of receipt of a complete application, with any documentation necessary to make the determination, to complete our survey activities and application process. Within 60 days after receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accrediting body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish a notice in the **Federal Register** approving or denying the application.

III. Provisions of the Proposed Notice

On June 15, 2018, we published a proposed notice (83 FR 27992) in the **Federal Register** announcing CHAP's request for continued approval of its Medicare hospice accreditation program. In the June 15, 2018 proposed notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act and in our regulations at § 488.5, we conducted a review of CHAP's Medicare hospice accreditation application in accordance with the criteria specified by our regulations, which include, but are not limited to, the following:

- An onsite administrative review of CHAP's: (1) Corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its hospice surveyors; (4) ability to investigate and respond appropriately to complaints against accredited hospices; and (5) survey review and decision-making process for accreditation.
- A comparison of CHAP's Medicare hospice accreditation program standards to our current Medicare hospice Conditions of Participation (CoPs).
- A documentation review of CHAP's survey process to:

++ Determine the composition of the survey team, surveyor qualifications, and CHAP's ability to provide continuing surveyor training.

++ Compare CHAP's processes to those we require of state survey agencies, including periodic resurvey and the ability to investigate and respond appropriately to complaints against accredited hospices.

++ Evaluate CHAP's procedures for monitoring hospices found to be out of compliance with CHAP's program requirements. This pertains only to monitoring procedures when CHAP identifies non-compliance. If noncompliance is identified by a state survey agency through a validation survey, the state survey agency monitors corrections as specified at § 488.9(c).

++ Assess CHAP's ability to report deficiencies to the surveyed hospice and respond to the hospice's plan of correction in a timely manner.

++ Establish CHAP's ability to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ Determine the adequacy of CHAP's staff and other resources.

++ Confirm CHAP's ability to provide adequate funding for the completion of required surveys.

++ Confirm CHAP's policies to surveys being unannounced.

++ Obtain CHAP's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

In accordance with section 1865(a)(3)(A) of the Act, the June 15, 2018 proposed notice also solicited public comments regarding whether CHAP's requirements met or exceeded the Medicare CoPs for hospices. No comments were received in response to our proposed notice.

IV. Provisions of the Final Notice

A. Differences Between CHAP's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements

We compared CHAP's hospice accreditation requirements and survey process with the Medicare CoPs of part 418, and the survey and certification process requirements of parts 488 and 489. Our review and evaluation of CHAP's hospice application, which were conducted as described in section III of this final notice, yielded the following areas where, as of the date of this notice, CHAP has completed revising its standards and certification processes in order to ensure that hospices accredited by CHAP meet the requirements at:

- § 418.64(d)(2), to ensure the dietary needs of patients are met.
- § 418.76(b)(1), to ensure training is conducted by a registered nurse, or a licensed practical nurse under the supervision of a registered nurse.
- § 418.76(b)(3)(xiii), to ensure that any other task that the hospice may choose to have an aide perform must be included in the content of the hospice aide classroom and supervised practical training.
- § 418.76(d)(1), to ensure that in-service training is supervised by a registered nurse.
- § 418.76(h)(3)(iv) and (v), to address the requirement that the supervising nurse must assess an aide's ability to demonstrate initial and continued satisfactory performance in meeting outcome criteria for the hospice's infection control policy and procedures and for reporting changes in the patient's conditions.
- § 418.76(k)(3), to address the requirement for homemakers to report concerns to the member of the interdisciplinary group who is responsible for coordinating homemaker services.
- § 418.104, to address the requirement allowing medical records to be maintained electronically.
- § 418.110(d)(3), to address the requirement that provisions of the adopted edition of the Life Safety Code do not apply in a state if CMS finds that a fire and safety code imposed by state law adequately protects patients in hospices.
- § 418.113, to ensure compliance with all applicable federal, state, and local emergency preparedness requirements.
- § 488.5(a)(7) through (9), to ensure that new surveyors receive the required initial orientation training, and that all new surveyors receive an evaluation of performance, in accordance with CHAP policies.
- § 488.5(a)(12), to ensure that complaint surveys are conducted in a manner that meets or exceeds the processes and investigation practices of CMS; that the rationale for the decision whether to conduct an onsite survey or not, is clearly documented in the complaint file, according to CHAP policy; and, to ensure that complaints are closed out properly with appropriate notification to complainants.

B. Term of Approval

Based on our review and observations described in section III of this final notice, we approve CHAP as a national accreditation organization for hospices that request participation in the Medicare program, effective November 20, 2018 through November 20, 2024.

V. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Dated: November 7, 2018.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2018–25066 Filed 11–15–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: National Evaluation of the Sexual Risk Avoidance Education

(SRAE) Program—National Descriptive Study

OMB NO.: [NEW]

Description: The Administration for Children and Families (ACF) proposes a data collection effort related to the National Evaluation of the Sexual Risk Avoidance Education (SRAE) Program—National Descriptive Study.

The National Descriptive Study (of the National Evaluation of the SRAE Program) has multiple components. This information collection request only pertains to the Early Implementation Study, which will provide an early catalogue of SRAE programs' implementation. ACF seeks approval to collect the following information:

—Survey for Use with SRAE grantees. *The purpose of this collection effort is to conduct surveys with administrators/program directors in each of the states/organizations that received SRAE grants to better understand what key decisions states/organizations made regarding the design of their SRAE-funded programs and why they made those decisions.*

Interview Guide for Use with SRAE grantees. *The purpose of this collection effort is to conduct semi-structured interviews, that follow-on the surveys, with administrators/program directors in each of the states/organizations that received SRAE grants: The interviews will offer long-answer, qualitative responses to key questions, to better understand what key decisions states/organizations made regarding the* design of their SRAE-funded programs and why they made those decisions.

Respondents: State level administrators; Agency administrators; Organization heads; Project directors

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Survey for SRAE Grantees	125	1	1	1	125
Interview Guide for SRAE Grantees	125	1	1	1	125

Estimated Total Annual Burden Hours: 250 hours.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection. The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Emily Jabbour,

ACF/OPRE Certifying Officer.

[FR Doc. 2018–24997 Filed 11–15–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: National Youth in Transition Database (NYTD) and Youth Outcomes Survey.

OMB No.: 0970–0340.

Description: The Foster Care Independence Act of 1999 (42 U.S.C. 1305 *et seq.*) as amended by Public Law 106–169 requires State child welfare agencies to collect and report to the Administration on Children and Families (ACF) data on the characteristics of youth receiving independent living services and information regarding their outcomes. The regulation implementing the National Youth in Transition Database, listed in 45 CFR 1356.80, contains standard data collection and reporting requirements for States to meet the law's requirements. Additionally, the Family First Prevention Services Act of 2017 (H.R. 253) further outlines the expectation of the collection and reporting of data and outcomes regarding youth who are in receipt of independent living services. ACF will use the information collected under the regulation to track independent living services, assess the collective outcomes of youth, and potentially to evaluate State performance with regard to those outcomes consistent with the law's mandate.

Respondents: State agencies that administer the John H. Chafee Foster Care Independence Program. The U.S. Virgin Islands have been included in this request as they are expected to begin participating in NYTD data collection efforts during this approval period.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Data file	53	2	1,430	151,580
Youth Outcomes Survey	16,333	1	.50	8,167

Estimated Total Annual Burden Hours: 155,529.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget Paperwork Reduction Project Email: *OIRA_SUBMISSION@OMB.EOP.GOV. Attn:* Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–25053 Filed 11–15–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2017–M–6970, FDA–2017–M–6971, FDA–2017–M–6983, FDA–2017–M–6984, FDA–2017–M–7004, FDA–2018–M–0411, FDA–2018–M–0528, FDA–2018–M–0620, FDA–2018–M–0736, FDA–2018–M–0737, FDA–2018–M–00–0738, FDA–2018–M–0792, FDA–2018–M–1371, FDA–2018–M–1215, FDA–2018–M–1237, FDA–2018–M–1372, FDA–2018–M–1446, FDA–2018–M–1447, FDA–2018–M–1580, FDA–2018–M–1581, FDA–2018–M–1634, FDA–2018–M–1727, FDA–2018–M–1791, FDA–2018–M–1753, FDA–2018–M–1970, FDA–2018–M–2118, FDA–2018–M–2119, FDA–2018–M–2237, FDA–2018–M–2269, FDA–2018–M–2335, FDA–2018–M–2460, FDA–2018–M–2461, FDA–2018–M–2462, FDA–2018–M–2463, FDA–2018–M–2571, FDA–2018–M–2883, FDA–2018–M–2884, FDA–2018–M–2885, FDA–2018–M–2886, FDA–2018–M–2887, FDA–2018–M–2983, FDA–2018–M–3131, FDA–2018–M–3153, FDA–2018–M–3212, FDA–2018–M–3503, FDA–2018–M–3505, and FDA–2018–M–3548]

Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of premarket approval applications (PMAs) and humanitarian device exemption applications (HDEs), that have been approved. This list is intended to inform the public of the availability of safety and effectiveness summaries of approved PMAs through the internet and the Agency's Dockets Management Staff.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2017–M–6970, FDA–2017–M–6971, FDA–2017–M–6983, FDA–2017–M–6984, FDA–2017–M–7004, FDA–2018–M–0411, FDA–2018–M–0528, FDA–2018–M–0620, FDA–2018–M–0736, FDA–2018–M–0737, FDA–2018–M–00–0738, FDA–2018–M–0792, FDA–2018–M–1371, FDA–2018–M–1215, FDA–2018–M–1237, FDA–2018–M–1372, FDA–2018–M–1446, FDA–2018–M–1447, FDA–2018–M–1580, FDA–2018–M–1581, FDA–2018–M–1634, FDA–2018–M–1727, FDA–2018–M–1791, FDA–2018–M–1753, FDA–2018–M–1970, FDA–2018–M–2118, FDA–2018–M–2119, FDA–2018–M–2237, FDA–2018–M–2269, FDA–2018–M–2335, FDA–2018–M–2460, FDA–2018–M–2461, FDA–2018–M–2462, FDA–2018–M–2463, FDA–2018–M–2571, FDA–2018–M–2883, FDA–2018–M–2884, FDA–2018–M–2885, FDA–2018–M–2886, FDA–2018–M–2887, FDA–2018–M–2983, FDA–2018–M–3131, FDA–2018–M–3153, FDA–2018–M–3212, FDA–2018–M–3503, FDA–2018–M–3505, and FDA–2018–M–3548 for ''Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf* .

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

FOR FURTHER INFORMATION CONTACT: Joshua Nipper, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1650, Silver Spring, MD 20993–0002, 301–796–6524.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 515(d)(4) and (e)(2) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360e(d)(4) and (e)(2)), notification of an order approving, denying, or withdrawing approval of a PMA will continue to include a notice of opportunity to request review of the order under section 515(g) of the FD&C Act. The 30-day period for requesting reconsideration of an FDA action under § 10.33(b) (21 CFR 10.33(b)) for notices announcing approval of a PMA begins on the day the notice is placed on the internet. Section 10.33(b) provides that FDA may, for good cause, extend this 30-day period. Reconsideration of a denial or withdrawal of approval of a PMA may be sought only by the applicant; in these cases, the 30-day period will begin when the applicant is notified by FDA in writing of its decision.

The regulations provide that FDA publish a list of available safety and effectiveness summaries of PMA approvals and denials that were announced during that quarter. The following is a list of approved PMAs for which summaries of safety and effectiveness were placed on the internet from January 1, 2018, through September 18, 2018. There were no denial actions during this period. The list provides the manufacturer's name, the product's generic name or the trade name, and the approval date.

TABLE 1—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMAS AND SAFETY AND PROBABLE BENEFIT SUMMARIES FOR APPROVED HDES MADE AVAILABLE FROM JANUARY 1, 2018, THROUGH SEPTEMBER 18, 2018

PMA No., Docket No.	Applicant	Trade name	Approval date
P150005/S014, FDA–2017–M–6970.	Boston Scientific	Blazer® Open-Irrigated Ablation Catheter and IntellaNav™ Open-Irrigated Ablation Catheter.	12/21/2017
P100030/S008, FDA–2017–M–6971.	Mallinckrodt Pharma IP Trading DAC	PREVELEAK Surgical Sealant	12/21/2017
P160012, FDA–2017–M–6983	Physio-Control, Inc	LIFEPAK CR® Plus Defibrillator, LIFEPAK EXPRESS® Defibrillator and CHARGE–PAK® Battery Charger.	12/21/2017
P140032, FDA–2017–M–6984	Medtronic, Inc	Implantable System for Remodulin®	12/22/2017
P160022, FDA–2017–M–7004	ZOLL Medical Corp	X Series®, R Series®, AED Pro®, and AED 3™ BLS® Professional Defibrillators, Pro-Padz Radiotransparent Electrode, SurePower™ Battery Pack, SurePower II™ Battery Pack, AED Pro® Non-Rechargeable Lithium Battery Pack, AED 3™ Battery Pack, SurePower™ Charger, and SurePower™ Single Bay Charger.	12/27/2017
P170025, FDA–2018–M–0411	Hologic, Inc	Aptima® HBV Quant Assay	1/23/2018
P160032, FDA–2018–M–0528	Defibtech, LLC	Lifeline/ReviveR DDU–100, Lifeline/ReviveR AUTO DDU–120, Lifeline/ReviveR VIEW DDU–2300, Lifeline/ReviveR VIEW AUTO DDU–2200, Lifeline/ReviveR ECG DDU–2450, and Lifeline/ReviveR ECG+ DDU–2475 Automated External Defibrillators.	2/1/2018
P140003/S018, FDA–2018–M–0620.	Abiomed, Inc	Impella Ventricular Support Systems	2/7/2018
P160037, FDA–2018–M–0736	Becton, Dickinson and Co	BD Onclarity HPV Assay	2/12/2018
P150001/S021, FDA–2018–M–0737.	Medtronic MiniMed, Inc	MiniMed 630G System	2/13/2018
P160017/S017, FDA–2018–M–0738.	Medtronic MiniMed, Inc	MiniMed 670G System	2/13/2018
P960043/S097, FDA–2018–M–0792.	Abbott Vascular	Perclose ProGlide® Suture-Mediated Closure System	2/16/2018
P160007, FDA–2018–M–1371	Medtronic MiniMed, Inc	Guardian Connect System	3/8/2018
H170002, FDA–2018–M–1215	Kaneka Pharma America LLC	LIPOSORBER® LA–15 System	3/20/2018
P160013, FDA–2018–M–1237	TransMedics, Inc	Organ Care System (OCS™) Lung System	3/22/2018
P050006/S060, FDA–2018–M–1372.	W.L. Gore & Associates, Inc	GORE® CARDIOFORM Septal Occluder	3/30/2018
P160018/S001, FDA–2018–M–1446.	Foundation Medicine, Inc	FoundationFocus™ CDx *BRCA* LOH	4/6/2018
P150009, FDA–2018–M–1447	Angel Medical Systems, Inc	AngelMed Guardian System	4/9/2018
P160052, FDA–2018–M–1581	Parsagen Diagnostics, Inc	PartoSure Test	4/11/2018
P950039/S036, FDA–2018–M–1580.	Hologic, Inc	ThinPrep Integrated Imager	4/18/2018
P140010/S037, FDA–2018–M–1634.	Medtronic Vascular, Inc	IN.PACT™ Admiral™ Paclitaxel-Coated Percutaneous Transluminal Angioplasty (PTA) Balloon Catheter.	4/19/2018
P960009/S219, FDA–2018–M–1727.	Medtronic, Inc	Medtronic DBS System for Epilepsy	4/27/2018
P170035, FDA–2018–M–1791	Bausch + Lomb, Inc	Bausch + Lomb ULTRA (samfilcon A) Contact Lenses	4/30/2018
P170016, FDA–2018–M–1753	Teva Pharmaceuticals USA, Inc	SYNOJOYNT™	5/8/2018
P040024/S099, FDA–2018–M–1970.	Galderma Laboratories, LP	*Restylane® Lyft with Lidocaine*	5/18/2018
P170013, FDA–2018–M–2118	MicroVention, Inc	Low-Profile Visualized Intraluminal Support (LVIS) and LVIS Jr	5/30/2018
P170039, FDA–2018–M–2119	Clinical Research Consultants, Inc	CustomFlex™ Artificial Iris	5/30/2018
P910056/S027, FDA–2018–M–2237.	Bausch + Lomb, Inc	enVista® One-Piece Hydrophobic Acrylic Toric Intraocular Lens (Model MX60T).	6/8/2018
P150013/S009, FDA–2018–M–2269.	Dako North America, Inc	PD–L1 IHC 22C3 pharmDx	6/12/2018
P100006/S005, FDA–2018–M–2335.	BioMimetic Therapeutics, LLC	AUGMENT® Injectable	6/12/2018
P170043, FDA–2018–M–2460	Glaukos Corp	iStent *inject* Trabecular Micro-Bypass System (Model G2–M–IS)	6/21/2018

TABLE 1—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMAS AND SAFETY AND PROBABLE BENEFIT SUMMARIES FOR APPROVED HDES MADE AVAILABLE FROM JANUARY 1, 2018, THROUGH SEPTEMBER 18, 2018—Continued

PMA No., Docket No.	Applicant	Trade name	Approval date
P160017/S031, FDA–2018–M–2461.	Medtronic MiniMed, Inc	MiniMed 670G System	6/21/2018
P160048, FDA–2018–M–2463	Senseonics, Inc	Eversense Continuous Glucose Monitoring System	6/21/2018
P180008, FDA–2018–M–2462	Tandem Diabetes Care, Inc	t:slim X2 Insulin Pump with Basal-IQ Technology	6/21/2018
P180002, FDA–2018–M–2571	Pulmonx Corp	Zephyr® Endobronchial Valve System	6/29/2018
P160026, FDA–2018–M–2883	Physio-Control, Inc	LIFEPAK® 1000 Defibrillator, LIFEPAK® 1000 Defibrillator Lithium-Ion Rechargeable Battery, LIFEPAK® 1000 Defibrillator Non-Rechargeable Battery, LIFEPAK® 20 Defibrillator/Monitor (Refurbished), LIFEPAK® 20e Defibrillator/Monitor, LIFEPAK® 15 Monitor/Defibrillator, LIFEPAK® Lithium-ion Rechargeable Battery (for use with the LIFEPAK® 15 Monitor/Defibrillator).	7/2/2018
P170024, FDA–2018–M–2884	Stryker Neurovascular	Surpass Streamline Flow Diverter	7/13/2018
P170041, FDA–2018–M–2885	Abbott Molecular, Inc	Abbott RealTi*me* IDH1	7/20/2018
P160030/S017, FDA–2018–M–2886.	Abbott Diabetes Care Inc	FreeStyle Libre 14 Day Flash Glucose Monitoring System	7/23/2018
P160053, FDA–2018–M–2887	Endomagnetics Ltd	Magtrace™ and Sentimag® Magnetic Localization System	7/24/2018
P170042, FDA–2018–M–2983	C.R. Bard, Inc	COVERA™ Vascular Covered Stent	7/30/2018
P150048/S012, FDA–2018–M–3131.	Edwards Lifesciences LLC	Edwards Pericardial Mitral Bioprosthesis, Model 11000M	8/9/2018
P170034, FDA–2018–M–3153	Ivantis, Inc	Hydrus® Microstent	8/10/2018
P150013/S011, FDA–2018–M–3212.	Dako North America, Inc	PD–L1 IHC 22C3 pharmDx	8/16/2018
P030016/S001, FDA–2018–M–3503.	STAAR Surgical Co	Visian® TORIC ICL (Implantable Collamer® Lens)	9/13/2018
H170004, FDA–2018–M–3505	BIOTRONIK, Inc	PK Papyrus Covered Coronary Stent System	9/14/2018
P180011, FDA–2018–M–3548	Boston Scientific Corp	ELUVIA™ Drug-Eluting Vascular Stent System	9/18/2018

II. Electronic Access

Persons with access to the internet may obtain the documents at *https://www.fda.gov/MedicalDevices/ProductsandMedicalProcedures/DeviceApprovalsandClearances/PMAApprovals/default.htm*.

Dated: November 13, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–25071 Filed 11–15–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–4002]

Electronic Submission of Adverse Event Reports to the Food and Drug Administration Adverse Event Reporting System Using International Council for Harmonisation E2B(R3) Standards; Public Meetings; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meetings; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing three public meetings entitled ''Electronic Submission of Adverse Event Reports to FDA Adverse Event Reporting System (FAERS) Using International Council for Harmonisation (ICH) E2B(R3) Standards.'' The purpose of these public meetings is to provide the pharmaceutical industry and other interested parties with information on the plans, progress, and technical specifications to upgrade electronic submission standards for drug, biological, and drug/biologic-led combination products for the premarket and postmarket safety surveillance programs managed by the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER). These meetings will focus on enhancements to electronic submission of Individual Case Safety Reports (ICSRs) in FAERS using ICH E2B(R3) standards.

FDA is seeking input from stakeholders as it fulfills its commitment to implement ICH E2B(R3) standards by holding three public meetings. FDA will use the information provided by the public to inform the enhancements to FAERS required for the implementation of ICH E2B(R3) standards and relevant regional variations.

DATES: The first public meeting will be held on January 25, 2019, from 9 a.m. to 4 p.m. The second public meeting will be held on July 17, 2019, from 9 a.m. to 4 p.m. The third public meeting will be held on February 19, 2020 from 9 a.m. to 4 p.m. Submit either electronic or written comments on these public meetings by February 25, 2019, for the first public meeting; by August 16, 2019, for the second public meeting, and by March 20, 2020, for the third public meeting. See the **SUPPLEMENTARY INFORMATION** section for registration dates and information.

ADDRESSES: Each public meeting will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503, Section A), Silver Spring, MD 20993–0002. Entrance for the public meeting participants (non-FDA employees) is through Building 1, where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/default.htm.*

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. For timely consideration, we request that electronic comments be submitted before or within 30 days after each public meeting (*i.e.,* comments submitted by or before February 25, 2019, for the first public meeting; August 16, 2019, for the second public meeting; and March 20, 2020, for the third public meeting. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of February 25, 2019; August 16, 2019; and March 20, 2020, after the first, second, and the third meeting, respectively. 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–4002 for ''Electronic Submission of Adverse Event Reports to FAERS Using ICH E2B(R3) Standards.'' 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: Suranjan De, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4307, Silver Spring, MD 20993–0002, 240–402–0498, email: *eprompt@fda.hhs.gov;* or Judith Richardson, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7309A, Silver Spring, MD 20993–0002, 240–402–6473, email: *eprompt@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is committed to achieve the long-term goal of improving the predictability and consistency of the electronic submission process and enhancing transparency and accountability of FDA information technology-related activities. FDA participated in the development of ICH E2B guideline [1] pertaining to the submission of adverse event reports to the FAERS system: ''Implementation Guide for Electronic Transmission of Individual Case Safety Reports (ICSRs) E2B(R3) Data Elements and Message Specification.'' FDA plans to incorporate ICH E2B(R3) recommended standards into the requirements for the electronic submission of adverse event reports to FAERS tentatively by April 2020. Consistent with the Prescription Drug User Fee Act (PDUFA) VI commitments, FDA is organizing several public meetings to allow industry the opportunity to provide feedback and/or participate in user acceptance testing in advance of the Agency's planned implementation of ICH E2B(R3) data standards. FDA's performance goals and procedures under the PDUFA program for the years 2018 to 2022 are outlined in the commitment letter available at: *https://www.fda.gov/forindustry/userfees/prescriptiondruguserfee/ucm446608.htm.*

II. Topics for Discussion at the Public Meetings

FDA will present its plan to incorporate ICH E2B(R3) recommended standards into the requirements for the electronic submission of adverse event reports to FAERS. The meetings will include a general discussion of CDER's and CBER's plans to revise the FDA Regional Implementation Specifications for premarketing and postmarketing adverse event reporting. The goal of this revision is to enhance the quality of adverse event reports received by the Agency by incorporating ICH E2B(R3) recommendations into FDA Regional Implementation Specifications. The information exchange at the meetings will enhance the pharmaceutical industry's knowledge of the processes needed to implement ICH E2B(R3) into their systems. In addition, the comments provided by participating stakeholders will inform CDER's and CBER's plans for the implementation of ICH E2B(R3) for drugs, biologics, and drug/biologic-led combination products.

During the public meetings, FDA intends to discuss: (1) E2B(R3) Regional (U.S.) Data Elements; (2) Usage of Data Standards in E2B(R3); (3) Submission paths for premarket and postmarket ICSRs; (4) Data Migration Exceptions; and (5) FDA Regional Implementation Specifications for ICH E2B(R3) Implementation. One or more of the

[1] The ICH E2B(R3) IG guideline (*http://estri.ich.org/e2br3/index.htm*) provides technical and business specifications for the harmonized, core set of ICH data elements.

above topics may be discussed in each meeting. FDA will consider all comments made at these public meetings or received through the docket (see **ADDRESSES**).

III. Participating in the Public Meeting

Registration: To register for the public meetings, please visit the following website to register: *https://fdae2br3.eventbrite.com* by December 20, 2018, for the first meeting, June 14, 2019, for the second meeting, and January 17, 2020, for the third meeting. Please provide complete contact information for each attendee, including name, title, affiliation, address, email, telephone, and method of attendance (in-person or web conference).

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending the public meetings must register by 11:59 p.m. Eastern Time on December 20, 2018, for the first meeting, June 14, 2019, for the second meeting, and January 17, 2020, for the third meeting. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted. If time and space permit, onsite registration on the day of the public meeting/public workshop will be provided beginning at 8 a.m.

If you need special accommodations due to a disability, please contact Chenoa Conley, 301–796–0035, email: *Chenoa.Conley@fda.hhs.gov,* at least 7 days before each meeting.

Request for Oral Presentations: During online registration you may indicate if you wish to present during the public comment session. All requests to make oral presentations must be received by the close of registration at 11:59 p.m. Eastern Time on December 20, 2018, for the first meeting, June 14, 2019, for the second meeting, and January 17, 2020, for the third meeting. We will do our best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations and request time for a joint presentation. Following the close of registration, we will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin and will select and notify participants by 11:59 p.m. Eastern Time on January 4, 2019, for the first meeting, June 26, 2019, for the second meeting, and January 30, 2020, for the third meeting. FDA will notify registered presenters of their scheduled presentation time. If selected for presentation, any presentation materials must be emailed to *eprompt@fda.hhs.gov* no later than 11:59 p.m. Eastern Time on January 18, 2019, for the first meeting, July 10, 2019, for the second meeting, and February 12, 2020, for the third meeting. Persons registered to speak should check in before the meeting and are encouraged to arrive early to ensure their designated order of presentation. Participants who are not present when called may not be permitted to speak at a later time. No commercial or promotional material will be permitted to be presented or distributed at the public meeting. An agenda will be made available at least 3 days before each public meeting at *https://www.fda.gov/Drugs/NewsEvents/ucm621215.htm.*

Streaming Webcast of the Public Meetings and Video of the Public Meetings: These public meetings will also be webcast; the URL will be posted at *https://www.fda.gov/Drugs/NewsEvents/ucm621215.htm* at least 1 day before each meeting. A video record of the public workshops will be available at the same website address for 1 year.

If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/go/connectpro_overview.* FDA has verified the website addresses in this document, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Surveillance/AdverseDrugEffects/ucm115894.htm.*

Dated: November 8, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–25063 Filed 11–15–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3789]

Request for Nominations for Individuals and Consumer Organizations for Advisory Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is requesting that any consumer organizations interested in participating in the selection of voting and/or nonvoting consumer representatives to serve on its advisory committees or panels notify FDA in writing. FDA is also requesting nominations for voting and/or nonvoting consumer representatives to serve on advisory committees and/or panels for which vacancies currently exist or are expected to occur in the near future. Nominees recommended to serve as a voting or nonvoting consumer representative may be self-nominated or may be nominated by a consumer organization.

FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and, therefore, encourages nominations of appropriately qualified candidates from these groups.

DATES: Any consumer organization interested in participating in the selection of an appropriate voting or nonvoting member to represent consumer interests on an FDA advisory committee or panel may send a letter or email stating that interest to FDA (see **ADDRESSES**) by December 17, 2018, for vacancies listed in this notice. Concurrently, nomination materials for prospective candidates should be sent to FDA (see **ADDRESSES**) by December 17, 2018. Nominations will be accepted for current vacancies and for those that will or may occur through December 30, 2018.

ADDRESSES: All statements of interest from consumer organizations interested in participating in the selection process should be submitted electronically to *ACOMSSubmissions@fda.hhs.gov,* by mail to Advisory Committee Oversight and Management Staff, 10903 New Hampshire Ave., Bldg. 32, Rm. 5122, Silver Spring, MD 20993–0002, or by Fax: 301–847–8640.

Consumer representative nominations should be submitted electronically by

logging into the FDA Advisory Committee Membership Nomination Portal: *https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm,* by mail to Advisory Committee Oversight and Management Staff, 10903 New Hampshire Ave., Bldg. 32, Rm. 5122, Silver Spring, MD 20993–0002, or by Fax: 301–847–8640. Additional information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm.*

FOR FURTHER INFORMATION CONTACT: For questions relating to participation in the selection process: Kimberly Hamilton, Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5122, Silver Spring, MD 20993–0002, Phone: 301–796–6319, *kimberly.hamilton@fda.hhs.gov.*

For questions relating to specific advisory committees or panels, contact the appropriate contact person listed in table 1.

TABLE 1—ADVISORY COMMITTEE CONTACTS

Contact person	Committee/panel
Lauren Tesh, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2426, Silver Spring, MD 20993–0002, Phone: 301–796–2721, *Lauren.Tesh@fda.hhs.gov*.	Antimicrobial Advisory Committee.
Kalyani Bhatt, Center for Drugs Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2438, Silver Spring, MD 20993–0002, Phone: 301–796–9005, *Kalyani.Bhatt@fda.hhs.gov*.	Bone Reproductive and Urological Drugs Advisory Committee.
Jennifer Shepherd, Center for Drugs Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2434, Silver Spring, MD 20993–0002, Phone: 301–796–4043, *Jenifer.Shepherd@fda.hhs.gov*.	Cardiovascular and Renal Drugs Advisory Committee, Medical Imaging Advisory Committee.
Cindy Chee, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2430, Silver Spring, MD 20993–0002, Phone: 301–796–0889, *Cindy.Chee@fda.hhs.gov*.	Pharmacy Compounding Advisory Committee.
Patricio Garcia, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G610, Silver Spring, MD 20993–0002, Phone: 301–796–6875, *Patricio.Garcia@fda.hhs.gov*.	Clinical Chemistry and Clinical Toxicology Devices Panel, Gastroenterology and Urology Devices Panel.
Evella Washington, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G640, Silver Spring, MD 20993–0002, Phone: 301–796–6683, *Evella.Washington@fda.hhs.gov*.	Ear, Nose and Throat Devices Panel.
Pamela Scott, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2647, Silver Spring, MD 20993–0002, Phone: 301–796–5433, *Pamela.Scott@fda.hhs.gov*.	Medical Devices Dispute Resolution Panel.
Aden Asefa, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G642, Silver Spring, MD 20993–0002, Phone: 301–796–0400, *Aden.Asefa@fda.hhs.gov*.	Microbiology Devices Panel, Radiology Devices Panel.
Sara Anderson, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G616m Silver Spring, MD 20993–0002, Phone: 301–796–7047, *Sara.Anderson@fda.hhs.gov*.	Orthopaedic and Rehabilitation Devices Panel.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for voting and/or nonvoting consumer representatives for the vacancies listed in table 2:

TABLE 2—COMMITTEE DESCRIPTIONS, TYPE OF CONSUMER REPRESENTATIVE VACANCY, AND APPROXIMATE DATE NEEDED

Committee/panel/area of expertise needed	Type of vacancy	Approximate date needed
Antimicrobial Advisory Committee—Knowledgeable in the fields of infectious disease, internal medicine, microbiology, pediatrics, epidemiology or statistics, and related specialties.	1—Voting	Immediately.
Bone, Reproductive, and Urological Drugs Advisory Committee—Knowledgeable in the fields of obstetrics, gynecology, endocrinology, pediatrics, epidemiology or statistics and related specialties.	1—Voting	Immediately.
Cardiovascular and Renal Drugs Advisory Committee—Knowledgeable in the fields of cardiology, hypertension, arrhythmia, angina, congestive heart failure, diuresis, and biostatistics.	1—Voting	Immediately.
Medical Imaging Advisory Committee—Knowledgeable in the fields of nuclear medicine, radiology, epidemiology, statistics, and related specialties.	1—Voting	Immediately.
Pharmacy Compounding Advisory Committee—Knowledgeable in the fields of pharmaceutical compounding, pharmaceutical manufacturing pharmacy, medicine, and other related specialties.	1—Voting	Immediately.
Clinical Chemistry and Clinical Toxicology Devices Panel—Doctors of medicine or philosophy with experience in clinical chemistry (e.g., cardiac markers), clinical toxicology, clinical pathology, clinical laboratory medicine, and endocrinology.	1—Nonvoting	Immediately.

TABLE 2—COMMITTEE DESCRIPTIONS, TYPE OF CONSUMER REPRESENTATIVE VACANCY, AND APPROXIMATE DATE NEEDED—Continued

Committee/panel/area of expertise needed	Type of vacancy	Approximate date needed
Gastroenterology and Urology Devices Panel—Gastroenterologists, urologists and nephrologists.	1—Nonvoting	Immediately.
Radiology Devices Panel—Physicians with experience in general radiology, mammography, ultrasound, magnetic resonance, computed tomography, other radiological subspecialties and radiation oncology; scientists with experience in diagnostic devices, radiation physics, statistical analysis, digital imaging, and image analysis.	1—Nonvoting	Immediately.
Ear, Nose and Throat Devices Panel—Experts in otology, neurology, and audiology.	1—Nonvoting	Immediately.
Medical Devices Dispute Resolution—Experts with broad, cross-cutting scientific, clinical, analytical, or mediation skills.	1—Nonvoting	Immediately.
Microbiology Devices Panel—Clinicians with expertise in infectious disease, e.g., pulmonary disease specialists, sexually transmitted disease specialists, pediatric infectious disease specialists, experts in tropical medicine and emerging infectious diseases, mycologists; clinical microbiologists and virologists; clinical virology and microbiology laboratory directors, with expertise in clinical diagnosis and in vitro diagnostic assays, e.g., hepatologists; molecular biologists.	1—Nonvoting	Immediately.
Orthopaedic and Rehabilitation Devices Panel—Orthopedic surgeons (joint spine, trauma, and pediatric); rheumatologists; engineers (biomedical, biomaterials, and biomechanical); experts in rehabilitation medicine, sports medicine, and connective tissue engineering; and biostatisticians.	1—Nonvoting	Immediately.

I. Functions and General Description of the Committee Duties

A. Antimicrobial Advisory Committee

Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of infectious diseases and disorders.

B. Bone, Reproductive, and Urological Drugs Advisory Committee

Reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the practice of obstetrics, gynecology, and related specialties.

C. Cardiovascular and Renal Drugs Advisory Committee

Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of cardiovascular and renal disorders.

D. Medical Imaging Advisory Committee

Reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in diagnostic and therapeutic procedures using radioactive pharmaceuticals and contrast media used in diagnostic radiology.

E. Pharmacy Compounding Advisory Committee

Provides advice on scientific, technical, and medical issues concerning drug compounding by pharmacists and licensed practitioners.

F. Certain Panels of the Medical Devices Advisory Committee

Reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, advises on the classification or reclassification of devices into one of three regulatory categories; advises on any possible risks to health associated with the use of devices; advises on formulation of product development protocols; reviews premarket approval applications for medical devices; reviews guidelines and guidance documents; recommends exemption of certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; advises on the necessity to ban a device; and responds to requests from the Agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, may also make appropriate recommendations to the Commissioner of Food and Drugs on issues relating to the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.

The Dental Products Panel also functions at times as a dental drug panel. The functions of the dental drug panel are to evaluate and recommend whether various prescription drug products should be changed to over-the-counter status and to evaluate data and make recommendations concerning the approval of new dental drug products for human use.

The Medical Devices Dispute Resolution Panel provides advice to the Commissioner on complex or contested scientific issues between FDA and medical device sponsors, applicants, or manufacturers relating to specific products, marketing applications, regulatory decisions and actions by FDA, and Agency guidance and policies. The Panel makes recommendations on issues that are lacking resolution, are highly complex in nature, or result from challenges to regular advisory panel proceedings or Agency decisions or actions.

II. Criteria for Members

Persons nominated for membership as consumer representatives on committees or panels should meet the following criteria: (1) Demonstrate an affiliation with and/or active participation in consumer or community-based organizations, (2) be able to analyze technical data, (3) understand research design, (4) discuss benefits and risks, and (5) evaluate the safety and efficacy of products under review. The consumer representative should be able to represent the

consumer perspective on issues and actions before the advisory committee; serve as a liaison between the committee and interested consumers, associations, coalitions, and consumer organizations; and facilitate dialogue with the advisory committees on scientific issues that affect consumers.

III. Selection Procedures

Selection of members representing consumer interests is conducted through procedures that include the use of organizations representing the public interest and public advocacy groups. These organizations recommend nominees for the Agency's selection. Representatives from the consumer health branches of Federal, State, and local governments also may participate in the selection process. Any consumer organization interested in participating in the selection of an appropriate voting or nonvoting member to represent consumer interests should send a letter stating that interest to FDA (see **ADDRESSES**) within 30 days of publication of this document.

Within the subsequent 30 days, FDA will compile a list of consumer organizations that will participate in the selection process and will forward to each such organization a ballot listing at least two qualified nominees selected by the Agency based on the nominations received, together with each nominee's current curriculum vitae or resume. Ballots are to be filled out and returned to FDA within 30 days. The nominee receiving the highest number of votes ordinarily will be selected to serve as the member representing consumer interests for that particular advisory committee or panel.

IV. Nomination Procedures

Any interested person or organization may nominate one or more qualified persons to represent consumer interests on the Agency's advisory committees or panels. Self-nominations are also accepted. Nominations must include a current, complete résumé or curriculum vitae for each nominee and a signed copy of the Acknowledgement and Consent form available at the FDA Advisory Nomination Portal (see **ADDRESSES**), and a list of consumer or community-based organizations for which the candidate can demonstrate active participation.

Nominations must also specify the advisory committee(s) or panel(s) for which the nominee is recommended. In addition, nominations must also acknowledge that the nominee is aware of the nomination unless self-nominated. FDA will ask potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflicts of interest. Members will be invited to serve for terms up to 4 years.

FDA will review all nominations received within the specified timeframes and prepare a ballot containing the names of qualified nominees. Names not selected will remain on a list of eligible nominees and be reviewed periodically by FDA to determine continued interest. Upon selecting qualified nominees for the ballot, FDA will provide those consumer organizations that are participating in the selection process with the opportunity to vote on the listed nominees. Only organizations vote in the selection process. Persons who nominate themselves to serve as voting or nonvoting consumer representatives will not participate in the selection process.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: November 13, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–25076 Filed 11–15–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: MCH Jurisdictional Survey Instrument for the Title V MCH Block Grant Program, OMB No. 0906–XXXX, New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, or any other aspect of the ICR related to the Maternal and Child Health (MCH) Jurisdictional Survey that is to be administered in the U.S. territories and jurisdictions (excluding the District of Columbia) for purposes of collecting information related to the well-being of all mothers, children, and their families.

DATES: Comments on this ICR must be received no later than January 15, 2019.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: MCH Jurisdictional Survey Instrument for the Title V MCH Block Grant Program, OMB No. 0906–XXXX New.

Abstract: The purpose of the Title V MCH Block Grant is to improve the health of the nation's mothers, infants, children, including children with special health care needs, and their families by creating federal/state partnerships that provide each state/jurisdiction with needed flexibility to respond to its individual MCH population needs. Unique to the MCH Block Grant is a commitment to performance accountability, while assuring state flexibility. Utilizing a three-tiered national performance measure framework, which includes National Outcome Measures (NOMs), National Performance Measures (NPMs), and Evidence-Based and Evidence-Informed Strategy Measures, State Title V programs report annually on their performance relative to the selected national performance and outcome measures. Such reporting enables the state and federal program offices to assess the progress achieved in key MCH priority areas and to document Title V program accomplishments.

By legislation (Section 505(a) of Title V of the Social Security Act), the MCH Block Grant Application/Annual Report must be developed by, or in consultation with, the State MCH Health agency. In establishing state reporting requirements, HRSA's Maternal and Child Health Bureau (MCHB) considers the availability of national data from other federal agencies. Data for the national performance and outcome measures are pre-populated for states in

the Title V Information System. National data sources identified for the NPMs and NOMs in the MCH Block Grant program seldom include data from the Title V jurisdictions, with the exception of the District of Columbia. The eight remaining jurisdictions (American Samoa, Federated States of Micronesia, Guam, Marshall Islands, Northern Mariana Islands, Palau, Puerto Rico, and U.S. Virgin Islands) have limited access to significant data and MCH indicators, with limited capacity for collecting these data.

Sponsored by HRSA's MCHB, the MCH Jurisdictional Survey is designed to produce data on the physical and emotional health of mothers and children under 18 years of age in the following eight jurisdictions—American Samoa, Federated States of Micronesia, Guam, Marshall Islands, Northern Mariana Islands, Palau, Puerto Rico, and Virgin Islands. More specifically, the MCH Jurisdictional Survey collects information on factors related to the well-being of children, including health status, visits to health care providers, health care costs, and health insurance coverage. In addition, the MCH Jurisdictional Survey collects information on factors related to the well-being of mothers, including health risk behaviors, health conditions, and preventive health practices. This data collection will enable the jurisdictions to meet federal performance reporting requirements and to demonstrate the impact of Title V funding relative to MCH outcomes for the U.S. jurisdictions in reporting on their unique MCH priority needs.

The MCH Jurisdictional Survey was designed based on information-gathering activities with Title V leadership and program staff in the jurisdictions, experts at the Centers for Disease Control and Prevention, and other organizations with relevant data collection experience. Survey items are based on the National Survey of Children's Health, the Behavioral Risk Factor Surveillance System (BRFSS), the Youth Behavior Surveillance System, and selected other federal studies. The Survey is designed as a core questionnaire to be administered across all jurisdictions with a supplemental set of survey questions customized to the needs of each jurisdiction.

Need and Proposed Use of the Information: Data from the MCH Jurisdictional Survey will be used to measure progress on national performance and outcome measures under the Title V MCH Block Grant Program. This survey instrument is critical to collecting information on factors related to the well-being of all mothers, children, and their families in the jurisdictional Title V programs, which address their unique MCH needs.

Likely Respondents: The respondent universe is women age 18 or older who live in one of the eight targeted U.S. jurisdictions (Puerto Rico, U.S. Virgin Islands, Guam, Northern Mariana Islands, American Samoa, Palau, Marshall Islands, and Federated States of Micronesia) and who are mothers or guardians of at least one child aged 0–17 years living in the same household.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. Included is the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

Total Estimated Annualized Burden Hours:

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Burden hours per form	Total burden hours
Adult Parents—Puerto Rico	Screener	1,250	1	0.03	37.50	217.50
	Core	200	1	0.83	166.00	
	Jurisdiction Module	200	1	0.07	14.00	
Adult Parents—U.S. Virgin Islands	Screener	1,428	1	0.03	42.84	222.84
	Core	200	1	0.83	166.00	
	Jurisdiction Module	200	1	0.07	14.00	
Adult Parents—Guam	Screener	908	1	0.03	27.24	207.24
	Core	200	1	0.83	166.00	
	Jurisdiction Module	200	1	0.07	14.00	
Adult Parents—American Samoa	Screener	461	1	0.03	13.83	189.83
	Core	200	1	0.83	166.00	
	Jurisdiction Module	200	1	0.05	10.00	
Adult Parents—Federated States of Micronesia	Screener	856	1	0.03	25.68	201.68
	Core	200	1	0.83	166.00	
	Jurisdiction Module	200	1	0.05	10.00	
Adult Parents—Marshall Islands	Screener	856	1	0.03	25.68	207.68
	Core	200	1	0.83	166.00	
	Jurisdiction Module	200	1	0.08	16.00	
Adult Parents—Northern Mariana Islands	Screener	666	1	0.03	19.98	201.98
	Core	200	1	0.83	166.00	
	Jurisdiction Module	200	1	0.08	16.00	
Adult Parents—Palau	Screener	499	1	0.03	14.97	184.97
	Core	200	1	0.83	166.00	
	Jurisdiction Module	200	1	0.02	4.00	
Total		6,924				1,633.72

HRSA specifically requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–25070 Filed 11–15–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that on October 22, 2018, the U.S. Department of Health and Human Services (HHS) Debarring Official, on behalf of the Secretary of HHS, issued a final notice of debarment based on an Administrative Law Judge's finding of research misconduct against Rakesh Srivastava, Ph.D., former Eminent Scholar and Professor, University of Kansas Medical Center (KUMC). Dr. Srivastava engaged in research misconduct in research proposed or reported in grant application 1 R01 CA175776–01, submitted to the National Cancer Institute (NCI), National Institutes of Health (NIH), on June 5, 2012. The administrative actions, including two (2) years of debarment, were implemented beginning on October 22, 2018, and are detailed below.

FOR FURTHER INFORMATION CONTACT: Wanda K. Jones, Dr. P.H., Interim Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8200.

SUPPLEMENTARY INFORMATION:

Rakesh Srivastava, Ph.D., University of Kansas Medical Center: Based on the evidence and findings of an investigation conducted by KUMC and additional information obtained by the Office of Research Integrity (ORI) during its oversight review, ORI found by a preponderance of the evidence that Dr. Rakesh Srivastava (Respondent), former Eminent Scholar and Professor, KUMC, intentionally and knowingly submitted extensive plagiarized text in grant application 1 R01 CA175776–01, ''Regulation of Mitochondrial Metabolism by SIRT4,'' submitted to NCI, NIH, to obtain U.S. Public Health Service (PHS) funds. Specifically, ORI found that the Respondent intentionally and knowingly plagiarized scientifically significant text from the Specific Aims and Research Strategy sections of a grant application under review at NIH into his own grant application, 1 R01 CA175776–01, submitted to NIH eight months later. Significant text was included in Respondent's grant application, with plagiarized text accounting for 40% of the Specific Aims and 50% of the Research Strategy sections.

ORI issued a charge letter making a finding of research misconduct and proposing HHS administrative actions. Dr. Srivastava subsequently requested a hearing before an Administrative Law Judge (ALJ) of the Departmental Appeals Board to dispute the finding. ORI moved for summary judgment. On September 5, 2018, the ALJ granted summary judgment in favor of ORI and issued his recommended decision, finding that Respondent intentionally committed research misconduct by submitting to NIH a grant application that included plagiarized words, which included significant text from another principal investigator's grant application that was contained in the Specific Aims and Research Strategy sections of the Respondent's grant application without attribution to the other principal investigator. The ALJ held that appropriate administrative actions included a two-year debarment from any contracting or subcontracting with any agency of the United States Government and from eligibility for or involvement in nonprocurement programs of the United States Government referred to as ''covered transactions.'' 2 CFR parts 180 and 376. The ALJ held that it was an appropriate administrative action to also impose a two-year prohibition from serving in any capacity to PHS including, but not limited to, service on any PHS advisory committee, board, or peer review committee, or as a consultant. Under the regulation, the ALJ's recommended decision went to the Assistant Secretary for Health, who did not modify it and forwarded it to the HHS Debarring Official, who is the deciding official for the debarment. The ALJ decision constituted the findings of fact to the HHS Debarring Official in accordance with 2 CFR 180.845(c). On October 22, 2018, the HHS Debarring Official issued a final notice of debarment to begin on October 22, 2018, and end on October 21, 2020.

Thus, the research misconduct finding set forth above became effective, and the following administrative actions have been implemented for a period of two (2) years, beginning on October 22, 2018:

(1) Dr. Srivastava is debarred from any contracting or subcontracting with any agency of the United States Government and from eligibility or involvement in nonprocurement programs of the United States Government referred to as ''covered transactions'' pursuant to HHS' Implementation (2 CFR part 376) of Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (2 CFR part 180); and

(2) Dr. Srivastava is prohibited from serving in any advisory capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

Wanda K. Jones,

Interim Director, Office of Research Integrity.

[FR Doc. 2018–25065 Filed 11–15–18; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation of Nominations for Appointment to the Tick-Borne Disease Working Group

AGENCY: Office of HIV/AIDS and Infectious Disease Policy, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice will serve to announce that the U.S. Department of Health and Human Services (HHS) is seeking nominations of non-federal individuals who represent diverse scientific disciplines and views and are interested in being considered for appointment to the Tick-Borne Disease Working Group (Working Group). Resumes or curricula vitae from qualified individuals who wish to be considered for appointment as a member of the Working Group are currently being accepted.

DATES: Nominations must be received no later than 5:00 p.m. EST, on December 14, 2018.

ADDRESSES: All nominations should be sent to the Tick-Borne Disease Working Group email address at *tickbornedisease@hhs.gov.* Alternately, nominations can be sent by mail to:

James Berger, MS, MT (ASCP), SBB, Senior Advisor for Blood and Tissue Policy, Office of HIV/AIDS and Infectious Disease Policy, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services, 330 C Street SW, Room L001 Switzer Building, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: James Berger, MS, MT (ASCP), SBB, Senior Advisor for Blood and Tissue Policy; Telephone: (202) 795–7608; Fax: (202) 691–2101; Email address: *tickbornedisease@hhs.gov.* Website information about activities of the Working Group, as well as the charter for the Working Group, which has been filed with the Library of Congress, can be found at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/index.html.*

SUPPLEMENTARY INFORMATION: Section 2062 of the 21st Century Cures Act requires establishment of the Tick-Borne Disease Working Group. The Working Group is governed by provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of federal advisory committees. The 21st Century Cures Act is intended to advance the research and development of new therapies and diagnostics and make substantial federal investments in a wide range of health priorities. The Working Group is a non-discretionary federal advisory committee.

Objectives and Scope of Activities. The Secretary of Health and Human Services is responsible for ensuring the conduct of and support for epidemiological, basic, translational, and clinical research related to vector-borne diseases, including tick-borne diseases. The Working Group provides assistance for this effort. The Working Group membership provides expertise and reviews all efforts within the Department of Health and Human Services related to all tick-borne diseases, to help ensure interagency coordination and minimize overlap, and to examine research priorities.

Membership and Designation. The Working Group consists of 14 voting members who represent diverse scientific disciplines and views. The composition includes seven federal members and seven public members. The federal members consist of one or more representatives of each of the following HHS agencies: Office of the Assistant Secretary for Health, the Food and Drug Administration, the Centers for Disease Control and Prevention, and the National Institutes of Health. The non-federal public members consist of representatives of the following categories: Physicians and other medical providers with experience in diagnosing and treating tick-borne diseases; scientists or researchers with expertise; patients and their family members; and nonprofit organizations that advocate for patients with respect to tick-borne disease. Individuals who are appointed to represent federal entities are classified as regular government employees. The public members are classified as special government employees. Invitations of membership is extended to other agencies and offices of the Department of Health and Human Services and other individuals as determined by the Secretary to be appropriate and beneficial for accomplishing the mission of the Working Group.

The federal members are appointed to serve for the duration of time that the Working Group is authorized to operate. Participation of the appointed federal members is at the discretion of their respective agency head. The public members are invited to serve overlapping terms of up to four years. Any public member who is appointed to fill the vacancy of an unexpired term will be appointed to serve for the remainder of that term. A non-federal public member may serve after the expiration of their term until their successor has taken office, but no longer than 180 days. Terms of more than two years are contingent upon renewal of the charter of the Working Group. Pursuant to advance written agreement, public members of the Working Group will receive no stipend for the advisory service that they render as members of the Working Group. However, public members will receive per diem and reimbursement for travel expenses incurred in relation to performing duties for the Working Group, as authorized by law under 5 U.S.C. 5703 for persons who are employed intermittently to perform services for the federal government and in accordance with federal travel regulations.

Estimated Number and Frequency of Meetings. The Working Group will meet not less than twice a year. The meetings will be open to the public, except as determined otherwise by the Secretary, or another official to whom authority has been delegated, in accordance with the guidelines under Government in the Sunshine Act, 5 U.S.C. 552b(c).

Nominations: Nominations, including self-nominations, of individuals who have the specified expertise and knowledge will be considered for appointment as public voting members of the Working Group. A nomination should include, at a minimum, the following for each nominee: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination, and a statement from the nominee that indicates that the individual is willing to serve as a member of the Working Group, if selected; (2) the nominator's name, address, and daytime telephone number, and the address, telephone number, and email address of the individual being nominated; and (3) a current copy of the nominee's curriculum vitae or resume, which must be limited to no more than 10 pages.

Every effort will be made to ensure that the Working Group is a diverse group of individuals with representation from various geographic locations, racial and ethnic minorities, all genders, and persons living with disabilities.

Individuals being considered for appointment as public voting members will be required to complete and submit a report of their financial holdings. An ethics review must be conducted to ensure that individuals appointed as public voting members of the Working Group are not involved in any activity that may pose a potential conflict of interest for the official duties that are to be performed. This is a federal ethics requirement that must be satisfied upon entering the position and annually throughout the established term of appointment on the Working Group.

Dated: November 5, 2018.

James J. Berger,

Senior Advisor for Blood and Tissue Policy, Designated Federal Officer, Tick-Borne Disease Working Group.

[FR Doc. 2018–25082 Filed 11–15–18; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: 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, (Virtual Meeting).
Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Structure/Function Relationships.
Date: December 6, 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: Peter B. Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Adult Cognition, Perception, and Psychopathology.
Date: December 6, 2018.
Time: 3:00 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: Wind Cowles, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, Bethesda, MD 20892, 301–437–7872, *cowleshw@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Immunopathology and Immunotherapy.
Date: December 6, 2018.
Time: 12:00 p.m. to 1:00 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: Nicholas J. Donato, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040, Bethesda, MD 20892, 301–827–4810, *nick.donato@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Role of Maternal-Child Interactions in Brain Development Related Disorders.
Date: December 7, 2018.
Time: 11:00 a.m. to 12:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–17–340: HIV Protease Evolution and Drug Resistance.
Date: December 7, 2018.
Time: 12:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Eduardo A. Montalvo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Molecular Cellular Endocrinology.
Date: December 10, 2018.
Time: 1:00 p.m. to 2:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Liliana N. Berti-Mattera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4215, Bethesda, MD 20892, 301–827–7609, *liliana.berti-mattera@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.
Date: December 11, 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, (Virtual Meeting).
Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov.*

(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 9, 2018.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–24999 Filed 11–15–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases, Special Emphasis Panel; NIAID, 2018 Omnibus BAA (HHS–NIH–NIAID–BAA2018) Research Area 002: Advanced Development of Vaccine Candidates for Biodefense and Emerging Infectious Diseases.
Date: December 6–7, 2018.
Time: 10:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate contract proposals.
Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).
Contact Person: Kelly Y. Poe, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F40B, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5036, *poeky@mail.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases, Special Emphasis Panel; NIAID, SBIR Phase II Clinical Trial Implementation Cooperative Agreement (U44 Clinical Trial Required).
Date: December 14, 2018.
Time: 1:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).
Contact Person: J. Bruce Sundstrom, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G11A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, 240–669–5045, *sundstromj@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases, Special Emphasis Panel; NIAID, Clinical Trial Planning Grant (R34).
Date: December 18, 2018.
Time: 1:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: J. Bruce Sundstrom, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G11A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, 240–669–5045, *sundstromj@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: November 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–24996 Filed 11–15–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; 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 Environmental Health Sciences Special Emphasis Panel; SBIR Examining Exposure Response to ENMs Applications.

Date: December 4, 2018.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Room 3001, Research Triangle Park, NC 27709.

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709 (919) 541–0670, *worth@niehs.nih.gov*.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; R13 Conference Grant Applications.

Date: December 4, 2018.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Keystone Building, 530 Davis Drive, Room 2164, Research Triangle Park, NC 27713.

Contact Person: Janice B. Allen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Science, P.O. Box 12233, MD EC–30/Room 3170 B, Research Triangle Park, NC 27709, 919/541–7556.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: November 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–24991 Filed 11–15–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and Related Research.

Date: November 29, 2018.

Time: 9:00 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: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neuroimmunology, Brain Tumors, Epilepsy, and Aging.

Date: December 3, 2018.

Time: 9:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Samuel C. Edwards, Ph.D., Chief, BDCN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Projects: Nociceptin Opioid Receptor P01 Review.

Date: December 3, 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: Peter B. Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PA18–484: Cancer Biology.

Date: December 3, 2018.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Juraj Bies, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4158, MSC 7806, Bethesda, MD 20892, 301 435 1256, *biesj@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Electronic Nicotine Delivery Systems-Basic Mechanisms of Health Effects.

Date: December 4–5, 2018.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Bradley Nuss, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC7814, Bethesda, MD 20892, 301–451–8754, *nussb@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Perception and Cognition Research to Inform Cancer Image Interpretation.

Date: December 5, 2018.
Time: 9:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402–4411, *tianbi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; AIDS and Related Research Member Conflict.
Date: December 5, 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 (Virtual Meeting).
Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: HIV/AIDS Innovative Research Applications.
Date: December 5, 2018.
Time: 11:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Respiratory Diseases.
Date: December 5, 2018.
Time: 3:30 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Bradley Nuss, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC7814, Bethesda, MD 20892, 301–451–8754, *nussb@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–24992 Filed 11–15–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Consortia for HIV/AIDS Vaccine Development (CHAVD) (UM1 Clinical Trial Not Allowed).
Date: December 3–4, 2018.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Roberta Binder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G21A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5050, *rbinder@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Autoimmunity Centers of Excellence, Clinical Research Program (UM1 Clinical Trial Required).
Date: December 4–5, 2018.
Time: 8:00 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.
Contact Person: Zhuqing (Charlie) Li, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room # 3G41B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC9823, Bethesda, MD 20892–9823, (240) 669–5068, *zhuqing.li@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: November 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–24998 Filed 11–15–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR17–029: Dynamic Interactions between Systemic or Non-Neuronal Systems and the Brain in Aging and in Alzheimer's Disease (R01).
Date: November 15, 2018.
Time: 3:30 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Inese Z. Beitins, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7892, Bethesda, MD 20892, 301–435–1034, *beitinsi@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846– 93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 9, 2018.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–24994 Filed 11–15–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neuropharmacology.
Date: December 6, 2018.
Time: 1:00 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Richard D. Crosland, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, 301–694–7084, *crosland@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–18–598: High-End Instrumentation (HEI) Grant Program.
Date: December 7, 2018.
Time: 7:30 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.
Contact Person: Ileana Hancu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, Bethesda, MD 20817, 3014023911, *ileana.hancu@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–18–598: High-End Instrumentation (HEI) Grant Program.
Date: December 7, 2018.
Time: 7:30 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.
Contact Person: Songtao Liu, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, Bethesda, MD 20817, 301–827–6828, *songtao.liu@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Genes, Genomes and Genetics.
Date: December 7, 2018.
Time: 10:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Elena Smirnova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5187, MSC 7840, Bethesda, MD 20892, 301–357–9112, *smirnove@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–17–340: Collaborative Program Grant for Multidisciplinary Teams (RM1).
Date: December 7, 2018.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Contact Person: Thomas Beres, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7840, Bethesda, MD 20892, 301–435–1175, *berestm@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Receptors, Channels and Circuits.
Date: December 7, 2018.
Time: 12:00 p.m. to 6:00 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: 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*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cellular and Molecular Immunology.
Date: December 12, 2018.
Time: 1:00 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: Tina McIntyre, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, 301–594–6375, *mcintyrt@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 9, 2018.

Melanie Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–24993 Filed 11–15–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Cures Acceleration Network Review Board.

The meeting will be open to the public, viewing virtually by WebEx. Individuals can register to view and access the meeting by the link below. *https://nih.webex.com/nih/onstage/g.php?MTID=e797f0e8f84decbc371f075d2dcf33927*.

1. Click ''Register''. On the registration form, enter your information and then click ''Submit'' to complete the required registration.

2. You will receive a personalized email with the live event link.

Name of Committee: Cures Acceleration Network Review Board.
Date: December 14, 2018.
Time: 11:00 a.m. to 3:00 p.m.
Agenda: The CAN Review Board will meet virtually to discuss updates regarding CAN programs and next steps.
Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, 1 Democracy Plaza, Room 1072, Bethesda, MD 20892, 301–435–0809, *anna.ramseyewing@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: November 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–24990 Filed 11–15–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[Docket No. USCBP–2018–0041]

Commercial Customs Operations Advisory Committee (COAC)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security (DHS).

ACTION: Committee Management; Notice of Federal Advisory Committee meeting.

SUMMARY: The Commercial Customs Operations Advisory Committee (COAC) will hold its quarterly meeting on Wednesday, December 5, 2018, in Herndon, Virginia. The meeting will be open to the public.

DATES: The COAC will meet on Wednesday, December 5, 2018, from 1:00 p.m. to 5:00 p.m. EST. Please note that the meeting may close early if the committee has completed its business.

ADDRESSES: The meeting will be held at the Hilton Dulles Washington Airport, 13869 Park Center Road, Herndon,Virginia 20171. For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs & Border Protection, at (202) 344–1440 as soon as possible.

Pre-Registration: Meeting participants may attend either in person or via webinar after pre-registering using one of the methods indicated below:

For members of the public who plan to attend the meeting in person, please register by 5:00 p.m. EST on December 4, 2018, either online at *https://teregistration.cbp.gov/index.asp?w=143*; by email to *tradeevents@dhs.gov*; or by fax to (202) 325–4290. You must register prior to the meeting in order to attend the meeting in person.

For members of the public who plan to participate via webinar, please register online at *https://teregistration.cbp.gov/index.asp?w=142* by 5:00 p.m. EST on December 4, 2018.

Please feel free to share this information with other interested members of your organization or association.

Members of the public who are pre-registered to attend in person or via webinar and later need to cancel, please do so by December 4, 2018, utilizing the following links: *https://teregistration.cbp.gov/cancel.asp?w=143* to cancel an in person registration or *https://teregistration.cbp.gov/cancel.asp?w=142* to cancel a webinar registration.

To facilitate public participation, we are inviting public comment on the issues the committee will consider prior to the formulation of recommendations as listed in the Agenda section below.

Comments must be submitted in writing and received no later than December 3, 2018, and must be identified by Docket No. USCBP–2018–0041, and may be submitted by *one (1)* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Email: tradeevents@dhs.gov*. Include the docket number in the subject line of the message.
- *Fax:* (202) 325–4290, Attention Florence Constant-Gibson.
- *Mail:* Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number (USCBP–2018–0041) for this action. Comments received will be posted without alteration at *http://www.regulations.gov*. Please do not submit personal information to this docket.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* and search for Docket Number USCBP–2018–0041. To submit a comment, click the ''Comment Now!'' button located on the top-right hand side of the docket page.

There will be multiple public comment periods held during the meeting on December 5, 2018. Speakers are requested to limit their comments to two (2) minutes or less to facilitate greater participation. Contact the individual listed below to register as a speaker. Please note that the public comment period for speakers may end before the time indicated on the schedule that is posted on the CBP web page, *http://www.cbp.gov/trade/stakeholder-engagement/coac*.

FOR FURTHER INFORMATION CONTACT: Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229; telephone (202) 344–1440; facsimile (202) 325–4290; or Mr. Bradley Hayes, Executive Director and Designated Federal Officer at (202) 344–1440.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix. The Commercial Customs Operations Advisory Committee (COAC) provides advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions as prescribed by law or as directed by the Secretaries of the Department of Homeland Security and the Department of the Treasury.

Agenda

The COAC will hear from the current subcommittees on the topics listed below and then will review, deliberate, provide observations, and formulate recommendations on how to proceed:

1. The Secure Trade Lanes Subcommittee will present plans for the scope and activities of the Trusted Trader and CTPAT Minimum Security Criteria Working Groups. It is anticipated that recommendations will be presented regarding the proposed Forced Labor Trusted Trader Strategy. The subcommittee will also deliver recommendations from the Petroleum Pipeline Working Group regarding the results of a proof of concept test that used the Automated Commercial Environment to electronically report and manage petroleum moving in-bond via pipeline; as well as recommendations from the In-bond Working Group regarding potential automation, visibility, system and regulatory issues.

2. The COAC Next Generation Facilitation Subcommittee will discuss the E-Commerce Working Group's progress on mapping the supply chains of various modes of transportation to identify the differences between e-commerce and traditional channels. The subcommittee will also provide an update on the status of the Emerging Technologies Working Group's NAFTA/CAFTA, Intellectual Property Rights, and Pipeline Blockchain Proof of Concept projects. Finally, the subcommittee will provide a progress report for the Regulatory Reform Working Group as it completes its review of Title 19 of the Code of Federal Regulations (CBP regulations) and begins its preparation of high-level recommendations.

3. The Intelligent Enforcement Subcommittee will provide recommendations from the Intellectual Property Rights Working Group and updates from the Anti-Dumping and Countervailing Duty, Bond, and Forced Labor Working Groups.

Meeting materials will be available by December 3, 2018 at: *http://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings*.

Dated: November 13, 2018.

Bradley F. Hayes,

Executive Director, Office of Trade Relations.

[FR Doc. 2018–25072 Filed 11–15–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD01000 L12100000.MD0000 18XL1109AF; BLM_CA_MO_4500126802]

Meeting of the California Desert District Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976, and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) California Desert District Advisory Council (DAC) will meet as indicated below.

DATES: The BLM's California DAC will hold a public meeting on December 14–15, 2018. The DAC will participate in a field tour of BLM-administered public lands on Friday, December 14, 2018, from 10 a.m. to 5 p.m. and will meet in formal session on Saturday, December 15, 2018, from 9 a.m. to 5 p.m.

ADDRESSES: The December 15 meeting will take place at the Clarion Inn Conference Room, 901 China Lake Blvd., Ridgecrest, CA 93555. Final agendas for the Friday field tour and the Saturday public meeting will be posted on the BLM web page at: *https://www.blm.gov/site-page/get-involved-rac-near-you-california-california-desert-district.* Written comments may be filed in advance of the meeting and sent to the California Desert District Advisory Council, c/o BLM, External Affairs, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553

FOR FURTHER INFORMATION CONTACT: Stephen Razo, BLM California Desert District External Affairs, telephone: 951–697–5217, email: *srazo@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individuals. You will receive a reply during normal hours.

SUPPLEMENTARY INFORMATION: All DAC meetings are open to the public. The 15-member DAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management on BLM-administered lands in the California Desert District. The agenda will include time for public comment at the beginning and end of the meeting, as well as during various presentations. While the Saturday meeting is tentatively scheduled from 9 a.m. to 5 p.m., the meeting could conclude earlier if the DAC completes its presentations and discussions early. Members of the public interested in a particular agenda item or discussion should schedule their arrival accordingly. The agenda for the Saturday meeting will include information on mining projects, and updates from DAC members, the BLM California Desert District Manager, and DAC subgroups. Written comments will also be accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

Before including your address, phone number, email address, or other personally identifiable information in your comment, be aware that your entire comment—including your personally identifiable information—may be made publicly available at any time. While you can ask in your comment that the BLM withhold your personally identifiable information from public review, the BLM cannot guarantee that it will be able to do so.

Beth Ransel,

California Desert District Manager.

[FR Doc. 2018–25084 Filed 11–15–18; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[19XL1109AF–LLUT922300–L13200000–EL0000, UTU–81895 24–1A]

Notice of Federal Competitive Coal Lease Sale, Alton Coal Tract, Utah (Coal Lease Application UTU–81895)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the coal resources, in the lands described below, in Kane County, Utah, will be offered for competitive sale, by sealed bid, in accordance with the Mineral Leasing Act of 1920, as amended.

DATES: The lease sale will be held at 1:00 p.m. on November 28, 2018. Sealed bids must be received by the Bureau of Land Management (BLM) Utah State Office Public Room on or before 10 a.m. on November 28, 2018.

ADDRESSES: The lease sale will be held at the BLM Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101–1345.

Sealed bids must be submitted to the Public Room, BLM Utah State Office, same address.

FOR FURTHER INFORMATION CONTACT: Contact Jeff McKenzie, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101–1345 or telephone 801–539–4038. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question for the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This sale is being held in response to a Lease by Application (LBA) filed by Alton Coal Company LLC. These lands are located in Kane County, Utah, southwest of Alton, Utah. The Federal coal resources to be offered are located in the following described lands:

T. 39 S., R. 5 W., SLM
- Sec. 7, SE1/4SW1/4, S1/2SE1/4;
- Sec. 18, lots 3 and 4, E1/2, E1/2NW1/4, E1/2SW1/4;
- Sec. 19, lots 1 to 4, NE1/4, E1/2NW1/4, E1/2SW1/4, N1/2SE1/2, SE1/4SE1/4;
- Sec. 20, lots 4 and 5, N1/2SW1/4.

T. 39 S., R. 6 W., SLM
- Sec. 13, SE1/4;
- Sec. 24, NE1/4, N1/2NW1/4, SE1/4NW1/4, E1/2SW1/4, N1/2SE1/4, SE1/4SE1/4;
- Sec. 25, NE1/4NE1/4.

The area described contains 2,108.71 acres.

The coal in the Alton Tract has one minable coal bed, which is designated as the Smirl seam. This seam is approximately 17 feet thick. The coal bed contains approximately 30.8 million tons of recoverable subbituminous B/High-volatile C bituminous coal. The coal quality in the Smirl coal bed is: 10,120 Btu/lb., 14.79 percent moisture, 7.59 percent ash, 33.68 percent volatile matter, 41.95 percent fixed carbon, and 1.11 percent sulfur.

The tract will be leased to the qualified bidder, of the highest cash amount provided,that the high bid meets or exceeds the BLM's estimate of the Fair Market Value (FMV) of the tract. The minimum bid for the tract is $100 per acre or fraction thereof. The minimum bid is not intended to represent FMV. The authorized officer will determine if the bids meet FMV after the sale.

The sealed bids should be sent by certified mail, return receipt requested, or be hand delivered to the Public Room, BLM Utah State Office, at the address provided in the **ADDRESSES** section and clearly marked ''Sealed Bid for UTU–81895 Coal Sale—Not to be opened before 1:00 p.m. November 28, 2018.'' The Public Room will issue a receipt for each hand-delivered bid. Bids received after 10 a.m. will not be considered. If identical high bids are received, the tying high bidders will be requested to submit follow-up sealed bids until a high bid is received. All tie-breaking sealed bids must be submitted within 15 minutes following the sale official's announcement, at the sale, that identical high bids have been received. A lease issued as a result of this offering will require payment of an annual rental of $3 per acre, or fraction thereof, and a royalty payable to the United States of 12.5 percent of the value of coal mined by surface methods and eight percent by underground methods. Bidding instructions for the tract offered and the terms and conditions of the proposed coal lease are included in the Detailed Statement of Lease Sale. Copies of the statement and the proposed coal lease are available at the Utah State Office. Casefile UTU–81895 is also available for public inspection at the Utah State Office.

(Authority: 43 CFR 3422.3–2)

Edwin L. Roberson,

State Director.

[FR Doc. 2018–25083 Filed 11–15–18; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY–957000–18–L13100000–PP0000]

Filing of Plats of Survey, Nebraska and Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The Bureau of Land Management (BLM) is scheduled to file plats of survey 30 calendar days from the date of this publication in the BLM Wyoming State Office, Cheyenne, Wyoming. The surveys, which were executed at the request of the BLM, are necessary for the management of these lands.

DATES: Protests must be received by the BLM by December 17, 2018.

ADDRESSES: You may submit written protests to the Wyoming State Director at WY957, Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Sonja Sparks, BLM Wyoming Chief Cadastral Surveyor at 307–775–6225 or *s75spark@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 1–800–877–8339 to contact this office during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with this office. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are: The plat representing the dependent resurvey of portions of the west boundary and subdivisional lines, designed to restore the corners in their true locations according to the best available evidence, the survey of a portion of the District Court of Howard County rendered thread of avulsed abandoned river bed through section 18, and the survey of Lot 8 of section 18, Township 15 North, Range 9 West, Sixth Principal Meridian, Nebraska, Group No. 187, was accepted November 8, 2018.

The plat and field notes representing the dependent resurvey of portions of certain tracts and the subdivisional lines, designed to restore the corners in their true original locations according to the best available evidence, and the survey of the subdivision of section 17, Township 57 North, Range 74 West, Sixth Principal Meridian, Wyoming, Group No. 963, was accepted November 8, 2018.

The plat and field notes representing the dependent resurvey of the Eighth Standard Parallel North, through Range 70 West, a portion of the west boundary, and a portion of the subdivisional lines, designed to restore the corners in their true original locations according to the best available evidence, Township 32 North, Range 70 West, Sixth Principal Meridian, Wyoming, Group No. 978, was accepted November 8, 2018.

The plat and field notes representing the dependent resurvey of a portion of the east and west boundaries, and portions of the subdivisional lines, designed to restore the corners in their true original locations according to the best available evidence, Township 33 North, Range 70 West, Sixth Principal Meridian, Wyoming, Group No. 979, was accepted November 8, 2018.

The plat and field notes representing the dependent resurvey of a portion of the south boundary and a portion of the subdivisional lines, designed to restore the corners in their true original locations according to the best available evidence, and the survey of the subdivision of section 34, and the metes-and-bounds survey of Parcel A, section 34, Township 27 North, Range 90 West, Sixth Principal Meridian, Wyoming, Group No. 999, was accepted November 8, 2018.

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest within 30 calendar days from the date of this publication with the Wyoming State Director at the above address. Any notice of protest received after the scheduled date of official filing will be untimely and will not be considered. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director within 30 calendar days after the notice of protest is filed. If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Copies of the preceding described plats and field notes are available to the public at a cost of $4.20 per plat and $.13 per page of field notes.

Dated: November 8, 2018.

Sonja S. Sparks,

Chief Cadastral Surveyor, Division of Support Services.

[FR Doc. 2018–25004 Filed 11–15–18; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–26889; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance

of properties nominated before October 27, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by December 3, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before October 27, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

ALASKA

Anchorage Borough

Block 13 Army Housing Association Historic District, E 10th & 11th Aves., Barrow & Cordova Sts., Anchorage, SG100003171

CONNECTICUT

Middlesex County

Higganum Landing Historic District, 40–68 Landing Rd., 2–14 Landing Rd. S, Haddam, SG100003206

DISTRICT OF COLUMBIA

District of Columbia

MacFarland Junior High School, (Public School Buildings of Washington, DC MPS), 4400 Iowa Ave. NW, Washington, MP100003212

Roosevelt, Theodore, Senior High School, (Public School Buildings of Washington, DC MPS), 4301 13th St. NW, Washington, MP100003213

GEORGIA

Fulton County

B. Mifflin Hood Brick Company Building, 686 Greenwood Ave. NE, Atlanta, SG100003173

House at 690 South Boulevard, 690 S Boulevard, Atlanta, SG100003174

IDAHO

Latah County

Campbell, Harry and Fern, House, 101 E 4th St., Troy, SG100003175

INDIANA

Carroll County

Carroll County Infirmary, (County Homes of Indiana MPS), 6409 W 100 North, Delphi vicinity, MP100003177

Clark County

Pleasant Ridge Historic District, (Residential Planning and Development in Indiana, 1940–1973 MPS), Roughly between Hampton Ct., Marcy, Audubon & Thompson Sts., Winthrop, & Kenwood Aves., Halcyon & Ridge Rds., Charlestown, MP100003178

Clinton County

Parkview Home of Clinton County, (County Homes of Indiana MPS), 1501 Burlington Ave., Frankfort vicinity, MP100003179

Grant County

First Presbyterian Church, 216 W 6th St., Marion, SG100003184

Hamilton County

Westfield Historic District, Roughly bounded by Camilla Ct., Penn, Walnut & Park Sts., Westfield, SG100003180

Hendricks County

Hendricks County Poor Asylum, (County Homes of Indiana MPS), 865 E Main St., Danville vicinity, MP100003181

Howard County

Howard Masonic Temple, 316 N Washington St., Kokomo, SG100003182

Knox County

Knox County Poor Asylum, (County Homes of Indiana MPS), 2008 S Hart Street Rd., Vincennes vicinity, MP100003183

Monroe County

Breezy Point Farm Historic District, 8000 W Sand College Rd., Gosport vicinity, SG100003185

Carter—Randall—Parker House, 3636 S Rogers St., Bloomington vicinity, SG100003186

Putnam County

Roachdale Historic District, Roughly bounded by Washington, Main, Grove & Indiana Sts., Roachdale, SG100003187

Randolph County

Randolph County Infirmary, (County Homes of Indiana MPS), 1882 S US 27, Winchester vicinity, MP100003188

St. Joseph County

South Bend City Cemetery, 214 N Elm St., South Bend, SG100003189

Tippecanoe County

Peirce, Oliver Webster Jr., and Catherine House, 538 S 7th St., Lafayette, SG100003190

LOUISIANA

Jefferson Parish

Kirby—Adam House, (Louisiana Coastal Vernacular: Grand Isle 1780–1968 MPS), 142B Community Ln., Grand Isle, MP100003192

Poche House, (Louisiana Coastal Vernacular: Grand Isle 1780–1968 MPS), 102 Community Ln., Grand Isle, MP100003193

Robin House, (Louisiana Coastal Vernacular: Grand Isle 1780–1968 MPS), 176 Coulon Riguard Rd., Grand Isle, MP100003194

United States Coast Guard Station No. 79, (Louisiana Coastal Vernacular: Grand Isle 1780–1968 MPS), 170 Ludwig Ln., Grand Isle, MP100003195

MICHIGAN

Presque Isle County

CHOCTAW (shipwreck), Address Restricted, Presque Isle Township vicinity, SG100003214

Sanilac County

Cadillac House, 5502 Main St., Lexington, SG100003216

MONTANA

Silver Bow County

Shaffer's Chapel African Methodist Episcopal Church, 602 S Idaho, Butte, SG100003199

NEVADA

White Pine County

Lund Grade School, (School Buildings in Nevada MPS), 30 W Center St., Lund, MP100003200

NEW JERSEY

Camden County

Newton Union Burial Ground, Lynne & Collings Aves., Haddon Township, SG100003201

St. Bartholomew Roman Catholic Church, 751 Kaighn Ave., Camden, SG100003202

Monmouth County

McLeod—Rice House, 900 Leonardville Rd., Middletown Township, SG100003203

NORTH DAKOTA

Billings County

De Mores Memorial Park, (Federal Relief Construction in North Dakota, 1931–1943, MPS), SE corner of Main St. & 3rd Ave., Medora, MP100003204

OHIO

Greene County

Wickersham House, 23 E Washington St., Jamestown, SG100003208

Lucas County

Ontario Building, 713–717 Jefferson Ave., Toledo, SG100003209

Muskingum County

Glenn, John, Boyhood Home, 72 Main St., New Concord, SG100003210

Stark County

Timken Vocational High School, 521 Tuscarawas St. W, Canton, SG100003211

Additional documentation has been received for the following resource:

GEORGIA

Glynn County

Brunswick Old Town Historic District, Roughly bounded by 1st, Bay, New Bay, H and Cochran Sts., Brunswick, AD79000727

Nomination submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

GEORGIA

Laurens County

Dublin Veterans Administration Hospital, (United States Third Generation Veterans Hospitals, 1946–1958 MPS), 1826 Veterans Blvd., Dublin, MP100003205

Authority: Section 60.13 of 36 CFR part 60

Dated: October 26, 2018.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2018–25035 Filed 11–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–26929; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before November 3, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by December 3, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before November 3, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

COLORADO

Boulder County

Holmes, David Hull, House, 720 11th St., Boulder, SG100003225

MASSACHUSETTS

Bristol County

Dodgeville Mill, 453 S Main St., Attleboro, SG100003220

Worcester County

Tobin's Beach Site, Address Restricted, Brookfield vicinity, 86003808

Tobin's Beach Site (Boundary Increase), Address Restricted, Brookfield vicinity, BC100003227

MICHIGAN

Wayne County

Grande Ballroom, 8952–8970 Grand River Ave., Detroit, SG100003226

NEW MEXICO

Bernalillo County

Main Library, 501 Copper Ave. NW, Albuquerque, SG100003217

Roosevelt County

Davis Mercantile, 4610 NM 206, Milnesand, SG100003218

Torrance County

Willard Mercantile Company, 101 E Broadway, Mountainair, SG100003219

VERMONT

Addison County

Camp Marbury Historic District, (Organized Summer Camping in Vermont MPS), 243, 245 & 293 Mile Point Rd., Ferrisburgh, MP100003222

Franklin County

Bridge Number VT105–10, (Metal Truss, Masonry, and Concrete Bridges in Vermont MPS), VT 105, Sheldon vicinity, MP100003224

WASHINGTON

Spokane County

Coeur d'Alene Park, 2111 W 2nd Ave., Spokane, SG100003228

Mount Spokane Vista House, N 26107 Mt. Spokane Park Dr., Mead, SG100003229

Additional documentation has been received for the following resource:

AMERICAN SAMOA

Eastern District

U.S. Naval Station Tutuila Historic District, Between Togotogo Ridge and W side of Pago Pago Harbor, on waterfronts of Fagatogo and Utulei villages, Fagatogo and Utulei, AD90000854

Authority: Section 60.13 of 36 CFR part 60.

Dated: November 5, 2018.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2018–25034 Filed 11–15–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2018–0054]

Outer Continental Shelf (OCS), Alaska Region (AK), Beaufort Sea Program Area, Proposed 2019 Beaufort Sea Oil and Gas Lease Sale

AGENCY: Bureau of Ocean Energy Management, Interior

ACTION: Notice of Intent to Prepare an Environmental Impact Statement, announce the area identified for leasing, and hold public scoping meetings.

SUMMARY: Consistent with the regulations implementing the National Environmental Policy Act (NEPA), the Bureau of Ocean Energy Management (BOEM) is announcing its intent to prepare an Environmental Impact Statement (EIS) for the proposed 2019 Beaufort Sea Lease Sale in the Beaufort Sea Planning Area. The EIS will focus on the potential effects of leasing, exploration, development, and production of oil and natural gas in the proposed lease sale area. In addition to the no action alternative (*i.e.,* not holding the lease sale), other alternatives will be considered. Consistent with the regulations implementing the Outer Continental Shelf Lands Act (OCSLA), BOEM is also announcing the area recommended for leasing.

DATES: *Comments:* All interested parties, including Federal, State, Tribal, and local governments, and the general public, may submit written comments by December 17, 2018 on the scope of

the 2019 Beaufort Sea Lease Sale EIS, significant issues, reasonable alternatives, potential mitigation measures, and the types of oil and gas activities of interest in the proposed lease sale area.

Comments may be made on-line. Navigate to *http://www.regulations.gov* and search for Docket BOEM–2018–0054, or ''Oil and Gas Lease Sales: Alaska Outer Continental Shelf; 2019 Beaufort Sea Lease Sale'', and click on the ''Comment Now!'' button. Enter your information and comment, and then click ''Submit.'' Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

ADDRESSES: *Scoping Meetings:* Pursuant to the regulations implementing the procedural provisions of NEPA, BOEM will hold public scoping meetings. The purpose of these meetings is to solicit comments on the scope of the 2019 Beaufort Sea Lease Sale EIS. All meetings will start at 7:00 p.m. and conclude at 9:00 p.m., and are scheduled as follows:

- December 3, 2018, Barrow High School, Utqiaġvik, Alaska;
- December 4, 2018, Kisik Community Center, Nuiqsut, Alaska;
- December 5, 2018, Community Center, Kaktovik, Alaska; and
- December 6, 2018, Dena'ina Civic and Convention Center, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: For information on the 2019 Beaufort Sea Lease Sale EIS, the submission of comments, or BOEM's policies associated with this notice, please contact Sharon Randall, Chief of Environmental Analysis Section, BOEM, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, AK 99503, (907) 334–5200.

SUPPLEMENTARY INFORMATION: On January 4, 2018, the Secretary of the Interior released the 2019–2024 National OCS Oil and Gas Leasing Draft Proposed Program. The Draft Proposed Program includes the proposed 2019 Beaufort Sea Lease Sale.

The proposed lease sale area includes all available OCS blocks in the Beaufort Sea Planning Area. The Beaufort Sea Planning Area is located offshore of the State of Alaska and consists of 11,876 whole and partial lease blocks covering roughly 26.2 million hectares (approximately 65 million acres) of the Beaufort Sea. To view the specifics of the area recommended for leasing, go to: *https://www.boem.gov/beaufort2019.*

This Notice of Intent is not an announcement to hold a lease sale, but is a continuation of the information gathering process and is published early in the environmental review process in furtherance of the goals of NEPA. The comments received during scoping will help inform the content of the 2019 Beaufort Sea Lease Sale EIS. If, after completion of the EIS, the Department of the Interior's Assistant Secretary for Land and Minerals Management chooses to hold the proposed lease sale, that decision and the details related to the lease sale (including the lease sale area and any mitigation) will be announced in a Record of Decision and Final Notice of Sale.

Scoping Process: This Notice of Intent also serves to announce the scoping process for identifying key issues to be addressed in the 2019 Beaufort Sea Lease Sale EIS. Throughout the scoping process, Federal, State, Tribal and local governments, and the general public have the opportunity to provide input to BOEM in determining significant resources, issues, impacting factors, reasonable alternatives, and potential mitigation measures to be analyzed in the EIS.

BOEM has developed and also seeks public input on the following draft alternatives:

- Offshore Whaling Areas Alternative: This alternative is proposed to minimize conflicts between subsistence whaling practices and oil and gas activities.
- Environmentally Important Areas Alternative: This alternative is proposed to reduce impacts to several known environmentally important areas (Barrow Canyon, Harrison Bay/Colville River Delta, the Bolder Patch, and Kaktovik).
- Deepwater Exclusion Alternative: This alternative is proposed to focus the environmental analyses while offering leases in areas with the highest known resource potential.

Maps and more details on each of these draft alternatives can be found at: *https://www.boem.gov/beaufort2019.*

These draft alternatives are based on previous OCS Oil and Gas Leasing Program and response to stakeholder comments made during the development of the 2019–2024 Draft Proposed Program (published January 8, 2018 (*83 FR 829*)). BOEM is proceeding in a manner that allows for maximum flexibility in adapting these preliminary alternatives to future Program decisions.

BOEM will consider additional alternatives, exclusion and/or mitigation suggestions identified during scoping meetings and the comment period initiated by this notice of intent in the preparation of the EIS.

BOEM will use the NEPA commenting process to satisfy the public comment requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f), as provided for in 36 CFR 800.2(d)(3).

Cooperating Agencies: BOEM invites qualified government entities such as other Federal agencies, State, Tribal, and local governments, to consider becoming cooperating agencies for the preparation of the 2019 Beaufort Sea Lease Sale EIS. Following the guidelines at 40 CFR 1501.6 and 1508.5 from the Council on Environmental Quality (CEQ), qualified agencies and governments are those with ''jurisdiction by law or special expertise.'' Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency and remember that an agency's role in the environmental analysis neither enlarges nor diminishes the final decision-making authority of any other agency involved in the NEPA process. Upon request, BOEM will provide potential cooperating agencies with a written summary of guidelines for cooperating agencies, including time schedules and critical action dates, milestones, responsibilities, scope and detail of cooperating agencies' contributions, and availability of predecisional information. BOEM anticipates this summary will form the basis for a Memorandum of Understanding between BOEM and any cooperating agency. BOEM, as the lead agency, will not provide financial assistance to cooperating agencies. In addition to becoming a cooperating agency, other opportunities will exist to provide information and comments to BOEM during the public comment period for the EIS. For additional information about cooperating agencies, please contact Sharon Randall, Chief of Environmental Analysis Section, BOEM (907–334–5200).

Authority: This notice of intent is published pursuant to the regulations at 40 CFR 1501.7 implementing the provisions of NEPA.

Dated: November 7, 2018.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2018–24739 Filed 11–15–18; 8:45 am]

BILLING CODE 4310–MR–P

OFFICE OF MANAGEMENT AND BUDGET

Draft Federal Grants Management Data Standards for Feedback

AGENCY: Office of Management and Budget.

ACTION: Notice.

SUMMARY: In March 2018, the Office of Management and Budget launched the President's Management Agenda (PMA). The PMA established a Cross-Agency Priority (CAP) goal titled: ''Results-Oriented Accountability for Grants''. This notice is meant to notify the public of the opportunity to provide input on proposed grants management common data standards that have been created in support of the Results-Oriented Accountability for Grants CAP goal.

DATES: Comments must be received on or before January 15, 2019.

ADDRESSES: Interested parties should provide comments at the following link: *www.grantsfeedback.cfo.gov.* All comments received may be posted without change, including any personal information provided. Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public.

FOR FURTHER INFORMATION CONTACT: Jeannette M. Mandycz, Office of Federal Financial Management, OMB, *Jeannette.M.Mandycz@omb.eop.gov,* or 202–395–5009.

SUPPLEMENTARY INFORMATION: In March 2018, OMB launched the President's Management Agenda (PMA). The PMA lays out a long-term vision for modernizing the Federal Government in key areas that will improve the ability of agencies to deliver mission outcomes, provide excellent service, and effectively steward taxpayer dollars on behalf of the American people. The PMA established a Cross-Agency Priority (CAP) goal titled ''Results-Oriented Accountability for Grants'' with the intent to rebalance grants compliance efforts with a focus on results for the American taxpayer; standardizing grant reporting data, and improving data collection in ways that will increase efficiency, promote evaluation, reduce reporting burden, and benefit the American taxpayer. Additional details regarding the CAP goal can be found at: *https://www.performance.gov/CAP/CAP_goal_8.html.*

In order to bring grants management into the digital age and allow recipients to focus more time on performing work that delivers results, there is a need to develop and implement core grants management data standards and modernize grants management information technology solutions. In support of this goal, a draft of core grants management data standards have been developed and are now available for your review. Once finalized, the core grants management data standards will contribute to a future state where grants data are interoperable, there are fewer internal and public-facing grants management systems, and Federal awarding agencies and recipients can leverage data to successfully implement a risk-based, data-driven approach to managing Federal grants. A draft of the proposed grants management common data standards are available for your review and input at *www.grantsfeedback.cfo.gov.* The comment period will be open until January 15, 2019.

Timothy F. Soltis,

Deputy Controller.

[FR Doc. 2018–24927 Filed 11–15–18; 8:45 am]

BILLING CODE 3110–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0176]

Proposed Revisions to SRPs 2.3.3, Onsite Meteorological Measurements Program; 2.4.6, Tsunami Hazards; and 2.4.9, Channel Migration or Diversion

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan—draft section revision; reopening of comment period.

SUMMARY: On September 28, 2018, the U.S. Nuclear Regulatory Commission (NRC) published a request for public comment on draft NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Standard Review Plans (SPRs) 2.3.3, ''Onsite Meteorological Measurements Program''; 2.4.6, ''Tsunami Hazards''; and 2.4.9, ''Channel Migration or Diversion.'' The public comment period was originally scheduled to close on October 29, 2018. The NRC has decided to reopen the public comment period on these documents for 30 days to allow more time for members of the public to develop and submit comments.

DATES: The comment period for the document published on September 28, 2018 (83 FR 49132) has been reopened. Comments must be filed no later than December 17, 2018. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0176. Address any questions about NRC Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN 7 A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mark D. Notich, Office of New Reactors, telephone: 301–415–3053; email: *Mark.Notich@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0176 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0176.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to

pdr.resource@nrc.gov. NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0176 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Further Information

On September 28, 2018 (83 FR 49132), the NRC published a request for public comment on draft NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Standard Review Plans (SRPs) 2.3.3, ''Onsite Meteorological Measurements Program''; 2.4.6, ''Tsunami Hazards''; and 2.4.9, ''Channel Migration or Diversion'' (ADAMS Accession No. ML18207A487). These sections have been developed to assist NRC staff in reviewing applications submitted per the requirements under parts 50 and 52 of title 10 of the *Code of Federal Regulations* (10 CFR).

III. Availability of Documents

The documents identified in the following table are available to interested persons through the ADAMS Public Documents collection, as indicated.

Document	ADAMS Accession Number
Slide Presentation from October 22, 2018 public meeting on SRPs 2.3.3, 2.4.6, 2.4.9, and 2.5.3	ML18292A592.
Draft NUREG–0800, Section 2.4.6, ''Tsunami Hazards''	ML18190A200.
Current Revision of NUREG–0800, Section 2.4.6, ''Tsunami Hazards''	ML070160659.
Draft revision to NUREG–0800, Section 2.4.9, ''Channel Migration or Diversion''	ML18190A201.
Current revision to NUREG–0800, Section 2.4.9, ''Channel Migration or Diversion''	ML070730434.
The redline-strikeout version comparing the Revision 4 of Draft NUREG–0800, Section 2.4.6, ''Tsunami Hazards'' and the current version of Revision 3.	ML18267A055.
The redline-strikeout version comparing the draft Revision 4 of Draft revision to NUREG–0800, Section 2.4.9, ''Channel Migration or Diversion'' and the current version of Revision 3.	ML18264A035.
Draft NUREG–0800, Section 2.3.3, ''Onsite Meteorological Measurements Program''	ML18183A446.
Current Revision NUREG–0800, Section 2.3.3, ''Onsite Meteorological Measurements Program''	ML063600394.
The redline-strikeout version comparing the draft Revision 4 of Draft revision to NUREG–0800, Section 2.3.3, ''Onsite Meteorological Measurements Program'' and the current version of Revision 3.	ML18267A076.

The public comment period for SRPs 2.3.3, 2.4.6, and 2.4.9 originally closed on October 29, 2018. The NRC held a public meeting on October 22, 2018 during which technical issues precluded public participation via webinar. Accordingly, the NRC has decided to reopen the public comment period on these documents to allow more time for members of the public to read the meeting transcript and assemble and submit their comments. The public meeting was transcribed, and the transcription is available on ADAMS at ML18303A102. In addition, the slides presented during the meeting are available on ADAMS at ML18292A592.

Dated at Rockville, Maryland, on November 13, 2018.

For the Nuclear Regulatory Commission.

Jennivine K. Rankin,

Acting Branch Chief, Licensing Branch 3, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.

[FR Doc. 2018–25052 Filed 11–15–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of November 19, 26, December 3, 10, 17, 24, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of November 19, 2018

There are no meetings scheduled for the week of November 19, 2018.

Week of November 26, 2018—Tentative

Thursday, November 29, 2018

9:45 a.m. Affirmation Session (Public Meeting) (Tentative); Motion to Quash Office of Investigations Subpoena Filed by Reed College (Tentative)

Thursday, November 29, 2018

10:00 a.m. Briefing on Security Issues (Closed Ex. 1)

Week of December 3, 2018—Tentative

Monday, December 3, 2018

10:00 a.m. Briefing on Equal Employment Opportunity, Affirmative Employment, and Small Business (Public); (Contact: Larniece McKoy Moore: 301–415–1942)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, December 6, 2018

10:00 a.m. Meeting with Advisory Committee on Reactor Safeguards (Public); (Contact: Mark Banks: 301–415–3718)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of December 10, 2018—Tentative

There are no meetings scheduled for the week of December 10, 2018.

Week of December 17, 2018—Tentative

There are no meetings scheduled for the week of December 17, 2018.

Week of December 24, 2018—Tentative

There are no meetings scheduled for the week of December 24, 2018.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov*. The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html*.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or by email at *Wendy.Moore@nrc.gov*.

Dated at Rockville, Maryland, this 14th day of November 2018.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–25209 Filed 11–14–18; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0178]

Proposed Revisions to SRP 2.5.3, Surface Deformation

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan—draft section revision; reopening of comment period.

SUMMARY: On September 28, 2018, the U.S. Nuclear Regulatory Commission (NRC) published a request for public comment on draft NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Standard Review Plans (SRP) 2.5.3, ''Surface Deformation.'' The public comment period was originally scheduled to close on October 29, 2018. The NRC has decided to reopen the public comment period for this document for 30 days to allow more time for members of the public to develop and submit comments.

DATES: The comment period for the document published on September 28, 2018 (83 FR 49139) has been reopened. Comments must be filed no later than December 17, 2018. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0178. Address any questions about NRC Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN 7 A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mark D. Notich, Office of New Reactors, telephone: 301–415–3053; email: *Mark.Notich@nrc.gov*; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0178 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0178.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0178 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Further Information

On September 28, 2018 (83 FR 49139), the NRC published a request for public comment on draft NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' SRP2.5.3, ''Surface Deformation'' (ADAMS Accession No. ML18186A623). This section has been developed to assist NRC staff in reviewing applications submitted per the requirements under parts 50 and 52 of title 10 of the *Code of Federal Regulations* (10 CFR).

The public comment period for SRP 2.5.3 was originally closed on October 29, 2018. The NRC held a public meeting on October 22, 2018 during which technical issues precluded public participation via webinar. Accordingly, the NRC has decided to reopen the public comment period on this document to allow more time for members of the public to read the meeting transcript and assemble and submit their comments. The public meeting was transcribed, and the transcription is available on ADAMS at ML18303A102. In addition, the slides presented during the meeting are available on ADAMS at ML18292A592.

The draft revision and current revision to NUREG–0800, Section 2.5.3, ''Surface Deformation'' are available in ADAMS under Accession Nos. ML18183A044 and ML13316C064, respectively. The redline-strikeout version comparing the draft Revision 6 and the current version of Revision 5 is available in ADAMS under Accession No. ML18267A203.

Dated at Rockville, Maryland, this 13th day of November 2018.

For the Nuclear Regulatory Commission.

Jennivine K. Rankin,

Acting Branch Chief, Licensing Branch 3, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.

[FR Doc. 2018–25064 Filed 11–15–18; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meetings

TIME AND DATE: Thursday, December 13, 2018 2 p.m. (OPEN Portion); 2:15 p.m. (CLOSED Portion).

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW, Washington, DC.

STATUS: Meeting OPEN to the Public from 2 p.m. to 2:15 p.m.; Closed portion will commence at 2:15 p.m. (approx.).

MATTERS TO BE CONSIDERED:

1. President's Report
2. Minutes of the Open Session of the September 13, 2018, Board of Directors Meeting

FURTHER MATTERS TO BE CONSIDERED (Closed to the Public 2:15 p.m.):

1. Finance Project—Lebanon
2. Insurance Project—Egypt
3. Insurance Project—Egypt
4. Finance Project—Paraguay
5. Finance Project—Honduras
6. Finance Project—Ecuador
7. Finance Project—India
8. Minutes of the Closed Session of the September 13, 2018, Board of Directors Meeting
9. Reports
10. Pending Projects

CONTACT PERSON FOR MORE INFORMATION: Information on the meeting may be obtained from Catherine F.I. Andrade at (202) 336–8768, or via email at *Catherine.Andrade@opic.gov.*

Dated: November 14, 2018.

Catherine Andrade,

Corporate Secretary, Overseas Private Investment Corporation.

[FR Doc. 2018–25217 Filed 11–14–18; 4:15 pm]

BILLING CODE 3210–01–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meetings

AGENCY: Office of Personnel Management.

ACTION: Notice of Federal Prevailing Rate Advisory Committee Meeting Dates in 2019.

SUMMARY: According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—
Thursday, January 17, 2019
Thursday, February 21, 2019
Thursday, March 21, 2019
Thursday, April 18, 2019
Thursday, May 16, 2019
Thursday, June 20, 2019
Thursday, July 18, 2019
Thursday, August 15, 2019
Thursday, September 19, 2019
Thursday, October 17, 2019
Thursday, November 21, 2019
Thursday, December 19, 2019

The meetings will start at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street NW, Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chair, five representatives from labor unions holding exclusive bargaining rights for Federal prevailing rate employees, and five representatives from Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings are open to the public with both labor and management representatives attending. During the meetings either the labor members or the management members may caucus separately to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of a meeting.

Annually, the Chair compiles a report of pay issues discussed and concluded recommendations. These reports are available to the public. Reports for calendar years 2008 to 2016 are posted at *www.opm.gov/FPRAC.* Previous reports are also available, upon written request to the Committee.

The public is invited to submit material in writing to the Chair on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee at Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 5H27, 1900 E Street NW, Washington, DC 20415, (202) 606–2858.

Alexys Stanley,

Regulatory Affairs Analyst, Office of Personnel Management.

[FR Doc. 2018–25007 Filed 11–15–18; 8:45 am]

BILLING CODE 6325–49–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* November 16, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on November 9, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express & Priority Mail Contract 75 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–16, CP2019–16.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25018 Filed 11–15–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* November 16, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on November 9, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 474 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–14, CP2019–14.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25016 Filed 11–15–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* November 16, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on November 9, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 473 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–12, CP2019–12.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25014 Filed 11–15–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* November 16, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on November 9, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add First-Class Package Service Contract 95 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–13, CP2019–13.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25015 Filed 11–15–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* November 16, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on November 9, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 90 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2019–15, CP2019–15.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–25017 Filed 11–15–18; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84567; File No. SR–CboeEDGX–2018–054]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Modify its Fee Schedule

November 9, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 6, 2018, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the 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

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to modify its fee schedule.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule to correct an inadvertent oversight to update an amended transaction fee in a footnote. Specifically, on August 8, 2018, the Exchange filed a rule filing, SR-CboeEDGX–2018–032, which proposed, among other things, to increase the standard rate for Bats Auction Mechanism (''BAM'') Contra orders (*i.e.,* yields fee code BB) from $0.04 per contract to $0.05 per contract, effective August 1, 2018.[3] The Exchange notes that although it reflected the rate increase in the Fee Codes and Associated Fees table, it mistakenly failed to update the rate referenced under Footnote 6 of the Fees Schedule, which includes a table setting forth BAM Pricing. Accordingly, the Exchange proposes to update the listed BAM Contra Rate under Footnote 6 from $0.04 per contract to $0.05 per contract. No substantive changes are being made by the proposed rule change.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes the proposed rule change to update an inaccurate rate under a footnote of the Fees Schedule, will alleviate potential confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system and protecting investors and the public interest. As noted above, the proposed filing does not substantively change any transaction fees, but merely corrects an inadvertent oversight from a previous rule filing to update the rate under a footnote.

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 rule change does not address competitive issues, but rather, as discussed above, is merely intended to correct an inadvertent marking omission relating to a rate change made in a previous rule filing, which will alleviate potential confusion.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and paragraph (f) of Rule 19b–4[7] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2018–054 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–CboeEDGX–2018–054. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2018–054 and should be submitted on or before December 7, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–24985 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

[3] *See* Securities Exchange Act Release No. 83846 (August 14, 2018), 83 FR 42175 (August 20, 2018) (SR–CboeEDGX–2018–032).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84560; File No. SR–CFE–2018–002]

Self-Regulatory Organizations; Cboe Futures Exchange, LLC; Notice of Filing of a Proposed Rule Change Regarding Correction of Reporting Errors

November 9, 2018.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on October 31, 2018 Cboe Futures Exchange, LLC (''CFE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by CFE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. CFE also has filed this proposed rule change with the Commodity Futures Trading Commission (''CFTC''). CFE filed a written certification with the CFTC under Section 5c(c) of the Commodity Exchange Act (''CEA'')[2] on October 31, 2018.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

The Exchange proposes to extend the time frame for the correction of Block Trade and Exchange of Contract for Related Position (''ECRP'') transaction reporting errors. The scope of this filing is limited solely to the application of the proposed rule amendments to security futures that may be traded on CFE. Although no security futures are currently listed for trading on CFE, CFE may list security futures for trading in the future. The text of the proposed rule change is attached as Exhibit 4 to the filing but is not attached to the publication of this notice.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CFE 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. CFE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Policy and Procedure III (Resolution of Error Trades) of the Policies and Procedures section of the CFE Rulebook includes a section which allows for the busting or adjusting of a Block Trade or the CFE contract leg of an ECRP transaction that is reported to CFE with a mistake, inaccuracy, or error. Specifically, Section G of Policy and Procedure III provides that CFE's Trade Desk is authorized to bust or adjust a Block Trade or the CFE contract leg of an ECRP transaction if both (i) there was a mistake, inaccuracy, or error in the information that was inputted into CFE's system for the Block Trade or the contract leg of the ECRP transaction and (ii) an Authorized Reporter for or party to the transaction notifies the Trade Desk of the mistake, inaccuracy, or error in a form and manner prescribed by the Exchange within thirty minutes from the time the transaction is reported in CFE market data. The proposed rule change extends the time period for the notification to the Trade Desk of such an error to 4:00 p.m. Chicago time of the business day of the transaction. The proposed rule change also makes clear that in order for the Trade Desk to bust or adjust a Block Trade or the CFE contract leg of an ECRP transaction under this provision, an Authorized Reporter or party on each side of the transaction must agree upon the mistake, inaccuracy, or error that occurred.

The Exchange believes that the proposed rule change will benefit CFE's market and CFE market participants by reducing risk to market participants and by clarifying when the Trade Desk is authorized to bust or adjust a Block Trade or the CFE contract leg of an ECRP transaction that is reported to CFE with a mistake, inaccuracy, or error. If a Block Trade or ECRP transaction is reported with a mistake, inaccuracy, or error that is not corrected, the parties to the transaction will receive a position or price other than what they intended to receive. Holding a position that a market participant did not intend to assume causes that market participant to assume risk in holding that position and can impact the market if the market participant needs to liquidate the position. Allowing parties to a Block Trade or ECRP transaction that is reported with a mistake, inaccuracy, or error additional time to realize that an error has occurred in the reporting of the transaction and to have the Trade Desk correct that error reduces the possibility of these scenarios. Additionally, the clarification that an Authorized Reporter or party on each side of the transaction must agree upon the mistake, inaccuracy, or error that occurred adds clarity that one side is not able to unilaterally get out of a transaction when the other side does not agree that that a mistake, inaccuracy, or error occurred. To the extent that parties have a dispute in this regard, they may seek to resolve it in an appropriate manner between themselves, including through the arbitration provisions of Chapter 8 of CFE's rules.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[3] in general, and furthers the objectives of Section 6(b)(5)[4] in particular, in that it is designed:

- To foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and
- 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.

When a Block Trade or ECRP transaction is reported in error and cannot be busted or adjusted, the parties to the transaction can incur risk by becoming party to a transaction that is different than what the parties intended and because they then need to determine how to remediate the issue. CFE believes that the proposed rule change reduces this risk by extending the time period during which these errors may be identified and corrected while also balancing the need for CFE to timely receive information required to report transactions for clearing. CFE believes that the proposed rule change provides guidance to market participants regarding the parameters under which CFE's Trade Desk is able to address reporting errors involving Block Trade and ECRP transactions and improves the functioning and efficiency of CFE's reporting mechanism for these transactions by broadening the ability of the Trade Desk to address these types of reporting errors. The proposed rule change also makes clear to market participants that an Authorized Reporter

[1] 15 U.S.C. 78s(b)(7).

[2] 7 U.S.C. 7a–2(c).

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

or party on each side of a Block Trade or ECRP transaction must agree upon the mistake, inaccuracy or error that occurred in order for the Trade Desk to bust or adjust the transaction under Section G of Policy and Procedure III. Additionally, the proposed rule change will not interfere with CFE's ability to capture and retain required audit trail information relating to these transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

CFE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, in that the proposed rule change will contribute to reducing market risk by enhancing the ability of the Exchange to correct transaction reporting errors. The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory in that the rule amendments included in the proposed rule change would apply equally to all CFE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change will become operative on November 15, 2018. At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[5]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CFE–2018–002 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–CFE–2018–002. 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–CFE–2018–002, and should be submitted on or before December 7, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–24982 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78s(b)(1).

[6] 17 CFR 200.30–3(a)(73).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84571; File No. SR–NASDAQ–2018–086]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend General 8 of the Exchange's Rules

November 9, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 29, 2018, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend General 8 of the Exchange's Rules, as described below.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend General 8 of its Rules, which govern the provision by the Exchange of colocation, connectivity, and direct connectivity

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

services and related products, and which set forth the fees that the Exchange charges for those products and services, to: (1) Clarify that all of the products and services set forth in General 8 are shared among the Nasdaq Inc. affiliated exchanges—The Nasdaq Stock Market LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, and Nasdaq GEMX, LLC (collectively, the ''Nasdaq, Inc. Exchanges'')—meaning that a firm need only purchase these products and services once to be able to use them to connect to all of the Nasdaq, Inc. Exchanges to which the firm is otherwise entitled to connect, and to receive the third party services and market data feeds that it is otherwise entitled to receive; and (2) make other non-substantive changes that will further the objective of harmonizing General 8 with parallel rules that exist among the other Nasdaq, Inc. Exchanges.[3]

The Nasdaq, Inc. Exchanges offer colocation, connectivity, and direct connectivity services and related products to their customers on a shared basis, meaning that a customer may utilize these products and services to gain access to any or all of the Nasdaq, Inc. Exchanges to which they are otherwise entitled to receive access under the Rules. The Nasdaq, Inc. Exchanges only charge customers once for these shared products and services, even to the extent that customers use the products and services to connect to more than one of the Nasdaq, Inc. Exchanges. For example, a firm that is a member or member organization, as applicable, of all six Nasdaq, Inc. Exchanges, and which co-locates its servers in the Nasdaq Data Center by purchasing a 10 GB fiber connection, cabinet space, cooling fans, and patch cables, only needs to purchase these products and services once to use them to connect to all six Nasdaq, Inc. Exchanges.

Likewise, the Rules were intended to provide for connectivity to third-party services and market data feeds on a shared basis, meaning that a firm need only purchase a subscription to these services once, regardless of whether the firm is a member or member organization, as applicable, of multiple Nasdaq, Inc. Exchanges.

Historically, the Exchange has billed customers on a shared basis for all of the products and services currently set forth in General 8. Presently, however, only certain provisions of General 8 state this fact expressly. That is, provisions in General 8 pertaining to connectivity to the Exchange, direct circuit connectivity to the Exchange, and point-of-presence connectivity to the Exchange, each state that they include connectivity to the other markets of the Nasdaq, Inc. Exchanges. However, other provisions in General 8—such as cabinets, cabinet power, fiber and wireless connectivity to market data feeds, and fiber and wireless connectivity to third party services—do not contain such language.

Notwithstanding the absence of express language in these provisions of General 8, the Exchange believes that it is or should be apparent that a firm need only pay once to purchase products and services—like server cabinets, power supplies, and cables—that the firm will use to connect to multiple Nasdaq, Inc. Exchanges or to connect to third party services or market data feeds. Indeed, the Exchange is aware of no actual customer confusion on this issue. Nevertheless, the Exchange believes that the existing Rules would benefit from clarification so as to avoid the potential for any confusion in the future.

Accordingly, the Exchange proposes to amend General 8 by doing the following: (1) Deleting the existing selective references therein to shared connectivity services; and (2) replacing selective references with the following language, which will serve as a general preface to General 8:

> The connectivity products and services that this Rule describes are shared among all of the Nasdaq, Inc. exchanges (The Nasdaq Stock Market, LLC, Nasdaq BX, Inc., Nasdaq PHLX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, and Nasdaq GEMX, LLC). Fees for these products and services are also the same among all of the Nasdaq, Inc. exchanges. As such, a firm need only purchase the products and services listed below from any Nasdaq, Inc. exchange once to connect to any and all of the Nasdaq, Inc. exchanges to which it is otherwise entitled to connect, or to connect to third party market data feeds or services. For example, if a firm purchases connectivity to one Nasdaq, Inc. exchange and then subsequently qualifies to connect to a second Nasdaq, Inc. exchange, then the firm may utilize its existing services for connecting to the first exchange to also connect to the second exchange, without incurring an additional charge.

This preface will clarify that all products and services set forth in General 8 are offered on a shared basis and that a firm need only purchase them once from any of the Nasdaq, Inc. Exchanges.

In addition to adding this preface, the Exchange also proposes several other non-substantive amendments to General 8 to correct technical errors and to harmonize it with parallel provisions set forth in the rules of the other Nasdaq, Inc. Exchanges. These changes will reconcile minor, non-substantive differences in the phrasing and placement of text between the Exchange's General 8 and the other Nasdaq, Inc. Exchanges' Sections 8. The amendments will also remove certain references to the name ''Nasdaq'' or replace it with general references to ''the Exchange.'' Finally, the amendments will replace a specific reference in General 8, Section 1(b) to millimeter or microwave wireless subscriptions under Section 7015(g)(1) with a general reference to ''any other provision of these Rules that provides for such subscriptions, as may exist, from time to time.'' The intended result of the proposed changes—along with similar changes that the other Nasdaq, Inc. Exchanges plan to propose—will be to generalize General 8 and render it completely identical across all six Nasdaq, Inc. Exchanges.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and that it furthers the objectives of Section 6(b)(4) of the Act,[5] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Likewise, the Exchange believes that its proposal is consistent with Section 6(b)(5) of the Act,[6] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that it is equitable for the Exchange and the other Nasdaq, Inc. Exchanges to collectively charge a firm only once for the products and services set forth in General 8 because the same instance of such products and services may be used by the firm to connect to any or all of the Nasdaq, Inc. Exchanges to which it is otherwise entitled to connect. Said otherwise, the Exchange does not believe that it would be fair for the Nasdaq, Inc. Exchanges to each charge separate fees to a firm to, say, rent the same cabinet space in the same data center or to purchase the same wires to connect its servers to the market data feed. Moreover, the practice of charging a firm once for products and services

[3] The other Nasdaq, Inc. Exchanges plan to file similar proposals in the near future.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78f(b)(5).

with shared applicability among the Nasdaq, Inc. Exchanges is not unfairly discriminatory because each of the Nasdaq, Inc. Exchanges makes the products and services that are set forth in General 8 of their respective rulebooks available to all similarly situated members at the same prices.

Meanwhile, the Exchange believes that it is just and equitable, and in the interests of the public and investors, for the Exchange to amend General 8 to clarify the existing practice of the Nasdaq, Inc. Exchanges to charge firms once to purchase shared products and services, and to codify that practice where it is not stated expressly in the Rule. Although the Exchange believes that such codification and clarification of General 8 are not necessary in this instance—given that it should be (and in the Exchange's experience, it is) apparent to firms that each of the Nasdaq, Inc. Exchanges will not charge them more than once to, say, rent the same cabinet space or to purchase the same wires or power supplies—the Exchange believes, nevertheless, that the public and investors will benefit from increased clarity to General 8. Even if the proposal is not needed to dispel any actual confusion about the Rules, it will help to limit any potential confusion in the future.

The Exchange also believes that it is just and equitable, and in the interests of the public and investors, to harmonize the language of General 8 among all six of the Nasdaq, Inc. Exchanges. Given that General 8 in each of the Nasdaq, Inc. Exchanges' rulebooks sets forth the same products, services, and associated fees that are assessed on a shared basis, the language of General 8 should be uniform across these Exchanges to avoid any confusion about unintended disparities. The proposal makes minor, non-substantive changes to accomplish this harmonization, which include removing cross-references and names that are idiosyncratic to this Exchange and are not common among all of the Nasdaq, Inc. Exchanges.

Lastly, the Exchange believes that its proposals to amend General 8 are non-controversial because they merely codify and clarify the Exchange's existing interpretation of General 8, serve the interests of the public and investors in promoting a more clear and transparent Rulebook that is harmonized with the shared rules of the other Nasdaq, Inc. Exchanges, and because the proposals will not impact competition or limit access to or availability of the Exchange or its systems.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposals merely codify and clarify existing practice of the Nasdaq, Inc. Exchanges to collectively charge a customer only once to connect to any or all of the Nasdaq, Inc. Exchanges of which it is a member and to connect to third party services. The proposals also harmonize Section 8 with corresponding provisions of the rulebooks of the other Nasdaq, Inc. Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. Waiver of the operative delay would allow the Exchange to immediately amend its rules to specify that the products and services set forth in General 8 are shared among the Nasdaq, Inc. Exchanges and to harmonize General 8 with parallel rules of the other Nasdaq, Inc. Exchanges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2018–086 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2018–086. 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

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2018–086, and should be submitted on or before December 7, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2018–25031 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Regulation S–P SEC File No. 270–480, OMB Control No. 3235–0537

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in the privacy notice and opt out notice provisions of Regulation S–P—Privacy of Consumer Financial Information (17 CFR part 248, subpart A) under the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*).

The privacy notice and opt out notice provisions of Regulation S–P (the ''Rule'') implement the privacy notice and opt out notice requirements of Title V of the Gramm-Leach-Bliley Act (''GLBA''), which include the requirement that, at the time of establishing a customer relationship with a consumer and not less than annually during the continuation of such relationship, a financial institution shall provide a clear and conspicuous disclosure to such consumer of such financial institution's policies and practices with respect to disclosing nonpublic personal information to affiliates and nonaffiliated third parties (''privacy notice''). Title V of the GLBA also provides that, unless an exception applies, a financial institution may not disclose nonpublic personal information of a consumer to a nonaffiliated third party unless the financial institution clearly and conspicuously discloses to the consumer that such information may be disclosed to such third party; the consumer is given the opportunity, before the time that such information is initially disclosed, to direct that such information not be disclosed to such third party; and the consumer is given an explanation of how the consumer can exercise that nondisclosure option (''opt out notice''). The Rule applies to broker-dealers, investment advisers registered with the Commission, and investment companies (''covered entities'').

Commission staff estimates that, as of March 31, 2018, the Rule's information collection burden applies to approximately 20,465 covered entities (approximately 3,857 broker-dealers, 12,643 investment advisers registered with the Commission, and 3,965 investment companies). In view of (a) the minimal recordkeeping burden imposed by the Rule (since the Rule has no recordkeeping requirement and records relating to customer communications already must be made and retained pursuant to other SEC rules); (b) the summary fashion in which information must be provided to customers in the privacy and opt out notices required by the Rule (the model privacy form adopted by the SEC and the other agencies in 2009, designed to serve as both a privacy notice and an opt out notice, is only two pages); (c) the availability to covered entities of the model privacy form and online model privacy form builder; and (d) the experience of covered entities' staff with the notices, SEC staff estimates that covered entities will each spend an average of approximately 12 hours per year complying with the Rule, for a total of approximately 245,580 annual burden-hours ($12 \times 20{,}465 = 245{,}580$). SEC staff understands that the vast majority of covered entities deliver their privacy and opt out notices with other communications such as account opening documents and account statements. Because the other communications are already delivered to consumers, adding a brief privacy and opt out notice should not result in added costs for processing or for postage and materials. Also, privacy and opt out notices may be delivered electronically to consumers who have agreed to electronic communications, which further reduces the costs of delivery. Because SEC staff assumes that most paper copies of privacy and opt out notices are combined with other required mailings, the burden-hour estimates above are based on resources required to integrate the privacy and opt notices into another mailing, rather than on the resources required to create and send a separate mailing. SEC staff estimates that, of the estimated 12 annual burden-hours incurred, approximately 8 hours would be spent by administrative assistants at an hourly rate of $82, and approximately 4 hours would be spent by internal counsel at an hourly rate of $422, for a total annualized internal cost of compliance of $2,344 for each of the covered entities ($8 \times \$82 = \$656$; $4 \times \$422 = \$1{,}688$; $\$656 + \$1{,}688 = \$2{,}344$). Hourly cost of compliance estimates for administrative assistant time are derived from the Securities Industry and Financial Markets Association's *Office Salaries in the Securities Industry 2013,* modified by SEC staff to account for an 1,800-hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead. Hourly cost of compliance estimates for internal counsel time are derived from the Securities Industry and Financial Markets Association's *Management & Professional Earnings in the Securities Industry 2013,* modified by SEC staff to account for an 1,800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead. Accordingly, SEC staff estimates that the total annualized internal cost of compliance for the estimated total hour burden for the approximately 19,876 covered entities subject to the Rule is approximately $47,969,960 ($\$2{,}344 \times 20{,}465 = \$47{,}969{,}960$).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission,

[12] 17 CFR 200.30–3(a)(12).

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov*; and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: November 13, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–25049 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 17Ad–13 SEC File No. 270–263; OMB Control No. 3235–0275

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17Ad–13 (17 CFR 240.17Ad–13), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17Ad–13 requires an annual study and evaluation of internal accounting controls under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). It requires approximately 100 registered transfer agents to obtain an annual report on the adequacy of their internal accounting controls from an independent accountant. In addition, transfer agents must maintain copies of any reports prepared pursuant to Rule 17Ad–13 plus any documents prepared to notify the Commission and appropriate regulatory agencies in the event that the transfer agent is required to take any corrective action. These recordkeeping requirements assist the Commission and other regulatory agencies with monitoring transfer agents and ensuring compliance with the rule. Small transfer agents are exempt from Rule 17Ad–13 as are transfer agents that service only their own companies' securities.

Approximately 100 independent, professional transfer agents must file the independent accountant's report annually. We estimate that the annual internal time burden for each transfer agent to comply with Rule 17Ad–13 by submitting the report prepared by the independent accountant to the Commission is minimal. The time required for the independent accountant to prepare the accountant's report varies with each transfer agent depending on the size and nature of the transfer agent's operations. The Commission estimates that, on average, each report can be completed by the independent accountant in 120 hours, resulting in a total of 12,000 external hours annually (120 hours × 100 reports). The burden was estimated using Commission review of filed Rule 17Ad–13 reports. The Commission estimates that, on average, 120 hours are needed to perform the study, prepare the report, and retain the required records on an annual basis. Assuming an average hourly rate of an independent accountant of $60, the average total annual cost of the report is $7,200. The total annual cost for the approximate 100 respondents is approximately $720,000.

The retention period for the recordkeeping requirement under Rule 17Ad–13 is three years following the date of a report prepared pursuant to the rule. The recordkeeping requirement under Rule 17Ad–13 is mandatory to assist the Commission and other regulatory agencies with monitoring transfer agents and ensuring compliance with the rule. This rule does not involve the collection of confidential information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: *Lindsay.M.Abate@omb.eop.gov*; and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or by sending an email to *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: November 13, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–25048 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84572; File No. SR–BX–2018–052]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend General 8 of the Exchange's Rules

November 9, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 29, 2018, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend General 8 of the Exchange's Rules, as described below.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend General 8 of its Rules, which govern the provision by the Exchange of colocation, connectivity, and direct connectivity services and related products, and which set forth the fees that the Exchange charges for those products and services, to: (1) Clarify that all of the products and services set forth in General 8 are shared among the Nasdaq Inc. affiliated exchanges—The Nasdaq Stock Market LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, and Nasdaq GEMX, LLC (collectively, the ''Nasdaq, Inc. Exchanges'')—meaning that a firm need only purchase these products and services once to be able to use them to connect to all of the Nasdaq, Inc. Exchanges to which the firm is otherwise entitled to connect, and to receive the third party services and market data feeds that it is otherwise entitled to receive; and (2) make other non-substantive changes that will further the objective of harmonizing General 8 with parallel rules that exist among the other Nasdaq, Inc. Exchanges.[3]

The Nasdaq, Inc. Exchanges offer colocation, connectivity, and direct connectivity services and related products to their customers on a shared basis, meaning that a customer may utilize these products and services to gain access to any or all of the Nasdaq, Inc. Exchanges to which they are otherwise entitled to receive access under the Rules. The Nasdaq, Inc. Exchanges only charge customers once for these shared products and services, even to the extent that customers use the products and services to connect to more than one of the Nasdaq, Inc. Exchanges. For example, a firm that is a member or member organization, as applicable, of all six Nasdaq, Inc. Exchanges, and which co-locates its servers in the Nasdaq Data Center by purchasing a 10 GB fiber connection, cabinet space, cooling fans, and patch cables, only needs to purchase these products and services once to use them to connect to all six Nasdaq, Inc. Exchanges.

Likewise, the Rules were intended to provide for connectivity to third-party services and market data feeds on a shared basis, meaning that a firm need only purchase a subscription to these services once, regardless of whether the firm is a member or member organization, as applicable, of multiple Nasdaq, Inc. Exchanges.

Historically, the Exchange has billed customers on a shared basis for all of the products and services currently set forth in General 8. Presently, however, only certain provisions of General 8 state this fact expressly. That is, provisions in General 8 pertaining to connectivity to the Exchange, direct circuit connectivity to the Exchange, and point-of-presence connectivity to the Exchange, each state that they include connectivity to the other markets of the Nasdaq, Inc. Exchanges. However, other provisions in General 8—such as cabinets, cabinet power, fiber and wireless connectivity to market data feeds, and fiber and wireless connectivity to third party services—do not contain such language.

Notwithstanding the absence of express language in these provisions of General 8, the Exchange believes that it is or should be apparent that a firm need only pay once to purchase products and services—like server cabinets, power supplies, and cables—that the firm will use to connect to multiple Nasdaq, Inc. Exchanges or to connect to third party services or market data feeds. Indeed, the Exchange is aware of no actual customer confusion on this issue. Nevertheless, the Exchange believes that the existing Rules would benefit from clarification so as to avoid the potential for any confusion in the future.

Accordingly, the Exchange proposes to amend General 8 by doing the following: (1) Deleting the existing selective references therein to shared connectivity services; and (2) replacing selective references with the following language, which will serve as a general preface to General 8:

> The connectivity products and services that this Rule describes are shared among all of the Nasdaq, Inc. exchanges (The Nasdaq Stock Market, LLC, Nasdaq BX, Inc., Nasdaq PHLX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, and Nasdaq GEMX, LLC). Fees for these products and services are also the same among all of the Nasdaq, Inc. exchanges. As such, a firm need only purchase the products and services listed below from any Nasdaq, Inc. exchange once to connect to any and all of the Nasdaq, Inc. exchanges to which it is otherwise entitled to connect, or to connect to third party market data feeds or services. For example, if a firm purchases connectivity to one Nasdaq, Inc. exchange and then subsequently qualifies to connect to a second Nasdaq, Inc. exchange, then the firm may utilize its existing services for connecting to the first exchange to also connect to the second exchange, without incurring an additional charge.

This preface will clarify that all products and services set forth in General 8 are offered on a shared basis and that a firm need only purchase them once from any of the Nasdaq, Inc. Exchanges.

In addition to adding this preface, the Exchange also proposes several other non-substantive amendments to General 8 to correct technical errors and to harmonize it with parallel provisions set forth in the rules of the other Nasdaq, Inc. Exchanges. These changes will reconcile minor, non-substantive differences in the phrasing and placement of text between the Exchange's General 8 and the other Nasdaq, Inc. Exchanges' Sections 8. The amendments will also remove certain references to the name ''Nasdaq BX'' or replace it with general references to ''the Exchange.'' Finally, the amendments will replace a specific reference in General 8, Section 1(b) to millimeter or microwave wireless subscriptions under Equity 7, Section 115 with a general reference to ''any other provision of these Rules that provides for such subscriptions, as may exist, from time to time.'' The intended result of the proposed changes—along with similar changes that the other Nasdaq, Inc. Exchanges plan to propose—will be to generalize General 8 and render it completely identical across all six Nasdaq, Inc. Exchanges.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and that it furthers the objectives of Section 6(b)(4) of the Act,[5] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Likewise, the Exchange believes that its proposal is consistent with Section 6(b)(5) of the Act,[6] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that it is equitable for the Exchange and the other Nasdaq, Inc. Exchanges to collectively charge a firm only once for the products and services set forth in General 8 because the same instance of such products and services may be used by the firm to connect to any or all of the Nasdaq, Inc. Exchanges to which it is

[3] The other Nasdaq, Inc. Exchanges plan to file similar proposals in the near future.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78f(b)(5).

otherwise entitled to connect. Said otherwise, the Exchange does not believe that it would be fair for the Nasdaq, Inc. Exchanges to each charge separate fees to a firm to, say, rent the same cabinet space in the same data center or to purchase the same wires to connect its servers to the market data feed. Moreover, the practice of charging a firm once for products and services with shared applicability among the Nasdaq, Inc. Exchanges is not unfairly discriminatory because each of the Nasdaq, Inc. Exchanges makes the products and services that are set forth in General 8 of their respective rulebooks available to all similarly situated members at the same prices.

Meanwhile, the Exchange believes that it is just and equitable, and in the interests of the public and investors, for the Exchange to amend General 8 to clarify the existing practice of the Nasdaq, Inc. Exchanges to charge firms once to purchase shared products and services, and to codify that practice where it is not stated expressly in the Rule. Although the Exchange believes that such codification and clarification of General 8 are not necessary in this instance—given that it should be (and in the Exchange's experience, it is) apparent to firms that each of the Nasdaq, Inc. Exchanges will not charge them more than once to, say, rent the same cabinet space or to purchase the same wires or power supplies—the Exchange believes, nevertheless, that the public and investors will benefit from increased clarity to General 8. Even if the proposal is not needed to dispel any actual confusion about the Rules, it will help to limit any potential confusion in the future.

The Exchange also believes that it is just and equitable, and in the interests of the public and investors, to completely harmonize the language of General 8 among all six of the Nasdaq, Inc. Exchanges. Given that General 8 in each of the Nasdaq, Inc. Exchanges' rulebooks sets forth the same products, services, and associated fees that are assessed on a shared basis, the language of General 8 should be uniform across these Exchanges avoid any confusion about unintended disparities. The proposal makes minor, non-substantive changes to accomplish this harmonization, which include removing cross-references and names that are idiosyncratic to this Exchange and are not common among all of the Nasdaq, Inc. Exchanges.

Lastly, the Exchange believes that its proposals to amend General 8 are non-controversial because they merely codify and clarify the Exchange's existing interpretation of General 8, serve the interests of the public and investors in promoting a more clear and transparent Rulebook that is harmonized with the shared rules of the other Nasdaq, Inc. Exchanges, and because the proposals will not impact competition or limit access to or availability of the Exchange or its systems.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposals merely codify and clarify existing practice of the Nasdaq, Inc. Exchanges to collectively charge a customer only once to connect to any or all of the Nasdaq, Inc. Exchanges of which it is a member and to connect to third party services. The proposals also harmonize Section 8 with corresponding provisions of the rulebooks of the other Nasdaq, Inc. Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. Waiver of the operative delay would allow the Exchange to immediately amend its rules to specify that the products and services set forth in General 8 are shared among the Nasdaq, Inc. Exchanges and to harmonize General 8 with parallel rules of the other Nasdaq, Inc. Exchanges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2018–052 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–BX–2018–052. 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

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2018–052, and should be submitted on or before December 7, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2018–25032 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84569; File No. SR–MRX–2018–33]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend General 8 of the Exchange's Rules

November 9, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 29, 2018, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend General 8 of the Exchange's Rules, as described below.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqmrx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend General 8 of its Rules, which govern the provision by the Exchange of colocation, connectivity, and direct connectivity services and related products, and which set forth the fees that the Exchange charges for those products and services, to: (1) Clarify that all of the products and services set forth in General 8 are shared among the Nasdaq Inc. affiliated exchanges—The Nasdaq Stock Market LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, and Nasdaq GEMX, LLC (collectively, the ''Nasdaq, Inc. Exchanges'')—meaning that a firm need only purchase these products and services once to be able to use them to connect to all of the Nasdaq, Inc. Exchanges to which the firm is otherwise entitled to connect, and to receive the third party services and market data feeds that it is otherwise entitled to receive; and (2) make other non-substantive changes that will further the objective of harmonizing General 8 with parallel rules that exist among the other Nasdaq, Inc. Exchanges.[3]

The Nasdaq, Inc. Exchanges offer colocation, connectivity, and direct connectivity services and related products to their customers on a shared basis, meaning that a customer may utilize these products and services to gain access to any or all of the Nasdaq, Inc. Exchanges to which they are otherwise entitled to receive access under the Rules. The Nasdaq, Inc. Exchanges only charge customers once for these shared products and services, even to the extent that customers use the products and services to connect to more than one of the Nasdaq, Inc. Exchanges. For example, a firm that is a member or member organization, as applicable, of all six Nasdaq, Inc. Exchanges, and which co-locates its servers in the Nasdaq Data Center by purchasing a 10 GB fiber connection, cabinet space, cooling fans, and patch cables, only needs to purchase these products and services once to use them to connect to all six Nasdaq, Inc. Exchanges.

Likewise, the Rules were intended to provide for connectivity to third-party services and market data feeds on a shared basis, meaning that a firm need only purchase a subscription to these services once, regardless of whether the firm is a member or member organization, as applicable, of multiple Nasdaq, Inc. Exchanges.

Historically, the Exchange has billed customers on a shared basis for all of the products and services currently set forth in General 8. Presently, however, only certain provisions of General 8 state this fact expressly. That is, provisions in General 8 pertaining to connectivity to the Exchange, direct circuit connectivity to the Exchange, and point-of-presence connectivity to the Exchange, each state that they include connectivity to the other markets of the Nasdaq, Inc. Exchanges. However, other provisions in General 8—such as cabinets, cabinet power, fiber and wireless connectivity to market data feeds, and fiber and wireless connectivity to third party services—do not contain such language.

Notwithstanding the absence of express language in these provisions of General 8, the Exchange believes that it is or should be apparent that a firm need only pay once to purchase products and services—like server cabinets, power supplies, and cables—that the firm will use to connect to multiple Nasdaq, Inc. Exchanges or to connect to third party services or market data feeds. Indeed, the Exchange is aware of no actual

[3] The other Nasdaq, Inc. Exchanges plan to file similar proposals in the near future.

customer confusion on this issue. Nevertheless, the Exchange believes that the existing Rules would benefit from clarification so as to avoid the potential for any confusion in the future.

Accordingly, the Exchange proposes to amend General 8 by doing the following: (1) Deleting the existing selective references therein to shared connectivity services; and (2) replacing selective references with the following language, which will serve as a general preface to General 8:

> The connectivity products and services that this Rule describes are shared among all of the Nasdaq, Inc. exchanges (The Nasdaq Stock Market, LLC, Nasdaq BX, Inc., Nasdaq PHLX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, and Nasdaq GEMX, LLC). Fees for these products and services are also the same among all of the Nasdaq, Inc. exchanges. As such, a firm need only purchase the products and services listed below from any Nasdaq, Inc. exchange once to connect to any and all of the Nasdaq, Inc. exchanges to which it is otherwise entitled to connect, or to connect to third party market data feeds or services. For example, if a firm purchases connectivity to one Nasdaq, Inc. exchange and then subsequently qualifies to connect to a second Nasdaq, Inc. exchange, then the firm may utilize its existing services for connecting to the first exchange to also connect to the second exchange, without incurring an additional charge.

This preface will clarify that all products and services set forth in General 8 are offered on a shared basis and that a firm need only purchase them once from any of the Nasdaq, Inc. Exchanges.

In addition to adding this preface, the Exchange also proposes several other non-substantive amendments to General 8 to correct technical errors and to harmonize it with parallel provisions set forth in the rules of the other Nasdaq, Inc. Exchanges. These changes will reconcile minor, non-substantive differences in the phrasing and placement of text between the Exchange's General 8 and the other Nasdaq, Inc. Exchanges' Sections 8. The amendments will also remove certain references to the name ''Nasdaq'' or replace it with general references to ''the Exchange.'' Finally, the amendments will amend General 8, Section 1(b), which provides for discounted pricing for having multiple millimeter or microwave wireless subscriptions, to state that such pricing applies to subscriptions under General 8, Section 1(b) ''and/or any other provision of these Rules that provides for such subscriptions, as may exist, from time to time.'' The intended result of the proposed changes—along with similar changes that the other Nasdaq, Inc. Exchanges plan to propose—will be to generalize General 8 and render it completely identical across all six Nasdaq, Inc. Exchanges. (The Exchange notes that The Nasdaq Stock Market LLC and Nasdaq BX, Inc. offer wireless subscriptions under both General 8, Section 1(b) and Rule 7015/Equity 7, Section 115 of their respective rulebooks.)

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and that it furthers the objectives of Section 6(b)(4) of the Act,[5] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Likewise, the Exchange believes that its proposal is consistent with Section 6(b)(5) of the Act,[6] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that it is equitable for the Exchange and the other Nasdaq, Inc. Exchanges to collectively charge a firm only once for the products and services set forth in General 8 because the same instance of such products and services may be used by the firm to connect to any or all of the Nasdaq, Inc. Exchanges to which it is otherwise entitled to connect. Said otherwise, the Exchange does not believe that it would be fair for the Nasdaq, Inc. Exchanges to each charge separate fees to a firm to, say, rent the same cabinet space in the same data center or to purchase the same wires to connect its servers to the market data feed. Moreover, the practice of charging a firm once for products and services with shared applicability among the Nasdaq, Inc. Exchanges is not unfairly discriminatory because each of the Nasdaq, Inc. Exchanges makes the products and services that are set forth in General 8 of their respective rulebooks available to all similarly situated members at the same prices.

Meanwhile, the Exchange believes that it is just and equitable, and in the interests of the public and investors, for the Exchange to amend General 8 to clarify the existing practice of the Nasdaq, Inc. Exchanges to charge firms once to purchase shared products and services, and to codify that practice where it is not stated expressly in the Rule. Although the Exchange believes that such codification and clarification of General 8 are not necessary in this instance—given that it should be (and in the Exchange's experience, it is) apparent to firms that each of the Nasdaq, Inc. Exchanges will not charge them more than once to, say, rent the same cabinet space or to purchase the same wires or power supplies—the Exchange believes, nevertheless, that the public and investors will benefit from increased clarity to General 8. Even if the proposal is not needed to dispel any actual confusion about the Rules, it will help to limit any potential confusion in the future.

The Exchange also believes that it is just and equitable, and in the interests of the public and investors, to harmonize the language of General 8 among all six of the Nasdaq, Inc. Exchanges. Given that General 8 in each of the Nasdaq, Inc. Exchanges' rulebooks sets forth the same products, services, and associated fees that are assessed on a shared basis, the language of General 8 should be uniform across these Exchanges to avoid any confusion about unintended disparities. The proposal makes minor, non-substantive changes to accomplish this harmonization, which include removing references that are idiosyncratic to this Exchange and are not common among all of the Nasdaq, Inc. Exchanges.

Lastly, the Exchange believes that its proposals to amend General 8 are non-controversial because they merely codify and clarify the Exchange's existing interpretation of General 8, serve the interests of the public and investors in promoting a more clear and transparent Rulebook that is harmonized with the shared rules of the other Nasdaq, Inc. Exchanges, and because the proposals will not impact competition or limit access to or availability of the Exchange or its systems.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposals merely codify and clarify existing practice of the Nasdaq, Inc. Exchanges to collectively charge a customer only once to connect to any or all of the Nasdaq, Inc. Exchanges of which it is a member and to connect to third party services. The proposals also harmonize Section 8 with corresponding provisions of the

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78f(b)(5).

rulebooks of the other Nasdaq, Inc. Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. Waiver of the operative delay would allow the Exchange to immediately amend its rules to specify that the products and services set forth in General 8 are shared among the Nasdaq, Inc. Exchanges and to harmonize General 8 with parallel rules of the other Nasdaq, Inc. Exchanges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MRX–2018–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MRX–2018–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MRX–2018–33, and should be submitted on or before December 7, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2018–25029 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84573; File No. SR–Phlx–2018–70]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend General 8 of the Exchange's Rules

November 9, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 29, 2018, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend General 8 of the Exchange's Rules, as described below.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend General 8 of its Rules, which govern the provision by the Exchange of colocation, connectivity, and direct connectivity services and related products, and which set forth the fees that the Exchange charges for those products and services, to: (1) Clarify that all of the products and services set forth in General 8 are shared among the Nasdaq Inc. affiliated exchanges—The Nasdaq Stock Market LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, and Nasdaq GEMX, LLC (collectively, the ''Nasdaq, Inc. Exchanges'')—meaning that a firm need only purchase these products and services once to be able to use them to connect to all of the Nasdaq, Inc. Exchanges to which the firm is otherwise entitled to connect, and to receive the third party services and market data feeds that it is otherwise entitled to receive; and (2) make other non-substantive changes that will further the objective of harmonizing General 8 with parallel rules that exist among the other Nasdaq, Inc. Exchanges.[3]

The Nasdaq, Inc. Exchanges offer colocation, connectivity, and direct connectivity services and related products to their customers on a shared basis, meaning that a customer may utilize these products and services to gain access to any or all of the Nasdaq, Inc. Exchanges to which they are otherwise entitled to receive access under the Rules. The Nasdaq, Inc. Exchanges only charge customers once for these shared products and services, even to the extent that customers use the products and services to connect to more than one of the Nasdaq, Inc. Exchanges. For example, a firm that is a member or member organization, as applicable, of all six Nasdaq, Inc. Exchanges, and which co-locates its servers in the Nasdaq Data Center by purchasing a 10 GB fiber connection, cabinet space, cooling fans, and patch cables, only needs to purchase these products and services once to use them to connect to all six Nasdaq, Inc. Exchanges.

Likewise, the Rules were intended to provide for connectivity to third-party services and market data feeds on a shared basis, meaning that a firm need only purchase a subscription to these services once, regardless of whether the firm is a member or member organization, as applicable, of multiple Nasdaq, Inc. Exchanges.

Historically, the Exchange has billed customers on a shared basis for all of the products and services currently set forth in General 8. Presently, however, only certain provisions of General 8 state this fact expressly. That is, provisions in General 8 pertaining to connectivity to the Exchange, direct circuit connectivity to the Exchange, and point-of-presence connectivity to the Exchange, each state that they include connectivity to the other markets of the Nasdaq, Inc. Exchanges. However, other provisions in General 8—such as cabinets, cabinet power, fiber and wireless connectivity to market data feeds, and fiber and wireless connectivity to third party services—do not contain such language.

Notwithstanding the absence of express language in these provisions of General 8, the Exchange believes that it is or should be apparent that a firm need only pay once to purchase products and services—like server cabinets, power supplies, and cables—that the firm will use to connect to multiple Nasdaq, Inc. Exchanges or to connect to third party services or market data feeds. Indeed, the Exchange is aware of no actual customer confusion on this issue. Nevertheless, the Exchange believes that the existing Rules would benefit from clarification so as to avoid the potential for any confusion in the future.

Accordingly, the Exchange proposes to amend General 8 by doing the following: (1) Deleting the existing selective references therein to shared connectivity services; and (2) replacing selective references with the following language, which will serve as a general preface to General 8:

> The connectivity products and services that this Rule describes are shared among all of the Nasdaq, Inc. exchanges (The Nasdaq Stock Market, LLC, Nasdaq BX, Inc., Nasdaq PHLX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, and Nasdaq GEMX, LLC). Fees for these products and services are also the same among all of the Nasdaq, Inc. exchanges. As such, a firm need only purchase the products and services listed below from any Nasdaq, Inc. exchange once to connect to any and all of the Nasdaq, Inc. exchanges to which it is otherwise entitled to connect, or to connect to third party market data feeds or services. For example, if a firm purchases connectivity to one Nasdaq, Inc. exchange and then subsequently qualifies to connect to a second Nasdaq, Inc. exchange, then the firm may utilize its existing services for connecting to the first exchange to also connect to the second exchange, without incurring an additional charge.

This preface will clarify that all products and services set forth in General 8 are offered on a shared basis and that a firm need only purchase them once from any of the Nasdaq, Inc. Exchanges.

In addition to adding this preface, the Exchange also proposes several other non-substantive amendments to General 8 to correct technical errors and to harmonize it with parallel provisions set forth in the rules of the other Nasdaq, Inc. Exchanges. These changes will reconcile minor, non-substantive differences in the phrasing and placement of text between the Exchange's General 8 and the other Nasdaq, Inc. Exchanges' Sections 8. The amendments will also remove certain references to the names ''Phlx'' or ''Nasdaq PHLX'' or replace them with general references to ''the Exchange.'' Finally, the amendments will amend General 8, Section 1(b), which provides for discounted pricing for having multiple millimeter or microwave wireless subscriptions, to state that such pricing applies to subscriptions under General 8, Section 1(b) ''and/or any other provision of these Rules that provides for such subscriptions, as may exist, from time to time.'' The intended result of the proposed changes—along with similar changes that the other Nasdaq, Inc. Exchanges plan to propose—will be to generalize General 8 and render it completely identical across all six Nasdaq, Inc. Exchanges. (The Exchange notes that The Nasdaq Stock Market LLC and Nasdaq BX, Inc. offer wireless subscriptions under both General 8, Section 1(b) and Rule 7015/Equity 7, Section 115 of their respective rulebooks.)

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and that it furthers the objectives of Section 6(b)(4) of the Act,[5] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Likewise, the Exchange believes that its proposal is consistent with Section

[3] The other Nasdaq, Inc. Exchanges plan to file similar proposals in the near future.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

6(b)(5) of the Act,[6] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that it is equitable for the Exchange and the other Nasdaq, Inc. Exchanges to collectively charge a firm only once for the products and services set forth in General 8 because the same instance of such products and services may be used by the firm to connect to any or all of the Nasdaq, Inc. Exchanges to which it is otherwise entitled to connect. Said otherwise, the Exchange does not believe that it would be fair for the Nasdaq, Inc. Exchanges to each charge separate fees to a firm to, say, rent the same cabinet space in the same data center or to purchase the same wires to connect its servers to the market data feed. Moreover, the practice of charging a firm once for products and services with shared applicability among the Nasdaq, Inc. Exchanges is not unfairly discriminatory because each of the Nasdaq, Inc. Exchanges makes the products and services that are set forth in General 8 of their respective rulebooks available to all similarly situated members at the same prices.

Meanwhile, the Exchange believes that it is just and equitable, and in the interests of the public and investors, for the Exchange to amend General 8 to clarify the existing practice of the Nasdaq, Inc. Exchanges to charge firms once to purchase shared products and services, and to codify that practice where it is not stated expressly in the Rule. Although the Exchange believes that such codification and clarification of General 8 are not necessary in this instance—given that it should be (and in the Exchange's experience, it is) apparent to firms that each of the Nasdaq, Inc. Exchanges will not charge them more than once to, say, rent the same cabinet space or to purchase the same wires or power supplies—the Exchange believes, nevertheless, that the public and investors will benefit from increased clarity to General 8. Even if the proposal is not needed to dispel any actual confusion about the Rules, it will help to limit any potential confusion in the future.

The Exchange also believes that it is just and equitable, and in the interests of the public and investors, to harmonize the language of General 8 among all six of the Nasdaq, Inc. Exchanges. Given that General 8 in each of the Nasdaq, Inc. Exchanges' rulebooks sets forth the same products, services, and associated fees that are assessed on a shared basis, the language of General 8 should be uniform across these Exchanges avoid any confusion about unintended disparities. The proposal makes minor, non-substantive changes to accomplish this harmonization, which include removing references that are idiosyncratic to this Exchange and are not common among all of the Nasdaq, Inc. Exchanges.

Lastly, the Exchange believes that its proposals to amend General 8 are non-controversial because they merely codify and clarify the Exchange's existing interpretation of General 8, serve the interests of the public and investors in promoting a more clear and transparent Rulebook that is harmonized with the shared rules of the other Nasdaq, Inc. Exchanges, and because the proposals will not impact competition or limit access to or availability of the Exchange or its systems.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposals merely codify and clarify existing practice of the Nasdaq, Inc. Exchanges to collectively charge a customer only once to connect to any or all of the Nasdaq, Inc. Exchanges of which it is a member and to connect to third party services. The proposals also harmonize Section 8 with corresponding provisions of the rulebooks of the other Nasdaq, Inc. Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. Waiver of the operative delay would allow the Exchange to immediately amend its rules to specify that the products and services set forth in General 8 are shared among the Nasdaq, Inc. Exchanges and to harmonize General 8 with parallel rules of the other Nasdaq, Inc. Exchanges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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:

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2018–70 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2018–70. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2018–70, and should be submitted on or before December 7, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2018–25033 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 154 SEC File No. 270–438, OMB Control No. 3235–0495

Notice is hereby given that, under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

The federal securities laws generally prohibit an issuer, underwriter, or dealer from delivering a security for sale unless a prospectus meeting certain requirements accompanies or precedes the security. Rule 154 (17 CFR 230.154) under the Securities Act of 1933 (15 U.S.C. 77a) (the ''Securities Act'') permits, under certain circumstances, delivery of a single prospectus to investors who purchase securities from the same issuer and share the same address (''householding'') to satisfy the applicable prospectus delivery requirements.[1] The purpose of rule 154 is to reduce the amount of duplicative prospectuses delivered to investors sharing the same address.

Under rule 154, a prospectus is considered delivered to all investors at a shared address, for purposes of the federal securities laws, if the person relying on the rule delivers the prospectus to the shared address, addresses the prospectus to the investors as a group or to each of the investors individually, and the investors consent to the delivery of a single prospectus. The rule applies to prospectuses and prospectus supplements. Currently, the rule permits householding of all prospectuses by an issuer, underwriter, or dealer relying on the rule if, in addition to the other conditions set forth in the rule, the issuer, underwriter, or dealer has obtained from each investor written or implied consent to householding.[2] The rule requires issuers, underwriters, or dealers that wish to household prospectuses with implied consent to send a notice to each investor stating that the investors in the household will receive one prospectus in the future unless the investors provide contrary instructions. In addition, at least once a year, issuers, underwriters, or dealers, relying on rule 154 for the householding of prospectuses relating to open-end management investment companies that are registered under the Investment Company Act of 1940 (''mutual funds'') must explain to investors who have provided written or implied consent how they can revoke their consent.[3] Preparing and sending the notice and the annual explanation of the right to revoke are collections of information.

The rule allows issuers, underwriters, or dealers to household prospectuses if certain conditions are met. Among the conditions with which a person relying on the rule must comply are providing notice to each investor that only one prospectus will be sent to the household and, in the case of issuers that are mutual funds, providing to each investor who consents to householding an annual explanation of the right to revoke consent to the delivery of a single prospectus to multiple investors sharing an address. The purpose of the notice and annual explanation requirements of the rule is to ensure that investors who wish to receive individual copies of prospectuses are able to do so.

Although rule 154 is not limited to mutual funds, the Commission believes that it is used mainly by mutual funds and by broker-dealers that deliver mutual fund prospectuses. The Commission is unable to estimate the number of issuers other than mutual funds that rely on the rule.

The Commission estimates that, as of August 2018, there are approximately 1,590 mutual funds, approximately 400 of which engage in direct marketing and therefore deliver their own prospectuses. Of the approximately 400 mutual funds that engage in direct marketing, the Commission estimates that approximately half of these mutual funds (200)(i) do not send the implied consent notice requirement because

[1] The Securities Act requires the delivery of prospectuses to investors who buy securities from an issuer or from underwriters or dealers who participate in a registered distribution of securities. *See* Securities Act sections 2(a)(10), 4(1), 4(3), 5(b) (15 U.S.C. 77b(a)(10), 77d(1), 77d(3), 77e(b)); *see also* rule 174 under the Securities Act (17 CFR 230.174) (regarding the prospectus delivery obligation of dealers); rule 15c2–8 under the Securities Exchange Act of 1934 (17 CFR 240.15c2–8) (prospectus delivery obligations of brokers and dealers).

[2] Rule 154 permits the householding of prospectuses that are delivered electronically to investors only if delivery is made to a shared electronic address and the investors give written consent to householding. Implied consent is not permitted in such a situation. *See* rule 154(b)(4).

[3] See Rule 154(c).

they obtain affirmative written consent to household prospectuses in the fund's account opening documentation; or (ii) do not take advantage of the householding provision because of electronic delivery options which lessen the economic and operational benefits of rule 154 when compared with the costs of compliance.

The Commission estimates that there are approximately 175 broker-dealers that carry customer accounts for the remaining mutual funds and therefore may be required to deliver mutual fund prospectuses. The Commission estimates that each affected broker-dealer will spend, on average, 20 hours complying with the notice requirement of the rule, for a total of 3,500 hours. Therefore, the total number of respondents for rule 154 is 475 (300[4] mutual funds plus 175 broker-dealers), and the estimated total hour burden is approximately 7,975 hours (4,300 hours for mutual funds plus 3,675 hours for broker-dealers).

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule. Responses to the collections of information will not be kept confidential. The rule does not require these records be retained for any specific period of time. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov*; and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

[4] The Commission estimates that 200 mutual funds prepare both the implied consent notice and the annual explanation of the right to revoke consent + 100 mutual funds that prepare only the annual explanation of the right to revoke.

Dated: November 13, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–25047 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 17f–1(c) and Form X–17F–1A, SEC File No. 270–29, OMB Control No. 3235–0037.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17f–1(c) (17 CFR 240.17f–1(c) and Form X–17F–1A (17 CFR 249.100) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17f–1(c) requires approximately 15,500 entities in the securities industry to report lost, stolen, missing, or counterfeit securities certificates to the Commission or its designee, to a registered transfer agent for the issue, and, when criminal activity is suspected, to the Federal Bureau of Investigation. Such entities are required to use Form X–17F–1A to make such reports. Filing these reports fulfills a statutory requirement that reporting institutions report and inquire about missing, lost, counterfeit, or stolen securities. Since these reports are compiled in a central database, the rule facilitates reporting institutions to access the database that stores information for the Lost and Stolen Securities Program.

We estimate that 10,100 reporting institutions will report that securities certificates are either missing, lost, counterfeit, or stolen annually and that each reporting institution will submit this report 30 times each year. The staff estimates that the average amount of time necessary to comply with Rule 17f–1(c) and Form X17F–1A is five minutes per submission. The total burden is 25,250 hours annually for the entire industry (10,100 times 30 times 5 divided by 60).

Rule 17f–1(c) is a reporting rule and does not specify a retention period. The rule requires an incident-based reporting requirement by the reporting institutions when securities certificates are discovered to be missing, lost, counterfeit, or stolen. Registering under Rule 17f–1(c) is mandatory to obtain the benefit of a central database that stores information about missing, lost, counterfeit, or stolen securities for the Lost and Stolen Securities Program. Reporting institutions required to register under Rule 17f–1(c) will not be kept confidential; however, the Lost and Stolen Securities Program database will be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: *Lindsay.M.Abate@omb.eop.gov* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or by sending an email to *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: November 13, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–25051 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84570; File No. SR–GEMX–2018–36]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend General 8 of the Exchange's Rules

November 9, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

29, 2018, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend General 8 of the Exchange's Rules, as described below.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqgemx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend General 8 of its Rules, which govern the provision by the Exchange of colocation, connectivity, and direct connectivity services and related products, and which set forth the fees that the Exchange charges for those products and services, to: (1) Clarify that all of the products and services set forth in General 8 are shared among the Nasdaq Inc. affiliated exchanges—The Nasdaq Stock Market LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, and Nasdaq GEMX, LLC (collectively, the ''Nasdaq, Inc. Exchanges'')—meaning that a firm need only purchase these products and services once to be able to use them to connect to all of the Nasdaq, Inc. Exchanges to which the firm is otherwise entitled to connect, and to receive the third party services and market data feeds that it is otherwise entitled to receive; and (2) make other non-substantive changes that will further the objective of harmonizing General 8 with parallel rules that exist among the other Nasdaq, Inc. Exchanges.[3]

The Nasdaq, Inc. Exchanges offer colocation, connectivity, and direct connectivity services and related products to their customers on a shared basis, meaning that a customer may utilize these products and services to gain access to any or all of the Nasdaq, Inc. Exchanges to which they are otherwise entitled to receive access under the Rules. The Nasdaq, Inc. Exchanges only charge customers once for these shared products and services, even to the extent that customers use the products and services to connect to more than one of the Nasdaq, Inc. Exchanges. For example, a firm that is a member or member organization, as applicable, of all six Nasdaq, Inc. Exchanges, and which co-locates its servers in the Nasdaq Data Center by purchasing a 10 GB fiber connection, cabinet space, cooling fans, and patch cables, only needs to purchase these products and services once to use them to connect to all six Nasdaq, Inc. Exchanges.

Likewise, the Rules were intended to provide for connectivity to third-party services and market data feeds on a shared basis, meaning that a firm need only purchase a subscription to these services once, regardless of whether the firm is a member or member organization, as applicable, of multiple Nasdaq, Inc. Exchanges.

Historically, the Exchange has billed customers on a shared basis for all of the products and services currently set forth in General 8. Presently, however, only certain provisions of General 8 state this fact expressly. That is, provisions in General 8 pertaining to connectivity to the Exchange, direct circuit connectivity to the Exchange, and point-of-presence connectivity to the Exchange, each state that they include connectivity to the other markets of the Nasdaq, Inc. Exchanges. However, other provisions in General 8—such as cabinets, cabinet power, fiber and wireless connectivity to market data feeds, and fiber and wireless connectivity to third party services—do not contain such language.

Notwithstanding the absence of express language in these provisions of General 8, the Exchange believes that it is or should be apparent that a firm need only pay once to purchase products and services—like server cabinets, power supplies, and cables—that the firm will use to connect to multiple Nasdaq, Inc. Exchanges or to connect to third party services or market data feeds. Indeed, the Exchange is aware of no actual customer confusion on this issue. Nevertheless, the Exchange believes that the existing Rules would benefit from clarification so as to avoid the potential for any confusion in the future.

Accordingly, the Exchange proposes to amend General 8 by doing the following: (1) Deleting the existing selective references therein to shared connectivity services; and (2) replacing selective references with the following language, which will serve as a general preface to General 8:

> The connectivity products and services that this Rule describes are shared among all of the Nasdaq, Inc. exchanges (The Nasdaq Stock Market, LLC, Nasdaq BX, Inc., Nasdaq PHLX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, and Nasdaq GEMX, LLC). Fees for these products and services are also the same among all of the Nasdaq, Inc. exchanges. As such, a firm need only purchase the products and services listed below from any Nasdaq, Inc. exchange once to connect to any and all of the Nasdaq, Inc. exchanges to which it is otherwise entitled to connect, or to connect to third party market data feeds or services. For example, if a firm purchases connectivity to one Nasdaq, Inc. exchange and then subsequently qualifies to connect to a second Nasdaq, Inc. exchange, then the firm may utilize its existing services for connecting to the first exchange to also connect to the second exchange, without incurring an additional charge.

This preface will clarify that all products and services set forth in General 8 are offered on a shared basis and that a firm need only purchase them once from any of the Nasdaq, Inc. Exchanges.

In addition to adding this preface, the Exchange also proposes several other non-substantive amendments to General 8 to correct technical errors and to harmonize it with parallel provisions set forth in the rules of the other Nasdaq, Inc. Exchanges. These changes will reconcile minor, non-substantive differences in the phrasing and placement of text between the Exchange's General 8 and the other Nasdaq, Inc. Exchanges' Sections 8. The amendments will also remove certain references to the name ''Nasdaq GEMX'' or replace it with general references to ''the Exchange.'' Finally, the amendments will amend General 8, Section 1(b), which provides for discounted pricing for having multiple millimeter or microwave wireless subscriptions, to state that such pricing applies to subscriptions under General 8, Section 1(b) ''and/or any other provision of these Rules that provides

[3] The other Nasdaq, Inc. Exchanges plan to file similar proposals in the near future.

for such subscriptions, as may exist, from time to time.'' The intended result of the proposed changes—along with similar changes that the other Nasdaq, Inc. Exchanges plan to propose—will be to generalize General 8 and render it completely identical across all six Nasdaq, Inc. Exchanges. (The Exchange notes that The Nasdaq Stock Market LLC and Nasdaq BX, Inc. offer wireless subscriptions under both General 8, Section 1(b) and Rule 7015/Equity 7, Section 115 of their respective rulebooks.)

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and that it furthers the objectives of Section 6(b)(4) of the Act,[5] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Likewise, the Exchange believes that its proposal is consistent with Section 6(b)(5) of the Act,[6] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that it is equitable for the Exchange and the other Nasdaq, Inc. Exchanges to collectively charge a firm only once for the products and services set forth in General 8 because the same instance of such products and services may be used by the firm to connect to any or all of the Nasdaq, Inc. Exchanges to which it is otherwise entitled to connect. Said otherwise, the Exchange does not believe that it would be fair for the Nasdaq, Inc. Exchanges to each charge separate fees to a firm to, say, rent the same cabinet space in the same data center or to purchase the same wires to connect its servers to the market data feed. Moreover, the practice of charging a firm once for products and services with shared applicability among the Nasdaq, Inc. Exchanges is not unfairly discriminatory because each of the Nasdaq, Inc. Exchanges makes the products and services that are set forth in General 8 of their respective rulebooks available to all similarly situated members at the same prices.

Meanwhile, the Exchange believes that it is just and equitable, and in the interests of the public and investors, for the Exchange to amend General 8 to clarify the existing practice of the Nasdaq, Inc. Exchanges to charge firms once to purchase shared products and services, and to codify that practice where it is not stated expressly in the Rule. Although the Exchange believes that such codification and clarification of General 8 are not necessary in this instance—given that it should be (and in the Exchange's experience, it is) apparent to firms that each of the Nasdaq, Inc. Exchanges will not charge them more than once to, say, rent the same cabinet space or to purchase the same wires or power supplies—the Exchange believes, nevertheless, that the public and investors will benefit from increased clarity to General 8. Even if the proposal is not needed to dispel any actual confusion about the Rules, it will help to limit any potential confusion in the future.

The Exchange also believes that it is just and equitable, and in the interests of the public and investors, to harmonize the language of General 8 among all six of the Nasdaq, Inc. Exchanges. Given that General 8 in each of the Nasdaq, Inc. Exchanges' rulebooks sets forth the same products, services, and associated fees that are assessed on a shared basis, the language of General 8 should be uniform across these Exchanges to avoid any confusion about unintended disparities. The proposal makes minor, non-substantive changes to accomplish this harmonization, which include removing references that are idiosyncratic to this Exchange and are not common among all of the Nasdaq, Inc. Exchanges.

Lastly, the Exchange believes that its proposals to amend General 8 are non-controversial because they merely codify and clarify the Exchange's existing interpretation of General 8, serve the interests of the public and investors in promoting a more clear and transparent Rulebook that is harmonized with the shared rules of the other Nasdaq, Inc. Exchanges, and because the proposals will not impact competition or limit access to or availability of the Exchange or its systems.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposals merely codify and clarify existing practice of the Nasdaq, Inc. Exchanges to collectively charge a customer only once to connect to any or all of the Nasdaq, Inc. Exchanges of which it is a member and to connect to third party services. The proposals also harmonize Section 8 with corresponding provisions of the rulebooks of the other Nasdaq, Inc. Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. Waiver of the operative delay would allow the Exchange to immediately amend its rules to specify that the products and services set forth in General 8 are shared among the Nasdaq, Inc. Exchanges and to harmonize General 8 with parallel rules of the other Nasdaq, Inc. Exchanges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

designates the proposed rule change operative upon filing.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–GEMX–2018–36 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–GEMX–2018–36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–GEMX–2018–36, and should be submitted on or before December 7, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2018–25030 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

[11] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84559; File No. SR–NASDAQ–2018–085]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Various Rules To Reflect Changes to The Nasdaq Options Market LLC (''NOM'') Protocols

November 9, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 29, 2018, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend various rules to reflect changes to The Nasdaq Options Market LLC (''NOM'') protocols.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq recently filed a rule change[3] which adopted a new protocol ''Ouch to Trade Options'' or ''OTTO''[4] and renamed the current OTTO protocol as ''Quote Using Orders'' or ''QUO''.[5] The Exchange proposes to reflect the changes made in the Prior Rule Change within various NOM Rules which refer to protocols.

The Prior Rule Change, which is effective but not yet operative, renamed the current OTTO to ''QUO.'' The proposed changes herein seek to rename that protocol accordingly within the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 83888 (August 20, 2018), 83 FR 42954 (August 24, 2018) (SR–NASDAQ–2018–069) (''Prior Rule Change''). This rule change is immediately effective but will not be operative until such time as the Exchange issues an Options Trader Alert announcing the implementation date. This notification will be issued in Q4 2018. The Exchange notes that this filing renamed the current OTTO protocol as ''QUO'' and also proposed the adoption of a new OTTO protocol.

[4] OTTO is an interface that allows Participants and their Sponsored Customers to connect, send, and receive messages related to orders to and from the Exchange. Features include the following: (1) Options symbol directory messages (*e.g.,* underlying); (2) system event messages (*e.g.,* start of trading hours messages and start of opening); (3) trading action messages (*e.g.,* halts and resumes); (4) execution messages; (5) order messages; and (6) risk protection triggers and cancel notifications. *See* NOM Rules at Chapter VI, Section 21(a)(i)(C).

[5] QUO is an interface that allows NOM Market Makers to connect, send, and receive messages related to single-sided orders to and from the Exchange. Order Features include the following: (1) Options symbol directory messages (*e.g.,* underlying); (2) system event messages (*e.g.,* start of trading hours messages and start of opening); (3) trading action messages (*e.g.,* halts and resumes); (4) execution messages; (5) order messages; and (6) risk protection triggers and cancel notifications. Orders submitted by NOM Market Makers over this interface are treated as quotes. *See* NOM Rules at Chapter VI, Section 21(a)(i)(D).

rules where OTTO is specified in the Rulebook. The Prior Rule Change also adopted a new OTTO protocol, which is the same OTTO protocol currently utilized by market participants on Nasdaq ISE, LLC (''ISE'') today.[6] The proposal introduces the new OTTO protocol within NOM rules.

Detection of Loss of Communication

Chapter VI, Section 6(e), ''Detection of Loss of Communication'' describes the impact to NOM protocols in the event of a loss of a communication. The Exchange identifies the various protocols available on NOM within this rule. The Exchange proposes several amendments.

First, the Exchange proposes to replace references to the term ''Participant'' with ''NOM Market Maker'' within the current rule text where the protocol is only available to NOM Market Makers.[7] This new text will add greater specificity to the rule.

Second, the Exchange proposes to add the term ''QUO'' to Chapter VI, Section 6(e)(i)(A) which defines a ''Heartbeat'' to account for the renamed current OTTO protocol within the list. The existing reference to current OTTO would remain and such reference would now refer to the new OTTO protocol. No changes are necessary to the text because the operation of the two protocols are the same for purposes of this specific rule text.

Third, the Exchange notes that current OTTO is accounted for within NOM Rules at Chapter VI, Section 6(e). Specifically, Section 6(e)(iii) and current Section 6(e)(vi), which is proposed to be renumbered as Section 6(e)(viii), currently describe the current OTTO protocol. The Exchange is not amending this language because this language would be the same for the new OTTO protocol. To avoid confusion in marking the text, the Exchange proposes to allow this text to remain and simply replicate the text for the renamed QUO protocol. No changes are necessary to the existing OTTO text because the operation of the two protocols, as it relates to this specific text, is the same. The standards for disconnecting current OTTO, renamed ''QUO'' and new OTTO are identical. The Exchange therefore proposes a new Chapter VI, Section 6(e)(i)(D) to define QUO as the Exchange's System component through which NOM Market Makers communicate orders from the Client Application. Because the renamed QUO interface accepts orders submitted by NOM Market Makers, which are treated as quotes for purposes of quoting obligations, this interface is identified as an order entry interface. Chapter VI, Section 6(e)(i)(D), defining Client Application, is being re-lettered to Section 6(e)(i)(E). Also, the Exchange proposes a new Section 6(e)(iv) which provides,

> When the QUO Port detects the loss of communication with a NOM Market Maker's Client Application because the Exchange's server does not receive a Heartbeat message for a certain time period (''nn'' seconds), the Exchange will automatically logoff the NOM Market Maker's affected Client Application and if the NOM Market Maker has elected to have its orders cancelled pursuant to Chapter VI, Section 6(e)(viii) automatically cancel all open orders posted.

The Exchange also proposes to renumber subsequent sections and add a corresponding new section for QUO within Section 6(e)(viii) which provides,

> The default time period (''nn'' seconds) for QUO Ports shall be fifteen (15) seconds for the disconnect and, if elected, the removal of orders. If the NOM Market Maker elects to have its orders removed, in addition to the disconnect, the NOM Market Maker may determine another time period of ''nn'' seconds of no technical connectivity, as required in paragraph (iii) above, to trigger the disconnect and removal of orders and communicate that time to the Exchange. The period of ''nn'' seconds may be modified to a number between one hundred (100) milliseconds and 99,999 milliseconds for QUO Ports prior to each session of connectivity to the Exchange. This feature may be disabled for the removal of orders, however the NOM Market Maker will be disconnected.
>
> (A) If the NOM Market Maker systemically changes the default number of ''nn'' seconds, that new setting shall be in effect throughout the current session of connectivity and will then default back to fifteen seconds. The NOM Market Maker may change the default setting systemically prior to each session of connectivity.
>
> (B) If a time period is communicated to the Exchange by calling Exchange operations, the number of ''nn'' seconds selected by the NOM Market Maker shall persist for each subsequent session of connectivity until the NOM Market Maker either contacts Exchange operations and changes the setting or the NOM Market Maker systemically selects another time period prior to the next session of connectivity.

These sections will refer to the renamed QUO protocol separately from the new OTTO protocol. As noted above, the existing OTTO rule text would refer to the new OTTO and would have the same 15 second default time period as current OTTO, renamed ''QUO.'' The new section for QUO will represent that protocol going forward so that all NOM protocols are represented within the rule.

Fifth, the Exchange proposes to renumber Section 6(e)(vii) to Section 6(e)(ix) and add references to the renamed QUO protocol in this paragraph. The trigger for all protocols is described in this section. The current OTTO reference shall now refer to the new OTTO and renamed QUO is being added so all protocols are accounted for within the text.

Opening and Halt Cross

The Exchange proposes to amend Chapter VI, Section 8, ''Nasdaq Opening and Halt Cross,'' at Section 8(a)(4), ''Eligible Interest,'' to reflect the addition of an order entry protocol. As explained above, the current OTTO was renamed ''QUO'' and a new ''OTTO'' protocol will be added to NOM. The Exchange proposes to add ''OTTO'' to the list of protocols that may submit orders, prior to the Nasdaq Opening Cross designated with a time-in-force of IOC will be rejected and shall not be considered eligible interest. The Exchange proposes to add ''QUO'' to the list of protocols that may submit orders that may be submitted as quotes prior to the Nasdaq Opening Cross, designated with a time-in-force of IOC that will remain in-force through the opening and would be cancelled immediately after the opening. The Exchange also proposes to add the words ''quotes received via'' before SQF to make clear that quotes are submitted into the SQF protocol.

Further, the Exchange proposes to amend Chapter VI, Section 8(a)(6), ''Valid Width National Best Bid or Offer'' or ''Valid Width NBBO'' to add QUO and remove OTTO to the list of protocols that may submit orders or quotes to account for the renaming of the current protocol. Today, the SQF protocol is a quoting protocol used by NOM Market Makers. QUO will permit orders to be entered, which would be treated as quotes for purposes of quoting obligations, which orders would be eligible for the Opening Process provided they are within a specified bid/ask differential as established and published by the Exchange. The new OTTO would be an order entry protocol only and therefore not eligible to be utilized to submit a Valid Width National Best Bid or Offer during the Opening Process.

Data Feeds

The Exchange proposes to amend Chapter VI, Section 19, ''Data Feeds and Trade Information'' to amend ''OTTO DROP'' to ''QUO DROP.'' The same description would apply as this data

[6] *See* Supplementary Material .03(b) to Rule 715.

[7] The Exchange is proposing these changes within Chapter VI, Section 6(e)(i), Section 6(e)(i)(B), current Section 6(e)(iv), Section 6(e)(iv)(A) and Section 6(e)(iv)(B).

feed is simply being renamed. The Exchange notes that the Exchange is not offering a similar data feed for the new OTTO.

Definitions

The Exchange proposes to add three new definitions to Chapter I, Section 1. These definitions are utilized in technical documents issued by the Exchange and will provide an ease of reference for understanding these terms. The Exchange proposes to define account number at Chapter I, Section 1(a)(69) as a number assigned to a Participant. Participants may have more than one account number. The Exchange proposes to define ''badge'' at Chapter I, Section 1(a)(70) as an account number, which may contain letters and/or numbers, assigned to NOM Market Makers. A NOM Market Maker account may be associated with multiple badges. Finally, the Exchange proposes to defined ''mnemonic'' at Chapter I, Section 1(a)(71) as an acronym comprised of letters and/or numbers assigned to Participants. A Participant account may be associated with multiple mnemonics.

Risk Protections

Finally, the Exchange proposes to amend Chapter VI, Section 18 to make various amendments as detailed below.

Order Price Protection

The Exchange proposes to amend the current rule text at Chapter VI, Section 18(a)(1) related to the Order Price Protection rule or ''OPP.'' First the Exchange proposes to add punctuation and OPP at the beginning of that sentence to conform the text to the remainder of the rule.

Second, the Exchange proposes to remove the example within Chapter VI, Section 18(a)(1)(B)(i) which states, ''For example, if the Reference BBO on the offer side is $1.10, an order to buy options for more than $1.65 would be rejected. Similarly, if the Reference BBO on the bid side is $1.10, an order to sell options for less than $0.55 will be rejected.'' The Exchange also proposes to remove the example within Chapter VI, Section 18(a)(1)(B)(ii) which states, ''For example, if the Reference BBO on the offer side is $1.00, an order to buy options for more than $2.00 would be rejected. However, if the Reference BBO of the bid side of an incoming order to sell is less than or equal to $1.00, the OPP limits set forth above will result in all incoming sell orders being accepted regardless of their limit.'' The Exchange notes that while the examples remain accurate, the Exchange proposes to remove the text to conform the rule text to other risk protections. The Exchange does not believe it is necessary to have these examples within the rule text.

Third, the Exchange proposes to state, with the introduction of ''QUO'' that OPP shall not apply to orders entered through QUO. Today, the Exchange does not offer OPP via current OTTO, which is being renamed ''QUO.''[8] The Exchange proposes to memorialize its current practice within the rule. The Exchange does not offer OPP on current OTTO, renamed ''QUO'' because unlike other market participants, Market Makers have sophisticated infrastructures as compared to other market participants and are able to manage their risk, particularly with respect to quoting, using tools that are not available to other market participants.[9] This would not be a change from the current practice.

Market Order Spread Protection

The Exchange proposes two changes to the Market Order Spread Protection rule at Chapter VI, Section 18(a)(2). First, NOM proposes to add the word ''trading'' before the word ''halt'' Section 18(a)(2) for consistency. In the OPP rule text halts are referred to as ''trading halts.'' This will avoid confusion as to the use of this term.

Second, the Exchange proposes to amend the Market Order Spread Protection Rule in Chapter VI, Section 18(a)(2) to permit NOM to establish different thresholds for one or more series or classes of options, which is the same as Phlx.[10] The Exchange desires, the same as Phlx, to be permitted the flexibility to allow it to determine a threshold suitable for each series or class of option. The Exchange's current rule provides no discretion to permit different thresholds for one or more series or classes of options. By adding this rule text, the Exchange proposes to permit one or more series or classes of options to set a different threshold, which the Exchange would announce via an Options Trader Alert, similar to Phlx. The Exchange desires to conform this protection to Phlx so that it could set the same threshold across affiliated markets. The Phlx Rule Change provided that the $5 threshold is appropriate because it seeks to ensure that the displayed bid and offer are within reasonable ranges and do not represent erroneous prices. Further the Exchange noted that this protection will bolster the normal resilience and market behavior that persistently produces robust reference prices. This feature should create a level of protection that prevents Market Orders from entering the Order Book outside of an acceptable range for the Market Order to execute. The Exchange notes that those goals remain consistent with the Exchange's goals today for this risk feature. The Exchange would establish different thresholds for one or more series or classes of options if it believed that the threshold should differ to retain these goals.

Anti-Internalization

The Exchange proposes to amend Chapter VI, Section 18(c)(1) to make minor changes to capitalize the term ''market maker'' and remove the word ''participant,'' make plural the word ''identifier,'' and change the word ''member'' to ''Participant.'' These changes are intended to conform the language to the remainder of the risk protection rules. Further, the Exchange proposes to replace the phrase ''Exchange account identifier or member firm identifier'' with ''account number or Participant identifier.'' The Exchange defined ''account number'' herein and proposes that definition in place of ''Exchange account identifier.'' Also, for consistency, ''member'' is being replaced with ''Participant'' in this sentence as well.

Automated Removal of Quotes

Finally, the Exchange proposes to amend the title of Chapter VI, Section 18(c)(2) from ''Automated Removal of Quotes'' to ''Quotation Adjustments'' to conform the title across Nasdaq markets.

Implementation

The Exchange proposes to implement the rule changes for QUO and OTTO at the same time that the Exchange announces SR–NASDAQ–2018–069 will be operative.[11] The Exchange proposes to implement the changes for OPP in Q4 of 2018. The Exchange will announce the date of implementation via an Options Traders Alert.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the

[8] See Securities Exchange Act Release No. 64312 (April 20, 2011), 76 FR 23351 (April 26, 2011) (SR–NASDAQ–2011–053). The Exchange noted in the filing that, ''Like the PHLX's OPP, NOM's will be available for Participants' orders, but not for market making.''

[9] QUO, similar to SQF, is subject to the quote protections listed in Chapter VI, Section 18(c).

[10] Securities Exchange Act Release No. 83141 (May 1, 2018), 83 FR 20123 (May 7, 2018) (SR–Phlx–2018–32) (''Phlx Rule Change''). Footnote 11 of this filing provides that Exchange may establish differences other than the referenced threshold for one or more series or classes of options.

[11] *See* note 3 above.

[12] 15 U.S.C. 78f(b).

objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest by adopting new definitions and amending the rule text for Anti-Internalization to conform the rule text to other risk protection rules and utilize a proposed new definition. The Exchange believes that these proposed amendments will add greater transparency to the Exchange's rules.

Detection of Loss of Communication

With respect to the new OTTO protocol which was introduced with the Prior Rule Change, all NOM Participants will be able to utilize this protocol. The Exchange believes that applying the removal functionality specified within NOM Rules at Chapter VI, Section 6(e) for the new OTTO protocol is consistent with the Act because it prevents disruption in the marketplace by protecting market participants. Market participants utilizing new OTTO will have the option to either enable or disable the cancellation feature, thereby offering the same risk protections throughout the market to participants utilizing other protocols. Further, it is appropriate to offer this removal feature as optional to all market participants utilizing new OTTO, because unlike NOM Market Makers who are required to provide quotes in all products in which they are registered, market participants utilizing new OTTO do not bear the same magnitude of risk of potential erroneous or unintended executions. In addition, market participants utilizing new OTTO may desire their orders to remain on the order book despite a technical disconnect, so as not to miss any opportunities for execution of such orders while the OTTO port is disconnected. The Exchange believes that it is consistent with the Act to require other market participants to be disconnected because the Participant is otherwise not connected to the Exchange's System and the Participant simply needs to reconnect to commence submitting and cancelling orders.

Opening and Halt Cross

The Exchange's proposal to reflect QUO, the renamed current OTTO protocol, within Chapter VI at Sections 6(e), 8 and 19 and permit the references to the current OTTO protocol to reflect the new OTTO protocol will account for all the protocols available on NOM within these Rules. Specifically, the Exchange's proposal will make clear that QUO will be available to NOM Market Makers and would be considered eligible interest during the Opening Process and which types of orders are eligible as Valid Width Quotes. Finally, the features available for disconnects and the availability of QUO DROP are being specified in this proposal. The Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest because current OTTO is simply being renamed ''QUO.'' Renaming this protocol with its rules will make clear how QUO orders may be entered and cancelled by the System and avoid confusion for investors. With respect to the Opening Process described in NOM Rules at Chapter VI, Section 8, the Exchange's proposal to replace ''OTTO'' with ''QUO'' reflects the name change. Only quotes and in this case orders, which are treated as quotes for quoting obligations, may qualify for a Valid Width National Best Bid or Offer during the Opening Process. Also, adding QUO to the list of Eligible Interest brings greater clarity to market participants regarding the changes to the NOM protocols. The current OTTO references will reflect the new OTTO protocol with these changes. Finally, the change to Chapter VI, Section 19(b) simply accounts for the name change. The Exchange is not amending the proposed ''QUO DROP'' functionality.

Risk Protections

With respect to not offering OPP for QUO, the Exchange believes it is consistent with the Act because unlike other market participants, Market Makers have sophisticated infrastructures as compared to other market participants and are able to manage their risk, particularly with respect to quoting, using tools that are not available to other market participants. Also, QUO is subject to the quote protections listed in Chapter VI, Section 18(c). Market Makers handle a large amount of risk when quoting and in addition to the risk protections required by the Exchange and utilize their own risk management parameters when entering orders, minimizing the likelihood of error. The Exchange believes that Market Makers, unlike other market participants, have the ability to manage their risk and are being offered two protocols to quote.

The Exchange's proposal to expand the Market Order Spread Protection permits the Exchange to establish different thresholds for one or more series or classes of options which is the same as Phlx. The Exchange desires this flexibility to allow it, the same as Phlx,[14] to determine a threshold suitable for each series or class of option. The Exchange believes that expanding this capability is consistent with the Act because it would allow the Exchange to consider thresholds for Market Order Spread Protection at a more granular level, per series or class, to ensure that the displayed bid and offer are within reasonable ranges and do not represent erroneous prices. The Exchange intends that this risk protection would bolster the normal resilience and market behavior that persistently produces robust reference prices, while creating a level of protection that prevents Market Orders from entering the Order Book outside of an acceptable range for the Market Order to execute.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal to adopt new definitions and amend the rule text for Anti-Internalization to conform the rule text to other risk protection rules and utilize a proposed new definition does not impose an undue burden on competition because the proposal brings transparency to the Exchange's rules.

The Exchange's proposal to add references to renamed QUO to Chapter VI, Sections 6(e), 8 and 19 will clarify the name change of the current OTTO protocol to renamed ''QUO'' and will also make clear that QUO is available only to NOM Market Makers. The Exchange's proposal to introduce the new OTTO protocol for purposes of the detection of loss of communication functionality does not impose an undue burden on competition because all market participants will be permitted to utilize OTTO to submit orders during the opening and will also be able to avail themselves of the protections offered by a loss of communication, similar to other protocols.

Finally, no Market Maker would receive OPP protection, however all Market Makers would receive the quote protections listed in Chapter VI, Section 18(c). The Exchange believes that unlike other market participants, Market Makers have sophisticated infrastructures as compared to other market participants and are able to manage their risk, particularly with respect to quoting, using tools that are

[13] 15 U.S.C. 78f(b)(5).

[14] *See* note 10 above.

not available to other market participants.

The Exchange's proposal to expand the Market Order Spread Protection to permit the Exchange to establish different thresholds for one or more series or classes of options, the same as Phlx, would apply uniformly to all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6) thereunder.[16]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [17] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [18] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange believes that waiver of the operative delay would allow the Exchange to update its rules without delay to reflect the proposed amendments with respect to QUO and OTTO at the same time as it proposes to implement the new OTTO functionality, and bring greater transparency to the Exchange's risk protections. Additionally, the Commission notes that the changes relating to the OTTO protocol and risk protections are based on the operation of similar functionality on Nasdaq ISE and Phlx, respectively. Therefore, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2018–085 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2018–085. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2018–085, and should be submitted on or before December 7, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

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BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84565; File No. SR–ODD–2018–01]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Granting Approval of Accelerated Delivery of Supplement to the Options Disclosure Document Reflecting the Inclusion of Disclosure Regarding Foreign Currency Index Options and Implied Volatility Index Options, Certain Contract Adjustment Disclosures, and T+2 Settlement

November 9, 2018.

On October 24, 2018, the Options Clearing Corporation (''OCC'') submitted to the Securities and Exchange Commission (''Commission''), pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (''Act''),[1] five preliminary copies of a supplement to amend the options disclosure document (''ODD'') to include disclosure regarding foreign currency index options and implied volatility index options, certain contract adjustment disclosures, and T+2 settlement (''October 2018 Supplement'').[2] On October 25, 2018,

[1] 17 CFR 240.9b–1.

[2] *See* email from Marcie Pomper, Corporate Assistant, OCC, to Sharon Lawson and David Michehl, Division of Trading and Markets (''Division''), Commission, dated October 24, 2018.

the Commission received from the OCC five definitive copies of the October 2018 Supplement.[3]

The October 2018 Supplement consists of three parts. Part I addresses foreign currency index options and implied volatility index options. It amends and restates the April 2015 Supplement[4] in its entirety and includes additional changes to take into account a recently approved proposed rule change allowing the listing of a new implied volatility index option.[5] The April 2015 Supplement was never distributed to options customers. The OCC issued an information memo on May 22, 2015[6] to inform its clearing members and investors that the April 2015 Supplement would be amended and replaced in its entirety in order to accommodate other implied volatility index options proposed for trading by a different participant options exchange. Part I of the October 2018 Supplement serves as that replacement. Part II of the October 2018 Supplement addresses additional contract adjustment disclosures. Part III of the October 2018 Supplement provides for the change in settlement from T+3 to T+2.

The October 2018 Supplement accommodates the introduction of options on foreign currency indexes and implied volatility options whose exercise settlement value is calculated differently than that of existing implied volatility options.

Currently, the ODD states that indexes that may underlie options include stock indexes, variability indexes, strategy-based indexes, dividend indexes, and relative performance indexes. In April 2013, the Commission approved a proposed rule change by the International Securities Exchange, LLC (''ISE'') to list options on the Dow Jones FXCM Dollar Index.[7] The October 2018 Supplement amends disclosures in the ODD to add foreign currency indexes as a type of index that can underlie an option, in order to accommodate the trading of options on the Dow Jones FXCM Dollar Index and similarly structured foreign currency indexes.[8] Specifically, the October 2018 Supplement adds new disclosure regarding the characteristics of foreign currency index options and their special risks. In addition, the supplement adds an example of the calculation of a foreign currency index. The supplement also amends disclosures in the ODD to accommodate the fact that components of foreign currency indexes are foreign currencies rather than securities (*e.g.,* by referring to ''components'' of an index rather than ''constituent securities'' of an index).

The ODD currently contains general disclosures on the characteristics and risks of trading standardized options on variability indexes. The ODD states that variability indexes are indexes intended to measure the implied volatility, or the realized variance or volatility, of specified stock indexes or specified securities. In January 2014, the Commission approved a proposed rule change by the ISE to list options on the Nations VolDex Index.[9] In October 2018, the Commission approved a proposed rule change by the Miami International Securities Exchange, LLC to list options on the SPIKES Index.[10]

The October 2018 Supplement amends disclosures in the ODD regarding implied volatility index options to accommodate the listing of options on the Nations VolDex Index, the SPIKES Index and other similarly structured implied volatility indexes.[11] Specifically, the October 2018 Supplement amends the discussion of implied volatility index options by including disclosure regarding exercise settlement value calculations that use the mid-point of the bid and offer of the index components or actual trade prices and the risks of the different calculation methodologies. The supplement also provides disclosure regarding the types of options that can be used to calculate implied volatility indexes (*i.e.,* out-of-the-money option series and hypothetical at-the-money option series; options with certain expiration months or weeks; number of days the options have until expiration).

The October 2018 Supplement also amends the ODD to reflect that adjustments to some of the terms of options contracts, to account for certain events, such as certain dividend distributions or other corporate actions that affect the underlying security or other underlying interest, will be made by the OCC rather than an adjustment panel of the Securities Committee.[12] Adjustment determinations were previously made by adjustment panels that consisted of two representatives of each U.S. options market on which a series is traded and one representative of the OCC, who voted only to break a tie. Determinations as to whether to adjust outstanding options in response to a particular event, and, if so, in what manner, are now made solely by the OCC taking into consideration policies established by representatives of each of the U.S. options markets on which the effected option trades and a representative of OCC. Panels, however, consisting of representatives of each of the U.S. options markets on which the affected series of options is traded and one representative of the OCC retain their function and authority under other provisions of the OCC's rules to fix exercise settlement amounts and cash settlement amounts in certain circumstances. The Supplement amends references to these panels, eliminating potential confusion with the Securities Committee, which will continue to determine the appropriateness of adopting prospective policy changes or clarifications. The October 2018 Supplement includes additional clarification and examples regarding how certain adjustments may affect an option's value and deletes certain obsolete language.

Finally, the October 2018 Supplement makes changes necessary to reflect that the regular exercise settlement date for physical delivery stock options has moved from the third business date following exercise (T+3) to the second business date following exercise (T+2).

The October 2018 Supplement is intended to be read in conjunction with the more general ODD, which discusses the characteristics and risks of options generally.[13]

[3] *See* letter from Karen Bilek, Vice President and Counsel, OCC, to Sharon Lawson, Senior Special Counsel, Division, Commission, dated October 24, 2018. The October 2018 Supplement also makes certain technical non-substantive amendments to the ODD.

[4] *https://www.sec.gov/rules/sro/occ/occarchive/occarchive2015.shtml#odd.*

[5] *See infra* note 10.

[6] *See* OCC Information Memo No. 36788 available at *https://www.theocc.com.*

[7] *See* Securities Exchange Act Release No. 69365 (April 11, 2013), 78 FR 23321 (April 18, 2013) (SR–ISE–2013–14).

[8] The October 2018 Supplement is intended to accommodate the trading of options on foreign currency indexes that reflect the value of one currency, often the U.S. dollar, against a basket of foreign currencies. Foreign currency indexes are calculated using exchange rates.

[9] *See* Securities Exchange Act Release No. 71365 (January 22, 2014), 79 FR 4512 (January 28, 2014) (SR–ISE–2013–42).

[10] *See* Securities Exchange Act Release No. 84417 (October 12, 2018), 83 FR 52865 (October 18, 2018) (SR–MIAX–2018–14).

[11] The exercise settlement value for the Nations VolDex Index is calculated using the mid-point of the NBBO for the component options of the index while the SPIKES Index uses a ''price dragging'' technique when determining the ongoing price for each individual option used in the calculation of the index. Most other index settlement values are calculated using transaction prices of the index components.

[12] *See* Securities Exchange Act Release No. 69977 (July 11, 2013), 78 FR 42815 (July 17, 2013) (SR–OCC–2013–05).

[13] The Commission notes that the options markets must continue to ensure that the ODD is in compliance with the requirements of Rule 9b–1(b)(2)(i) under the Act, 17 CFR 240.9b–1(b)(2)(i), including when changes regarding foreign currency index options and implied volatility index options

Continued

Rule 9b–1(b)(2)(i) under the Act [14] provides that an options market must file five copies of an amendment or supplement to the ODD with the Commission at least 30 days prior to the date definitive copies are furnished to customers, unless the Commission determines otherwise, having due regard to the adequacy of the information disclosed and the public interest and protection of investors.[15] In addition, five copies of the definitive ODD, as amended or supplemented, must be filed with the Commission not later than the date the amendment or supplement, or the amended ODD, is furnished to customers. The Commission has reviewed the October 2018 Supplement, and the amendments to the ODD contained therein, and finds that, having due regard to the adequacy of the information disclosed and the public interest and protection of investors, the supplement may be furnished to customers as of the date of this order.

It is therefore ordered, pursuant to Rule 9b–1 under the Act,[16] that definitive copies of the October 2018 Supplement to the ODD (SR–ODD–2018–01), reflecting the inclusion of disclosure regarding foreign currency index options and implied volatility index options, certain contract adjustment disclosures, and T+2 settlement, may be furnished to customers as of the date of this order.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

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BILLING CODE 8011–01–P

are made in the future. Any future changes to the rules of the options markets concerning foreign currency index options and implied volatility index options would need to be submitted to the Commission under Section 19(b) of the Act. 15 U.S.C. 78s(b).

[14] 17 CFR 240.9b–1(b)(2)(i).

[15] This provision permits the Commission to shorten or lengthen the period of time which must elapse before definitive copies may be furnished to customers.

[16] 17 CFR 240.9b–1.

[17] 17 CFR 200.30–3(a)(39).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84561; File No. SR–CFE–2018–003]

Self-Regulatory Organizations; Cboe Futures Exchange, LLC; Notice of a Filing of a Proposed Rule Change Regarding Block Trade and Exchange of Contract for Related Position Reporting Provisions

November 9, 2018.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on November 2, 2018 Cboe Futures Exchange, LLC (''CFE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by CFE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. CFE also has filed this proposed rule change with the Commodity Futures Trading Commission (''CFTC''). CFE filed a written certification with the CFTC under Section 5c(c) of the Commodity Exchange Act (''CEA'') [2] on November 2, 2018.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

The Exchange proposes to amend reporting provisions under CFE Rules 414, 415, and 714 relating to Block Trades and Exchange of Contract for Related Position (''ECRP'') transactions. The scope of this filing is limited solely to the application of the proposed rule amendments to security futures that may be traded on CFE. Although no security futures are currently listed for trading on CFE, CFE may list security futures for trading in the future. The text of the proposed rule change is attached as Exhibit 4 to the filing but is not attached to the publication of this notice.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CFE 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. CFE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change revises the criteria for who can act as an Authorized Reporter for Exchange of Contract for Related Position (''ECRP'') transactions and Block Trades and to allow for the assessment of summary fines for violations of two comparable ECRP and Block Trade reporting provisions.

The first two changes provided for in the proposed rule change relate to who can act as an Authorized Reporter for ECRP transactions and Block Trades. CFE Rule 414 (Exchange of Contract for Related Position) governs ECRP transactions and CFE Rule 415 (Block Trades) governs Block Trades. Rule 414(i) and Rule 415(f) provide that each CFE Trading Privilege Holder (''TPH'') executing an ECRP transaction or Block Trade, as applicable, must have at least one designated individual that is either a TPH or a Related Party [3] of a TPH and that is pre-authorized by a Clearing Member to report ECRP transactions and Block Trades on behalf of the TPH. An individual designated for this purpose is referred to as an Authorized Reporter. CFE is proposing to amend Rule 414(i) and Rule 415(f) to remove the requirement that an Authorized Reporter must be a TPH or a Related Party of a TPH. CFE is also proposing to amend Rule 414(i) and Rule 415(f) to make clear that, to the extent required by applicable law, an Authorized Reporter must be registered or otherwise permitted by the appropriate regulatory body or bodies to act in the capacity of an Authorized Reporter and to conduct related activities.

CFE understands from TPHs that there are service providers that perform reporting functions that are similar to ECRP transaction and Block Trade reporting and that there are TPHs that would like to utilize individuals from these service providers (who are not either a TPH or a Related Party of a TPH) to act as an Authorized Reporter for ECRP transactions and Block Trades

[1] 15 U.S.C. 78s(b)(7).

[2] 7 U.S.C. 7a–2(c).

[3] Chapter 1 of CFE's Rulebook provides that: The term ''Related Party'' means, with respect to any TPH: Any partner, director, officer, branch manager, employee or agent of such TPH (or any Person occupying a similar status or performing similar functions); any Person directly or indirectly Controlling, Controlled by, or under common Control with, such TPH; or any Authorized Trader of such TPH.

involving CFE products. CFE also understands that these TPHs would find it easier to utilize individuals from these service providers to report ECRP transactions and Block Trades, such as because these TPHs already utilize these service providers to perform similar functions in other markets. Additionally, CFE understands that some TPHs that are active market participants find the requirement that an Authorized Reporter must be a TPH or a Related Party of a TPH to be cumbersome because the practical effect of this requirement is that those TPHs are doing their own ECRP transaction and Block Trade reporting. As a result, these TPHs need to take time away from their trading activities in order to go through the administrative steps to complete the reporting process. The proposed rule change will allow these TPHs to outsource this reporting to service providers and to focus on providing liquidity into the market which inures to the benefit of all market participants.

Accordingly, CFE believes that the elimination of the requirement that an Authorized Reporter be a TPH or Related Party of a TPH will improve the efficiency of CFE's reporting mechanism for ECRP transactions and Block Trades and of CFE's market while still maintaining the key elements of the current ECRP transaction and Block Trade reporting provisions under Rule 414 and Rule 415. Among these elements are that an Authorized Reporter for a TPH will still need to be designated to act in that capacity by the TPH and will still need to be pre-authorized by a Clearing Member for the TPH to act in that capacity. In providing a pre-authorization for an Authorized Reporter, a Clearing Member will also still need to accept responsibility for all ECRP transactions and Block Trades reported to the Exchange by that Authorized Reporter on behalf of the applicable TPH. Additionally, Rule 414(i) and Rule 415(f) will continue to provide that both the parties to and Authorized Reporters for an ECRP transaction or Block Trade, as applicable, are obligated to comply with the requirements of Rule 414 and Rule 415, as applicable. Similarly, Rule 414(i) and Rule 415(f) will continue to provide that any of these parties or Authorized Reporters may be held responsible by the Exchange for noncompliance with those requirements.

Additionally, the proposed rule change makes clear that, to the extent required by applicable law, an Authorized Reporter must be registered or otherwise permitted by the appropriate regulatory body or bodies to act in the capacity of an Authorized Reporter and to conduct related activities. For example, an Authorized Reporter may be required to be registered with the CFTC through the National Futures Association as an Introducing Broker in order to act as an Authorized Reporter and to conduct related activities.

In implementing the proposed rule change, CFE will require an Authorized Reporter that is not a TPH or Related Party of a TPH to execute the form used to designate that party as an Authorized Reporter. CFE will also require the Authorized Reporter to agree in the form to abide by CFE rules applicable to Block Trades and ECRPs, to be subject to the jurisdiction of the Exchange with respect to compliance with those provisions, and to acknowledge in the form that the Authorized Reporter must be registered or otherwise permitted by the appropriate regulatory body or bodies to act in the capacity of an Authorized Reporter and to conduct related activities if and to the extent required by applicable law.

The second two changes provided for in the proposed rule change revise CFE Rule 714 (Imposition of Fines for Minor Rule Violations) to include violations of Rule 414(j) and Rule 415(g) within the list of minor rule violations for which the Exchange may impose summary fines. Rule 414(j) and Rule 415(g) provide that each party to an ECRP transaction or Block Trade, as applicable, is obligated to have an Authorized Reporter notify the Exchange of the terms of the transaction after the transaction is agreed upon and that this notification must be made within a Permissible Reporting Period by no later than the Reporting Deadline (as further defined by Rule 414 and Rule 415, as applicable). Rule 714(f)(x) already provides for a summary fine schedule for violations of two other provisions of Rule 414 with reporting requirements applicable to ECRP transactions, and the proposed rule change makes this summary fine schedule also applicable to violations of Rule 414(j). Similarly, Rule 714(f)(xiv) already provides for a summary fine schedule for violations of two other provisions of Rule 415 with reporting requirements applicable to Block Trades, and the proposed rule change makes this summary fine schedule also applicable to violations of Rule 415(g).

The Exchange believes that the proposed rule change will benefit CFE market participants by allowing TPHs to focus on trading and providing liquidity to CFE's market by allowing them to utilize third party service providers to perform the administrative functions of reporting Block Trades and ECRPs. This reporting process involves logging into a portal to CFE's systems, inputting information, and providing to or receiving from the other party a reference ID. Allowing TPHs to focus on trading and providing liquidity in turn inures to the benefit of CFE's market. Additionally, including violations of additional Block Trade and ECRP reporting requirements under CFE's minor rule violation rule is consistent with the current inclusion of similar Block Trade and ECRP reporting requirements under the rule and improves the efficiency of CFE's disciplinary process.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Sections 6(b)(1),[5] 6(b)(5),[6] and 6(b)(7)[7] in particular, in that it is designed:

- To enable the Exchange to enforce compliance by its TPHs and persons associated with its TPHs with the provisions of the rules of the Exchange,
- to prevent fraudulent and manipulative acts and practices,
- to promote just and equitable principles of trade,
- to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest, and
- to provide a fair procedure for the disciplining of TPHs and persons associated with TPHs.

The Exchange believes that the proposed rule change will improve the efficiency and functioning of the reporting mechanism for ECRP transactions and Block Trades and thus CFE's market by providing TPHs with greater flexibility as to who can act as an Authorized Reporter for these transactions. Also, CFE believes that the application of summary fine schedules for violations of Rule 414(j) and Rule 415(g) will provide motivation and incentive for TPHs and Authorized Reporters to comply with the ECRP transaction and Block Trade reporting requirements under those provisions in order to avoid summary fines and provides an effective and efficient means of disciplining for reporting infractions that do not warrant a regular disciplinary proceeding.

[4] 15 U.S.C. 78f(b).
[5] 15 U.S.C. 78f(b)(1).
[6] 15 U.S.C. 78f(b)(5).
[7] 15 U.S.C. 78f(b)(7).

B. Self-Regulatory Organization's Statement on Burden on Competition

CFE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, in that the proposed rule change will improve the efficiency and functioning of the reporting mechanism for ECRP transactions and Block Trades and thus CFE's market. The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory in that the rule amendments included in the proposed rule change would apply equally to all CFE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change will become operative on November 19, 2018. At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[8]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CFE–2018–003 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–CFE–2018–003. 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–CFE–2018–003, and should be submitted on or before December 7, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–24983 Filed 11–15–18; 8:45 am]

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[8] 15 U.S.C. 78s(b)(1).

[9] 17 CFR 200.30–3(a)(73).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84558; File No. SR–CBOE–2018–072]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Modify Its Fee Schedule

November 9, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 6, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to modify its fee schedule.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule to correct an inadvertent oversight to update a reference to a transaction fee in the Clearing Trading Permit Holder Fee Cap table (''Fee Cap Table''). Specifically, on January 2, 2018, the Exchange filed a rule filing, SR–CBOE–2018–001, which proposed, among other things, to increase the rate for AIM Facilitation and Solicitation Contra Orders from $0.05 per contract to $0.07 per contract, effective January 2, 2018.[3] The Exchange notes that

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On January 19, 2018, the Exchange withdrew SR–CBOE–2018–001 and submitted SR–CBOE–2018–007, which filing also proposed to increase the contra rates from $0.05 per contract to $0.07 per contract, effective January 2, 2018. *See* Securities Exchange Act Release No. 82553 (January 19, 2018),

although it reflected the rate increase in the rate tables, it mistakenly failed to update the rate referenced under the Fee Cap Table, which table includes line items for, among other things, AIM Facilitation and Solicitation Contra Orders. Accordingly, the Exchange proposes to update the AIM Contra Order rates in the Fee Cap Table from $0.05 per contract to $0.07 per contract. No substantive changes are being made by the proposed rule change.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes the proposed rule change to update an inaccurate rate under the Fee Cap Table will alleviate potential confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system and protecting investors and the public interest. As noted above, the proposed filing does not substantively change any transaction fees, but merely corrects an inadvertent oversight from a previous rule filing.

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 rule change does not address competitive issues, but rather, as discussed above, is merely intended to correct an inadvertent marking omission relating to a rate change made in a previous rule filing, which will alleviate potential confusion.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and paragraph (f) of Rule 19b–4[7] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2018–072 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2018–072. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2018–072 and should be submitted on or before December 7, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–24980 Filed 11–15–18; 8:45 am]

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83 FR 3834 (January 26, 2018) (SR–CBOE–2018–007).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84566; File No. SR–NYSE–2018–55]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Listed Company Manual To Clarify the Application of the Initial Listing Requirements to Common Equity Securities Issued in Exchange for a Listed Equity Investment Tracking Stock

November 9, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on November 2, 2018, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Listed Company Manual (the ''Manual'') to clarify the application of the initial listing requirements to common equity securities issued in exchange for a listed Equity Investment Tracking Stock. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 102.07 of the Manual sets forth initial listing requirements applicable to the listing of Equity Investment Tracking Stocks. An Equity Investment Tracking Stock is defined as a class of common equity securities that tracks on an unleveraged basis the performance of an investment by the issuer in the common equity securities of a single other company listed on the Exchange. An Equity Investment Tracking Stock may track multiple classes of common equity securities of a single issuer, so long as all of those classes have identical economic rights and at least one of those classes is listed on the Exchange.[4]

The issuer of an Equity Investment Tracking Stock may seek (by a shareholder vote, exchange offer or other legally permissible means) to exchange outstanding shares of the Equity Investment Tracking Stock for newly issued shares of a non-tracking stock class of common equity securities pursuant to a specified exchange ratio. The common stock issued in this exchange may be of an already listed class or it may consist of shares of a class that is not currently listed on the Exchange. However, the initial listing standards for common stock set forth in Section 102.01 of the Manual do not currently specify the listing standards applicable to a newly listed class of common stock issued in exchange for an Equity Investment Tracking Stock. Therefore, the Exchange proposes to amend Section 102.01 to clarify how the new class of common stock will be listed in such circumstances.

In light of the fact that there is a predecessor security listed on the NYSE, the Exchange believes that the listing of a common stock in exchange for shares of a listed Equity Investment Tracking Stock is more similar to a listing upon transfer from another exchange than it is to an initial public offering. Specifically, such an exchange is comparable to a transfer in that in both cases the Exchange is able to rely on the existence of both historical trading information and a liquid public trading market in making its listing determination. As such the Exchange proposes to apply to such listings the initial listing standards applicable to transfers. The Exchange notes that the initial listing standards for transfers and quotations are at least as high as those for IPOs and are more stringent in certain respects.

The Exchange proposes to amend Section 102.01A of the Manual to specify that such common equity securities listed upon consummation of an exchange for a listed Equity Investment Tracking Stock will be subject to the distribution requirements set forth in that rule for transfer and quotation listings. Section 102.01A provides that a company listing in connection with a transfer or quotation listing must have at least 1.1 million publicly held shares[5] and meet one of the following additional distribution requirements:

- 400 shareholders of round lots (*i.e.,* at least 100 shares); or
- 2,200 total stockholders together with an average monthly trading volume of at least 100,000 shares over the most recent six months; or
- 500 total shareholders together with an average monthly trading volume of at least 1,000,000 shares over the most recent 12 months.

Section 102.01B of the Manual requires companies listing upon transfer from another exchange to demonstrate that they have $100 million in market value of publicly held shares and a closing share price of $4.00 per share.[6] In applying these requirements to the listing of a new class of common stock in exchange for an Equity Investment Tracking Stock, the Exchange proposes to permit issuers to demonstrate their compliance by reference to the trading price and publicly-held shares outstanding of the Equity Investment Tracking Stock immediately prior to the consummation of the exchange, basing those calculations on the exchange ratio between the two securities.[7] The Exchange believes this approach is justified, as the market price for the Equity Investment Tracking Stocking immediately prior to the consummation of the exchange will reflect the market's anticipation of the value of the common stock into which it will be exchanged.

Any company listing its primary class of common stock on the Exchange must meet one of the two financial tests in Section 102.01C of the Manual, the Earnings Test or the Global Market Capitalization Test. As the Earnings Test is based solely on the issuer's historical financial statements, there are no issues specific to issuers engaged in these sorts of exchanges of Equity Investment Tracking Stocks for common stock. However, the Global Market Capitalization Test requires the issuer to demonstrate that it has $200 million in global market capitalization. In meeting this test, the Exchange proposes to permit issuers to demonstrate their

[4] In order for an Equity Investment Tracking Stock to qualify for initial listing, it must meet the requirements of Sections 102.01A and 102.01B of the Manual and the issuer of the Equity Investment Tracking Stock must meet the Global Market Capitalization Test set forth in Section 102.01C. The Exchange will not list an Equity Investment Tracking Stock if, at the time of the proposed listing, the issuer of the equity tracked by the Equity Investment Tracking Stock has been deemed below compliance with the Exchange's listing standards. The issuer of the Equity Investment Tracking Stock must own (directly or indirectly) at least 50% of both the economic interest and voting power of all of the outstanding classes of common equity securities of the issuer whose equity is tracked by the Equity Investment Tracking Stock.

[5] Shares held by directors, officers, or their immediate families and other concentrated holding of 10 percent or more are excluded in calculating the number of publicly-held shares wherever that term is used throughout this proposal.

[6] Companies listing in connection with an IPO are required to have $40 million in market value of publicly held shares.

[7] In making listing qualification determinations, the Exchange will rely generally on information with respect to a company's shares outstanding, publicly-held shares and the exchange ratio as most recently disclosed in an SEC filing, but reserves the right to adjust those numbers if there have been significant changes in those numbers since the most recent SEC disclosure.

compliance by reference to the trading price and shares outstanding of the Equity Investment Tracking Stock prior to the consummation of the exchange, basing those calculations on the exchange ratio between the two securities.[8] The Exchange believes this approach is justified for the same reasons set forth above with respect to the stock price and publicly-held shares requirements.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Exchange Act,[10] 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. The proposal to apply the same initial listing standards to the listing of a new common stock issued in exchange for an Equity Investment Tracking Stock as are applied to transfers and quotation listings is designed to protect investors and the public interest because the applicable standards are the most stringent standards applied to the listing of common equities on the Exchange. The proposal to use the trading price and shares outstanding of the Equity Investment Tracking Stock immediately prior to the exchange, as adjusted by the exchange ratio, in conducting its initial listing analysis will provide the Exchange with relevant information about the characteristics of the trading market for the issuer's securities which will be predictive of the market for the common stock into which the Equity Investment Tracking Stock will be exchanged. As such, this information will be helpful to the Exchange in making its initial listing determination.

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 sole purpose of the proposal is to clarify the application of the initial listing requirements to common equity securities issued in exchange for a listed Equity Investment Tracking Stock. As such, the Exchange does not believe the proposal imposes any burden on competition.

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[11] and Rule 19b–4(f)(6) thereunder.[12] 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)[13] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2018–55 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2018–55. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2018–55, and should be submitted on or before December 7, 2018.

[8] Section 102.01C provides, that, in considering the listing under the Global Market Capitalization Test of current publicly-traded companies, the Exchange will require such companies to meet the minimum $200 million global market capitalization requirement and maintain a closing price of at least $4 per share in each case for a period of at least 90 consecutive trading days prior to receipt of clearance to make application to list on the Exchange and will also consider whether the company's business prospects and operating results indicate that the company's market capitalization value is likely to be sustained or increase over time. The proposed rule text clarifies that these requirements will be applicable to the listing of a common stock issued in exchange for an Equity Investment Tracking Stock.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6).

[13] 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–24984 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–10573; 34–84574; File No. 265–28]

Investor Advisory Committee Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting of Securities and Exchange Commission Dodd-Frank Investor Advisory Committee.

SUMMARY: The Securities and Exchange Commission Investor Advisory Committee, established pursuant to Section 911 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, is providing notice that it will hold a public meeting. The public is invited to submit written statements to the Committee.

DATES: The meeting will be held on Thursday, December 13, 2018 from 9:00 a.m. until 3:00 p.m. (ET). Written statements should be received on or before December 13, 2018.

ADDRESSES: The meeting will be held in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE, Washington, DC 20549. The meeting will be webcast on the Commission's website at *www.sec.gov.* Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rules-comments@sec.gov.* Please include File No. 265–28 on the subject line; or

Paper Statements

- Send paper statements to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. 265–28. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method.

Statements also will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Room 1503, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements 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.

FOR FURTHER INFORMATION CONTACT: Marc Oorloff Sharma, Chief Counsel, Office of the Investor Advocate, at (202) 551–3302, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public, except during that portion of the meeting reserved for an administrative work session during lunch. Persons needing special accommodations to take part because of a disability should notify the contact person listed in the section above entitled **FOR FURTHER INFORMATION CONTACT**.

The agenda for the meeting includes: Welcome remarks; a discussion regarding disclosures on human capital (which may include a recommendation from the Investor as Owner subcommittee); a discussion regarding disclosures on sustainability and environmental, social, and governance (ESG) topics; a discussion regarding unpaid arbitration awards; subcommittee reports; and a nonpublic administrative work session during lunch.

Dated: November 9, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–25019 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84568; File No. SR–ISE–2018–92]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend General 8 of the Exchange's Rules

November 9, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 29, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend General 8 of the Exchange's Rules, as described below.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend General 8 of its Rules, which govern the provision by the Exchange of colocation, connectivity, and direct connectivity services and related products, and which set forth the fees that the Exchange charges for those products and services, to: (1) Clarify that all of the products and services set forth in General 8 are shared among the Nasdaq Inc. affiliated exchanges—The Nasdaq Stock Market LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, and Nasdaq GEMX, LLC (collectively, the ''Nasdaq, Inc. Exchanges'')—meaning that a firm need only purchase these products and services once to be able to use them to connect to all of the Nasdaq, Inc. Exchanges to which the firm is otherwise entitled to connect, and to receive the third party services and market data feeds that it is otherwise entitled to receive; and (2) make other

non-substantive changes that will further the objective of harmonizing General 8 with parallel rules that exist among the other Nasdaq, Inc. Exchanges.[3]

The Nasdaq, Inc. Exchanges offer colocation, connectivity, and direct connectivity services and related products to their customers on a shared basis, meaning that a customer may utilize these products and services to gain access to any or all of the Nasdaq, Inc. Exchanges to which they are otherwise entitled to receive access under the Rules. The Nasdaq, Inc. Exchanges only charge customers once for these shared products and services, even to the extent that customers use the products and services to connect to more than one of the Nasdaq, Inc. Exchanges. For example, a firm that is a member or member organization, as applicable, of all six Nasdaq, Inc. Exchanges, and which co-locates its servers in the Nasdaq Data Center by purchasing a 10 GB fiber connection, cabinet space, cooling fans, and patch cables, only needs to purchase these products and services once to use them to connect to all six Nasdaq, Inc. Exchanges.

Likewise, the Rules were intended to provide for connectivity to third-party services and market data feeds on a shared basis, meaning that a firm need only purchase a subscription to these services once, regardless of whether the firm is a member or member organization, as applicable, of multiple Nasdaq, Inc. Exchanges.

Historically, the Exchange has billed customers on a shared basis for all of the products and services currently set forth in General 8. Presently, however, only certain provisions of General 8 state this fact expressly. That is, provisions in General 8 pertaining to connectivity to the Exchange, direct circuit connectivity to the Exchange, and point-of-presence connectivity to the Exchange, each state that they include connectivity to the other markets of the Nasdaq, Inc. Exchanges. However, other provisions in General 8—such as cabinets, cabinet power, fiber and wireless connectivity to market data feeds, and fiber and wireless connectivity to third party services—do not contain such language.

Notwithstanding the absence of express language in these provisions of General 8, the Exchange believes that it is or should be apparent that a firm need only pay once to purchase products and services—like server cabinets, power supplies, and cables—that the firm will use to connect to multiple Nasdaq, Inc. Exchanges or to connect to third party services or market data feeds. Indeed, the Exchange is aware of no actual customer confusion on this issue. Nevertheless, the Exchange believes that the existing Rules would benefit from clarification so as to avoid the potential for any confusion in the future.

Accordingly, the Exchange proposes to amend General 8 by doing the following: (1) Deleting the existing selective references therein to shared connectivity services; and (2) replacing selective references with the following language, which will serve as a general preface to General 8:

> The connectivity products and services that this Rule describes are shared among all of the Nasdaq, Inc. exchanges (The Nasdaq Stock Market, LLC, Nasdaq BX, Inc., Nasdaq PHLX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, and Nasdaq GEMX, LLC). Fees for these products and services are also the same among all of the Nasdaq, Inc. exchanges. As such, a firm need only purchase the products and services listed below from any Nasdaq, Inc. exchange once to connect to any and all of the Nasdaq, Inc. exchanges to which it is otherwise entitled to connect, or to connect to third party market data feeds or services. For example, if a firm purchases connectivity to one Nasdaq, Inc. exchange and then subsequently qualifies to connect to a second Nasdaq, Inc. exchange, then the firm may utilize its existing services for connecting to the first exchange to also connect to the second exchange, without incurring an additional charge.

This preface will clarify that all products and services set forth in General 8 are offered on a shared basis and that a firm need only purchase them once from any of the Nasdaq, Inc. Exchanges.

In addition to adding this preface, the Exchange also proposes several other non-substantive amendments to General 8 to correct technical errors and to harmonize it with parallel provisions set forth in the rules of the other Nasdaq, Inc. Exchanges. These changes will reconcile minor, non-substantive differences in the phrasing and placement of text between the Exchange's General 8 and the other Nasdaq, Inc. Exchanges' Sections 8. The amendments will also remove certain references to the name ''Nasdaq'' or replace it with general references to ''the Exchange.'' Finally, the amendments will amend General 8, Section 1(b), which provides for discounted pricing for having multiple millimeter or microwave wireless subscriptions, to state that such pricing applies to subscriptions under General 8, Section 1(b) ''and/or any other provision of these Rules that provides for such subscriptions, as may exist, from time to time.'' The intended result of the proposed changes—along with similar changes that the other Nasdaq, Inc. Exchanges plan to propose—will be to generalize General 8 and render it completely identical across all six Nasdaq, Inc. Exchanges. (The Exchange notes that The Nasdaq Stock Market LLC and Nasdaq BX, Inc. offer wireless subscriptions under both General 8, Section 1(b) and Rule 7015/Equity 7, Section 115 of their respective rulebooks.)

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and that it furthers the objectives of Section 6(b)(4) of the Act,[5] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Likewise, the Exchange believes that its proposal is consistent with Section 6(b)(5) of the Act,[6] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that it is equitable for the Exchange and the other Nasdaq, Inc. Exchanges to collectively charge a firm only once for the products and services set forth in General 8 because the same instance of such products and services may be used by the firm to connect to any or all of the Nasdaq, Inc. Exchanges to which it is otherwise entitled to connect. Said otherwise, the Exchange does not believe that it would be fair for the Nasdaq, Inc. Exchanges to each charge separate fees to a firm to, say, rent the same cabinet space in the same data center or to purchase the same wires to connect its servers to the market data feed. Moreover, the practice of charging a firm once for products and services with shared applicability among the Nasdaq, Inc. Exchanges is not unfairly discriminatory because each of the Nasdaq, Inc. Exchanges makes the products and services that are set forth in General 8 of their respective rulebooks available to all similarly situated members at the same prices.

Meanwhile, the Exchange believes that it is just and equitable, and in the interests of the public and investors, for the Exchange to amend General 8 to

[3] The other Nasdaq, Inc. Exchanges plan to file similar proposals in the near future.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78f(b)(5).

clarify the existing practice of the Nasdaq, Inc. Exchanges to charge firms once to purchase shared products and services, and to codify that practice where it is not stated expressly in the Rule. Although the Exchange believes that such codification and clarification of General 8 are not necessary in this instance—given that it should be (and in the Exchange's experience, it is) apparent to firms that each of the Nasdaq, Inc. Exchanges will not charge them more than once to, say, rent the same cabinet space or to purchase the same wires or power supplies—the Exchange believes, nevertheless, that the public and investors will benefit from increased clarity to General 8. Even if the proposal is not needed to dispel any actual confusion about the Rules, it will help to limit any potential confusion in the future.

The Exchange also believes that it is just and equitable, and in the interests of the public and investors, to harmonize the language of General 8 among all six of the Nasdaq, Inc. Exchanges. Given that General 8 in each of the Nasdaq, Inc. Exchanges' rulebooks sets forth the same products, services, and associated fees that are assessed on a shared basis, the language of General 8 should be uniform across these Exchanges to avoid any confusion about unintended disparities. The proposal makes minor, non-substantive changes to accomplish this harmonization, which include removing references that are idiosyncratic to this Exchange and are not common among all of the Nasdaq, Inc. Exchanges.

Lastly, the Exchange believes that its proposals to amend General 8 are non-controversial because they merely codify and clarify the Exchange's existing interpretation of General 8, serve the interests of the public and investors in promoting a more clear and transparent Rulebook that is harmonized with the shared rules of the other Nasdaq, Inc. Exchanges, and because the proposals will not impact competition or limit access to or availability of the Exchange or its systems.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposals merely codify and clarify existing practice of the Nasdaq, Inc. Exchanges to collectively charge a customer only once to connect to any or all of the Nasdaq, Inc. Exchanges of which it is a member and to connect to third party services. The proposals also harmonize Section 8 with corresponding provisions of the rulebooks of the other Nasdaq, Inc. Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. Waiver of the operative delay would allow the Exchange to immediately amend its rules to specify that the products and services set forth in General 8 are shared among the Nasdaq, Inc. Exchanges and to harmonize General 8 with parallel rules of the other Nasdaq, Inc. Exchanges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2018–92 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–ISE–2018–92. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2018–92, and should be submitted on or before December 7, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2018–25028 Filed 11–15–18; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15776 and #15777; NEW JERSEY Disaster Number NJ–00049]

Administrative Declaration of a Disaster for the State of New Jersey

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of New Jersey dated 10/24/2018.

Incident: Severe Storms and Flooding.

Incident Period: 08/11/2018 through 08/13/2018.

DATES: Issued on 10/24/2018.

Physical Loan Application Deadline Date: 12/24/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 07/24/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Ocean, Passaic.

Contiguous Counties:

New Jersey: Atlantic, Bergen, Burlington, Essex, Monmouth, Morris, Sussex.

New York: Orange, Rockland.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	4.000
Homeowners without Credit Available Elsewhere	2.000
Businesses with Credit Available Elsewhere	7.350
Businesses without Credit Available Elsewhere	3.675
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.675
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15776 6 and for economic injury is 15777 0.

The States which received an EIDL Declaration # are New Jersey, New York.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: October 24, 2018.

Linda E. McMahon,

Administrator.

[FR Doc. 2018–25038 Filed 11–15–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15760 and #15761; PENNSYLVANIA Disaster Number PA–00086]

Administrative Declaration of a Disaster for the Commonwealth of Pennsylvania

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Pennsylvania dated 10/23/2018.

Incident: Flooding.

Incident Period: 07/21/2018 through 07/27/2018.

DATES: Issued on 10/23/2018.

Physical Loan Application Deadline Date: 12/24/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 07/23/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Schuylkill

Contiguous Counties:

Pennsylvania: Berks, Carbon, Columbia, Dauphin, Lebanon, Lehigh, Luzerne, Northumberland.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.875
Homeowners without Credit Available Elsewhere	1.938
Businesses with Credit Available Elsewhere	7.220
Businesses without Credit Available Elsewhere	3.610
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.610
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15760 6 and for economic injury is 15761 0.

The State which received an EIDL Declaration # is Pennsylvania.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: October 23, 2018.

Linda E. McMahon,

Administrator.

[FR Doc. 2018–25039 Filed 11–15–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15775; Massachusetts Disaster Number MA–00076]

Declaration of Economic Injury; Administrative Declaration of an Economic Injury Disaster for the Commonwealth of Massachusetts

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the Commonwealth of Massachusetts, dated 10/23/2018.

Incident: Natural Gas Line Explosions.

Incident Period: 09/13/2018.

DATES: Issued on 10/23/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 07/23/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Essex

Contiguous Counties:

Massachusetts: Middlesex, Suffolk.

New Hampshire: Hillsborough, Rockingham.

The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives without Credit Available Elsewhere	3.675
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for economic injury is 157750.

The States which received an EIDL Declaration # are Massachusetts, New Hampshire.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: October 23, 2018.

Linda E. McMahon,

Administrator.

[FR Doc. 2018–25041 Filed 11–15–18; 8:45 am]

BILLING CODE 8025–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2018–0036]

Request for Comments on Negotiating Objectives for a U.S.-United Kingdom Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing.

SUMMARY: On October 16, 2018, the United States Trade Representative notified Congress of the Administration's intention to enter into negotiations with the United Kingdom (UK) for a U.S.-UK Trade Agreement after the UK has exited the European Union on March 29, 2019. The Office of the United States Trade Representative (USTR) is seeking public comments on a proposed U.S.-UK Trade Agreement, including U.S. interests and priorities, in order to develop U.S. negotiating positions. You can provide comments in writing and orally at a public hearing. The Administration's aim in negotiations with the UK is to address both tariff and non-tariff barriers and to achieve free, fair, and reciprocal trade.

DATES: January 15, 2019: Deadline for the submission of written comments and for written notification of your intent to testify, as well as a summary of your testimony at the public hearing. January 29, 2019: The Trade Policy Staff Committee (TPSC) will hold a public hearing beginning at 9:30 a.m., at the main hearing room of the United States International Trade Commission, 500 E Street SW, Washington, DC 20436.

ADDRESSES: You should submit notifications of intent to testify and written comments through the Federal eRulemaking Portal: *https://www.regulations.gov.* Follow the instructions for submitting comments in parts 2 and 3 below. For alternatives to on-line submissions, please contact Yvonne Jamison at (202) 395–3475.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments, please contact Yvonne Jamison at (202) 395–3475. Direct all other questions to Timothy Wedding, Deputy Assistant U.S. Trade Representative for Europe, at (202) 395–6072.

SUPPLEMENTARY INFORMATION:

1. Background

The decision to launch negotiations for a U.S.-UK Trade Agreement is an important step toward achieving free, fair, and reciprocal trade with the UK and was preceded by the establishment of the U.S.-UK Trade and Investment Working Group in July 2017. The Working Group was launched to provide commercial continuity for UK and U.S. businesses, workers, and consumers as the UK leaves the European Union, explore ways to strengthen trade and investment ties, and lay the groundwork for a potential future trade agreement with the UK.

On October 16, 2018, following consultations with relevant Congressional committees, the United States Trade Representative informed Congress that the President intends to commence negotiations with the UK for a U.S.-UK Trade Agreement.

2. Public Comment and Hearing

The TPSC invites interested parties to submit comments and/or oral testimony to assist USTR as it develops negotiating objectives and positions for the agreement, including with regard to objectives identified in section 102 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4201). In particular, the TPSC invites interested parties to comment on issues including, but not limited to, the following:

a. General and product-specific negotiating objectives for the proposed agreement.

b. Relevant barriers to trade in goods and services between the U.S. and the UK that should be addressed in the negotiations.

c. Economic costs and benefits to U.S. producers and consumers of removal or reduction of tariffs and removal or reduction of non-tariff barriers on articles traded with the UK.

d. Treatment of specific goods (described by HTSUS numbers) under the proposed agreement, including comments on:

i. Product-specific import or export interests or barriers.

ii. Experience with particular measures that should be addressed in the negotiations.

iii. Ways to address export priorities and import sensitivities in the context of the proposed agreement.

e. Customs and trade facilitation issues that should be addressed in the negotiations.

f. Sanitary and phytosanitary measures and technical barriers to trade that should be addressed in the negotiations.

g. Other measures or practices that undermine fair market opportunities for U.S. businesses, workers, farmers, and ranchers that should be addressed in the negotiations.

USTR must receive written comments no later than Thursday, January 15, 2019. USTR requests that small businesses, generally defined by the Small Business Administration as firms with fewer than 500 employees, or organizations representing small business members, which submit comments to self-identify as such, so that we may be aware of issues of particular interest to small businesses.

The TPSC will hold a hearing on Thursday, January 29, 2019, in the Main Hearing Room at the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. If necessary, the hearing will continue on the next business day. Persons wishing to testify at the hearing must provide written notification of their intention by January 15, 2019. The intent to testify notification must be made in the 'type comment' field under docket number USTR–2018–0036 on the *www.regulations.gov* website and should include the name, address, and telephone number of the person presenting the testimony. You should attach a summary of the testimony by using the 'upload file' field. The file name also should include who will be presenting the testimony. The TPSC will limit remarks at the hearing to no more than five minutes to allow for possible questions.

3. Requirements for Submissions

In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the *www.regulations.gov* website. Persons submitting a notification of intent to testify and/or written comments must do so in English and must identify (on the first page of the submission) the ''U.S.-UK Trade Agreement.''

To submit comments via *www.regulations.gov,* enter docket number USTR–2018–0036 on the home page and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled 'comment now!' For further information on using the *www.regulations.gov* website, please consult the resources provided on the website by clicking on 'How to Use This Site' on the left side of the home page.

The *www.regulations.gov* website allows users to provide comments by filling in a 'type comment' field, or by attaching a document using an 'upload file' field. USTR prefers that you provide comments in an attached document. If a document is attached, it is sufficient to type 'see attached' in the 'type comment' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the 'type comment' field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters 'BC.' Any page containing business confidential information must be clearly marked BUSINESS CONFIDENTIAL on the top of that page. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character 'P.' The 'BC' and 'P' should be followed by the name of the person or entity submitting the comments or reply comments. Filers submitting comments containing no business confidential information should name their file using the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

As noted, USTR strongly urges submitters to file comments through *www.regulations.gov.* You must make any alternative arrangements before transmitting a comment and in advance of the applicable deadline with Yvonne Jamison at (202) 395–3475.

USTR will place comments in the docket for public inspection, except business confidential information. General information concerning USTR is available at *www.ustr.gov.*

Edward Gresser,

Chair of the Trade Policy Staff Committee, Office of the United States Trade Representative.

[FR Doc. 2018–24987 Filed 11–15–18; 8:45 am]

BILLING CODE 3290–F9–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Recording of Aircraft Conveyances and Security Documents

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on October 9, 2018. The collection involves return to the Civil Aviation Aircraft Registry of information relating to the release of a lien that has been recorded with the Registry. Regulations provide for establishing and maintaining a system for the recording of security conveyances affecting title to, or interest in U.S. civil aircraft, as well as certain specifically identified engines, propellers, or spare parts locations, and for recording of releases relating to those conveyances. Federal Aviation Regulations establish procedures for implementation. Regulations describe what information must be contained in a security conveyance in order for it to be recorded with FAA. The convention on the International Recognition signatory, prevents, by treaty, the export of an aircraft and cancellation of its nationality marks if there is an outstanding lien recorded. The Civil Aviation Registry must have consent or release of lien from the lienholder prior to confirmation/cancellation for export.

DATES: Written comments should be submitted by December 17, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0043.

Title: Recording of Aircraft Conveyances and Security Documents.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on October 9, 2018 (83 FR 50740). Since the single form (AC Form 8050–41, Notice of Recordation) of the collection is sent to the lienholder when the Registry records the lien on aircraft, propeller(s), engine(s) and/or spare parts location(s) as a part of another collection this form is now removed. When the lien is satisfied, the lienholder completes Part II of the form AC Form 8050–41 and returns it to the Registry as official notification of the release of the lien. The lienholder may send the same information in any format without the form if desired. The collection involves return to the Civil Aviation Aircraft Registry of information relating to the release of a lien that has been recorded with the Registry. Title 49, U. S. C. Section 44108 provides for establishing and maintaining a system for the recording of security conveyances affecting title to, or interest in U.S. civil aircraft, as well as certain specifically identified engines, propellers, or spare parts locations, and for recording of releases relating to those conveyances. Federal Aviation Regulations Part 49 (14 CFR 49) establishes procedures for implementation of 49 U. S. C. 44108. Part 49 describes what information must be contained in a security conveyance in order for it to be recorded with FAA.

Respondents: Any aircraft, propeller or engine lienholder, who has received the Notice of Recordation from the Registry, who is releasing the subject lien.

Frequency: On occasion.

Estimated Average Burden per Response: 1 hour.

Estimated Total Annual Burden: For FY 2017, records indicate a return of 23,681 release notifications for a total time burden of approximately 23,681 hours.

Issued in Washington, DC, on November 9, 2018.

Barbara Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–25009 Filed 11–15–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Operating Requirements: Domestic, Flag and Supplemental Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information collected is used to determine air operators' compliance with the minimum safety standards and the applicants' eligibility for air operations certification.

DATES: Written comments should be submitted by December 17, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0008.

Title: Operating Requirements: Domestic, Flag and Supplemental Operations.

Form Numbers: There are no FAA forms associated with this collection of information.

Type of Review: Renewal of an information collection.

Background: Under the authority of Title 49 CFR, Section 44701, Title 14 CFR prescribes the terms, conditions, and limitations as are necessary to ensure safety in air transportation. Title 14 CFR part 121 prescribes the requirements governing air carrier operations. The information collected is used to determine air operators' compliance with the minimum safety standards and the applicants' eligibility for air operations certification. Each operator which seeks to obtain, or is in possession of an air carrier operating certificate, must comply with the requirements of part 121 which include maintaining data which is used to determine if the air carrier is operating in accordance with minimum safety standards.

Respondents: There are approximately 70 air carriers/applicants.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 1 hour and 16 minutes.

Estimated Total Annual Burden: 1,555,534.5 hours.

Issued in Washington, DC, on November 13, 2018.

Barbara Hall,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch (ASP–110).

[FR Doc. 2018–25036 Filed 11–15–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2018–0098]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this

document provides the public notice that on November 2, 2018, the Regional Transportation District (RTD) and the City of Aurora, Colorado, petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 222. FRA assigned the petition Docket Number FRA–2018–0098.

Specifically, petitioners seek a waiver from the provisions of 49 CFR 222.35(b)(1) to establish a new quiet zone consisting of two public highway-rail grade crossings with active grade crossing warning devices comprising both flashing lights and gates that are not equipped with constant warning time devices. The crossing warning devices on the proposed ''East Rail Line-Aurora Quiet Zone'' on the RTD A-Line are primarily activated by a wireless crossing activation system (WCAS) using ''GPS-determined train speed and location to predict how many seconds a train is from the crossing.'' Petitioners assert that this information is communicated wirelessly to the crossing warning devices and seeks to provide constant warning times. Additionally, this system is supplemented by a conventional track warning system in case the WCAS is unavailable.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by December 31, 2018 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2018–25043 Filed 11–15–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Funding Opportunity for the Federal-State Partnership for State of Good Repair Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Funding Opportunity (NOFO or notice).

SUMMARY: This notice details the application requirements and procedures to obtain grant [1] funding for eligible projects under the Federal-State Partnership for State of Good Repair Program (Partnership Program) made available by the Consolidated Appropriations Act, 2017, Public Law 115–31, Div. K, Tit. I (2017 Appropriations Act) and the Consolidated Appropriations Act, 2018, Div. L, Tit. I, Public Law 115–141 (2018 Appropriations Act; collectively the Appropriations Acts). The opportunity described in this notice is made available under Catalog of Federal Domestic Assistance (CFDA) number 20.326, ''Federal-State Partnership for State of Good Repair.''

DATES: Applications for funding under this solicitation are due no later than 5 p.m. EDT, March 18, 2019. Applications for funding or supplemental material in support of an application received after 5 p.m. EDT, on March 18, 2019 will not be considered for funding. Incomplete applications for funding will not be considered for funding. See Section D of this notice for additional information on the application process.

ADDRESSES: Applications must be submitted via *www.Grants.gov.* Only applicants who comply with all submission requirements described in this notice and submit applications through *www.Grants.gov* will be eligible for award. For any supporting application materials that an applicant is unable to submit via *www.Grants.gov* (such as oversized engineering drawings), an applicant may submit an original and two (2) copies to Amy Houser, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36–412, Washington, DC 20590. However, due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, applicants are advised to use other means of conveyance (such as courier service) to assure timely receipt of materials before the application deadline.

FOR FURTHER INFORMATION CONTACT: For further information regarding project-related information in this notice, please contact Bryan Rodda, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W38–203, Washington, DC 20590; email: *Bryan.Rodda@dot.gov;* phone: 202–493–0443. Grant application submission and processing questions should be addressed to Amy Houser, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36–412, Washington, DC 20590; email: *amy.houser@dot.gov;* phone: 202–493–0303.

SUPPLEMENTARY INFORMATION:

Notice to applicants: FRA recommends that applicants read this notice in its entirety prior to preparing application materials. A list providing the definitions of key terms used throughout the NOFO are listed under

[1] The term ''grant'' is used throughout this document and is intended to reference funding awarded through a grant agreement, as well as funding awarded to recipients through a cooperative agreement.

the Program Description in Section A(2). These key terms are capitalized throughout the NOFO. There are several administrative and eligibility requirements described herein that applicants must comply with to submit an application. Additionally, applicants should note that the required Project Narrative component of the application package may not exceed 25 pages in length.

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A. Program Description

1. Overview

The purpose of this notice is to solicit applications for grants for capital projects within the United States to repair, replace, or rehabilitate Qualified Railroad Assets to reduce the state of good repair backlog and improve Intercity Passenger Rail performance under the Partnership Program. The Partnership Program provides a Federal funding opportunity to leverage private, state, and local investments to significantly improve American rail infrastructure. The Partnership Program is authorized in Sections 11103 and 11302 of the Passenger Rail Reform and Investment Act of 2015 (Title XI of the Fixing America's Surface Transportation (FAST) Act, Public Law 114–94 (2015)) and is funded by the Appropriations Acts.

The Department recognizes the importance of applying life cycle asset management principles throughout America's infrastructure. It is important for rail infrastructure owners and operators, as well as those who may apply on their behalf, to plan for the maintenance and replacement of assets and the associated costs. In light of recent fatal passenger rail accidents, the Department particularly recognizes the opportunity to enhance safety in both track and equipment through this grant program.

The Partnership Program is intended to benefit both the Northeast Corridor (''NEC'') and the large number of publicly-owned or Amtrak-owned infrastructure, equipment, and facilities located in other areas of the country, including strengthening transportation options for rural American communities. Applicants should note that different requirements apply to NEC and non-NEC Partnership projects, with certain eligibility requirements applying only to proposed projects located on the Northeast Corridor, as defined in Section A(2)(f) in this notice. These NEC-specific requirements are described in Section C(3)(b). Further, the Partnership Program has different planning and cost-sharing requirements for Qualified Railroad Assets between proposed NEC and non-NEC projects. These differences are described in detail in Section D(2)(a)(v–vi).

2. Definitions of Key Terms

a. ''Benefit-Cost Analysis'' (or ''Cost-Benefit Analysis'') is a systematic, data driven, and transparent analysis comparing monetized project benefits and costs, using a no-build baseline and properly discounted present values, including concise documentation of the assumptions and methodology used to produce the analysis, a description of the baseline, data sources used to project outcomes, and values of key input parameters, basis of modeling including spreadsheets, technical memos, etc., and presentation of the calculations in sufficient detail and transparency to allow the analysis to be reproduced and sensitivity of results evaluated by FRA. Please refer to the Benefit-Cost Analysis (BCA) Guidance for Discretionary Grant Programs prior to preparing a BCA at *https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance.* In addition, please also refer to the BCA FAQs on FRA's website for some rail-specific examples of how to apply the BCA Guidance for Discretionary Grant Programs to Partnership applications.

b. ''Capital Project'' is defined to mean a project primarily intended to replace, rehabilitate, or repair major infrastructure assets utilized for providing Intercity Passenger Rail service, including tunnels, bridges, and stations; or a project primarily intended to improve Intercity Passenger Rail performance, including reduced trip times, increased train frequencies, and higher operating speeds consistent with 49 U.S.C. 24911(a)(2).

c. ''Commuter Rail Passenger Transportation'' means short-haul rail passenger transportation in metropolitan and suburban areas usually having reduced fare, multiple ride, and commuter tickets and morning and evening peak period operations. See 49 U.S.C. 24102(3).

d. ''Intercity Rail Passenger Transportation'' is defined by 49 U.S.C. 24102(4) to mean rail passenger transportation, except Commuter Rail Passenger Transportation. In this notice, ''Intercity Passenger Rail'' is an equivalent term to ''Intercity Rail Passenger Transportation.''

e. ''Major Capital Project'' means a Capital Project with a proposed total project cost of $300 million or more.

f. ''Northeast Corridor'' (''NEC'') means the main rail line between Boston, Massachusetts, and the District of Columbia; the branch rail lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York; and facilities and services used to operate and maintain these lines.

g. A ''Qualified Railroad Asset'' is defined by 49 U.S.C. 24911(a)(5) to mean infrastructure, equipment, or a facility that:

i. Is owned or controlled by an eligible Partnership Program applicant;

ii. is contained in the Northeast Corridor Capital Investment Plan prepared under 49 U.S.C. 24904, or an equivalent planning document; and for which the Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy developed under 49 U.S.C. 24905, or a similar cost-allocation policy has been developed;

iii. was not in a State of Good Repair on December 4, 2015 (the date of enactment of the FAST Act).

See Section D(2)(a), Project Narrative, for further details about the Qualified Railroad Asset requirements and application submission instructions related to Qualified Railroad Assets.

h. ''State of Good Repair'' is defined by 49 U.S.C. 24102(12) to mean a condition in which physical assets, both individually and as a system, are performing at a level at least equal to that called for in their as-built or as-modified design specification during any period when the life cycle cost of maintaining the assets is lower than the cost of replacing them; and sustained through regular maintenance and replacement programs.

B. Federal Award Information

1. Available Award Amount

The total funding available for awards under this NOFO is $272,250,000 after $2,750,000 is set aside for FRA award and project management oversight as provided in the Appropriations Acts.

2. Award Size

While there are no predetermined minimum or maximum dollar thresholds for awards, FRA anticipates making multiple awards with the available funding. FRA encourages applicants to propose projects or components of projects that can be completed and implemented with the level of funding available. Projects may

require more funding than is available. In these cases, applicants must identify and apply for specific project components that have operational independence and can be completed with the level of funding available. (See Section C(3)(c) for more information.)

Applicants proposing a Major Capital Project are encouraged to identify and describe phases or elements that could be candidates for subsequent Partnership Program funding, if such funding becomes available. Applications for a Major Capital Project that would seek future funds beyond fiscal year 2017 and 2018 funding made available in this notice should indicate anticipated annual Federal funding requests from this program for the expected duration of the project. FRA may issue Letters of Intent to Partnership Program grantees proposing Major Capital Projects under 49 U.S.C. 24911(g); such Letters of Intent would serve to announce the FRA's intention to obligate an amount from future available budget authority toward a grantee's future project phases or elements. A Letter of Intent is not an obligation of the Federal government and is subject to the availability of appropriations for Partnership Program grants and subject to Federal laws in force or enacted after the date of the Letter of Intent.

3. Award Type

FRA will make awards for projects selected under this notice through grant agreements and/or cooperative agreements. Grant agreements are used when FRA does not expect to have substantial Federal involvement in carrying out the funded activity. Cooperative agreements allow for substantial Federal involvement in carrying out the agreed upon investment, including technical assistance, review of interim work products, and increased program oversight under 2 CFR 200.24. The funding provided under these cooperative agreements will be made available to grantees on a reimbursable basis. Applicants must certify that their expenditures are allowable, allocable, reasonable, and necessary to the approved project before seeking reimbursement from FRA. Additionally, the grantee must expend matching funds at the required percentage alongside Federal funds throughout the life of the project.

4. Concurrent Applications

As DOT and FRA may be concurrently soliciting applications for transportation infrastructure projects for several financial assistance programs, applicants may submit applications requesting funding for a particular project to one or more of these programs. In the application for Partnership Program funding, applicants must indicate the other programs to which they submitted or plan to submit an application for funding the entire project or certain project components, as well as highlight new or revised information in the Partnership Program application that differs from the application(s) submitted for other financial assistance programs.

C. Eligibility Information

This section of the notice explains applicant eligibility, cost sharing and matching requirements, project eligibility, and project component operational independence. Applications that do not meet the requirements in this section will be ineligible for funding. Instructions for submitting eligibility information to FRA are detailed in Section D of this NOFO.

1. Eligible Applicants

The following entities are eligible applicants for all project types permitted under this notice:

(1) A State (including the District of Columbia);

(2) a group of States;

(3) an Interstate Compact;

(4) a public agency or publicly chartered authority established by one or more States; [2]

(5) a political subdivision of a State;

(6) Amtrak, acting on its own behalf or under a cooperative agreement with one or more States; or

(7) any combination of the entities described in (1) through (6).

Selection preference will be provided for applications jointly submitted by multiple eligible applicants, as further discussed in Section E(1)(c). Joint applicants must identify an eligible applicant as the lead applicant. The lead applicant serves as the primary point of contact for the application, and if selected, as the recipient of the Partnership Program grant award. Eligible applicants may reference entities that are not eligible applicants (*e.g.,* private sector firms) in an application as a project partner. However, FRA will provide selection preference to joint applications submitted by multiple eligible applicants only.

2. Cost Sharing or Matching

The Federal share of total costs for a project funded under the Partnership Program shall not exceed 80 percent, though FRA will provide selection preference to applications where the proposed Federal share of total project costs does not exceed 50 percent. The estimated total cost of a project must be based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment and facilities. The minimum 20 percent non-Federal share may be comprised of public sector (*e.g.,* state or local) or private sector funding. However, FRA will not consider any other Federal grants, nor any non-Federal funds already expended (or otherwise encumbered), that do not comply with 2 CFR 200.458 toward the matching requirement.

FRA is limiting the first 20 percent of the non-Federal match to cash contributions only. FRA will not accept ''in-kind'' contributions for the first 20 percent in matching funds. Eligible in-kind contributions may be accepted for any non-Federal matching beyond the first 20 percent. In-kind contributions including the donation of services, materials, and equipment, may be credited as a project cost, in a uniform manner consistent with 2 CFR 200.306.

FRA strongly encourages applicants to identify and include other state, local, public agency or authority, or private funding or financing to support the proposed project. Non-federal shares consisting of funding from multiple sources to demonstrate broad participation and cost sharing from affected stakeholders, will be given preference. If Amtrak is an applicant, whether acting on its own behalf or as part of a joint application, Amtrak's ticket and other non-Federal revenues generated from its business operations and other sources may be used as matching funds. Applicants must identify the source(s) of their matching and other funds, and must clearly and distinctly reflect these funds as part of the total project cost in the application budget.

FRA may not be able to award grants to all eligible applications, nor even to all applications that meet or exceed the stated evaluation criteria (see Section E, Application Review Information). Before submitting an application, applicants should carefully review the principles for cost sharing or matching in 2 CFR 200.306. FRA will approve pre-award costs consistent with 2 CFR 200.458. See Section D(6). Additionally, in preparing estimates of total project costs, applicants should refer to FRA's cost estimate guidance, ''Capital Cost Estimating: Guidance for Project

[2] See Section D(2)(a)(iv) for supporting documentation required to demonstrate eligibility under this eligibility category.

Sponsors,'' which is available at: *https://www.fra.dot.gov/Page/P0926.*

3. Other

a. Project Eligibility

Eligible projects within the United States repair, replace, or rehabilitate Qualified Railroad Assets and improve Intercity Passenger Rail performance. Eligible Capital Projects include those that:

(1) Replace existing assets in-kind;

(2) Replace existing assets with assets that increase capacity or provide a higher level of service;

(3) Ensure that service can be maintained while existing assets are brought to a State of Good Repair; and

(4) Bring existing assets into a State of Good Repair.

Qualified Railroad Assets, as further defined in Section A(2), are owned or controlled by an eligible applicant and may include: infrastructure, including track, ballast, switches and interlockings, bridges, communication and signal systems, power systems, highway-rail grade crossings, and other railroad infrastructure and support systems used in intercity passenger rail service; stations, including station buildings, support systems, signage, and track and platform areas; equipment, including passenger cars, locomotives, and maintenance-of-way equipment; and facilities, including yards and terminal areas and maintenance shops.

Capital Projects, as further defined in Section A(2), may include final design; however, final design costs will only be eligible in conjunction with an award for project construction. Environmental and related clearances, including all work necessary for FRA to approve the project under the National Environmental Policy Act (NEPA) and related statutes and regulations are not eligible for funding under this notice. (See Section D(2)(a)(ix) for additional information.) Eligible projects with completed environmental and engineering documents, and, for projects located on the NEC, where Amtrak and the public authorities providing Commuter Rail Passenger Transportation on the NEC are in compliance with the cost allocation policy required at 49 U.S.C. 24905(c)(2), indicate strong project readiness. This allows FRA to maximize the funds available in this notice (see Section E(1)(c) for more information on Selection Criteria).

b. Additional Eligibility Requirements for Northeast Corridor (NEC) Projects

This sub-section provides additional eligibility requirements for projects where the proposed project location includes a portion of the NEC (NEC Projects). Applicants proposing non-NEC projects are not subject to the requirements in this sub-section, and may proceed to the next sub-section C(3)(c).

In the Partnership Program, the NEC is defined as the main rail line between Boston, Massachusetts and the District of Columbia, and the branch rail lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York.

Passenger railroad owners and operators on the NEC are subject to a cost allocation policy under 49 U.S.C. 24905(c)(2), and, via the NEC Commission, are required to annually adopt a five-year Northeast Corridor Capital Investment Plan for the NEC under 49 U.S.C. 24904(a). When selecting projects on the NEC, FRA will consider the appropriate sequence and phasing of projects as contained in the currently approved Northeast Corridor Capital Investment Plan.

NEC applicants must provide the status of compliance by Amtrak and the public authorities providing Commuter Rail Passenger Transportation at the eligible project location with the cost allocation policy required at 49 U.S.C. 24905(c)(2). FRA may not obligate a grant for a NEC Project unless each of the above service providers at the eligible project location are in compliance with that cost allocation policy. Such providers must maintain compliance with the cost allocation policy for the duration of the project.

c. Project Component Operational Independence

If an applicant requests funding for a project that is a component or set of components of a larger project, the project component(s) must be attainable with the award amount and comply with all eligibility requirements described in Section C.

In addition, the component(s) must be capable of independent analysis and decision making, as determined by FRA, under NEPA (*i.e.,* have independent utility, connect logical termini, and not restrict the consideration of alternatives for other reasonably foreseeable rail projects.) Components must also generate independent utility and will be evaluated as such in the BCA.

D. Application and Submission Information

Required documents for the application are outlined in the following paragraphs. Applicants must complete and submit all components of the application. See Section D(2) for the application checklist. FRA welcomes the submission of additional relevant supporting documentation, such as planning, engineering and design documentation, and letters of support from partnering organizations that will not count against the Project Narrative page limit.

1. Address To Request Application Package

Applicants must submit all application materials in their entirety through *www.Grants.gov* no later than 5:00 p.m. EDT, on March 18, 2019. FRA reserves the right to modify this deadline. General information for submitting applications through *Grants.gov* can be found at: *https://www.fra.dot.gov/Page/P0270.*

For any supporting application materials that an applicant cannot submit via *Grants.gov*, such as oversized engineering drawings, an applicant may submit an original and two (2) copies to Amy Houser, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36–412, Washington, DC 20590. However, due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, FRA advises applicants to use other means of conveyance (such as courier service) to assure timely receipt of materials before the application deadline. Additionally, if documents can be obtained online, explaining to FRA how to access files on a referenced website may also be sufficient.

2. Content and Form of Application Submission

FRA strongly advises applicants to read this section carefully. Applicants must submit all required information and components of the application package to be considered for funding. Additionally, applicants selected to receive funding must generally satisfy the grant readiness checklist requirements on *https://www.fra.dot.gov/Page/P0268* as a precondition to FRA issuing a grant award, as well as the requirements in 49 U.S.C. 24405 explained in part at *https://www.fra.dot.gov/page/P0185.*

Required documents for an application package are outlined in the checklist below.

- Project Narrative (see D.2.a).
- Statement of Work (see D.2.b.i).
- Benefit-Cost Analysis (see D.2.b.ii).
- Environmental Compliance Documentation (see D.2.b.iii).
- SF424—Application for Federal Assistance.
- SF 424C—Budget Information for Construction, or, for an equipment

procurement project without any construction costs, or SF 424A—Budget Information for Non-Construction.

- SF 424D—Assurances for Construction, or, for an equipment procurement project without any construction costs, or SF 424B—Assurances for Non-Construction.
- FRA's Additional Assurances and Certifications.
- SF LLL—Disclosure of Lobbying Activities.

a. Project Narrative

This section describes the minimum content required in the Project Narrative of grant applications. The Project Narrative must follow the basic outline below to address the program requirements and assist evaluators in locating relevant information.

I. Cover Page	See D.2.a.i.
II. Project Summary	See D.2.a.ii.
III. Project Funding	See D.2.a.iii.
IV. Applicant Eligibility Criteria.	See D.2.a.iv.
V. Non-NEC Project Eligibility Criteria.	See D.2.a.v.
VI. NEC Project Eligibility Criteria.	See D.2.a.vi.
VII. Detailed Project Description.	See D.2.a.vii.
VIII. Project Location	See D.2.a.viii.
IX. Grade Crossing Information, if applicable.	See D.2.a.ix.
X. Evaluation and Selection Criteria.	See D.2.a.x.
XI. Project Implementation and Management.	See D.2.a.xi.
XII. Environmental Readiness.	See D.2.a.xii.

These requirements must be satisfied through a narrative statement submitted by the applicant. The Project Narrative may not exceed 25 pages in length (excluding cover pages, table of contents, and supporting documentation). FRA will not review or consider for award applications with Project Narratives exceeding the 25-page limitation. If possible, applicants should submit supporting documents via website links rather than hard copies. If supporting documents are submitted, applicants must clearly identify the relevant portion of the supporting document with the page numbers of the cited information in the Project Narrative. The Project Narrative must adhere to the following outline.

i. *Cover Page:* Include a cover page that lists the following elements in either a table or formatted list: project title; location (*e.g.,* city, State, Congressional district); lead applicant organization name; name of any co-applicants; amount of Federal funding requested; and proposed non-Federal match.

ii. *Project Summary:* Provide a brief 4–6 sentence summary of the proposed project and what the project will entail. Include challenges the proposed project aims to address, and summarize the intended outcomes and anticipated benefits that will result from the proposed project.

iii. *Project Funding:* Indicate the amount of Federal funding requested, the proposed non-Federal match, and total project cost. Identify the source(s) of matching and other funds, and clearly and distinctly reflect these funds as part of the total project cost in the application budget. Also, note if the requested Federal funding under this NOFO or other programs must be obligated or spent by a certain date due to dependencies or relationships with other Federal or non-Federal funding sources, related projects, law, or other factors. If applicable, provide the type and estimated value of any proposed in-kind contributions, as well as substantiate how the in-kind contributions meet the requirements in 2 CFR 200.306. For a Major Capital Project that would seek future funds beyond fiscal years 2017 and 2018 funding made available in this notice, provide the anticipated annual Federal funding requests from this grant program for the expected duration of the project. Finally, specify whether Federal funding for the project has previously been sought, and identify the Federal program and fiscal year of the funding request(s), as well as highlight new or revised information in the Partnership Program application that differs from the application(s) to other financial assistance programs.

iv. *Applicant Eligibility Criteria:* Explain how the applicant meets the applicant eligibility criteria outlined in Section C of this notice, including references to creation or enabling legislation for public agencies and publicly chartered authorities established by one or more States. Joint applications must include a description of the roles and responsibilities of each applicant, including budget and sub-recipient information showing how the applicants will share project costs, and must be signed by an authorized representative of each.

v. *Non-NEC Project Eligibility Criteria:* This sub-section provides project eligibility requirements for projects *not* on the NEC. (Applicants proposing NEC Projects may proceed to the next sub-section D(2)(a)(vi).) For non-NEC projects, explain how the project meets the project eligibility criteria in Section C of this notice. Describe how the project is a Qualified Railroad Asset under 49 U.S.C. 24911(a)(5), as follows:

(A) To demonstrate ownership or control by the applicant under 49 U.S.C. 24911(a)(5)(A), show either:

(1) The applicant owns or will, at project completion, have ownership of the infrastructure, equipment, or facility improved by the project; or

(2) The applicant controls or will, at project completion, have control over the infrastructure, equipment, or facility improved by the project by agreement with the owner(s). An agreement should specify the extent of the applicant's management and decision-making authority regarding the infrastructure, equipment, or facility improved by the project. Agreements involving railroad rights-of-way projects should also demonstrate the applicant has dispatching rights for the right-of-way and maintenance-of-way responsibilities.

(B) To demonstrate the planning requirement under 49 U.S.C. 24911(a)(5)(B), show that the project is included in the applicant's current State Rail Plan(s) and, as applicable, in the current Transportation Improvement Programs (TIP) or Statewide Transportation Improvement Programs (STIP) plan.

(C) To demonstrate the cost-sharing requirement under 49 U.S.C. 24911(a)(5)(B), the applicant must:

(1) Be an operator or contributing funding partner of Intercity Rail Passenger transportation who is subject to the Cost Methodology Policy adopted under Section 209 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), Public Law 110–432, Oct. 16, 2008; or

(2) demonstrate the applicant(s) involvement in a similar cost-sharing agreement for the project as described in (1).

(D) To demonstrate the state of good repair requirement under 49 U.S.C. 24911(a)(5)(B):

(1) Describe the condition and performance of the infrastructure, equipment, or facility as of the time of enactment of the FAST Act (Dec. 4, 2015);

(2) indicate how the infrastructure, equipment, or facility's condition or performance falls short of the definition of ''state of good repair'' in Section A(2) (49 U.S.C. 24102(12) parts (A) and/or (B)); and

(3) indicate, if known, when the infrastructure, equipment, or facility last received comprehensive repair, replacement, or rehabilitation work similar to the applicant's proposed scope of work.

vi. *NEC Project Eligibility Criteria:* This sub-section provides project eligibility requirements for NEC

Projects. (Applicants proposing non-NEC projects may proceed to the next sub-section D(2)(a)(vii).) For NEC applicants, explain how the NEC Project meets the project eligibility criteria in Section C(3)(b) of this notice including the requirements in 49 U.S.C. 24911(e). Describe how the NEC Project is a Qualified Railroad Asset under 49 U.S.C. 24911(a)(5), as follows:

(A) To demonstrate ownership or control by the applicant under 49 U.S.C. 24911(a)(5)(A), show either:

(1) The applicant owns or will, at project completion, have ownership of the infrastructure, equipment, or facility improved by the project; or

(2) The applicant controls or will, at project completion, have control over the infrastructure, equipment, or facility improved by the project by agreement with the owner(s). An agreement should specify the extent of the applicant's management and decision-making authority regarding the infrastructure, equipment, or facility improved by the project. Agreements involving railroad rights-of-way projects should also demonstrate the applicant has dispatching rights for the right-of-way and maintenance-of-way responsibilities.

(B) To demonstrate the planning requirement under 49 U.S.C. 24911(a)(5)(B), the NEC applicant must show that the infrastructure, equipment, or facility is included in the current approved Five-Year Capital Investment Plan prepared by the NEC Commission under 49 U.S.C. 24904(a).

(C) To demonstrate the cost-sharing requirement under 49 U.S.C. 24911(a)(5)(B), the infrastructure, equipment, or facility must be subject to the NEC Cost Allocation Policy developed under 49 U.S.C. 24905(c)(2).

(D) To demonstrate the state of good repair requirement under 49 U.S.C. 24911(a)(5)(C), the NEC applicant must:

(1) Describe the condition and performance of the infrastructure, equipment, or facility as of the time of enactment of the FAST Act (Dec. 4, 2015);

(2) indicate how the infrastructure, equipment, or facility's condition or performance falls short of the definition of ''state of good repair'' in Section A(2) (49 U.S.C. 24102(12) parts (A) and/or (B)); and

(3) indicate, if known, when the infrastructure, equipment, or facility last received comprehensive repair, replacement, or rehabilitation work similar to the applicant's proposed scope of work.

vii. *Detailed Project Description:* Include a detailed project description that expands upon the brief summary required above. This detailed description must provide, at a minimum: Additional background on the challenges the project aims to address; the expected users and beneficiaries of the project, including all railroad operators; the specific components and elements of the project; and any other information the applicant deems necessary to justify the proposed project. Applicants with Major Capital Projects are encouraged to identify and describe project phases or elements that would be candidates for subsequent Partnership Program funding if such funding becomes available. Include information to demonstrate the project is reasonably expected to begin construction in a timely manner. For all projects, applicants must provide information about proposed performance measures, as described in Section F(3)(c) and required in 2 CFR 200.301.

viii. *Project Location:* Include geospatial data for the project, as well as a map of the project's location. Include the Congressional districts in which the project will take place.

ix. *Grade Crossing Information, if applicable:* For any project that includes grade crossing components, cite specific DOT National Grade Crossing Inventory information, including the railroad that owns the infrastructure (or the crossing owner, if different from the railroad), the primary railroad operator, the DOT crossing inventory number, and the roadway at the crossing. Applicants can search for data to meet this requirement at the following link: *http://safetydata.fra.dot.gov/OfficeofSafety/default.aspx.*

x. *Evaluation and Selection Criteria:* Include a thorough discussion of how the proposed project meets all of the evaluation and selection criteria, as outlined in Section E of this notice. If an application does not sufficiently address the evaluation criteria and the selection criteria, it is unlikely to be a competitive application.

xi. *Project Implementation and Management:* Describe proposed project implementation and project management arrangements. Include descriptions of the expected arrangements for project contracting, contract oversight, change-order management, risk management, and conformance to Federal requirements for project progress reporting. Describe past experience in managing and overseeing similar projects. For Major Capital Projects, explain plans for a rigorous project management and oversight approach.

xii. *Environmental Readiness:* If the NEPA process is complete, indicate the date of completion, and provide a website link or other reference to the final Categorical Exclusion, Finding of No Significant Impact, Record of Decision, and any other NEPA documents prepared. If the NEPA process is not complete, the application should detail the type of NEPA review underway, if applicable, where the project is in the process, and indicate the anticipated date of completion of all milestones and of the final NEPA determination. If the last agency action with respect to NEPA documents occurred more than three years before the application date, the applicant should describe why the project has been delayed and why NEPA documents have not been updated and include a proposed approach for verifying and, if necessary, updating this material in accordance with applicable NEPA requirements. Additional information regarding FRA's environmental processes and requirements are located at *https://www.fra.dot.gov/eLib/Details/L05286.*

b. Additional Application Elements

Applicants must submit:

i. A Statement of Work (SOW) addressing the scope, schedule, and budget for the proposed project if it were selected for award. For Major Capital Projects, the SOW must include annual budget estimates and anticipated Federal funding for the expected duration of the project. The SOW must contain sufficient detail so FRA, and the applicant, can understand the expected outcomes of the proposed work to be performed and can monitor progress toward completing project tasks and deliverables during a prospective grant's period of performance. Applicants must use FRA's standard SOW template to be considered for award. The SOW template is located at *https://www.fra.dot.gov/eLib/Details/L18661.* When preparing the budget, the total cost of a project must be based on the best available information as indicated in cited references that include engineering studies, economic feasibility studies, environmental analyses, and information on the expected use of equipment or facilities.

ii. A Benefit-Cost Analysis consistent with 49 U.S.C. 24911(d)(2)(A) that demonstrates the merit of investing in the proposed project. The analysis should be systematic, data driven, and examine the trade-offs between reasonably expected project costs and benefits. Please refer to the Benefit-Cost Analysis Guidance for Discretionary Grant Programs prior to preparing a BCA at *https://www.transportation.gov/office-policy/transportation-policy/*

benefit-cost-analysis-guidance. In addition, please also refer to the BCA FAQs on FRA's website (*https://www.fra.dot.gov/grants*) for some rail-specific examples of how to apply the Benefit-Cost Analysis Guidance for Discretionary Grant Programs to Partnership applications. The complexity and level of detail in the Benefit-Cost Analysis prepared for the Partnership Program should reflect the scope and scale of the proposed project.

iii. Environmental compliance documentation, if a website link is not cited in the Project Narrative.

iv. SF 424—Application for Federal Assistance.

v. SF 424C—Budget Information for Construction, or, for an equipment procurement project without any other construction elements, the SF 424A—Budget Information for Non-Construction.

vi. SF 424D—Assurances for Construction, or, for an equipment procurement project without any other construction elements, the SF 424B—Assurances for Non-Construction.

vii. FRA's Additional Assurances and Certifications.

viii. An SF LLL—Disclosure of Lobbying Activities.

Forms needed for the electronic application process are at *www.Grants.gov*.

c. Post-Selection Requirements

See subsection F(2) of this notice for post-selection requirements.

3. Unique Entity Identifier, System for Award Management (SAM), and Submission Instructions

To apply for funding through *Grants.gov*, applicants must be properly registered. Complete instructions on how to register and submit an application can be found at *www.Grants.gov*. Registering with *Grants.gov* is a one-time process; however, it can take up to several weeks for first-time registrants to receive confirmation and a user password. FRA recommends that applicants start the registration process as early as possible to prevent delays that may preclude submitting an application package by the application deadline. Applications will not be accepted after the due date. Delayed registration is not an acceptable justification for an application extension.

FRA may not make a discretionary grant award to an applicant until the applicant has complied with all applicable Data Universal Numbering System (DUNS) and SAM requirements. (Please note that if a Dun & Bradstreet DUNS number must be obtained or renewed, this may take a significant amount of time to complete.) Late applications that are the result of a failure to register or comply with *Grants.gov* applicant requirements in a timely manner will not be considered. If an applicant has not fully complied with the requirements by the submission deadline, the application will not be considered. To submit an application through *Grants.gov*, applicants must:

a. Obtain a DUNS Number

A DUNS number is required for *Grants.gov* registration. The Office of Management and Budget requires that all businesses and nonprofit applicants for Federal funds include a DUNS number in their applications for a new award or renewal of an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for the government in identifying and keeping track of entities receiving Federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for Federal assistance applicants, recipients, and sub-recipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Applicants may obtain a DUNS number by calling 1–866–705–5711 or by applying online at *http://www.dnb.com/us.*

b. Register With the SAM

All applicants for Federal financial assistance must maintain current registrations in the SAM database. An applicant must be registered in SAM to successfully register in *Grants.gov*. The SAM database is the repository for standard information about Federal financial assistance applicants, recipients, and sub recipients. Organizations that have previously submitted applications via *Grants.gov* are already registered with SAM, as it is a requirement for *Grants.gov* registration. Please note, however, that applicants must update or renew their SAM registration at least once per year to maintain an active status. Therefore, it is critical to check registration status well in advance of the application deadline. If an applicant is selected for an award, the applicant must maintain an active SAM registration with current information throughout the period of the award. Information about SAM registration procedures is available at *www.sam.gov.*

c. Create a Grants.gov Username and Password

Applicants must complete an Authorized Organization Representative (AOR) profile on *www.Grants.gov* and create a username and password. Applicants must use the organization's DUNS number to complete this step. Additional information about the registration process is available at: *https://www.grants.gov/web/grants/applicants/organization-registration.html.*

d. Acquire Authorization for Your AOR From the E-Business Point of Contact (E-Biz POC)

The E-Biz POC at the applicant's organization must respond to the registration email from *Grants.gov* and login at *www.Grants.gov* to authorize the applicant as the AOR. Please note there can be more than one AOR for an organization.

e. Submit an Application Addressing All Requirements Outlined in This NOFO

If an applicant experiences difficulties at any point during this process, please call the *Grants.gov* Customer Center Hotline at 1–800–518–4726, 24 hours a day, 7 days a week (closed on Federal holidays). For information and instructions on each of these processes, please see instructions at: *http://www.grants.gov/web/grants/applicants/apply-for-grants.html*

Note: Please use generally accepted formats such as .pdf, .doc, .docx, .xls, .xlsx and .ppt, when uploading attachments. While applicants may embed picture files, such as .jpg, .gif, and .bmp, in document files, applicants should not submit attachments in these formats. Additionally, the following formats will not be accepted: .com, .bat, .exe, .vbs, .cfg, .dat, .db, .dbf, .dll, .ini, .log, .ora, .sys, and .zip.

4. Submission Dates and Times

Applicants must submit complete applications to *www.Grants.gov* no later than 5:00 p.m. EDT, March 18, 2019. FRA reviews *www.Grants.gov* information on dates/times of applications submitted to determine timeliness of submissions. Delayed registration is not an acceptable reason for late submission. In order to apply for funding under this announcement, all applicants are expected to be registered as an organization with *Grants.gov*. Applicants are strongly encouraged to apply early to ensure all materials are received before this deadline.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1)

Failure to complete the *Grants.gov* registration process before the deadline; (2) failure to follow *Grants.gov* instructions on how to register and apply as posted on its website; (3) failure to follow all the instructions in this NOFO; and (4) technical issues experienced with the applicant's computer or information technology environment.

5. Intergovernmental Review

Executive Order 12372 requires applicants from State and local units of government or other organizations providing services within a State to submit a copy of the application to the State Single Point of Contact (SPOC), if one exists, and if this program has been selected for review by the State. Applicants must contact their State SPOC to determine if the program has been selected for State review.

6. Funding Restrictions

FRA will not fund any preliminary engineering, environmental work, or related clearances under this NOFO. FRA will only consider funding a project's final design activities if the applicant is also seeking funding for construction activities. FRA will only approve pre-award costs if such costs are incurred pursuant to the negotiation and in anticipation of the grant agreement and if such costs are necessary for efficient and timely performance of the scope of work consistent with 2 CFR 200.458. Under 2 CFR 200.458, grant recipients must seek written approval from FRA for pre-award activities to be eligible for reimbursement under the grant. Activities initiated prior to the execution of a grant or without FRA's written approval may not be eligible for reimbursement or included as a grantee's matching contribution.

FRA is prohibited under 49 U.S.C. 24405(f) [3] from providing Partnership Program grants for Commuter Rail Passenger Transportation. FRA's interpretation of this provision is informed by the language in 49 U.S.C. 24911, and specifically the definitions of capital project in § 24911(2)(a) and (b). FRA's primary intent in funding Partnership Program projects is to make reasonable investments in Capital Projects used in Intercity Rail Passenger Transportation. Such projects may be located on shared corridors where Commuter Rail Passenger Transportation also benefits from the project.

[3] Under 49 U.S.C. 24911(i), Partnership grants are subject to the conditions in 49 U.S.C. 24405.

E. Application Review Information

1. Criteria

a. Eligibility and Completeness Review

FRA will first screen each application for applicant and project eligibility (eligibility requirements are outlined in Section C of this notice), completeness (application documentation and submission requirements are outlined in Section D of this notice), and the 20 percent minimum match in determining whether the application is eligible.

FRA will then consider the applicant's past performance in developing and delivering similar projects, and previous financial contributions.

b. Evaluation Criteria

FRA subject-matter experts will evaluate all eligible and complete applications using the evaluation criteria outlined in this section to determine technical merit and project benefits.

i. Technical Merit: FRA will evaluate application information for the degree to which—

(A) The tasks and subtasks outlined in the SOW are appropriate to achieve the expected outcomes of the proposed project.

(B) The technical qualifications and demonstrated experience of key personnel proposed to lead and perform the technical efforts, and the qualifications of the primary and supporting organizations to fully and successfully execute the proposed project within the proposed timeframe and budget.

(C) The proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the proposed project.

(D) The applicant has, or will have the legal, financial, and technical capacity to carry out the project; satisfactory continuing control over the use of the equipment or facilities; and the capability and willingness to maintain the equipment or facilities.

(E) Eligible Projects have completed necessary pre-construction activities and indicate strong project readiness.

(F) For NEC Projects, the sequence and phasing of the proposed project is consistent with the Five-Year Capital Investment Plan prepared by the NEC Commission under 49 U.S.C. 24904(a).

(G) The project is consistent with planning guidance and documents set forth by the Secretary of Transportation or required by law.

ii. Project Benefits: FRA will evaluate the benefit-cost analysis of the proposed project for the anticipated private and public benefits relative to the costs of the proposed project including—

(A) Effects on system and service performance;

(B) Effects on safety, competitiveness, reliability, trip or transit time, and resilience;

(C) Efficiencies from improved integration with other modes; and

(D) Ability to meet existing or anticipated demand.

c. Selection Criteria

In addition to the eligibility and completeness review and the evaluation criteria outlined in this subsection, the FRA Administrator will apply the following selection criteria.

i. FRA will give preference to projects for which:

(A) Amtrak is not the sole applicant;

(B) Applications were submitted jointly by multiple applicants;

(C) Proposed Federal share of total project costs does not exceed 50 percent;

ii. After applying the above preferences, the FRA Administrator will take in account the following key Departmental priorities:

(A) Supporting economic vitality at the national and regional level;

(B) Leveraging Federal funding to attract other, non-Federal sources of infrastructure investment;

(C) Preparing for future operations and maintenance costs associated with their project's life-cycle, as demonstrated by a credible plan to maintain assets without having to rely on future Federal funding;

(D) Using innovative approaches to improve safety and expedite project delivery; and

(E) Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

(F) Proposed non-Federal share is comprised of more than one source, including private sources, demonstrating broad participation by affected stakeholders; and

(G) Applications indicate strong project readiness.

2. Review and Selection Process

FRA will conduct a three-part application review process, as follows:

a. Screen applications for completeness and eligibility;

b. Evaluate eligible applications (completed by technical panels applying the evaluation criteria); and

c. Select projects for funding (completed by the FRA Administrator applying the selection criteria).

F. Federal Award Administration Information

1. Federal Award Notice

Applications selected for funding will be announced in a press release and on FRA's website after the application review period. FRA will contact applicants with successful applications after announcement with information and instructions about the award process. This notification is not an authorization to begin proposed project activities. A formal grant agreement or cooperative agreement signed by both the grantee and the FRA, including an approved scope, schedule, and budget, is required before the award is considered complete. See an example of standard terms and conditions for FRA grant awards at *https://www.fra.dot.gov/Elib/Document/14426.*

2. Administrative and National Policy Requirements

Due to funding limitations, projects that are selected for funding may receive less than the amount originally requested. In those cases, applicants must be able to demonstrate the proposed projects are still viable and can be completed with the amount awarded.

Grantees and entities receiving funding from the grantee must comply with all applicable laws and regulations. A non-exclusive list of administrative and national policy requirements that grantees must follow includes: 2 CFR part 200; procurement standards; compliance with Federal civil rights laws and regulations; disadvantaged business enterprises; debarment and suspension; drug-free workplace; FRA's and OMB's Assurances and Certifications; Americans with Disabilities Act; safety oversight; NEPA; environmental justice; and the requirements in 49 U.S.C. 24405 including the Buy America requirements and the provision deeming operators rail carriers and employers for certain purposes.

3. Reporting

a. Reporting Matters Related to Integrity and Performance

Before making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold of $250,000 (see OMB M–18–18, Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance, 2 CFR 200.88), FRA will review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) (see 41 U.S.C. 2313).

An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM.

FRA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.205.

b. Progress Reporting on Grant Activity

Each applicant selected for a grant will be required to comply with all standard FRA reporting requirements, including quarterly progress reports, quarterly Federal financial reports, and interim and final performance reports, as well as all applicable auditing, monitoring and close out requirements. Reports may be submitted electronically.

The applicant must comply with all relevant requirements of 2 CFR part 200.

c. Performance Reporting

Each applicant selected for funding must collect information and report on the project's performance using measures mutually agreed upon by FRA and the grantee to assess progress in achieving strategic goals and objectives. Examples of some rail performance measures are listed in the table below. The applicable measure(s) will depend upon the type of project. Applicants requesting funding for rolling stock must integrate at least one equipment/rolling stock performance measure, consistent with the grantee's application materials and program goals.

PERFORMANCE MEASURE

Rail measures	Unit measured	Temporal	Primary strategic goal	Secondary strategic goal	Description
Slow Order Miles	Miles	Annual	State of Good Repair.	Safety	The number of miles per year within the project area that have temporary speed restrictions ("slow orders") imposed due to track condition. This is an indicator of the overall condition of track. This measure can be used for projects to rehabilitate sections of a rail line since the rehabilitation should eliminate, or at least reduce the slow orders upon project completion.
Rail Track Grade Separation.	Count	Annual	Economic Competitiveness.	Safety	The number of annual automobile crossings that are eliminated at an at-grade crossing as a result of a new grade separation.
Passenger Counts.	Count	Annual	Economic Competitiveness.	State of Good Repair.	Count of the annual passenger boardings and alightings at stations within the project area.
Travel Time	Time/Trip	Annual	Economic Competitiveness.	Quality of Life	Point-to-point travel times between pre-determined station stops within the project area. This measure demonstrates how track improvements and other upgrades improve operations on a rail line. It also helps make sure the railroad is maintaining the line after project completion.
Track Miles	Miles	One Time	State of Good Repair.	Economic Competitiveness.	The number of track miles that exist within the project area. This measure can be beneficial for projects building sidings or sections of additional main line track on a railroad.

G. Federal Awarding Agency Contacts

For further information regarding this notice and the grants program, please contact Amy Houser, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36–412, Washington, DC 20590; email: *amy.houser@dot.gov*.

Ronald L. Batory,

Administrator.

[FR Doc. 2018–25044 Filed 11–15–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of four individuals that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Actions

On November 13, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. AL–ZAYDI, Shibl Muhsin 'Ubayd (a.k.a. AL ZAIDI, Shebl; a.k.a. AL ZAIDI, Shibl; a.k.a. AL–ZADI, Shibl Muhsin Ubayd; a.k.a. AL–ZAYDI, Hajji Shibl Muhsin; a.k.a. MAHDI, Ja'far Salih; a.k.a. ''SHIBL, Hajji''), Iraq; DOB 28 Oct 1968; POB Baghdad, Iraq; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; alt. Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male (individual) [SDGT] [IRGC] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)–QODS FORCE; Linked To: HIZBALLAH).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for acting for or on behalf of ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)–QODS FORCE, an entity determined to be subject to E.O. 13224.

Designated pursuant to section 1(d)(i) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of HIZBALLAH, an entity determined to be subject to E.O. 13224.

2. HASHIM, Yusuf (a.k.a. HASHIM, Yusef; a.k.a. ''SADIQ, Hajji''; a.k.a. ''SADIQ, Sayyid''), Al Zahrani, Lebanon; DOB 1962; POB Beirut, Lebanon; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Male (individual) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for acting for or on behalf of HIZBALLAH, an entity determined to be subject to E.O. 13224.

3. FARHAT, Muhammad 'Abd-Al-Hadi (a.k.a. FARHAT, Mohamad), Iraq; DOB 06 Apr 1967; POB Kuwait; nationality Lebanon; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Male; Passport RL 2274078 (individual) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for acting for or on behalf of HIZBALLAH, an entity determined to be subject to E.O. 13224.

4. KAWTHARANI, Adnan Hussein (a.k.a. AL–KAWTHARANI, Adnan; a.k.a. KAWTHARANI, Adnan Mahmud; a.k.a. KAWTHRANI, Adnan; a.k.a. KUTHERANI, Adnan), Al Zahrani, Lebanon; Najaf, Iraq; DOB 02 Sep 1954; POB Lebanon; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Male (individual) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(d)(i) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of HIZBALLAH, an entity determined to be subject to E.O. 13224.

Dated: November 13, 2018.

Andrea Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2018–25068 Filed 11–15–18; 8:45 am]

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FEDERAL REGISTER

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Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions—Fall 2018

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions—Fall 2018

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions.

SUMMARY: Publication of the Unified Agenda of Regulatory and Deregulatory Actions and the Regulatory Plan represent key components of the regulatory planning mechanism prescribed in Executive Order 12866, ''Regulatory Planning and Review,'' Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' January 30, 2017, and Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' February 24, 2017. The fall editions of the Unified Agenda include the agency regulatory plans required by E.O. 12866, which identify regulatory priorities and provide additional detail about the most important significant regulatory actions that agencies expect to take in the coming year.

In addition, the Regulatory Flexibility Act requires that agencies publish semiannual ''regulatory flexibility agendas'' describing regulatory actions they are developing that will have significant effects on small businesses and other small entities (5 U.S.C. 602).

The Unified Agenda of Regulatory and Deregulatory Actions (Unified Agenda), published in the fall and spring, helps agencies fulfill all of these requirements. All federal regulatory agencies have chosen to publish their regulatory agendas as part of this publication. The complete Unified Agenda and Regulatory Plan can be found online at *http://www.reginfo.gov* and a reduced print version can be found in the **Federal Register**. Information regarding obtaining printed copies can also be found on the *Reginfo.gov* website (or below, VI. How can users get copies of the Plan and the Agenda?).

The fall 2018 Unified Agenda publication appearing in the **Federal Register** includes the Regulatory Plan and agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

The complete fall 2018 Unified Agenda contains the Regulatory Plans of 28 Federal agencies and 66 Federal agency regulatory agendas.

ADDRESSES: Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW, 2219F, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the agency contact listed for each entry.

To provide comment on or to obtain further information about this publication, contact: John C. Thomas, Executive Director, Regulatory Information Service Center (MVE), U.S. General Services Administration, 1800 F Street NW, 2219F, Washington, DC 20405, (202) 482–7340. You may also send comments to us by email at: *risc@gsa.gov*.

SUPPLEMENTARY INFORMATION:

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Introduction to the Fall 2018 Regulatory Plan

Agency Regulatory Plans

Cabinet Departments

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
Department of the Treasury
Department of Veterans Affairs

Other Executive Agencies

Architectural and Transportation Barriers Compliance Board
Environmental Protection Agency
Equal Employment Opportunity Commission
General Services Administration
National Aeronautics and Space Administration
National Archives and Records Administration
Office of Personnel Management
Pension Benefit Guaranty Corporation
Small Business Administration
Social Security Administration

Independent Regulatory Agencies

Consumer Financial Protection Bureau
Consumer Product Safety Commission
Federal Trade Commission
National Indian Gaming Commission
Nuclear Regulatory Commission

Agency Agendas

Cabinet Departments

Department of Agriculture
Department of Commerce
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
Department of the Treasury

Other Executive Agencies

Architectural and Transportation Barriers Compliance Board
Committee for Purchase From People Who Are Blind or Severely Disabled
Environmental Protection Agency
General Services Administration
National Aeronautics and Space Administration
Railroad Retirement Board
Small Business Administration

Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation)

Independent Regulatory Agencies

Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Consumer Product Safety Commission
Federal Communications Commission
Federal Reserve System
National Labor Relations Board
Nuclear Regulatory Commission
Securities and Exchange Commission
Surface Transportation Board

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Introduction to the Fall 2018 Regulatory Plan

Agency Regulatory Plans

Cabinet Departments

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education

Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of Housing and Urban Development
Department of Interior
Department of Justice
Department of Labor
Department of Transportation
Department of Treasury
Department of Veterans Affairs

Other Executive Agencies

Environmental Protection Agency
Equal Employment Opportunity Commission
General Services Administration
National Aeronautics and Space Administration
National Archives and Records Administration
Office of Personnel Management
Pension Benefit Guaranty Corporation
Small Business Administration
Social Security Administration
Federal Acquisition Regulation

Independent Regulatory Agencies

Consumer Product Safety Commission
Federal Trade Commission
National Indian Gaming Commission
Nuclear Regulatory Commission

Agency Regulatory Flexibility Agendas

Cabinet Departments

Department of Agriculture
Department of Commerce
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of Interior
Department of Justice
Department of Labor
Department of Transportation
Department of Treasury

Other Executive Agencies

Architectural and Transportation Barriers Compliance Board
Committee for Purchase From the People Who Are Blind or Severely Disabled
Environmental Protection Agency
General Services Administration
National Aeronautics and Space Administration
Railroad Retirement Board
Small Business Administration
Federal Acquisition Regulation

Independent Agencies

Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Consumer Product Safety Commission
Federal Communication Commission
Federal Reserve System
National Labor Relations Board
Nuclear Regulatory Commission
Securities and Exchange Commission
Surface Transportation Board

Introduction to the Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions

I. What are the Regulatory Plan and the Unified Agenda?

The Regulatory Plan serves as a defining statement of the Administration's regulatory and deregulatory policies and priorities. The Plan is part of the fall edition of the Unified Agenda. Each participating agency's regulatory plan contains: (1) A narrative statement of the agency's regulatory and deregulatory priorities, and, for the most part, (2) a description of the most important significant regulatory and deregulatory actions that the agency reasonably expects to issue in proposed or final form during the upcoming fiscal year. This edition includes the regulatory plans of 30 agencies.

The Unified Agenda provides information about regulations that the Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. The complete Unified Agenda is available to the public at *http://www.reginfo.gov*. The online Unified Agenda offers flexible search tools and access to the historic Unified Agenda database to 1995. The complete online edition of the Unified Agenda includes regulatory agendas from 65 Federal agencies. Agencies of the United States Congress are not included.

The fall 2018 Unified Agenda publication appearing in the **Federal Register** consists of The Regulatory Plan and agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at *http://www.reginfo.gov*.

The following agencies have no entries for inclusion in the printed regulatory flexibility agenda. An asterisk (*) indicates agencies that appear in The Regulatory Plan. The regulatory agendas of these agencies are available to the public at *http://reginfo.gov*.

Cabinet Departments

Department of Defense *
Department of Education *
Department of Housing and Urban Development *
Department of State
Department of Veterans Affairs *

Other Executive Agencies

Agency for International Development
American Battle Monuments Commission
Commission on Civil Rights
Corporation for National and Community Service
Council on Environmental Quality
Court Services and Offender Supervision Agency for the District of Columbia
Equal Employment Opportunity Commission *
Federal Mediation Conciliation Service
Institute of Museum and Library Services
National Archives and Records Administration *
National Endowment for the Arts
National Endowment for the Humanities
National Mediation Board
Office of Government Ethics
Office of Management and Budget
Office of Personnel Management *
Peace Corps
Pension Benefit Guaranty Corporation *
Presidio Trust
Social Security Administration *
Tennessee Valley Authority

Independent Agencies

Council of the Inspectors General on Integrity and Efficiency
Farm Credit Administration
Federal Deposit Insurance Corporation
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Maritime Commission
Federal Trade Commission *
National Commission on Military, National, and Public Service
National Credit Union Administration
National Indian Gaming Commission *
National Transportation Safety Board
Postal Regulatory Commission

The Regulatory Information Service Center compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866 (incorporated in Executive Order 13563). The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency officials, and the public.

The activities included in the Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last

Unified Agenda. Executive Order 12866 does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Regulatory Plan and Unified Agenda do not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

II. Why are the Regulatory Plan and the Unified Agenda published?

The Regulatory Plan and the Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' signed August 13, 2002 (67 FR 53461), provides additional guidance on compliance with the Act.

Executive Order 12866

Executive Order 12866, ''Regulatory Planning and Review,'' September 30, 1993 (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their ''most important significant regulatory actions,'' which appears as part of the fall Unified Agenda. Executive Order 13497, signed January 30, 2009 (74 FR 6113), revoked the amendments to Executive Order 12866 that were contained in Executive Order 13258 and Executive Order 13422.

Executive Order 13771

Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' January 30, 2017 (82 FR 9339) requires each agency to identify for elimination two prior regulations for every one new regulation issued, and the cost of planned regulations be prudently managed and controlled through a budgeting process.

Executive Order 13777

Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' February 24, 2017 (82 FR 12285) requires each agency to designate an agency official as its Regulatory Reform Officer (RRO). Each RRO shall oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. The Executive Order also directs that each agency designate a regulatory Reform Task Force.

Executive Order 13563

Executive Order 13563, ''Improving Regulation and Regulatory Review,'' January 18, 2011 (76 FR 3821) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review that were established in Executive Order 12866, which includes the general principles of regulation and public participation, and orders integration and innovation in coordination across agencies; flexible approaches where relevant, feasible, and consistent with regulatory approaches; scientific integrity in any scientific or technological information and processes used to support the agencies' regulatory actions; and retrospective analysis of existing regulations.

Executive Order 13132

Executive Order 13132, ''Federalism,'' August 4, 1999 (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications'' as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose non-statutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions ''that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any 1 year.'' The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' May 18, 2001 (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for ''those matters identified as significant energy actions.'' As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.*), which defers, unless exempted, the effective date of a ''major'' rule for at least 60 days from the publication of the final rule in the

Federal Register. The Act specifies that a rule is ''major'' if it has resulted, or is likely to result, in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

III. How are the Regulatory Plan and the Unified Agenda organized?

The Regulatory Plan appears in part II in a daily edition of the **Federal Register**. The Plan is a single document beginning with an introduction, followed by a table of contents, followed by each agency's section of the Plan. Following the Plan in the **Federal Register**, as separate parts, are the regulatory flexibility agendas for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The sections of the Plan and the parts of the Unified Agenda are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority (Agenda only); and independent regulatory agencies. Agencies may in turn be divided into subagencies. Each printed agency agenda has a table of contents listing the agency's printed entries that follow. Each agency's part of the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agency's printed entries that follow.

Each agency's section of the Plan contains a narrative statement of regulatory priorities and, for most agencies, a description of the agency's most important significant regulatory and deregulatory actions. Each agency's part of the Agenda contains a preamble providing information specific to that agency plus descriptions of the agency's regulatory and deregulatory actions.

The online, complete Unified Agenda contains the preambles of all participating agencies. Unlike the printed edition, the online Agenda has no fixed ordering. In the online Agenda, users can select the particular agencies' agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency's entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions*—actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

Long-Term Actions are rulemakings reported during the publication cycle that are outside of the required 12-month reporting period for which the Agenda was intended. Completed Actions in the publication cycle are rulemakings that are ending their lifecycle either by Withdrawal or completion of the rulemaking process. Therefore, the Long-Term and Completed RINs do not represent the ongoing, forward-looking nature intended for reporting developing rulemakings in the Agenda pursuant to Executive Order 12866, section 4(b) and 4(c). To further differentiate these two stages of rulemaking in the Unified Agenda from active rulemakings, Long-Term and Completed Actions are reported separately from active rulemakings, which can be any of the first three stages of rulemaking listed above. A separate search function is provided on *http://reginfo.gov* to search for Completed and Long-Term Actions apart from each other and active RINs.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics. The online edition retains the Unified Agenda's subject index based on the **Federal Register** Thesaurus of Indexing Terms. In addition, online users have the option of searching Agenda text fields for words or phrases.

IV. What information appears for each entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

Title of the Regulation—a brief description of the subject of the regulation. In the printed edition, the notation ''Section 610 Review'' following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

Priority—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

(1) Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment,

public health or safety, or State, local, or tribal governments or communities. The definition of an ''economically significant'' rule is similar but not identical to the definition of a ''major'' rule under 5 U.S.C. 801 (Pub. L. 104–121). (See below.)

(2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) Substantive, Nonsignificant

A rulemaking that has substantive impacts, but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

(4) Routine and Frequent

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

(5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

Major—whether the rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

Unfunded Mandates—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

Legal Authority—the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.

Legal Deadline—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

Timetable—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 12/00/19 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is ''To Be Determined.'' ''Next Action Undetermined'' indicates the agency does not know what action it will take next.

Regulatory Flexibility Analysis Required—whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

Small Entities Affected—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected—whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

International Impacts—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation's international trading partners.

Federalism—whether the action has ''federalism implications'' as defined in Executive Order 13132. This term refers to actions ''that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Independent regulatory agencies are not required to supply this information.

Included in the Regulatory Plan—whether the rulemaking was included in the agency's current regulatory plan published in fall 2017.

Agency Contact—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

RIN Information URL—the internet address of a site that provides more information about the entry.

Public Comment URL—the internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the Governmentwide e-rulemaking site, *http://www.regulations.gov*.

Additional Information—any information an agency wishes to include that does not have a specific corresponding data element.

Compliance Cost to the Public—the estimated gross compliance cost of the action.

Affected Sectors—the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

Energy Effects—an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355).

Related RINs—one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Statement of Need—a description of the need for the regulatory action.

Summary of the Legal Basis—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

Alternatives—a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

Anticipated Costs and Benefits—a description of preliminary estimates of the anticipated costs and benefits of the action.

Risks—a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

V. Abbreviations

The following abbreviations appear throughout this publication:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

E.O.—An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

FY—The Federal fiscal year runs from October 1 to September 30.

• *NPRM*—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum: A statement of the time, place, and nature of the public rulemaking proceeding;

• A reference to the legal authority under which the rule is proposed; and Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL (or Pub. L.)—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, Public Law 112–4 is the fourth public law of the 112th Congress.

RFA—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

RIN—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Regulatory Plan and the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

Seq. No.—The sequence number identifies the location of an entry in the printed edition of the Regulatory Plan and the Unified Agenda. Note that a specific regulatory action will have the same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

U.S.C.—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

VI. How can users get copies of the Plan and the Agenda?

Copies of the **Federal Register** issue containing the printed edition of The Regulatory Plan and the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954. Telephone: (202) 512–1800 or 1–866–512–1800 (toll-free).

Copies of individual agency materials may be available directly from the agency or may be found on the agency's website. Please contact the particular agency for further information.

All editions of The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions since fall 1995 are available in electronic form at *http://reginfo.gov*, along with flexible search tools.

The Government Printing Office's GPO FDsys website contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at *http://www.fdsys.gov*.

Dated: October 15, 2018.

John C. Thomas,

Executive Director.

BILLING CODE 6820–27–P

Introduction to the Fall 2018 Regulatory Plan

Regulatory reform is a cornerstone of President Trump's agenda for economic growth. This Plan reaffirms the principles of individual liberty and limited government essential to reform. It also highlights the success of ongoing efforts, initiatives for improving accountability, and the promotion of good regulatory practices.

Across the Trump Administration, real regulatory reform is underway. As the agency examples throughout the Plan demonstrate, the benefits of a more rational regulatory system are felt far and wide and create opportunities for economic growth and development. Farmers can more productively use their land. Small businesses can hire more workers and provide more affordable healthcare. Innovators will be able to pursue advances in autonomous vehicles, drones, and commercial space exploration. Veterans enjoy expanded access to doctors through a telehealth program. Infrastructure can be improved more quickly with streamlined permitting requirements. These reforms and many others make life better for all Americans through lower consumer prices, more jobs, and, in the long run, improvements in well-being that result from the advance of innovative new products and services.

Private choices of individuals and businesses should generally prevail in a free society. Yet in modern times, the expansion of the administrative state has placed undue burdens on the public, impeding economic growth, technological innovation, and consumer choice. This Administration has spearheaded an unprecedented effort to

restore appropriate checks on the regulatory state, ensuring that agencies act within the boundaries of the law and in a manner that yields the greatest benefits to the American people while imposing the fewest burdens. Our policies focus on restoring political accountability and protecting the constitutional values of due process and fair notice. Government should respect the private decisions of individuals and businesses unless a compelling need can be shown for intervention, a longstanding principle affirmed in Executive Order 12866 (''Regulatory Planning and Review,'' September 30, 1993). We approach regulation with humility, trusting Americans to direct their energy and capital productively and to reap the benefits that result from a free exchange of goods and ideas.

The Administration's regulatory agenda involves structural reforms as well as the practical work of eliminating and revising regulations. Agencies continue to advance the health and safety mandates that Congress has entrusted to them and to revamp vital programs to increase their effectiveness. At the same time, agencies are revising or rescinding regulations that fail to address real-world problems, that are needlessly burdensome, and that prevent Americans from advancing innovative solutions. Our reform efforts emphasize the rule of law, respect for the Constitution's separation of powers, and the limits of agency authority.

Reducing Regulatory Burdens

At the outset, President Trump set forth a general mandate for regulatory reform across the Administration. Consistent with legal obligations, Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs,'' January 30, 2017) directs a two-fold approach to reform: It requires that agencies eliminate two regulations for each new significant regulation and also requires that agencies offset any new regulatory costs. By requiring a reduction in the number of regulations, the order incentivizes agencies to identify regulations and guidance documents that do not provide sufficient benefits to the public. Agencies have reduced or eliminated unnecessary requirements large and small. For the first time in decades, Federal agencies have decreased new regulatory costs, while continuing to pursue important regulatory priorities.

Agencies have achieved historic and meaningful regulatory reform in the first two years.

- For fiscal year 2018, agencies achieved $23 billion in net regulatory cost savings across the government.
- Agencies issued 176 deregulatory actions (57 of which are significant deregulatory actions) and 14 significant regulatory actions.
- These results expand and build upon the success of the Administration's first year, for a total regulatory cost reduction of $33 billion.

In addition to these impressive results, the agencies project $18 billion in regulatory cost savings for 2019. In addition, the ''Safer Affordable Fuel-Efficient Vehicles Rule'' revises the greenhouse gas standards and Corporate Average Fuel Economy standards for passenger cars and light trucks. The Department of Transportation and the Environmental Protection Agency have proposed a range of options that are projected to save between $120 and $340 billion in regulatory costs and anticipate completion of the rule in fiscal year 2019. The momentum for reform continues to accelerate as agencies complete substantial deregulatory actions.

Promoting the Rule of Law: Political Accountability, Guidance Documents, and Respecting Congress' Lawmaking Power

The Administration's regulatory reform is committed to the rule of law, understood as respect for the constitutional structure as well as the specific laws enacted by Congress. The Constitution establishes a relatively simple framework for regulation. Congress is vested with limited and enumerated legislative powers, which it may use to set regulatory policy and establish the authority of agencies to issue regulations. The President is vested with the executive power, which includes overseeing and directing administration of the laws. Within the framework and directions established by Congress, political accountability for regulatory policy depends on presidential responsibility and control. As Alexander Hamilton explained, ''Energy in the executive is a leading character of good government. It is essential to the protection of the community against foreign attacks: It is not less essential to the steady administration of the laws.'' The Federalist No. 70.

The annual Regulatory Plan has provided a longstanding form of presidential accountability for the regulatory policy of federal agencies as well as for the specific regulatory actions planned for the forthcoming year. Through the process of reviewing the Plan and Unified Agenda of Regulatory and Deregulatory Actions, OIRA helps agencies to direct administrative action consistent with presidential priorities. Agency heads explain their priorities through the narrative of the Regulatory Plan and list specific deregulatory and regulatory actions expected to be completed in the coming year. This process provides an important gatekeeping role to ensure agencies pursue only those actions consistent with law and that have the support of the heads of agencies and ultimately the President. Likewise, review of draft regulatory actions through Executive Order 12866 advances good regulatory policy consistent with legal requirements, sound analysis, and presidential priorities.

Faithful execution of the laws also includes respect for the lawmaking power of Congress. Although Congress often confers substantial discretion on agencies, OIRA works with agencies to limit expansive interpretations of executive authority and to regulate within the boundaries of the law. Carefully examining statutory authority and keeping agencies within the limits set by Congress protects against executive agencies exercising the legislative power. OIRA also works with agencies to ensure compliance with the Administrative Procedure Act. The requirements of public notice and opportunity for comment bolster the legitimacy of agency action and can provide refinements that improve the ultimate policy chosen by an agency.

Moreover, OIRA is looking closely at existing statutory requirements for limiting administrative excess across federal agencies, including within the historically independent agencies. Under the Paperwork Reduction Act, all federal agencies must comply with specific requirements before collecting information from the public. OIRA plays an important role in reviewing forms that collect information, verifying that they have practical utility and are as minimally burdensome as possible. Reduction of paperwork burdens plays an important role in eliminating unnecessary, duplicative, or conflicting regulatory requirements.

The Administration's commitment to the rule of law finds expression in other initiatives, such as restoring the proper use of guidance documents. While guidance documents may provide needed clarification of existing legal obligations, they have sometimes been stretched to impose new obligations. OIRA and the White House Counsel's Office have repeatedly affirmed the importance of due process and fair notice in regulatory policy and worked closely with agencies to prevent the misuse of guidance documents. Agencies should not surprise the public

with new requirements through an informal memo, speech, or blog post. When agencies impose new regulatory obligations, they must follow the appropriate administrative procedures.

Through the review process for significant guidance documents, OIRA has identified proposed agency guidance that should be undertaken only through notice and comment rulemaking. Some agencies have withdrawn expansive guidance from the previous administration and are replacing it with rulemaking, rather than simply a revised guidance document. Rulemaking undoubtedly requires more agency time and resources; however, it also provides fair notice and allows input from the public, which ultimately results in more lawful and predictable regulatory policy.

Other agencies are also taking important steps. The Department of Justice clarified that guidance documents would not be used for enforcement purposes. Several agencies subsequently followed this principle, including a group of historically independent financial regulatory agencies. Other agencies are in the process of revising their guidance policies to promote greater accountability in the development, promulgation, and access to guidance documents.

Ensuring the proper use of guidance documents; eliminating outdated or stale guidance; requiring internal checks that enhance accountability for guidance; and providing greater transparency and online access to guidance documents are steps forward in promoting sound regulatory policy across the federal government. OIRA will continue to work with agencies to improve and refine their guidance practices.

Good Regulatory Practices: Transparency, Coordination, and Analysis

Regulatory reform in the Trump Administration includes the promotion and expansion of longstanding good regulatory practices such as transparency, coordination, and cost-benefit analysis. These practices improve regulatory outcomes irrespective of the policy preferences of an agency or administration.

Transparency in the regulatory process provides one of the most important checks on administrative agencies by allowing the public to have notice of regulatory actions and opportunities for comment in the administrative process. This Administration has taken specific steps to improve transparency.

For example, OIRA collaborates with agencies to make the Unified Agenda of Regulatory and Deregulatory Actions a more accurate reflection of what agencies plan to pursue in the coming year. Agencies must make every effort to include actions they plan to pursue, because if an item is not on the Agenda, under Executive Order 13771, an agency cannot move forward unless it obtains a waiver or the action is required by law. A clear and accurate Agenda helps avoid unfair surprise and achieves greater predictability of upcoming actions.

This Administration has also published the so-called ''Inactive List,'' a list of regulations contemplated by agencies, but previously not made public in the Agenda. Agencies continue to review these lists and remove actions they no longer plan to pursue. Publication of the list promotes agency accountability for all regulatory actions under consideration and a more accurate picture of regulations in the pipeline.

Furthermore, in the process of implementing the historic reforms of Executive Order 13771, OIRA published detailed information about the cost allowances, cost savings, and specific actions counted as regulatory and deregulatory. OIRA issued early guidance on how the Executive Order would be implemented. Drawing from the successful experience of similar deregulatory programs in the United Kingdom and Canada, the guidance explained that even small deregulatory actions would be counted in order to incentivize agencies to eliminate unnecessary regulatory burdens of all sizes. This transparency allows the public to understand the accounting methodology and the choices made to encourage the greatest possible reform efforts from the agencies.

Coordination is an important component of the OIRA regulatory review process. Coordination facilitates consistent application of presidential priorities, legal interpretation, and regulatory policy across different agencies. Centralized review allows the Administration to advance broader principles, such as concern for the rule of law, due process, and fair notice, as well as to reduce regulatory costs across the board.

Through the review process, agencies and senior officials within the Executive Office of the President have an opportunity to comment on draft regulations. These reviewers flag policy concerns or problems of duplication, inconsistency, and inefficiency. Such coordination allows for careful consideration of competing priorities and how they should be balanced across the Executive Branch. The review process also allows for coordination in other contexts, such as when one agency's rule implicates the programs or legal authorities of another. Interagency review can ameliorate problems arising from overlapping statutory mandates. Review can also strengthen the legal foundation and the supporting analysis of rules—bolstering their effectiveness and also their ability to survive legal challenge.

The historically independent agencies sometimes participate in the review process when a regulation raises issues that implicate their jurisdiction. Because these agencies are not generally subject to other White House coordination mechanisms, the review process provides an opportunity to ensure greater consistency across all agencies within the Executive Branch.

Finally, *cost-benefit analysis* must justify the need for regulation. As Executive Order 12866 recognizes, private choices of individuals and businesses are the baseline in the American system of government. To warrant departure from this baseline, regulatory actions must be consistent with statutory authority and should have benefits that substantially exceed costs.

Careful analysis that accurately captures both the benefits and costs of regulation is essential to achieving good regulatory policy. Consideration of alternatives and an assessment of their costs and benefits serves an important function by providing transparency for regulatory decisions and information that can inform public comment on the impact of regulatory alternatives before a rule is finalized. While anticipating and quantifying the costs and benefits of regulations pose challenges in some contexts, OIRA will continue to work closely with agencies to improve their analyses.

One of the practical consequences of Executive Order 13771 is that agencies have a new and meaningful incentive to engage in retrospective review of regulations, which President Obama called for in Executive Order 13563 (''Improving Regulation and Regulatory Review,'' January 18, 2011). When issuing a rule, an agency can only *predict* the costs and benefits. Periodically reviewing the *actual* costs and benefits of regulations allows agencies to modify rules for greater effectiveness or to repeal rules that are unnecessary or counterproductive.

Review of Tax Regulations Under Executive Order 12866

Administration-wide regulatory reform efforts have been coupled with targeted reforms in specific high-burden areas. For example, the President issued Executive Order 13789 (''Identifying and Reducing Tax Regulatory Burdens,'' April 21, 2017), directing the Department of the Treasury to identify and reduce tax regulatory burdens because America's ''Federal tax system should be simple, fair, efficient, and pro-growth.'' In addition to other measures, the President called for a review of whether tax regulations should go through the centralized OIRA regulatory review process. Tax regulations were previously exempt from this process, in part contributing to the problem of burdensome, complicated, and inefficient tax regulatory policy identified by Executive Order 13789.

After conducting this review, the Office of Management and Budget and the Department of the Treasury signed a Memorandum of Agreement (MOA), ''Review of Tax Regulations under Executive Order 12866'' (April 11, 2018). The MOA recognizes the importance of presidential oversight and accountability, particularly where tax regulations reflect the exercise of discretion, raise important legal or policy questions, or impose substantial costs on the public. Tax regulations uniquely impact all Americans and have significant consequences for investment, economic growth, and innovation. The OIRA review process provides an important check to ensure that tax regulations are consistent with the President's priorities for a ''simple, fair, efficient, and pro-growth'' tax system.

The historic reforms enacted in the Tax Cuts and Jobs Act (TCJA) require Treasury to issue a number of regulations. The MOA provides for the possibility of expedited review of TCJA regulations in order to provide timely guidance and information to the public. Over the past few months, Treasury and OIRA have worked closely together to improve tax regulations, ensuring that regulations are consistent with law, demonstrate benefits that exceed the costs, and impose the fewest possible burdens on the public. The review process encourages greater transparency of the impacts of the regulation, highlighting where the agency exercises discretion and the anticipated burdens placed on the public, including paperwork and other compliance burdens. When Treasury provides this information in a proposed rule, the public has a more informed basis from which to comment on the rule and share information about the consequences of particular regulatory choices. Moreover, the review process facilitates coordination with other agencies to avoid conflict with other administration priorities.

The improvement of tax regulations demonstrates a specific success in the Administration's regulatory reform agenda. It also reaffirms the value of the OIRA centralized review process for promoting presidential priorities and good regulatory practices such as transparency, coordination, and robust cost-benefit analysis.

Conclusion

Consistent with its longstanding commitment to the principles of good regulatory policy, OIRA works closely with agencies to advance regulatory policy that is consistent with law and the President's priorities and yields substantial net benefits for the public. The first two years of the Administration have produced unparalleled reform, and we project even more significant results in the coming year.

Neomi Rao,

Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget

DEPARTMENT OF AGRICULTURE

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
1	NOP; Strengthening Organic Enforcement	0581–AD09	Proposed Rule Stage.
2	National Bioengineered Food Disclosure Standard	0581–AD54	Final Rule Stage.
3	Animal Welfare; Amendments to Licensing Provisions and to Requirements for Dogs.	0579–AE35	Proposed Rule Stage.
4	Importation, Interstate Movement, and Release Into the Environment of Certain Genetically Engineered Organisms.	0579–AE47	Proposed Rule Stage.
5	Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents.	0584–AE57	Proposed Rule Stage.
6	Providing Regulatory Flexibility for Retailers in the Supplemental Nutrition Assistance Program (SNAP).	0584–AE61	Proposed Rule Stage.
7	Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP).	0584–AE62	Proposed Rule Stage.
8	Reform Provisions for the Supplemental Nutrition Assistance Program's Quality Control System.	0584–AE64	Proposed Rule Stage.
9	Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements.	0584–AE53	Final Rule Stage.
10	Egg Products Inspection Regulations	0583–AC58	Final Rule Stage.
11	Modernization of Swine Slaughter Inspection	0583–AD62	Final Rule Stage.
12	Update and Clarification of the Locatable Minerals Regulations	0596–AD32	Prerule Stage.
13	Oil and Gas Resource Revision	0596–AD33	Prerule Stage.
14	Servicing Regulation for the Rural Utilities Service (RUS) Telecommunications Programs.	0572–AC41	Final Rule Stage.
15	oneRD Guaranteed Loan Regulation	0572–AC43	Final Rule Stage.

DEPARTMENT OF COMMERCE

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
16	Revisions to the Export Administration Regulations: Control of Firearms and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List.	0694–AF47	Final Rule Stage.
17	Magnuson-Stevens Act; Fishery Management Councils; Financial Disclosure and Recusal.	0648–BH73	Proposed Rule Stage.
18	Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood.	0648–BH87	Proposed Rule Stage.
19	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico.	0648–BB38	Final Rule Stage.
20	Commerce Trusted Trader Program	0648–BG51	Final Rule Stage.
21	Setting and Adjusting Patent Fees	0651–AD31	Proposed Rule Stage.

DEPARTMENT OF DEFENSE

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
22	Contractor Purchasing System Review Threshold (DFARS Case 2017–D038)	0750–AJ48	Proposed Rule Stage.
23	Brand Name or Equal (DFARS Case 2017–D040)	0750–AJ50	Proposed Rule Stage.
24	Submission of Summary Subcontract Report (DFARS Case 2017–D005)	0750–AJ42	Final Rule Stage.
25	Regulatory Program of the Army Corps of Engineers Tribal Consultation and National Historic Preservation Act compliance.	0710–AA75	Prerule Stage.
26	Natural Disaster Procedures: Preparedness, Response, and Recovery Activities of the Corps of Engineers.	0710–AA78	Proposed Rule Stage.
27	Definition of ''Waters of the United States''	0710–AA80	Proposed Rule Stage.
28	Compensatory Mitigation for Losses of Aquatic Resources—Review and Approval of Mitigation Banks and In-Lieu Fee Programs.	0710–AA83	Proposed Rule Stage.
29	Modification of Nationwide Permits	0710–AA84	Proposed Rule Stage.
30	Policy for Domestic, Municipal, and Industrial Water Supply Uses of Reservoir Projects Operated by the Department of the Army, U.S. Army Corps of Engineers.	0710–AA72	Final Rule Stage.
31	Establishment of TRICARE Select and Other TRICARE Reforms	0720–AB70	Final Rule Stage.

DEPARTMENT OF EDUCATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
32	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.	1870–AA14	Proposed Rule Stage.
33	State Authorization and Related Issues	1840–AD36	Proposed Rule Stage.
34	Accreditation and Related Issues	1840–AD37	Proposed Rule Stage.
35	Ensuring Student Access to High Quality and Innovative Postsecondary Educational Programs.	1840–AD38	Proposed Rule Stage.
36	Eligibility of Faith-Based Entities and Activities-Title IV Programs	1840–AD40	Proposed Rule Stage.
37	TEACH Grants	1840–AD44	Proposed Rule Stage.
38	Institutional Accountability	1840–AD26	Final Rule Stage.
39	Program Integrity; Gainful Employment	1840–AD31	Final Rule Stage.

DEPARTMENT OF ENERGY

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
40	Energy Conservation Standards for Residential Conventional Cooking Products	1904–AD15	Proposed Rule Stage.
41	Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards for Consumer Products.	1904–AD38	Proposed Rule Stage.
42	Energy Conservation Program: Definition for General Service Lamps	1904–AE26	Proposed Rule Stage.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
43	HIPAA Privacy: Request for Information on Changes to Support, and Remove Barriers to, Coordinated Care.	0945–AA00	Prerule Stage.
44	HIPAA Privacy Rule: Presumption of Good Faith of Health Care Providers	0945–AA09	Proposed Rule Stage.
45	Protecting Statutory Conscience Rights in Health Care; Delegations of Authority	0945–AA10	Final Rule Stage.

DEPARTMENT OF HEALTH AND HUMAN SERVICES—Continued

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
46	Revising Outdated Requirements for Opioid Treatment Providers (OTPS)	0930–AA27	Proposed Rule Stage.
47	Coordinating Care and Information Sharing in the Treatment of Substance Use Disorders.	0930–AA32	Proposed Rule Stage.
48	Food Standards: General Principles and Food Standards Modernization (Reopening of Comment Period).	0910–AC54	Proposed Rule Stage.
49	Mammography Quality Standards Act; Amendments to Part 900 Regulations	0910–AH04	Proposed Rule Stage.
50	Medical Device De Novo Classification Process	0910–AH53	Proposed Rule Stage.
51	Nonprescription Drug Product With an Additional Condition for Nonprescription Use.	0910–AH62	Proposed Rule Stage.
52	Format and Content of Reports Intended to Demonstrate Substantial Equivalence	0910–AH89	Proposed Rule Stage.
53	Nutrient Content Claims, Definition of Term: Healthy	0910–AI13	Proposed Rule Stage.
54	Compliance With Statutory Program Integrity Requirements	0937–AA07	Final Rule Stage.
55	Requirements for Long-Term Care Facilities: Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3347–P).	0938–AT36	Proposed Rule Stage.
56	CY 2020 Notice of Benefit and Payment Parameters (CMS–9926–P)	0938–AT37	Proposed Rule Stage.
57	Exchange Program Integrity (CMS–9922–P)	0938–AT53	Proposed Rule Stage.
58	Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2020 (CMS–4185–P).	0938–AT59	Proposed Rule Stage.
59	Modernizing and Clarifying the Physician Self-Referral Regulations (CMS–1720–P).	0938–AT64	Proposed Rule Stage.
60	Adoption and Foster Care Analysis and Reporting System	0970–AC72	Proposed Rule Stage.

DEPARTMENT OF HOMELAND SECURITY

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
61	EB–5 Immigrant Investor Program Realignment	1615–AC26	Prerule Stage.
62	Inadmissibility on Public Charge Grounds	1615–AA22	Proposed Rule Stage.
63	Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Cap Subject Aliens.	1615–AB71	Proposed Rule Stage.
64	EB–5 Immigrant Investor Regional Center Program	1615–AC11	Proposed Rule Stage.
65	Strengthening the H–1B Nonimmigrant Visa Classification Program	1615–AC13	Proposed Rule Stage.
66	U.S. Citizenship and Immigration Services Biometrics Collection for Consistent, Efficient, and Effective Operations.	1615–AC14	Proposed Rule Stage.
67	Removing H–4 Dependent Spouses from the Class of Aliens Eligible for Employment Authorization.	1615–AC15	Proposed Rule Stage.
68	Electronic Processing of Immigration Benefit Requests	1615–AC20	Proposed Rule Stage.
69	Updating Adjustment of Status Procedures for More Efficient Processing and Immigrant Visa Usage.	1615–AC22	Proposed Rule Stage.
70	Improvements to the Medical Certification for Disability Exceptions Processing	1615–AC23	Proposed Rule Stage.
71	Credible Fear Reform	1615–AC24	Proposed Rule Stage.
72	Employment Authorization Documents for Asylum Applicants	1615–AC27	Proposed Rule Stage.
73	EB–5 Immigrant Investor Program Modernization	1615–AC07	Final Rule Stage.
74	Removal of Certain International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as Amended (STCW) Training Requirements.	1625–AC48	Proposed Rule Stage.
75	TWIC Reader Requirements; Delay of Effective Date	1625–AC47	Final Rule Stage.
76	Collection of Biometric Data From Aliens Upon Entry To and Exit From the United States.	1651–AB12	Final Rule Stage.
77	Implementation of the Electronic System for Travel Authorization (ESTA) at U.S. Land Borders—Automation of CBP Form I–94W.	1651–AB14	Final Rule Stage.
78	Vetting of Certain Surface Transportation Employees	1652–AA69	Proposed Rule Stage.
79	Amending Vetting Requirements for Employees With Access to a Security Identification Display Area (SIDA).	1652–AA70	Proposed Rule Stage.
80	Protection of Sensitive Security Information	1652–AA08	Final Rule Stage.
81	Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees.	1652–AA35	Final Rule Stage.
82	Security Training for Surface Transportation Employees	1652–AA55	Final Rule Stage.
83	Apprehension, Processing, Care and Custody of Alien Minors and Unaccompanied Alien Children.	1653–AA75	Proposed Rule Stage.
84	Establishing a Maximum Period of Authorized Stay for F–1 and Other Nonimmigrants.	1653–AA78	Proposed Rule Stage.
85	Adjusting Program Fees for the Student and Exchange Visitor Program	1653–AA74	Final Rule Stage.
86	Factors Considered When Evaluating a Governor's Request for Individual Assistance for a Major Disaster.	1660–AA83	Final Rule Stage.
87	Update to FEMA's Regulations on Rulemaking Procedures	1660–AA91	Final Rule Stage.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
88	Enhancing and Streamlining the Implementation of ''Section 3'' Requirements for Creating Economic Opportunities for Low- and Very Low-Income Persons and Eligible Businesses.	2501–AD87	Proposed Rule Stage.
89	Project Approval for Single Family Condominium (FR–5715)	2502–AJ30	Final Rule Stage.
90	Affirmatively Furthering Fair Housing Streamlining and Enhancement (FR–6123)	2529–AA97	Prerule Stage.

DEPARTMENT OF THE INTERIOR

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage.
91	Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf.	1082–AA01	Proposed Rule Stage

DEPARTMENT OF JUSTICE

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
92	Bump-Stock-Type Devices	1140–AA52	Final Rule Stage.
93	Implementation of the Provision of the Comprehensive Addiction and Recovery Act of 2016 Relating to the Partial Filling of Prescriptions for Schedule II Controlled Substances.	1117–AB45	Proposed Rule Stage.
94	Procedures for Asylum	1125–AA87	Proposed Rule Stage.

DEPARTMENT OF LABOR

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
95	Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees.	1235–AA20	Proposed Rule Stage.
96	Regular and Basic Rates Under the Fair Labor Standards Act	1235–AA24	Proposed Rule Stage.
97	Joint Employment Under the Fair Labor Standards Act	1235–AA26	Proposed Rule Stage.
98	Labor Certification Process for Temporary Agricultural Employment in the United States (H–2A workers).	1205–AB89	Proposed Rule Stage.
99	Health Reimbursement Arrangements and Other Account-Based Group Health Plans.	1210–AB87	Proposed Rule Stage.
100	Definition of an ''Employer'' Under Section 3(5) of ERISA—Association Retirement Plans and Other Multiple Employer Plans.	1210–AB88	Proposed Rule Stage.
101	Standards Improvement Project IV	1218–AC67	Final Rule Stage.
102	Tracking of Workplace Injuries and Illnesses	1218–AD17	Final Rule Stage.
103	Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors.	1218–AD21	Final Rule Stage.

DEPARTMENT OF TRANSPORTATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
104	Processing Buy America Waivers Based on Non availability	2105–AE79	Proposed Rule Stage.
105	Registration and Marking Requirements for Small Unmanned Aircraft	2120–AK82	Final Rule Stage.
106	Removing Regulatory Barriers for Automated Driving Systems	2127–AM00	Prerule Stage.
107	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks.	2127–AL76	Proposed Rule Stage.
108	Passenger Equipment Safety Standards Amendments	2130–AC46	Final Rule Stage.
109	Pipeline Safety: Class Location Requirements	2137–AF29	Prerule Stage.
110	Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft.	2137–AF20	Proposed Rule Stage.
111	Pipeline Safety: Safety of Hazardous Liquid Pipelines	2137–AE66	Final Rule Stage.
112	Pipeline Safety: Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments.	2137–AE72	Final Rule Stage.
113	Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains (FAST Act).	2137–AF08	Final Rule Stage.

DEPARTMENT OF VETERANS AFFAIRS

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
114	Veterans Community Walk-in Care	2900–AQ47	Proposed Rule Stage.
115	Economic Growth, Regulatory Relief, and Consumer Protection Act (the Act), Public Law 115–174, 132 Stat. 1296.	2900–AQ42	Final Rule Stage.
116	Veterans Health Administration Benefits Claims, Appeals, and Due Process	2900–AQ44	Final Rule Stage.
117	Veterans Care Agreements	2900–AQ45	Final Rule Stage.
118	Veterans Community Care Program	2900–AQ46	Final Rule Stage.

ENVIRONMENTAL PROTECTION AGENCY

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
119	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act.	2060–AM75	Proposed Rule Stage.
120	Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Revisions to New Source Review Program.	2060–AT67	Proposed Rule Stage.
121	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting.	2060–AT89	Proposed Rule Stage.
122	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review.	2060–AT90	Proposed Rule Stage.
123	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review.	2060–AT99	Proposed Rule Stage.
124	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks.	2060–AU09	Proposed Rule Stage.
125	Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h).	2070–AK34	Proposed Rule Stage.
126	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements.	2070–AK37	Proposed Rule Stage.
127	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements.	2070–AK43	Proposed Rule Stage.
128	Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process.	2010–AA12	Proposed Rule Stage.
129	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 2).	2050–AG98	Proposed Rule Stage.
130	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions.	2040–AF15	Proposed Rule Stage.
131	National Primary Drinking Water Regulations: Regulation of Perchlorate	2040–AF28	Proposed Rule Stage.
132	Revised Definition of "Waters of the United States"	2040–AF75	Proposed Rule Stage.
133	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category.	2040–AF77	Proposed Rule Stage.
134	Peak Flows Management	2040–AF81	Proposed Rule Stage.
135	Clean Water Act Section 404(c) Regulatory Revision	2040–AF88	Proposed Rule Stage.
136	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	2060–AT68	Final Rule Stage.
137	Renewable Fuel Volume Standards for 2019 and Biomass-Based Diesel (BBD) Volume for 2020.	2060–AT93	Final Rule Stage.
138	Review of Dust-Lead Hazard Standards and the Definition of Lead-Based Paint	2070–AJ82	Final Rule Stage.
139	Service Fees for the Administration of the Toxic Substances Control Act	2070–AK27	Final Rule Stage.
140	Clean Water Act Hazardous Substances Spill Prevention	2050–AG87	Final Rule Stage.
141	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments.	2050–AG95	Final Rule Stage.
142	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2).	2050–AH01	Final Rule Stage.
143	Definition of "Waters of the United States"—Recodification of Preexisting Rule	2040–AF74	Final Rule Stage.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
144	Amendments to Regulations Under the Americans With Disabilities Act	3046–AB10	Proposed Rule Stage.
145	Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008.	3046–AB11	Proposed Rule Stage.

GENERAL SERVICES ADMINISTRATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
146	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G506, Adoption of Construction Project Delivery Method Involving Early Industry Engagement.	3090–AJ64	Proposed Rule Stage.
147	General Services Acquisition Regulation (GSAR); GSAR Case 2016–G511, Contract Requirements for GSA Information Systems.	3090–AJ84	Proposed Rule Stage.
148	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2016–G515, Cyber Incident Reporting.	3090–AJ85	Proposed Rule Stage.
149	Federal Permitting Improvement Steering Council (FPISC); FPISC Case 2018–001; Fees for Governance, Oversight, and Processing of Environmental Reviews and Authorizations.	3090–AJ88	Proposed Rule Stage.
150	GSAR Case 2008–G517, Cooperative Purchasing—Acquisition of Security and Law Enforcement Related Goods and Services (Schedule 84) by State and Local Governments Through Federal Supply Schedules.	3090–AI68	Final Rule Stage.
151	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contract Administration.	3090–AJ41	Final Rule Stage.
152	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2019–G501, Ordering Procedures for Commercial e-Commerce Portals.	3090–AK03	Final Rule Stage.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
153	Detection and Avoidance of Counterfeit Parts	2700–AE38	Proposed Rule Stage.

OFFICE OF PERSONNEL MANAGEMENT

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
154	Freedom of Information Act (FOIA) Regulations	3206–AK53	Proposed Rule Stage.
155	Direct-Hire Authority for Agency Chief Information Officers	3206–AN65	Proposed Rule Stage.
156	Administrative Law Judges	3206–AN72	Final Rule Stage.

SMALL BUSINESS ADMINISTRATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
157	Small Business HUBZone Program and Government Contracting Programs	3245–AG38	Proposed Rule Stage.
158	Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification.	3245–AG75	Proposed Rule Stage.
159	Implementation of the Small Business 7(a) Lending Oversight Reform Act of 2018.	3245–AH05	Proposed Rule Stage.

SOCIAL SECURITY ADMINISTRATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
160	Revised Medical Criteria for Evaluating Digestive Disorders, Cardiovascular Disorders, and Skin Disorders.	0960–AG65	Proposed Rule Stage.
161	Removing Inability to Communicate in English as an Education Category	0960–AH86	Proposed Rule Stage.
162	Newer and Stronger Penalties (Conforming Changes)	0960–AH91	Proposed Rule Stage.
163	Privacy Act Exemption: Personnel Security and Suitability Program Files	0960–AH97	Proposed Rule Stage.
164	References to Social Security and Medicare in Electronic Communications	0960–AI04	Proposed Rule Stage.
165	Availability of Information and Records to the Public	0960–AI07	Proposed Rule Stage.
166	Setting the Manner for the Appearance of Parties and Witnesses at a Hearing	0960–AI09	Proposed Rule Stage.
167	Redeterminations When There Is a Reason To Believe Fraud or Similar Fault Was Involved in an Individual's Application for Benefits.	0960–AI10	Proposed Rule Stage.
168	Hearings Held by Administrative Appeals Judges of the Appeals Council	0960–AI25	Proposed Rule Stage.
169	Rules Regarding the Frequency and Notice of Continuing Disability Reviews	0960–AI27	Proposed Rule Stage.
170	Privacy and Disclosure of Official Records and Information	0960–AI38	Proposed Rule Stage.
171	Revised Medical Criteria for Evaluating Musculoskeletal Disorders (3318P)	0960–AG38	Final Rule Stage.
172	Privacy Act Exemption: Social Security Administration Violence Evaluation and Reporting System (SSAvers).	0960–AI08	Final Rule Stage.

CONSUMER PRODUCT SAFETY COMMISSION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
173	Regulatory Options for Table Saws	3041–AC31	Final Rule Stage.
174	Portable Generators	3041–AC36	Final Rule Stage.

NUCLEAR REGULATORY COMMISSION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
175	Low-Level Radioactive Waste Disposal [NRC–2011–0012]	3150–AI92	Proposed Rule Stage.
176	Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning [NRC–2015–0070].	3150–AJ59	Proposed Rule Stage.
177	Cyber Security at Fuel Cycle Facilities [NRC–2015–0179]	3150–AJ64	Proposed Rule Stage.
178	American Society of Mechanical Engineers 2015–2017 Code Editions Incorporation by Reference [NRC–2016–0082].	3150–AJ74	Proposed Rule Stage.
179	Approval of American Society of Mechanical Engineers Code Cases, Revision 38 [NRC–2017–0024].	3150–AJ93	Proposed Rule Stage.
180	Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032]	3150–AJ99	Proposed Rule Stage.
181	Mitigation of Beyond Design Basis Events (MBDBE) [NRC–2014–0240]	3150–AJ49	Final Rule Stage.
182	Advanced Power Reactor 1400 (APR–1400) Design Certification [NRC–2015–0224].	3150–AJ67	Final Rule Stage.

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U.S. DEPARTMENT OF AGRICULTURE

Fall 2018 Statement of Regulatory Priorities

The Department of Agriculture's (USDA) ongoing regulatory reform strategy remains one of the cornerstones for creating a culture of consistent, efficient service to our customers, while reducing burdens and improving efficiency. Accordingly, USDA's fall 2018 Regulatory Agenda reflects these priorities, including those administrative efficiencies such as streamlining and one-stop shopping. Moreover, these USDA regulatory reform efforts, combined with other reform efforts, will make it easier to invest, produce, and build in rural America, which will lead to the creation of jobs and enhanced economic prosperity. To achieve results, USDA is guided by the following comprehensive set of priorities through which the Department, its employees, and external partners will work to identify and eliminate regulatory and administrative barriers and improve business processes to enhance program delivery and reduce burdens on program participants. These priorities include:

➢ *Regulatory Reform Task Force (RRTF):* In response to Executive Order 13777—Enforcing the Regulatory Reform Agenda and Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs, which set forth expectations for reducing the regulatory burden on the public, the Department has established an internal RRTF to identify outdated regulations for elimination and administrative processes for streamlining. The USDA RRTF is comprised of senior agency managers representing all the major missions of the Department. USDA is also soliciting public comments on recommended reforms through July 2019.

➢ *Organizational Reform:* To ensure that USDA's programs, agencies, and offices best serve the Department's customers, USDA is implementing organizational changes that are targeted at improving customer service like seeking direct public feedback through our *Tell Sonny* initiative. Through these reforms, USDA is breaking down organizational barriers that have impeded the Department's ability to most effectively and efficiently support its customers across the Nation. Moreover, reforms like the consolidation of administrative functions at the mission area level eliminate inefficiencies and allow the Department to best support the needs of our customers. Through the implementation of these improvements, USDA will be better positioned to remove obstacles, and give agricultural producers every opportunity to prosper and feed a growing world population. These improvements support the accomplishment of USDA's mission to provide leadership on agriculture, food, natural resources, rural prosperity, nutrition, and related issues through fact-based, data-driven, and customer-focused decisions.

Farm Bill Implementation: Legislation covering major commodity support programs and crop insurance, trade, conservation, rural development, nutrition assistance and other programs (the Farm Bill) expires at the end of fiscal year 2018. Plans for implementation to any new or modified programs reauthorized in the new Farm Bill will be considered upon enactment and regulatory agenda priorities adjusted accordingly. USDA notes that Farm Bill implementation will allow us the opportunity to modify existing regulations while introducing program reforms to ease the burden on our customers and improve program outcomes.

Executive Order 13777—Enforcing the Regulatory Reform Agenda

Executive Order 13777 establishes a Federal policy to lower regulatory burdens on the American people by implementing and enforcing regulatory reform. The RRTF reviewed proposed, pending and existing regulations to determine the deregulatory and regulatory actions to include in the 2018 fall Regulatory Agenda. These actions were further evaluated to determine which rules should be made a priority based on the impact of their proposals and the Department's ability to finalize the action in FY 2019. Executive Order 13777 also directed the Department to seek input from entities significantly affected by Federal regulations. To satisfy this requirement, the Department published a Request for Information (RFI) in the **Federal Register** on July 17, 2017, seeking public input on identifying regulatory reform initiatives

(82 FR 32649). The RFI asked the public to identify regulations, guidance documents, or any other policy documents or administrative processes that need reform, as well as ideas on how to modify, streamline, expand, or repeal such items. Through the end of June 2018, USDA had received and reviewed over 4,000 public comments on recommended reforms, including requests from stakeholders to extend the public comment period past its one-year time period. Accordingly, USDA has extended the public comment period through July 18, 2019. While comments to the notice do not bind USDA to any further actions, all submissions are reviewed and inform actions to repeal, replace, or modify existing regulations.

Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs

Executive Order 13771 directs agencies to eliminate two existing regulations for every new regulation while limiting the total costs associated with an agency's regulations. Specifically, it requires a regulatory two-for-one wherein an agency must propose the elimination of two existing regulations for every new regulation it publishes. Moreover, the costs associated with the new regulation must be completely offset by cost savings brought about by deregulation.

The Department's 2018 fall Regulatory Agenda reflects the Department's commitment to regulatory reform and continues USDA's rigorous implementation of Executive Order 13771. The Regulatory Agenda identifies 72 rules, of which 34 rules are not subject to the offsetting or deregulatory requirements of Executive Order 13771. Of the remaining 38 rules, 32 are deregulatory and six are regulatory. Of the 32 deregulatory actions, USDA has identified 16 final rules that will be completed in FY 2019 resulting in either a cost savings or meeting the direction that an agency issue twice as many Executive Order 13771 deregulatory actions as Executive Order 13771 regulatory actions.

USDA's 2018 fall Statement of Regulatory Priorities was developed to lower regulatory burdens on the American people by implementing and enforcing regulatory reform. These regulatory priorities will contribute to the mission of the Department, and the achievement of the long-term goals the Department aims to accomplish. Highlights of how the Department's regulatory reform efforts contribute to the accomplishment of the Department's strategic goals include the following:

The Department will promote American agricultural products and exports that benefit and grow the U.S. agricultural economy and rural America: To achieve this, USDA will expand international marketing opportunities through promotion activities, development of international standards, removal of trade barriers to U.S. exports, and negotiation of new trade agreements. USDA will also partner with developing countries to assist them with movement along the agricultural market continuum from developing economies to developed economies with promising demand potential.

➢ *Agricultural Trade Promotion Program:* This action will assist U.S. agricultural industries to conduct market promotion activities that promote U.S. agricultural commodities in foreign markets, including activities that address existing or potential non-tariff barriers to trade. For more information about this rule, see RIN 0551–AA92.

The Department will ensure that programs are delivered efficiently, effectively, with integrity, and a focus on customer service: To achieve this, USDA is working to leverage the strength and talent of USDA employees with continued dedication to data-driven enterprise solutions through collaborative governance and human capital management strategies centered on accountability and professional development. USDA will reduce regulatory and administrative burdens hindering agencies from reaching the greatest number of stakeholders. Improved customer service and employee engagement within USDA will create a more effective and accessible organization for all stakeholders.

➢ *Implement the National Bioengineered Food Disclosure Standard:* This action was mandated by the National Bioengineered Food Disclosure Standard (Law), which required USDA to develop a national standard and the procedures for its implementation within two years of the Law's enactment. Pursuant to the law, AMS has proposed requirements that, if finalized, will serve as a national mandatory bioengineered food disclosure standard for bioengineered food and food that may be bioengineered. The proposed rule published on May 4, 2018, and the deadline for public comment was July 3, 2018. AMS reviewed over 14,000 comments that will be analyzed and addressed in the final rule. For more information about this rule, see RIN 0581–AD54.

➢ *Improve effectiveness and efficiency of helping individuals move into work:* The Food and Nutrition Act of 2008 (FNA) establishes a time limit for participation in SNAP of three months in three years for able-bodied adults without children who are not working. FNA allows states to waive the time limit under certain circumstances. The proposed action would modify SNAP requirements and services for able-bodied adults without children in response to public input provided through an advance notice of proposed rulemaking published on February 23, 2018. For more information about this rule, see RIN 0584–AE57.

➢ *Revision of categorical eligibility in the Supplemental Nutrition Assistance Program (SNAP):* The Food and Nutrition Act of 2008 allows households in which all members receiving benefits under a State program funded by the Temporary Assistance for Needy Families (TANF) program are categorically eligible to participate in SNAP. States have the option of adopting a policy in which households may become categorically eligible for SNAP because they receive a non-cash or in-kind benefit or service funded by TANF. FNS will issue a proposed rule to amend the regulations pertaining to categorically eligible TANF households by limiting categorical eligibility to households that received cash TANF or other substantial assistance from TANF. For more information about this rule, see RIN 0584–AE62.

➢ *Reform provisions for the Supplemental Nutrition Assistance Program's Quality Control System:* FNS will propose revisions to reform and strengthen its SNAP Quality Control system based on stakeholder input received from its June 1, 2018, request for State government and stakeholder input as to how to best proceed with reforming the SNAP Quality Control system. For more information about this rule, see RIN 0584–AE64.

➢ *Simplifying Rural Development's Guaranteed Loan Regulations Combining Rural Development Guaranteed Loan Regulations into a single regulation:* Rural Development proposes to combine its four existing guaranteed loan regulations: (1) Water and Waste Disposal; (2) Community Facilities; (3) Business and Industry; and (4) Rural Energy for America, into a single regulation. The proposed action will enable Rural Development to simplify, improve, and enhance the delivery of these four guaranteed loan programs, and better manage the risks inherent with making and servicing guaranteed loans and will result in an improved customer experience for

lenders trying to access these programs. For more information about this rule, see RIN 0572–AC43.

➢ *Servicing Regulation for the Rural Utilities Service (RUS) Telecommunications Programs:* The RUS Telecommunications Programs provide loan funding to build and expand broadband service into unserved and underserved rural communities, along with limited funding to support the costs to acquire equipment to provide distance learning and telemedicine service. RUS will propose to modify the program to give RUS greater authority to address servicing actions associated with distressed loans employing only limited coordination with the Department of Justice. This will streamline and expedite servicing actions, improve the government's recovery on such loans, and improve overall customer service. For more information about this rule, see RIN 0572–AC41.

➢ *Amendments to Rural Development (RD) environmental reviews for rural infrastructure projects:* USDA's RD programs provide loans, grants and loan guarantees to support investment in rural infrastructure to spur economic development, create jobs, improve the quality of life, and address the health and safety needs of rural residents. The current regulation requires that the environmental review under the National Environmental Policy Act (NEPA) be completed prior to the completion of the obligation of funds. The proposal will allow RD some flexibility with the authority to move forward with the obligation of funds *conditioned upon the completion of environmental review for infrastructure projects.* For more information about this rule, see RIN 0572–AC44.

➢ *Animal Welfare; Amendments to Licensing Provisions and to Requirements for Dogs:* The Animal and Plant Health Inspection Service (APHIS) will issue a proposal that would amend the regulations governing the issuance and renewal of licenses under the Animal Welfare Act (AWA) to better promote sustained compliance under the AWA by (1) reducing licensing fees and (2) strengthening existing safeguards that prevent an individual whose license has been suspended or revoked, or who has a history of noncompliance, from obtaining a license or working with regulated animals. This rulemaking would also strengthen the veterinary care and watering standards for regulated dogs to better align the regulations with the humane care and treatment standards set by the Animal Welfare Act. The proposal follows an advance notice of proposed rulemaking published on August 24, 2017, that solicited comment from the public to aid in the development of these revisions. APHIS received and analyzed approximately 47,000 public comments. For more information about this rule, see RIN 0579–AE35.

The Department is making it a priority to maximize the ability of American agricultural producers to prosper by feeding and clothing the world: A strong and prosperous agricultural sector is essential to the well-being of the overall U.S. economy. America's farmers and ranchers ensure a safe and reliable food and fuel supply and support job growth and economic development. To maintain a strong agricultural economy, USDA will support farmers in starting and maintaining profitable farm and ranch businesses, as well as offer support to producers affected by natural disasters. The Department will continue to work to create new markets and support a competitive agricultural system by reducing barriers that inhibit agricultural opportunities and economic growth.

➢ *Seed Cotton Changes to Agriculture Risk Coverage (ARC) and Price Loss Coverage (PLC) Programs:* This final action, as authorized by the Bipartisan Budget Act of 2018, will revise the ARC and PLC Programs to add seed cotton to the list of covered commodities and establish a loan rate for the purposes of calculating an ARC or PLC payment. For more information about this rule, see RIN 560–AI40.

➢ *Market Facilitation Program:* This action will assist agricultural producers with respect to commodities, livestock, or livestock products that have been significantly impacted by actions of foreign governments resulting in the loss of traditional exports. For more information about this rule, see RIN 0560–AI42.

➢ *Importation, Interstate Movement, and Release Into the Environment of Certain Genetically Engineered Organisms (Part 340):* APHIS is proposing to revise its regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms in order to update the regulations in response to advances in genetic engineering and APHIS' understanding of the plant health risk posed by genetically engineered organisms, thereby reducing burden for regulated entities whose organisms pose no plant health risks. For more information about this rule, see RIN 0579–AE47.

➢ *National Organic Program; Strengthening Organic Enforcement:* The Agricultural Marketing Service will propose changes to the USDA organic regulations to strengthen the oversight of organic products, improve enforcement of organic standards, and protect organic integrity. The proposal will address gaps in the organic standards to deter fraud, and enhance enforcement. In addition, this proposal will support consumer trust and continued industry growth. For more information about this rule, see RIN 0581–AD09.

➢ *Establishing a performance standard for authorizing the importation and interstate movement of fruits and vegetables:* APHIS would broaden the existing performance standard to provide for consideration of all new fruits and vegetables for importation into the United States using a notice-based process rather than through proposed and final rules. Likewise, APHIS would propose an equivalent revision of the performance standard governing the interstate movements of fruits and vegetables from Hawaii and the U.S. territories (Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) and the removal of commodity-specific phytosanitary requirements from those regulations. This action will allow APHIS to consider requests to authorize the importation or interstate movement of new fruits and vegetables in a manner that is more flexible and responsive to evolving pest situations in both the United States and exporting countries, while maintaining the science-based process for making risk evaluations. For more information about this rule, see RIN 0579–AD71.

Providing all Americans access to a safe, nutritious, and secure food supply is USDA's most important responsibility, and it is one undertaken with great seriousness. USDA has critical roles in preventing foodborne illness and protecting public health, while ensuring Americans have access to food and healthful diet. The Department will continue to prevent contamination and limit foodborne illness by expanding its modernization of food inspection systems, and USDA's research, education, and extension programs will continue to provide information, tools, and technologies about the causes of foodborne illness and its prevention. USDA will continue to develop partnerships that support best practices in implementing effective nutrition assistance programs that ensure eligible populations have access to programs that support their food needs.

➢ *Increase flexibilities provided to school lunch program operators in meeting nutrition requirements:* The Food and Nutrition Service (FNS) plans to issue a final rule that provides flexibilities to Program operators participating in the Child Nutrition Programs effective School Year 2019–2020. For more information about this rule, see RIN 0584–AE53.

➢ *Provide regulatory flexibility for retailers in the Supplemental Nutrition Assistance Program (SNAP):* FNS will issue a proposed rule to provide retailers with more flexibility in meeting the enhanced SNAP eligibility requirements of the 2016 final rule and meet the requirements expressed in the Consolidated Appropriation Act of 2017. For more information about this rule, see RIN 0584–AE61.

➢ *Modernize swine slaughter inspection:* The Food Safety and Inspection Service (FSIS) plans to finalize a proposal published on February 1, 2018, to establish a voluntary New Swine Inspection System (NSIS) for market-hog slaughter establishments, and mandatory provisions for all swine slaughtering establishments. NSIS will provide for increased offline inspection activities that are more directly related to food safety resulting in greater compliance with sanitation and Hazard Analysis and Critical Control Point (HACCP) regulations and reduce the risk of foodborne illness. FSIS received over 83,500 comments. Many of the comments requested that FSIS withdraw the proposal to remove limits on line speeds due to the negative effect on animal welfare and worker safety. These comments will be analyzed and further addressed in the final rule. For more information about this rule, see RIN 0583–AD62.

The Department will ensure productive and sustainable use of our National Forest System Lands: To ensure that America's forests and grasslands are healthy and sustainable, USDA manages approximately 193 million acres of public land, much of it rural and remote. Land management activities can influence rural economies, and USDA can help enable economic growth and recovery.

➢ *Update and Clarification of the Locatable Mineral Regulations:* The Forest Service plans to seek public input as it evaluates its management of the activities associated with mining ''locatable minerals'' that have an impact on the surface resources including expediting Forest Service review and approval of certain proposed mineral operations on National Forest System (NFS) lands. The Forest Service plans to seek public input to determine whether its assessment of the need for these changes is shared by the public. For more information about this rule, see RIN 0596–AD32.

➢ *Oil and Gas Resource Revisions:* The Forest Service plans to seek public input as it evaluates its regulations concerning its responsibility for authorizing and regulating access to federal oil and natural gas resources. Updating the regulations will afford an opportunity to modernize and streamline analytical and procedural requirements, reduce the paperwork burden on industry, reduce permitting times for leasing NFS lands, and help provide a more consistent approach to oil and gas management across the NFS. In addition, USDA recommended revising the regulation as part of the USDA Final Report Pursuant to Executive Order 13783 on Promoting Energy Independence and Economic Growth. The regulation revision will also make updates in response to legislative actions such as the Energy Policy Act of 2005. For more information about this rule, see RIN 0596–AD33.

USDA—AGRICULTURAL MARKETING SERVICE (AMS)

Proposed Rule Stage

1. NOP; Strengthening Organic Enforcement

Priority: Other Significant.
E.O. 13771 Designation: Regulatory.
Legal Authority: 7 U.S.C. 6501
CFR Citation: 7 CFR 205.
Legal Deadline: None.

Abstract: The rule supports a broader strategy to strengthen oversight of organic imports and the organic supply chain. AMS intends this rule to deter fraud, enhance enforcement and protect organic integrity.

Statement of Need: The March 2010 Office of Inspector General (OIG) audit of the National Organic Program (NOP) raised issues related to the program's progress for imposing enforcement actions. One concern was that organic producers and handlers facing revocation or suspension of their certification are able to market their products as organic during what can be a lengthy appeals process. As a result, AMS expects to publish a proposed rule to revise language in section 205.681 of the NOP regulations, which pertains to adverse action appeals. It is expected that this rule will streamline the NOP appeals process such that appeals are reviewed and responded to in a more timely manner.

Summary of Legal Basis: The Organic Foods Production Act of 1990 (OFPA), 7 U.S.C. 6501 *et seq.,* requires that the Secretary establish an expedited administrative appeals procedure for appealing an action of the Secretary or certifying agent (section 6520). The NOP regulations describe how appeals of proposed adverse action concerning certification and accreditation are initiated and further contested (sections 205.680, 205.681).

Alternatives: The program considered maintaining the status quo and hiring additional support for the NOP appeals team. This rulemaking was determined to be preferable because it will reduce redundancy in the appeals process, where an appellant can more quickly appeal the administrator's decision to an administrative law judge.

Anticipated Cost and Benefits: This action will affect certified operations and accredited certifying agents. The primary impact is expected to be expedited enforcement action, which may benefit the organic community through deterrence and increased consumer confidence in the organic label. It is not expected to have a significant cost burden upon affected entities beyond any monetary penalty or suspension or revocation of certification or accreditation, to which these entities are already subject to under current regulations.

Risks: No risks have been identified.

Timetable:

Action	Date	FR Cite
NPRM	03/00/19	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 260–8077.

RIN: 0581–AD09

USDA—AMS

Final Rule Stage

2. National Bioengineered Food Disclosure Standard

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 114–216; 7 U.S.C. 1621 to 1627

CFR Citation: 7 CFR 1285.

Legal Deadline: Final, Statutory, July 29, 2018.

Abstract: Abstract: On July 29, 2016, the Agricultural Marketing Act of 1946 was amended to establish a National Bioengineered Food Disclosure Standard (Law) (Pub. L. 114–216). The provisions of this rule, pursuant to the law, will serve as a national mandatory bioengineered food disclosure standard for bioengineered food and food that may be bioengineered.

Statement of Need: This rule would establish a single, national standard to supersede a patchwork of similar standards implemented or planned by individual States. The rule may be considered a regulatory reduction in that affected entities would be regulated by a uniform standard recognized in both interstate commerce and international trade. Consumers would benefit from a single standard for consistent messaging about bioengineered food in the market.

Summary of Legal Basis: The authority for this action is provided by the Agricultural Marketing Act of 1946 as amended by Pub. L. 114–216.

Alternatives: The proposed rule evaluated alternative thresholds for which disclosure would be required and alternative definitions for the term ''very small food manufacturer.''

Anticipated Cost and Benefits: Implementation of the standard is intended to coincide with that of the Food and Drug Administration's updated food labeling requirements. Such coordination would reduce expenses for affected food manufactures, who would otherwise bear twice the cost of changing food labels to comply with each regulation.

Risks: No risks have been identified at this time.

Timetable:

Action	Date	FR Cite
NPRM	05/04/18	83 FR 19860
Comment Period End.	07/03/18	
Final Action	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Federalism: This action may have federalism implications as defined in E.O. 13132.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Arthur Neal, Deputy Administrator, Transportation and Marketing, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20250, *Phone:* 202 692–1300.

RIN: 0581–AD54

USDA—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)

Proposed Rule Stage

3. Animal Welfare; Amendments to Licensing Provisions and to Requirements for Dogs

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 7 U.S.C. 2131 to 2159

CFR Citation: 9 CFR 1 to 3.

Legal Deadline: None.

Abstract: This rulemaking would amend the licensing requirements under the Animal Welfare Act regulations to promote compliance, reduce licensing fees, and strengthen existing safeguards that prevent individuals and businesses who have a history of noncompliance from obtaining a license or working with regulated animals. This action would reduce regulatory burden with respect to licensing and more efficiently ensure licensees' sustained compliance with the Act. This rulemaking would also strengthen the veterinary care and watering standards for regulated dogs to better align the regulations with the humane care and treatment standards set by the Animal Welfare Act.

Statement of Need: Although an applicant for a license renewal must also certify that he or she is in compliance with all regulations, the current regulations do not require the applicant to show compliance before APHIS renews his or her license. As a result, licensees can currently renew their licenses indefinitely without undergoing a thorough compliance inspection. This proposal would require persons to seek a new license every three years and demonstrate compliance with the AWA regulations as part of the application process. Further, the current regulations do not require a licensee to show compliance when the licensee makes any subsequent changes to his or her animals or facilities, including noteworthy changes in the number or type of animals used in regulated activity. Based on our experience with enforcing the AWA and regulations, we are concerned that many licensees struggle to achieve and maintain compliance after making such changes to their animals used in regulated activity.

Summary of Legal Basis: Under the Animal Welfare Act (AWA or the Act, 7 U.S.C. 2131 *et seq.*), the Secretary of Agriculture is authorized to promulgate standards and other requirements governing the humane handling, care, treatment, and transportation of certain animals by dealers, exhibitors, operators of auction sales, research facilities, and carriers and intermediate handlers. Definitions, regulations, and standards established under the AWA are contained in the Code of Federal Regulations (CFR) in 9 CFR parts 1, 2, and 3 (referred to below as the regulations). Part 2 provides administrative requirements and sets forth institutional responsibilities for regulated parties, including licensing requirements for dealers, exhibitors, and operators of auction sales.

Alternatives: APHIS considered several alternatives in developing various aspects of the proposed rule. Regarding the types of animals that would trigger the need for a new license, APHIS considered requiring a new license for all exotic or wild animal changes, but rejected this in favor of requiring a new license for types of animals that are dangerous and have unique regulatory and care needs. With respect to license termination following two or more attempted inspections during the period of licensure, APHIS considered requiring immediate termination but decided in favor of allowing the licensee the opportunity to first present evidence in defense. APHIS also considered different time frames for the fixed-term license (*e.g.,* four or five years) and settled on three years based on our experience administering the AWA.

Anticipated Cost and Benefits: This rule would result in cost savings for both APHIS and licensees by simplifying the licensing process and reducing fees, while enhancing the protection of covered animals. Total cost reductions for affected entities are expected to range between $600,000 and $2.1 million per year. In accordance with guidance on complying with E.O. 13771, the single primary estimate of cost savings for this proposed rule is $1.37 million, the midpoint estimate of savings annualized in perpetuity using a 7 percent discount rate.

Risks: This proposed rule would address two existing areas of concern. As noted, it is possible for licensees to renew their licenses without undergoing a thorough compliance inspection and for licensees to make noteworthy changes in the number or type of animals used in regulated activity. This rulemaking would address those concerns by requiring licensees to affirmatively demonstrate compliance with the AWA regulations and standards and to obtain a new license

when making noteworthy changes subsequent to the issuance of a license in regard to the number, type, or location of animals used in regulated activities.

Timetable:

Action	Date	FR Cite
ANPRM	08/24/17	82 FR 40077
ANPRM Comment Period End.	10/23/17	
ANPRM Comment Period Extended.	10/23/17	82 FR 48938
ANPRM Comment Period Extended End.	11/02/17	
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Federal, Local, State.

Additional Information: Additional information about APHIS and its programs is available on the internet at *http://www.aphis.usda.gov*.

Agency Contact: Christine Jones, Chief of Staff, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737–1231, *Phone:* 301 851–3730.

RIN: 0579–AE35

USDA—APHIS

4. • Importation, Interstate Movement, and Release Into the Environment of Certain Genetically Engineered Organisms

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781–to 786

CFR Citation: 7 CFR 340.

Legal Deadline: None.

Abstract: APHIS is proposing to revise its regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms in order to update the regulations in response to advances in genetic engineering and APHIS' understanding of the plant health risk posed by genetically engineered organisms, thereby reducing the burden for regulated entities whose organisms pose no plant health risks.

Statement of Need: This rule is necessary in order to respond to advances in genetic engineering and APHIS' understanding of the pest risks posed by genetically engineered (GE) organisms, to assess such organisms for plant pest risks in light of those advances and establish a process to determine whether APHIS has jurisdiction under the Plant Protection Act to regulate specific GE organisms under Part 340, and to respond to two Office of Inspector General audits regarding APHIS' regulation of genetically engineered organisms, as well as the requirements of the 2008 Farm Bill.

Summary of Legal Basis: The Plant Protection Act, as amended (7 U.S.C. 7701 *et seq.*).

Alternatives: Alternatives that we considered were (1) to leave the regulations unchanged and (2) to regulate all GE organisms as presenting a possible plant pest or noxious weed risk, without exception, and with no means of granting nonregulated status.

Anticipated Cost and Benefits: Not yet determined.

Risks: Unless we issue this proposal, we will not be able to respond to the products of future technologies and not be able to provide appropriate oversight of GE organisms that pose a plant pest risk. Additionally, as noted above, the current regulations do not incorporate recommendations of two OIG audits, and do not respond to the requirements of the 2008 Farm Bill, particularly regarding APHIS oversight of field trials and environmental releases of genetically engineered organisms.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, State.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Additional information about APHIS and its programs is available on the internet at *http://www.aphis.usda.gov*.

Agency Contact: Gwendolyn Burnett, Agriculturalist, BRS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 147, Riverdale, MD 20737–1236, *Phone:* 301 851–3893.

RIN: 0579–AE47

USDA—FOOD AND NUTRITION SERVICE (FNS)

Proposed Rule Stage

5. Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Regulatory.

Legal Authority: Sec. 6(o)(4) of the Food and Nutrition Act of 2008, as amended, 7 U.S.C. 2011 to 2036

CFR Citation: 7 CFR 273.24(f).

Legal Deadline: None.

Abstract: The Food and Nutrition Act of 2008, as amended (the Act), establishes a time limit for SNAP participation of three months in three years for able-bodied adults without dependents (ABAWDs) who are not working. The Act provides State flexibility by allowing State agencies to request to waive the time limit if an area that an individual resides in has an unemployment rate of over 10 percent or does not have a sufficient number of jobs to provide employment for individuals. This rule will propose modifications to the Supplemental Nutrition Assistance Program (SNAP) requirements and services for Able-Bodied Adults Without Dependents (ABAWDs) in response to public input provided through the advanced notice of proposed rulemaking (ANPRM).

Statement of Need: SNAP offers nutrition assistance to millions of eligible, low-income individuals and families; this nutrition assistance also provides economic benefits to communities. It is important that SNAP support self-sufficiency and reduce the need for government assistance for its program participants. The Department recognizes that a well-paying job provides the best path to self-sufficiency for those who are able to work. To that end, the Department aims to create conditions that incentivize SNAP program participants to find employment.

Summary of Legal Basis: Currently unavailable.

Alternatives: Currently unavailable.

Anticipated Cost and Benefits: Currently unavailable.

Risks: Currently unavailable.

Timetable:

Action	Date	FR Cite
ANPRM	02/23/18	83 FR 8013
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: Local, State.

Agency Contact: Charles H. Watford, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–0800, *Email: charles.watford@fns.usda.gov*.

RIN: 0584–AE57

USDA—FNS

6. Providing Regulatory Flexibility for Retailers in the Supplemental Nutrition Assistance Program (SNAP)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Pub. L. 113–79; 7 U.S.C. 2011 to 2036

CFR Citation: 7 CFR 271.2; 7 CFR 278.1.

Legal Deadline: None.

Abstract: The Agricultural Act of 2014 amended the Food and Nutrition Act of 2008 to increase the requirement that certain Supplemental Nutrition Assistance Program (SNAP) authorized retail food stores have available on a continuous basis at least three varieties of items in each of four staple food categories, to a mandatory minimum of seven varieties. The Food and Nutrition Service (FNS) codified these mandatory requirements. This change will provide some retailers participating in SNAP as authorized food stores with more flexibility in meeting the enhanced SNAP eligibility requirements.

Statement of Need: The United States Department of Agriculture (USDA, or the Department) Food and Nutrition Service (FNS, or the Agency) is proposing changes to regulations in Sections 271 and 278 which modify the definition of variety as it pertains to the stocking requirements that certain retail food stores must meet to be eligible to participate in the Supplemental Nutrition Assistance Program (SNAP). On December 15, 2016, FNS published a final rule that amended SNAP regulations at 7 CFR parts 271 and 278 to clarify and enhance current SNAP regulations governing the eligibility of certain firms to participate in SNAP. On May 5, 2017, appropriations legislation (the Consolidated Appropriation Act of 2017, or the Omnibus) suspended implementation of two provisions in the 2016 final rule: (1) The Definition of 'Staple Food' Acceptable Varieties in the Four Staple Food Categories provision and (2) the Definition of 'Retail Food Store' Breadth of Stock provision (known as the Definition of ''Variety'' provision and the Breadth of Stock provision, respectively). In order to move forward with implementing these provisions of the 2016 final rule, the Omnibus required USDA to first amend the Definition of Variety provision so that the number of qualifying food varieties in each staple food category increased.

Summary of Legal Basis: On May 5, 2017, the Consolidated Appropriation Act of 2017 (the Omnibus) was signed into law. Section 765 of the Omnibus prohibited the USDA from implementing the Definition of ''Staple Food'' Acceptable Varieties in the Four Staple Food Categories provision (7 CFR 271.2 and 7 CFR 278.1(b)(1)(ii)(C)) and variety as applied in the definition of the term staple food as defined at 7 CFR 271.2 to increase the number of items that qualify as acceptable varieties in each staple food category from the number of items that qualified as acceptable varieties under the 2016 final rule.

Alternatives: Currently unavailable.

Anticipated Cost and Benefits: The Department has estimated that the proposed rule will save approximately $16.1 million in fiscal year (FY) 2018 and approximately $22.5 million over five years, FY 2018 through FY 2022. Under the 2016 final rule, the cost to currently authorized small retailers was estimated to average approximately $245 per store in the first year and about $620 over five years (including ongoing costs of less than $100 per year for years after the first). The proposed rule would reduce those costs to about $160 per store in the first year and $500 over five years.

Risks: NA.

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Charles H. Watford, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–0800, *Email: charles.watford@fns.usda.gov*.

Related RIN: Related to 0584–AE27

RIN: 0584–AE61

USDA—FNS

7. Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP)

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 601; Pub. L. 113–79

CFR Citation: 7 CFR 273.2(j)(2).

Legal Deadline: None.

Abstract: Under section 5(a) of the Food and Nutrition Act of 2008, households in which all members receive benefits under a State program funded by the Temporary Assistance to Needy Families (TANF) program are categorically eligible to participate in the Supplemental Nutrition Assistance Program (SNAP). This proposal would change the regulations at 7 CFR 273.2(j)(2) pertaining to categorically eligible TANF households by limiting categorical eligibility to households that receive cash TANF or other substantial assistance from TANF. Categorical eligibility conferred by any non-cash assistance would be limited to substantial ongoing assistance or services, such as child care, that have an eligibility determination process similar to cash TANF. This rule would not alter categorical eligibility for Supplemental Security Income (SSI) households or General Assistance (GA) households.

Statement of Need: This proposal would change current regulations by limiting categorical eligibility to households that receive cash assistance or other ongoing or substantial assistance from TANF, such as child care, and that have an eligibility determination process similar to cash TANF. These stricter requirements would ensure that categorical eligibility is appropriately targeted toward low-income households most in need while maintaining administrative streamlining across Federal benefits programs.

Summary of Legal Basis: Currently unavailable.

Alternatives: Currently unavailable.

Anticipated Cost and Benefits: Currently unavailable.

Risks: Currently unavailable.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: Federal, Local, State.

Agency Contact: Charles H. Watford, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–0800, *Email: charles.watford@fns.usda.gov.*

RIN: 0584–AE62

USDA—FNS

8. • Reform Provisions for the Supplemental Nutrition Assistance Program's Quality Control System

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 7 U.S.C. 2011 to 2036

CFR Citation: 7 CFR 275.

Legal Deadline: None.

Abstract: The Department proposes to revise its regulations for various Quality Control (QC) provisions in subpart C of 7 CFR part 275 to reflect numerous changes to the Supplemental Nutrition Assistance Program's (SNAP) Quality Control system. There have been concerns about the SNAP QC process by not only its stakeholders, but FNS as well, primarily due to questions regarding the integrity of State collected error rate data that is used to develop SNAP's national error rates. SNAP has been working diligently for several years to address these concerns and plans to move forward to reform components of its QC process to ensure the integrity of state-reported error rates.

Statement of Need: The Department proposes to revise regulations for Quality Control (QC) provisions in subpart C of 7 CFR part 275 to reflect numerous changes to the Supplemental Nutrition Assistance Program (SNAP) QC system to improve QC integrity. OIG highlighted need for changes to SNAP QC procedures in a recent audit. These changes can only be made through regulation, not just policy. SNAP has issued an RFI to gather ideas from stakeholders on potential regulation changes to improve integrity and improper payment management.

Summary of Legal Basis: FNA Section 16(c).

Alternatives: None. Regulations needed to make significant change to SNAP quality control procedures.

Anticipated Cost and Benefits: Costs: Currently unavailable. Benefits: Improved integrity and accuracy of SNAP improper payment measurement.

Risks: NA.

Timetable:

Action	Date	FR Cite
NPRM	03/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Charles H. Watford, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–0800, *Email: charles.watford@fns.usda.gov.*

RIN: 0584–AE64

USDA—FNS

Final Rule Stage

9. Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 1758; 42 U.S.C. 1766; 42 U.S.C. 1772; 42 U.S.C. 1773; 42 U.S.C. 1779

CFR Citation: 7 CFR 210.10; 7 CFR 210.11; 7 CFR 215.7a; 7 CFR 220.8; 7 CFR 226.20

Legal Deadline: None.

Abstract: This final rule will increase flexibility in the Child Nutrition Program requirements related to milk, grains, and sodium effective School Year (SY) 2019–2020, which begins July 1, 2019. This rule is the culmination of an efficient rulemaking process initiated by the Department of Agriculture (USDA) following the Secretary's May 1, 2017, Proclamation affirming USDA's commitment to assist schools in overcoming operational challenges related to the school meals regulations implemented in 2012.

Statement of Need: This final rule will codify, with some modifications, three menu planning flexibilities established by the interim final rule of the same title published November 30, 2017. By codifying these changes, USDA acknowledges the persistent menu planning challenges experienced by some schools, and affirms its commitment to give schools more control over the food service decisions and greater ability to offer wholesome and appealing meals that reflect local preferences.

Summary of Legal Basis: The authority for this action is provided by the Richard B. Russell National School Lunch Act, 42 U.S.C. 1758(a)(4), requiring that school meals reflect the latest Dietary Guidelines for Americans.

Alternatives: NA.

Anticipated Cost and Benefits: Currently unavailable.

Risks: NA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/30/17	82 FR 56703
Interim Final Rule Comment Period End.	01/29/18	
Interim Final Rule Effective.	07/01/18	
Final Action	12/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Additional Information: School Lunch—NSLA Section 9(a)(1)—42 U.S.C. 1758(a)(1). Child and Adult Care Food Program—NSLA Section 17(g)—42 U.S.C. 1766(g) Special Milk Program—Child Nutrition Act Section 3(a)(1)—42 U.S.C. 1772(a)(1). School Breakfast Program—Child Nutrition Act Section 4(e)(1)(A)—42 U.S.C. 1773(e)(1)(A). Smart Snacks in Schools—Child Nutrition Act Section 10(b)—42 U.S.C. 1779(b).

Agency Contact: Charles H. Watford, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–0800, *Email: charles.watford@fns.usda.gov.*

RIN: 0584–AE53

USDA—FOOD SAFETY AND INSPECTION SERVICE (FSIS)

Final Rule Stage

10. Egg Product Inspection Regulations

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 1031 *et seq.*

CFR Citation: 9 CFR 590.570; 9 CFR 590.575; 9 CFR 590.146; 9 CFR 590.10; 9 CFR 590.411; 9 CFR 590.502; 9 CFR 590.504; 9 CFR 590.580; 9 CFR 591.

Legal Deadline: None.

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to require official egg products plants to develop and implement Hazard Analysis and Critical Control Point (HACCP) Systems and Sanitation Standard Operating Procedures (SOPs), consistent with HACCP and Sanitation SOP requirements in the meat and poultry products inspection regulations. FSIS also is proposing to require egg products plants to produce egg products using a process that will eliminate detectable pathogens from the finished product. Plants would be expected to develop HACCP systems that ensure that pathogens cannot be detected in finished egg products.

In addition, FSIS is proposing to amend the egg products inspection regulations by removing the current requirements for prior approval by FSIS of egg products plant drawings, specifications, and equipment prior to

their use in official plants; providing for the generic labeling of egg products; requiring safe handling labels on shell eggs and egg products; and changing the Agency's interpretation of the requirement for continuous inspection in official plants.

Statement of Need: The actions being proposed are part of FSIS's regulatory reform effort to better define the roles of Government and the regulated industry, encourage innovations that will improve food safety, remove unnecessary regulatory burdens on inspected egg products plants, and make the egg products regulations as consistent as possible with the Agency's meat and poultry products regulations.

Summary of Legal Basis: The authority for this action is provided by the Egg Product Inspection Act (21 U.S.C. 1031 *et seq.*).

Alternatives: The Agency considered the following regulatory alternatives for the implementation of government standards (HACCP) and related requirements for the egg products industry: (1) Status quo; (2) Intensify present inspection; (3) Voluntary HACCP regulatory program; (4) Mandatory HACCP regulation with exemption for small businesses; (5) Modified HACCP recording deviations and responses only; (6) Mandatory HACCP, Sanitation SOPs, and lethality performance standards adoption; and implementation of the sixth of these regulatory alternatives, mandatory HACCP, Sanitation SOPS, and lethality performance standards, should achieve immediate reductions in, and an eventual minimization of, foodborne hazards.

Anticipated Cost and Benefits: Costs to the egg products industry come from the development of Sanitation SOPs and HACCP plans and compliance with the proposed HACCP requirements. FSIS will incur costs to train egg products inspectors (EPIs) to ensure that they can competently perform inspection duties associated with HACCP and Sanitation SOPs at the 77 federally-inspected egg products plants. While EPIs are in training, FSIS will also incur costs to pay for replacement inspectors so that egg products plants can continue to operate.

Potential industry cost reductions from the proposed rule come from generic labeling, and the elimination of certain regulations, waivers, and no objection letters. Under generic labeling, plants do not have to submit certain labels to FSIS for small changes, allowing plants to avoid a 60-day approval process and documentation of submissions for the approval of new labels. In addition, plants receive cost savings from the elimination of outdated regulations. The regulatory requirements in the current system may inefficiently use industry resources. HACCP gives egg products plants the flexibility to decide how they wish to produce product in the manner that is most efficient to them, so that no detectable pathogens remain in the finished product.

Under the current command-and-control based system, FSIS personnel must approve waivers and no objection letters for certain plant activities outside the current regulations and inspection program, personnel assume responsibility for ''approving'' production-associated decisions. Under HACCP, industry would assume full responsibility for production decisions and execution. FSIS would monitor plants' compliance with the requirement that finished egg products not contain detectable pathogens and within HACCP requirements. This allows industry and the Agency to reduce costs for approving activities and allows for better use of resources.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	02/13/18	83 FR 6314
NPRM Comment Period End.	06/13/18	
Final Action	05/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Matthew Michael, Director, Issuances Staff, Department of Agriculture, Food Safety and Inspection Service, Office of Policy and Program Development, 1400 Independence Avenue SW, Washington, DC 20250–3700, *Phone:* 202 720–0345, *Fax:* 202 690–0486, *Email: matthew.michael@fsis.usda.gov.*

RIN: 0583–AC58

USDA—FSIS

11. Modernization of Swine Slaughter Inspection

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 601 *et seq.*

CFR Citation: 9 CFR 301; 9 CFR 309; 9 CFR 310; 9 CFR 314.

Legal Deadline: None.

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to amend the Federal meat inspection regulations to establish a new inspection system for swine slaughter establishments demonstrated to provide greater public health protection than the existing inspection system. The Agency is also proposing several changes to the regulations that would affect all establishments that slaughter swine, regardless of the inspection system under which they operate.

Statement of Need: The proposed action is necessary to improve food safety, improve compliance with the Humane Methods of Slaughter Act, improve the effectiveness of market hog slaughter inspection, make better use of the Agency's resources, and remove unnecessary regulatory obstacles to innovation.

Summary of Legal Basis: The authority for this action is provided by the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*).

Alternatives: The Agency is considering alternatives such as: (1) A mandatory New Swine Slaughter Inspection System (NSIS) for market hog slaughter establishments and (2) a voluntary NSIS for market hog establishments, under which FSIS would conduct the same offline inspection activities as traditional inspection.

Anticipated Cost and Benefits: The proposed regulations are expected to benefit establishments by removing unnecessary regulatory obstacles to innovation and allowing establishments more flexibility in line configuration. The proposed changes are also expected to reduce establishments' sampling costs. Additionally, the proposed regulations are expected to improve the effectiveness of market hog slaughter inspection, leading to a reduction in the number of human illnesses attributed to products derived from market hogs. The proposed actions make better use of the Agency's resources, which is expected to reduce the Agency's personnel and training budgetary requirements. Establishments are expected to incur increased labor and recordkeeping costs.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	02/01/18	83 FR 4780
NPRM Comment Period End.	04/02/18	
Final Rule	04/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Matthew Michael, Director, Issuances Staff, Department of Agriculture, Food Safety and Inspection Service, Office of Policy and Program

Development, 1400 Independence Avenue SW, Washington, DC 20250–3700, *Phone:* 202 720–0345, *Fax:* 202 690–0486, *Email: matthew.michael@fsis.usda.gov*.

RIN: 0583–AD62

USDA—FOREST SERVICE (FS)

Prerule Stage

12. Update and Clarification of the Locatable Minerals Regulations

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 30 U.S.C. 612

CFR Citation: 36 CFR 228(A).

Legal Deadline: None.

Abstract: The Forest Service proposes the amendment of its locatable mineral regulations that better reflect the needs of both the Forest Service and mining industry. By addressing recent issues and remedying existing weakness in current regulations that have been identified, the Forest Service will be in a better position to better implement its mining regulations. The goals of the regulatory revision are (1) to expedite Forest Service review and approval of certain proposed mineral operations authorized by the United States mining laws; (2) to increase consistency with the United States Department of the Interior, Bureau of Land Management (BLM) surface management regulations governing operations authorized by the United States mining laws to assist those who conduct these operations on lands managed by each agency; and (3) to increase the Forest Service's nationwide consistency in regulating mineral operations authorized by the United States mining laws.

Statement of Need: The Forest Service proposes the amendment of its locatable mineral regulations to better reflect the needs of both the Forest Service and mining industry. By addressing recent issues and remedying existing weakness in current regulations that have been identified, the Forest Service will be in a better position to implement its mining regulations, thus reducing processing timelines and redundancies.

Summary of Legal Basis: The Mining Law of 1872, as amended, confers a statutory right to enter upon certain National Forest System lands to search for locatable minerals. These rules govern prospecting, exploration, development, mining, and processing operations conducted on National Forest System lands.

Alternatives: A no action alternative would leave the regulations unchanged, thus maintaining the status-quo.

Anticipated Cost and Benefits: Not applicable.

Risks: Not applicable.

Timetable:

Action	Date	FR Cite
ANPRM	09/13/18	83 FR 46451
ANPRM Comment Period End.	10/15/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal.

Agency Contact: Ann Goode, Department of Agriculture, Forest Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 720–7123, *Email: aegoode@fs.fed.us.*

RIN: 0596–AD32

USDA—FS

13. Oil and Gas Resource Revision

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 30 U.S.C. 612; 30 U.S.C. 181; 30 U.S.C. 351; 30 U.S.C. 21

CFR Citation: 36 CFR 228(E).

Legal Deadline: None.

Abstract: The Forest Service plays a role in the leasing and development of Federally owned oil and natural gas found on National Forest System lands in partnership with the Bureau of Land Management. Updating the regulations will afford an opportunity to modernize and streamline analytical and procedural requirements and help provide a more consist approach to oil and gas management across the National Forest System. The potential changes to the existing regulation permitting sections include eliminating language that is redundant with the NEPA process, removing confusing options, and ensuring better alignment with the BLM regulations. The intent of these potential changes would be to decrease permitting times by removing regulatory burdens that unnecessarily encumber energy production across the National Forest System.

Statement of Need: The Forest Service plays a role in the leasing and development of federally owned oil and natural gas found on National Forest System lands in partnership with the Bureau of Land Management. Updating the regulations will afford an opportunity to modernize and streamline analytical and procedural requirements and help provide a more consist approach to oil and gas management across the National Forest System.

Summary of Legal Basis: Forest Service 36 CFR 228(e) regulations are done as a result of the Onshore Oil and Gas Leasing Reform Act of 1987.

Alternatives: Forest Service 36 CFR 228(e) regulations are done as a result of Onshore Oil and Gas Leasing Reform Act of 1987.

Anticipated Cost and Benefits: Not applicable.

Risks: Not applicable.

Timetable:

Action	Date	FR Cite
ANPRM	09/13/18	83 FR 46458
ANPRM Comment Period End.	10/15/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal.

Agency Contact: Nicholas Diprofio, Department of Agriculture, Forest Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 205–1082, *Email: ndiprofio@fs.fed.us.*

RIN: 0596–AD33

USDA—RURAL UTILITIES SERVICE (RUS)

Final Rule Stage

14. Servicing Regulation for the Rural Utilities Service (RUS) Telecommunications Programs

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301; 7 U.S.C. 1981; 16 U.S.C. 1005

CFR Citation: 7 CFR 1782.

Legal Deadline: None.

Abstract: The regulation will cover servicing actions associated with the Telecommunications Infrastructure Loan Program, Broadband Access Loan and Loan Guarantee Program, Distance Learning and Telemedicine Program, and Broadband Initiatives Program (hereinafter collectively referred to as the ''RUS Telecommunications Programs'').

Statement of Need: The RUS Telecommunications Programs provide loan funding to build and expand broadband service into unserved and underserved rural communities, along with very limited funding to support the costs to acquire equipment to provide distance learning and telemedicine service. This action will provide servicing actions available for the loan portofolio and will enable the Agency to quickly and consistently address servicing actions and improve customer service.

Summary of Legal Basis: This action is required by statute, the Agricultural

Act of 2014 amendment to section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb). This section requires the Secretary to establish written procedures for all broadband programs to recover funds from loan defaults.

Alternatives: The agency considered using other existing RD agency regulations and decided upon combining Telecommunications servicing requirements with the Water Programs servicing regulation. These types of RUS loans are more similar than other RD loan programs.

Anticipated Cost and Benefits: There are no anticipated costs. The rule will ensure recipients comply with the established objectives and requirements for loans, repaying loans on schedule and acting in accordance with any necessary agreements, ensure serving actions are handled consistently, and protect the financial interest of the Agency.

Risks: N/A.

Timetable:

Action	Date	FR Cite
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Thomas P. Dickson, Department of Agriculture, Rural Utilities Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 690–4492, *Email: thomas.dickson@wdc.usda.gov.*

RIN: 0572–AC41

USDA—RUS

15. • OnerD Guaranteed Loan Regulation

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: Rural Development proposes to combine into a single regulation its four guaranteed loan programs: (1) Water and Waste Disposal, (2) Community Facilities, (3) Business and Industry, and (4) Rural Energy for America. The new regulation will encompass the policies and procedures for guaranteed loan making and servicing, lender reporting, and program monitoring. The proposed action will enable Rural Development to simplify, improve, and enhance the delivery of these four guaranteed loan programs, and better manage the risks inherent with making and servicing guaranteed loans and will result in an improved customer experience for lenders trying to access these programs. This new structure will also make it more efficient and faster to promulgate regulations associated with amending existing programs or incorporating newly authorized programs in the future.

Statement of Need: Rural Development is combining its four guaranteed loan programs: (1) Water and Waste Disposal; (2) Community Facilities; (3) Business and Industry; and (4) Rural Energy for America into a single regulation. The new regulation will encompass the policies and procedures for guaranteed loan making and servicing, lender reporting, and program monitoring. The proposed action is expected to involve a few substantive policy changes in order to achieve consistency across the included programs and better customer experience for lenders trying to access these programs.

Summary of Legal Basis: This regulatory action is not required by statute or court order; however, the underlying statutes authorizing these policies are the Consolidated Farm and Rural Development Act, 7 U.S.C. 1921 Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables (0579–AD71); Concluded 8/24/2018 and 9007 of the 2002 Farm Bill as amended, 7 U.S.C. 8107.

Alternatives: The alternative is to continue operating under the current existing four regulations for these programs.

Anticipated Cost and Benefits: At this time an estimated cost is not known. The proposed action is expected to reflect current program policy and produce the same policy results, but in a more effective manner. Anticipated benefits include:

- Improve quality customer experience by streamlining and consolidating similar guaranteed loan programs into a client-driven consolidated regulation.
- Advance economic development and access to capital by reducing regulatory complexities and redundancies.
- Improve operational efficiencies and cross-program coordination (oneRD) by enabling staff to learn all RD guaranteed loan programs using one regulation
- Enable RD to integrate innovation in the delivery of loan guarantees and align with industry lending practices
- Create a regulation that paves the way for modern processing and servicing to improve portfolio management

Risks: N/A.

Timetable:

Action	Date	FR Cite
Final Rule	05/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Agency Contact: Thomas P. Dickson, Department of Agriculture, Rural Utilities Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 690–4492, *Email: thomas.dickson@wdc.usda.gov.*

RIN: 0572–AC43

BILLING CODE 3410–90–P

DEPARTMENT OF COMMERCE (DOC)

Statement of Regulatory and Deregulatory Priorities

Established in 1903, the Department of Commerce (Commerce) is one of the oldest Cabinet-level agencies in the Federal Government. Commerce's mission is to create the conditions for economic growth and opportunity by promoting innovation, entrepreneurship, competitiveness, and environmental stewardship. Commerce has 12 operating units, which are responsible for managing a diverse portfolio of programs and services, ranging from trade promotion and economic development assistance to broadband and the National Weather Service.

Commerce touches Americans daily, in many ways—making possible the daily weather reports and survey research; facilitating technology that all of us use in the workplace and in the home each day; supporting the development, gathering, and transmission of information essential to competitive business; enabling the diversity of companies and goods found in America's and the world's marketplace; and supporting environmental and economic health for the communities in which Americans live.

Commerce has a clear and compelling vision for itself, for its role in the Federal Government, and for its roles supporting the American people, now and in the future. To achieve this vision, Commerce works in partnership with businesses, universities, communities, and workers to:

☐ Innovate by creating new ideas through cutting-edge science and technology from advances in

nanotechnology, to ocean exploration, to broadband deployment, and by protecting American innovations through the patent and trademark system;

☐ Support entrepreneurship and commercialization by enabling community development and strengthening minority businesses and small manufacturers;

☐ Maintain U.S. economic competitiveness in the global marketplace by promoting exports, ensuring a level playing field for U.S. businesses, and ensuring that technology transfer is consistent with our nation's economic and security interests;

☐ Provide effective management and stewardship of our nation's resources and assets to ensure sustainable economic opportunities; and

☐ Make informed policy decisions and enable better understanding of the economy by providing accurate economic and demographic data.

Commerce is a vital resource base, a tireless advocate, and Cabinet-level voice for job creation. The Regulatory Plan tracks the most important regulations that implement these policy and program priorities, as well as new efforts by the Department to remove unnecessary regulatory burdens on external stakeholders.

Responding to the Administration's Regulatory Philosophy and Principles

The vast majority of Commerce's programs and activities do not involve regulation. Of Commerce's 12 primary operating units, only three bureaus will be planning actions that are considered the ''most important'' significant pre-regulatory or regulatory actions for FY 2019. During the next year, the National Oceanic and Atmospheric Administration (NOAA) plans to publish five rulemaking actions that are designated as Regulatory Plan actions. The Bureau of Industry and Security (BIS) and the United States Patent and Trademark Office will each publish one rulemaking action designated as Regulatory Plan actions. Further information on these actions is provided below.

Commerce has a long-standing policy to prohibit the issuance of any regulation that discriminates on the basis of race, religion, gender, or any other suspect category and requires that all regulations be written so as to be understandable to those affected by them. The Secretary also requires that Commerce afford the public the maximum possible opportunity to participate in Departmental rulemakings, even where public participation is not required by law.

Commerce has implemented Executive Order 13771 working through its Regulatory Reform Task Force established under Executive Order 13777 to identify and prioritize deregulatory actions that each bureau within the Department can take to reduce and remove regulatory burdens on stakeholders.

In Fiscal Year 2019, Commerce expects to publish [7] regulatory actions and [59] deregulatory actions, far exceeding the requirement under Executive Order 13771 to publish two deregulatory actions for every one regulatory action. To that end, Commerce may have other deregulatory actions to implement that do not currently appear in the agenda.

National Oceanic and Atmospheric Administration

Commerce, through NOAA, has a unique role in promoting stewardship of the global environment through effective management of the Nation's marine and coastal resources and in monitoring and predicting changes in the Earth's environment, thus linking trade, development, and technology with environmental issues. NOAA has the primary Federal responsibility for providing sound scientific observations, assessments, and forecasts of environmental phenomena on which resource management, adaptation, and other societal decisions can be made.

NOAA establishes and administers Federal policy for the conservation and management of the Nation's oceanic, coastal, and atmospheric resources. It provides a variety of essential environmental and climate services vital to public safety and to the Nation's economy, such as weather forecasts, drought forecasts, and storm warnings. It is a source of objective information on the state of the environment. NOAA plays the lead role in achieving Commerce's goal of promoting stewardship by providing assessments of the global environment.

Recognizing that economic growth must go hand-in-hand with environmental stewardship, Commerce, through NOAA, conducts programs designed to provide a better understanding of the connections between environmental health, economics, and national security. Commerce's emphasis on ''sustainable fisheries'' is designed to boost long-term economic growth in a vital sector of the U.S. economy while conserving the resources in the public trust and minimizing any economic dislocation necessary to ensure long-term economic growth. Commerce is where business and environmental interests intersect, and the classic debate on the use of natural resources is transformed into a ''win-win'' situation for the environment and the economy.

Three of NOAA's major components, the National Marine Fisheries Services (NMFS), the National Ocean Service (NOS), and the National Environmental Satellite, Data, and Information Service (NESDIS), exercise regulatory authority.

NMFS oversees the management and conservation of the Nation's marine fisheries; protects marine mammals and Endangered Species Act-listed marine and anadromous species; and promotes economic development of the U.S. fishing industry. NOS assists the coastal States in their management of land and ocean resources in their coastal zones, including estuarine research reserves; manages the national marine sanctuaries; monitors marine pollution; and directs the national program for deep-seabed minerals and ocean thermal energy. NESDIS administers the civilian weather satellite program and licenses private organizations to operate commercial land-remote sensing satellite systems.

In the environmental stewardship area, NOAA's goals include: Rebuilding and maintaining strong U.S. fisheries by using market-based tools and ecosystem approaches to management; conserving, protecting, and recovering marine mammals and Endangered Species Act-listed marine and anadromous species while still allowing for economic and recreational opportunities; promoting healthy coastal ecosystems by ensuring that economic development is managed in ways that maintain biodiversity and long-term productivity for sustained use; and modernizing navigation and positioning services. In the environmental assessment and prediction area, goals include: Understanding the impacts of a changing climate and communicating that understanding to government and private sector stakeholders enabling them to adapt; continually improving the National Weather Service; implementing reliable seasonal and interannual climate forecasts to guide economic planning; providing science-based policy advice on options to deal with very long-term (decadal to centennial) changes in the environment; and advancing and improving short-term warning and forecast services for the entire environment.

Magnuson-Stevens Fishery Conservation and Management Act

Magnuson-Stevens Fishery Conservation and Management Act

(Magnuson-Stevens Act) rulemakings concern the conservation and management of fishery resources in the U.S. Exclusive Economic Zone (generally 3–200 nautical miles). Among the several hundred rulemakings that NOAA plans to issue in FY 2019, a number of the regulatory and deregulatory actions will be significant. The exact number of such rulemakings is unknown, since they are usually initiated by the actions of eight regional Fishery Management Councils (FMCs) that are responsible for preparing fishery management plans (FMPs) and FMP amendments, and for drafting implementing regulations for each managed fishery. NOAA issues regulations to implement FMPs and FMP amendments. Once a rulemaking is triggered by an FMC, the Magnuson-Stevens Act places stringent deadlines upon NOAA by which it must exercise its rulemaking responsibilities. FMPs and FMP amendments for Atlantic highly migratory species, such as bluefin tuna, swordfish, and sharks, are developed directly by NOAA, not by FMCs.

The FMCs provide a forum for public debate and, using the best scientific information available, make the judgments needed to determine optimum yield on a fishery-by-fishery basis. Optional management measures are examined and selected in accordance with the national standards set forth in the Magnuson-Stevens Act. This process, including the selection of the preferred management measures, constitutes the development, in simplified form, of an FMP. The FMP, together with draft implementing regulations and supporting documentation, is submitted to NMFS for review against the national standards set forth in the Magnuson-Stevens Act, in other provisions of the Act, and other applicable laws. The same process applies to amending an existing approved FMP.

FMPs address a variety of issues including maximizing fishing opportunities on healthy stocks, rebuilding overfished stocks, and addressing gear conflicts. One of the problems that FMPs may address is preventing overcapitalization (preventing excess fishing capacity) of fisheries. This may be resolved by market-based systems such as catch shares, which permit shareholders to harvest a quantity of fish and which can be traded on the open market. Harvest limits based on the best available scientific information, whether as a total fishing limit for a species in a fishery or as a share assigned to each vessel participant, enable stressed stocks to rebuild. Other measures include staggering fishing seasons or limiting gear types to avoid gear conflicts on the fishing grounds and establishing seasonal and area closures to protect fishery stocks.

Marine Mammal Protection Act

The Marine Mammal Protection Act of 1972 (MMPA) provides the authority for the conservation and management of marine mammals under U.S. jurisdiction. It expressly prohibits, with certain exceptions, the intentional take of marine mammals. The MMPA allows, upon request, the incidental take of marine mammals by U.S. citizens who engage in a specified activity (*e.g.,* oil and gas development, pile driving) within a specified geographic region. NMFS authorizes incidental take under the MMPA if we find that the taking would be of small numbers, have no more than a ''negligible impact'' on those marine mammal species or stock, and would not have an ''unmitigable adverse impact'' on the availability of the species or stock for ''subsistence'' uses. NMFS also initiates rulemakings under the MMPA to establish a management regime to reduce marine mammal mortalities and injuries as a result of interactions with fisheries. In addition, the MMPA allows NMFS to permit the collection of wild animals for scientific research or public display or to enhance the survival of a species or stock, and established the Marine Mammal Commission, which makes recommendations to the Secretaries of the Departments of Commerce and the Interior and other Federal officials on protecting and conserving marine mammals. The Act underwent significant changes in 1994 to allow for takings incidental to commercial fishing operations, to provide certain exemptions for subsistence and scientific uses, and to require the preparation of stock assessments for all marine mammal stocks in waters under U.S. jurisdiction.

Endangered Species Act

The Endangered Species Act of 1973 (ESA) provides for the conservation of species that are determined to be ''endangered'' or ''threatened,'' and the conservation of the ecosystems on which these species depend. The ESA authorizes both NMFS and the Fish and Wildlife Service (FWS) to jointly administer the provisions of the ESA. NMFS manages marine and ''anadromous'' species, and FWS manages land and freshwater species. Together, NMFS and FWS work to protect critically imperiled species from extinction. Of the approximately 720 listed species found in part or entirely in the United States and its waters, NMFS has jurisdiction over nearly 100 species. NMFS' rulemaking actions are focused on determining whether any species under its responsibility is an endangered or threatened species and whether those species must be added to the list of protected species. NMFS is also responsible for designating, reviewing, and revising critical habitat for any listed species. In addition, under the ESA, Federal agencies consult with NMFS on any proposed action authorized, funded, or carried out by that agency that may affect listed species or designated critical habitat, or that may affect proposed species or critical habitat. These interagency consultations are designed to assist Federal agencies in fulfilling their duty to ensure Federal actions do not jeopardize the continued existence of a species or destroy or adversely modify critical habitat, while still allowing Federal agencies to fulfill their respective missions (*e.g.,* permitting infrastructure projects or oil and gas exploration, conducting military readiness activities).

NOAA's Regulatory Plan Actions

While most of the rulemakings undertaken by NOAA do not rise to the level necessary to be included in Commerce's regulatory plan, NMFS is undertaking five actions that rise to the level of ''most important'' of Commerce's significant regulatory actions and thus are included in this year's regulatory plan. A description of the five regulatory plan actions is provided below.

Additionally, NMFS is undertaking a series of rulemakings that are considered deregulatory, as defined by Executive Order 13771. Such actions directly benefit the regulated community by increasing access, providing more economic opportunity, reducing costs, and/or increasing flexibility. Specific examples of such actions are the Commerce Trusted Trader Program and modifications to the Fisheries Finance Program, as described below. Other examples include rulemakings implementing regional Fishery Management Council actions that alleviate or reduce previous requirements.

1. Commerce Trusted Trader Program (0648–BG51): Under the Magnuson-Stevens Fishery Conservation and Management Act, importation of fish products taken in violation of foreign law and regulation is prohibited. To enforce this prohibition, NMFS has implemented the Seafood Import Monitoring Program (81 FR 88975,

December 9, 2016) which requires U.S. importers to report on the origin of fish products and to keep supply chain records. The Commerce Trusted Trader Program will establish a voluntary program for certified seafood importers that provides benefits such as reduced targeting and inspections, and enhanced streamlined entry into the United States. The program will require that a Commerce Trusted Trader establish a secure supply chain and maintain the records necessary to verify the legality of all designated product entering into U.S. commerce, but it will excuse the Commerce Trusted Trader from entering that data into the International Trade Data System prior to entry, as required by Seafood Import Monitoring Program. This program is deregulatory in nature because it reduces reporting costs at entry and reduces recordkeeping costs due to flexibility in archiving.

2. Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood (0648–BH87): Section 539 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018 (2018 Appropriations Act) directed the Secretary of Commerce to ''. . . establish a traceability program for United States inland, coastal, and marine aquaculture of shrimp and abalone . . .'' and by December 31, 2018 to ''. . . promulgate such regulations as are necessary and appropriate to establish and implement the program.'' The proposed Traceability Information Program for Seafood (TIPS) would establish registration, reporting and recordkeeping requirements for domestic, commercial aquaculture producers of shrimp and abalone species and products containing those species from the point of production to entry into U.S. commerce. TIPS would close the domestic reporting and recordkeeping gap and enable NOAA to add imported shrimp and abalone to the Seafood Import Monitoring Program (SIMP), which was mandated under the 2018 Appropriations Act and finalized under 50 CFR 300.324 in a Final Rule (0648–BH89; 83 FR 17762) published April 24, 2018.

3. Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico (0648–BB38): The Marine Mammal Protection Act (MMPA) prohibits the ''take'' (*e.g.,* behavioral harassment, injury, or mortality) of marine mammals with certain exceptions, including through the issuance of incidental take authorizations. Where there is a reasonable likelihood of an activity resulting in the take of marine mammals—as is the case for certain methods of geophysical exploration, including the use of airgun arrays (*i.e.,* ''seismic surveys'')—action proponents must ensure that take occurs in a lawful manner. However, there has not previously been any analysis of industry survey activities in the Gulf of Mexico conducted pursuant to requirements of MMPA, and industry operators have been, and currently are, conducting their work without MMPA incidental take authorizations. In support of the oil and gas industry, the Bureau of Ocean Energy Management has requested 5-year incidental take regulations, which would provide a regulatory framework under which individual companies could apply for project-specific Letters of Authorization. Providing for industry compliance with the MMPA through the requested regulatory framework, versus companies pursuing individual authorizations, would be the most efficient way to achieve such compliance for both industry and for NMFS, and would provide regulatory certainty for industry operators.

4. Modify the Fisheries Financing Program To Allow the Financing of New Replacement Fishing Vessel Construction in Limited Access Fisheries (0648–BH82): In 2016, Congress passed section 302 of the Coast Guard Authorization Act of 2015 which included specific authority for the Fisheries Finance Program to finance the construction of fishing vessels in a fishery that is federally managed under a limited access system. Replacement of aged fishing vessels in managed fisheries will result in more efficient use of fisheries, promote safety at sea, and improve environmental operations of the fishing industry. This rule will provide a source of funding to recapitalize and modernize an aged fishing fleet that will help ensure the continuation of the economic benefits provided by the nation's commercial fishing fleet.

5. Magnuson-Stevens Act; Fishery Management Councils; Financial Disclosure and Recusal (0648–BH73): NMFS received input from regional Fishery Management Councils calling for further guidance and clarification of financial disclosure requirements of Council members and the regulatory procedures to make determinations on voting recusals of Council members. This rule proposes changes to the regulations that address disclosure of financial interests by, and voting recusal of, Council members appointed by the Secretary of Commerce. The regulatory changes are needed to provide the guidance for (1) consistency and transparency in the calculation of a Council member's financial interests; (2) determining whether a close causal link exists between a Council decision and a benefit to a Council member's financial interest; and (3) establishing regional procedures for preparing and issuing recusal determinations. This proposed rule is intended to improve regulations implementing the statutory requirements governing disclosure of financial interests and voting recusal at section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Bureau of Industry and Security

The Bureau of Industry and Security (BIS) advances U.S. national security, foreign policy, and economic objectives by maintaining and strengthening adaptable, efficient, and effective export control and treaty compliance systems as well as by administering programs to prioritize certain contracts to promote the national defense and to protect and enhance the defense industrial base.

Major Programs and Activities

BIS administers four sets of regulations. The Export Administration Regulations (EAR) regulate exports and reexports to protect national security, foreign policy, and short supply interests. The EAR also regulates U.S. persons' participation in certain boycotts administered by foreign governments. The National Security Industrial Base Regulations provide for prioritization of certain contracts and allocations of resources to promote the national defense, require reporting of foreign Government-imposed offsets in defense sales, provide for surveys to assess the capabilities of the industrial base to support the national defense and address the effect of imports on the defense industrial base. The Chemical Weapons Convention Regulations implement declaration, reporting, and on-site inspection requirements in the private sector necessary to meet United States treaty obligations under the Chemical Weapons Convention treaty. The Additional Protocol Regulations implement similar requirements with respect to an agreement between the United States and the International Atomic Energy Agency.

BIS also has an enforcement component with nine offices covering the United States. BIS export control officers are also stationed at several U.S. embassies and consulates abroad. BIS works with other U.S. Government agencies to promote coordinated U.S. Government efforts in export controls and other programs. BIS participates in U.S. Government efforts to strengthen multilateral export control regimes and

to promote effective export controls through cooperation with other Governments

BIS' Regulatory Plan Action

BIS maintains the EAR, including the Commerce Control List (CCL). The CCL describes commodities, software, and technology that are subject to licensing requirements for specific reasons for control. The Department of State, Directorate of Defense Trade Controls (DDTC), maintains the International Traffic in Arms Regulations (ITAR), including the United States Munitions List (USML), which describes defense articles subject to State's licensing jurisdiction.

In Fiscal Year 2019, BIS plans to publish a final rule describing how articles the President has determined no longer warrant control under USML Category I (Firearms, Close Assault Weapons and Combat Shotguns), Category II (Guns and Armament), and Category III (Ammunition/Ordnance) would be controlled on the CCL and by the EAR. This final rule will be published in conjunction with a DDTC final rule that would amend the list of articles controlled by those USML Categories to describe more precisely items warranting continued control on that list.

The changes described in these final rules will be based on a review of those categories by the Department of Defense, which worked with the Departments of State and Commerce in preparing the amendments. As with the proposed rules that were published in Fiscal Year 2018, the review for the final rule will be focused on ensuring that the agencies have identified the types of articles that are now controlled on the USML that are either (i) inherently military and otherwise warrant control on the USML or (ii) if of a type common to non-military firearms applications, possess parameters or characteristics that provide a critical military or intelligence advantage to the United States, and are almost exclusively available from the United States. If an article satisfies one or both of those criteria, the article will remain on the USML. If an article does not satisfy either criterion, it will be identified in the new Export Control Classification Numbers (ECCNs) included in the BIS proposed rule. Thus, the scope of the items that will be described in the final rule will essentially be commercial items widely available in retail outlets and less sensitive military items.

The firearms and other items described in the proposed rule are widely used for sporting applications, and BIS will not ''de-control'' these items in the final rule. BIS would require licenses to export or reexport to any country a firearm or other weapon that would be added to the CCL. Rather than decontrolling firearms and other items, BIS, working with the Departments of Defense and State, is trying to reduce the procedural burdens and costs of export compliance on the U.S. firearms industry while allowing the U.S. Government to control firearms appropriately and to make better use of its export control resources.

United States Patent Trademark Office

The United States Patent and Trademark Office's (USPTO) mission is to foster innovation, competitiveness and economic growth, domestically and abroad by delivering high quality and timely examination of patent and trademark applications, guiding domestic and international intellectual property policy, and delivering intellectual property information and education worldwide.

Major Programs and Activities

USPTO is the Federal agency for granting U.S. patents and registering trademarks. In doing this, the USPTO fulfills the mandate of Article I, Section 8, Clause 8, of the Constitution that the legislative branch ''promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.'' The USPTO registers trademarks based on the commerce clause of the Constitution (Article I, Section 8, Clause 3). Under this system of protection, American industry has flourished. New products have been invented, new uses for old ones discovered, and employment opportunities created for millions of Americans. The strength and vitality of the U.S. economy depends directly on effective mechanisms that protect new ideas and investments in innovation and creativity. The continued demand for patents and trademarks underscores the ingenuity of American inventors and entrepreneurs. The USPTO is at the cutting edge of the nation's technological progress and achievement.

The USPTO advises the President of the United States, the Secretary of Commerce, and U.S. government agencies on intellectual property (IP) policy, protection, and enforcement; and promotes the stronger and more effective IP protection around the world. The USPTO furthers effective IP protection for U.S. innovators and entrepreneurs worldwide by working with other agencies to secure strong IP provisions in free trade and other international agreements. It also provides training, education, and capacity building programs designed to foster respect for IP and encourage the development of strong IP enforcement regimes by U.S. trading partners. USPTO administers regulations located at title 37 of the Code of Federal Regulations concerning its patent and trademark services, and the other functions it performs.

USPTO's Regulatory Plan Action

NPRM: Setting and Adjusting Patent Fees (RIN 0651–AD31): The Leahy-Smith America Invents Act (AIA), enacted in 2011, provided USPTO with the authority to set and adjust its fees for patent and trademark services. Since then, USPTO has conducted an internal biennial fee review, in which it undertook internal consideration of the current fee structure, and considered ways that the structure might be improved, including rulemaking pursuant to the USPTO's fee setting authority. This fee review process involves public outreach, including, as required by the Act, public hearings held by the USPTO's Public Advisory Committees, as well as public comment and other outreach to the user community and public in general. In 2019, the USPTO anticipates publishing an NPRM proposing the setting and adjusting of patent fees. The USPTO will set and adjust Patent fee amounts to provide the Office with a sufficient amount of aggregate revenue to recover its aggregate cost of operations while helping the Office maintain a sustainable funding model, reduce the current patent application backlog, decrease patent pendency, improve quality, and upgrade the Office's business information technology capability and infrastructure.

DOC—BUREAU OF INDUSTRY AND SECURITY (BIS)

Final Rule Stage

16. Revisions to the Export Administration Regulations: Control of Firearms and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 10 U.S.C. 7420; 10 U.S.C. 7430(e); 15 U.S.C. 1824a; 22 U.S.C. 2151 note; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; 30 U.S.C. 185(s); 30 U.S.C. 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C.

1354; 50 U.S.C. 1701 *et seq.*; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. app 2401 *et seq.*; 50 U.S.C. app 5; E.O. 12058; E.O. 12851; E.O. 12854; E.O. 12918; E.O. 12938; E.O. 12947; E.O. 13020; E.O. 13026; E.O. 13099; E.O. 13222; E.O. 13224; E.O. 13338; E.O. 13637; Pub. L. 108–11

CFR Citation: 15 CFR 740; 15 CFR 742; 15 CFR 774; 15 CFR 736; 15 CFR 743; 15 CFR 744; 15 CFR 746; 15 CFR 748; 15 CFR 758; 15 CFR 762; 15 CFR 772.

Legal Deadline: None.

Abstract: This rule describes how articles the President determines no longer warrant control under United States Munitions List (USML) Category I-Firearms, Close Assault Weapons and Combat Shotguns; Category II-Guns and Armament; and Category III-Ammunition/Ordnance would be controlled on the Commerce Control List (CCL). This rule will be published simultaneously with a proposed rule by the Department of State that would revise Categories I, II, and III of the USML to describe more precisely the articles warranting continued control on that list. This rule also would reorganize and renumber entries currently on the CCL that control shotguns and certain firearms related items to place all firearms related entries close to each other that list.

Statement of Need: This final rule is needed to ensure appropriate controls would be in place on firearms and related items determined to no longer warrant control under the United States Munitions List that would be moved to the Commerce Control List (CCL). This final rule describes how articles the President determines no longer warrant control under United States Munitions List (USML) Category I Firearms, Close Assault Weapons and Combat Shotguns; Category II Guns and Armament; and Category III Ammunition/Ordnance, would be controlled on the Commerce Control List (CCL) and by the Export Administration Regulations (EAR). This rule is being published in conjunction with a proposed rule from the Department of State, Directorate of Defense Trade Controls, which would amend the list of articles controlled by USML Category I (Firearms, Close Assault Weapons and Combat Shotguns), Category II (Guns and Armament), and Category III (Ammunition/Ordnance) of the USML to describe more precisely items warranting continued control on that list.

The changes described in this rule and in the State Department's companion rule on Categories I, II, and III of the USML are based on a review of those categories by the Department of Defense, which worked with the Departments of State and Commerce in preparing the amendments. The review was focused on identifying the types of articles that are now controlled on the USML that are either (i) inherently military and otherwise warrant control on the USML or (ii) if of a type common to non-military firearms applications, possess parameters or characteristics that provide a critical military or intelligence advantage to the United States, and are almost exclusively available from the United States. If an article satisfies one or both of those criteria, the article remains on the USML. If an article does not satisfy either criterion, it has been identified in the new Export Control Classification Numbers (ECCNs) included in this proposed rule. Thus, the scope of the items described in this proposed rule is essentially commercial items widely available in retail outlets and less sensitive military items.

Summary of Legal Basis: This action is taken pursuant to BIS' authority under the Export Administration Regulations (EAR), which regulate exports and reexports to protect national security, foreign policy, and short supply interests. BIS maintains the EAR, which includes the Commerce Control List (CCL), which describes commodities, software, and technology that are subject to licensing requirements for specific reasons for control.

Alternatives: Take no action in order to maintain the status quo by not revising USML Categories I, II, and III and not making the needed conforming changes under the EAR. This alternative was mentioned by some of the public commenters in response to the proposed rule published by BIS on May 24, 2018 (83 FR 24166). BIS will evaluate this (take no action) alternative suggested by some of the commenters, as well as all other comments received on the May 24 proposed rule, when drafting the final rule. The rationale provided in the May 24 proposed rule already addressed why maintaining the status quo was not warranted, but BIS will further address these comments in the final rule. BIS will also address the comments that were supportive of the May 24 proposed rule that agreed with the Departments of Commerce and State that the items described in the two rules reflected what items should be retained on the USML and what items should be moved to the CCL.

Anticipated Cost and Benefits: This final rule involves four collections currently approved by OMB under these BIS collections and control numbers: Simplified Network Application Processing System (control number 0694–0088), which includes, among other things, license applications; License Exceptions and Exclusions (control number 0694–0137); Import Certificates and End-User Certificates (control number 0694–0093); Five Year Records Retention Period (control number 0694–0096); and the U.S. Census Bureau collection for the Automated Export System (AES) Program (control number 0607–0152). This final rule would affect the information collection, under control number 0694–0088, associated with the multi-purpose application for export licenses. This collection carries a burden estimate of 43.8 minutes for a manual or electronic submission for a burden of 31,833 hours. BIS believes that the combined effect of all rules to be published adding items removed from the ITAR to the EAR that would increase the number of license applications to be submitted by approximately 30,000 annually, resulting in an increase in burden hours of 21,900 (30,000 transactions at 43.8 minutes each) under this control number. For those items in USML Categories I, II and III that would move by this rule to the CCL, the State Department estimates that 10,000 applicants annually will move from the USML to the CCL. BIS estimates that 6,000 of the 10,000 applicants would require licenses under the EAR, resulting in a burden of 4,380 hours under this control number. Those companies are currently using the State Department's forms associated with OMB Control No. 1405–0003 for which the burden estimate is 1 hour per submission, which for 10,000 applications results in a burden of 10,000 hours. Thus, subtracting the BIS burden hours of 4,380 from the State Department burden hours of 10,000, the burden would be reduced by 5,620 hours. For purposes of E.O. 13771 of January 30, 2017 (82 FR 9339), the Department of State and Department of Commerce final rules are expected to be net deregulatory actions. The Departments of State and Commerce for purposes of E.O. 13771 have agreed to equally share the cost burden reductions that would result from the publication of these two integral regulatory actions. The Department of State would receive 50% and the Department of Commerce would receive 50% for purposes of calculating the deregulatory benefit of these two integral regulatory actions. For purposes of the Department of Commerce, the net deregulatory actions would result in a permanent and recurring cost savings of $1,250,000 per

year, and a reduction in burden hours by 2,810 hours. The reduction in burden hours by 2,810 would result in an additional cost savings of $126,281 to the exporting public. Therefore, the total dollar cost savings would be $1,376,281 for purposes of E.O. 13771 for the Department of Commerce.

Risks: This final rule must be published concurrently with the Department of State final rule that would revise USML Categories I, II, and II, to provide for appropriate controls on firearms and related items determined to no longer warrant control under the United States Munitions List (USML) that would be moved to the Commerce Control List (CCL) under the Export Administration Regulations (EAR). If this rule were not published, entities would not benefit from simpler license application procedures and reduced (or eliminated) registration fees based on the transfer of jurisdiction of the items described in the rule. Thus, entities would not benefit from reduced administrative costs associated with EAR jurisdiction.

Timetable:

Action	Date	FR Cite
NPRM	05/24/18	83 FR 24166
NPRM Comment Period End.	07/09/18	83 FR 24166
Final Action	04/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Timothy Mooney, Export Policy Analyst, Department of Commerce, Bureau of Industry and Security, 14th Street and Pennsylvania Avenue NW, Washington, DC 20230, *Phone:* 202 482–3371, *Fax:* 202 482–3355, *Email: timothy.mooney@bis.doc.gov.*

Related RIN: Related to 0694–AF17, Merged with 0694–AF48, Merged with 0694–AF49

RIN: 0694–AF47

DOC—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

Proposed Rule Stage

17. Magnuson-Stevens Act; Fishery Management Councils; Financial Disclosure and Recusal

Priority: Other Significant.

E.O. 13771 Designation: Other.

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

CFR Citation: 50 CFR 600.

Legal Deadline: None.

Abstract: Current regulations require that fishery management council members disclose any financial interest in harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which the Fishery Management Council (Council) concerned has jurisdiction. Furthermore, current implementing regulations also require the voting recusal of an appointed Council member when a Council decision would have a significant and predictable effect on the member's financial interests. NMFS received input from the Fishery Management Council Coordination Committee, the North Pacific Fishery Management Council, the Western Pacific Fishery Management Council, and the New England Fishery Management Council all calling for further guidance and clarification of financial disclosure requirements of Council members and the regulatory procedures to make determinations on voting recusals of Council members. This proposed action would articulate the guidance necessary to: Provide consistency and transparency in the calculation of a Council member's financial interests; provide clarity consistent with statutory language to ensure that any recusal is based on a close causal link between a Council decision and a benefit to a Council member's financial interest; and establish regional procedures for preparing and issuing recusal determinations.

Statement of Need: NMFS received input from regional Fishery Management Councils calling for further guidance and clarification of financial disclosure requirements of Council members and the regulatory procedures to make determinations on voting recusals of Council members. This proposed rule makes changes to the regulations that address disclosure of financial interests by, and voting recusal of, Council members appointed by the Secretary of Commerce. The regulatory changes are needed to provide the guidance for (1) consistency and transparency in the calculation of a Council member's financial interests; (2) determining whether a close causal link exists between a Council decision and a benefit to a Council members financial interest; and (3) establishing regional procedures for preparing and issuing recusal determinations. This proposed rule is intended to improve regulations implementing the statutory requirements governing disclosure of financial interests and voting recusal at section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Summary of Legal Basis: Magnuson-Stevens Fishery Conservation and Management Act.

Alternatives: The alternatives are (1) the status quo (keep the regulatory scheme as it currently is) and (2) update the regulations to provide consistency, transparency, and clarity in the regulations and to establish regional procedures for preparing and issuing recusal determinations.

Anticipated Cost and Benefits: This rule is administrative in nature. It does not directly regulate a particular fishery. Instead, it provides guidance and improved clarity about implementing existing requirements. Because the proposed rule will not directly alter the behavior of any entities that operate in federally managed fisheries, no direct economic effects are expected to result from this action. This action may indirectly result in positive net economic benefits in the long-term by improving transparency and providing increased predictability about the voting procedures of the Councils. This increased transparency provides a net benefit to the nation.

Risks: Because the regulations lack guidance on several key aspects of reaching a recusal determination, and provide little guidance on the procedures to be followed when preparing and issuing a recusal determination, designated officials have developed differing practices over time to fill in these regulatory gaps and to address new factual circumstances that have arisen. The risk in not updating the regulations would be a continuation of the lack of clarity and consistency in the implementation of the current regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BH73

DOC—NOAA

18. Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood

Priority: Other Significant.
E.O. 13771 Designation: Other.
Legal Authority: 16 U.S.C. 1801 *et seq.;* Pub. L. 115–141
CFR Citation: 50 CFR 698.
Legal Deadline: Final, Statutory, December 31, 2018, Sec 539 of H.R. 1625—Consolidated Appropriations Act, 2018.

Abstract: On December 9, 2016, NMFS issued a final rule that established a risk-based traceability program to track seafood from harvest to entry into U.S. commerce. The final rule included, for designated priority fish species, import permitting and reporting requirements to provide for traceability of seafood products offered for entry into the U.S. supply chain, and to ensure that these products were lawfully acquired and are properly represented. Shrimp and abalone products were included in the final rule to implement the Seafood Import Monitoring Program, but compliance with Seafood Import Monitoring Program requirements for those species was stayed indefinitely due to the disparity between Federal reporting programs for domestic aquaculture of shrimp and abalone products relative to the requirements that would apply to imports under Seafood Import Monitoring Program. In Section 539 of the Consolidated Appropriations Act, 2018, Congress mandated lifting the stay on inclusion of shrimp and abalone in Seafood Import Monitoring Program and authorized the Secretary of Commerce to require comparable reporting and recordkeeping requirements for domestic aquaculture of shrimp and abalone. This rulemaking would establish permitting, reporting and recordkeeping requirements for domestic producers of shrimp and abalone from the point of production to entry into commerce.

Statement of Need: Section 539 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018 (2018 Appropriations Act) directed the Secretary of Commerce to ''establish a traceability program for United States inland, coastal, and marine aquaculture of shrimp and abalone'' and by December 31, 2018 to ''promulgate such regulations as are necessary and appropriate to establish and implement the program.'' The proposed Traceability Information Program for Seafood (TIPS) would establish registration, reporting and recordkeeping requirements for domestic, commercial aquaculture producers of shrimp and abalone species and products containing those species from the point of production to entry into U.S. commerce. TIPS would close the domestic reporting and recordkeeping gap and enable NOAA to add imported shrimp and abalone to the Seafood Import Monitoring Program (SIMP), which was mandated under the 2018 Appropriations Act and finalized under 50 CFR 300.324 in a final rule (0648–BH89; 83 FR 17762) published April 24, 2018.

Summary of Legal Basis: Magnuson-Stevens Fishery Conservation and Management Act; Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018.

Alternatives: Coextensive with the scope of SIMP, the Traceability Information Program for Seafood would establish a domestic traceability program for aquaculture shrimp and abalone traces fish and fish products from production to entry into U.S. commerce. NMFS will solicit public input on alternatives to the registration, reporting and recordkeeping requirements for U.S. shrimp and abalone aquaculture producers in the proposed rule.

Anticipated Cost and Benefits: The costs of the Traceability Information Program for Seafood, as proposed, would include a small registration fee and labor associated with reporting harvest information to NMFS as well as compliance with any requests for audit or inspection. The Traceability Information Program for Seafood would enable NMFS to determine the origin of the domestic aquaculture shrimp and abalone products and confirm that they were lawfully produced. The Traceability Information Program for Seafood will close the domestic reporting and recordkeeping gap and enable NMFS to add imported shrimp and abalone to the Seafood Import Monitoring Program, which will prevent illegally harvested or misrepresented seafood products from entering U.S. commerce, thereby leveling the playing field for law abiding shrimp and abalone producers in the U.S. and around the world.

Risks: Failure to implement the Traceability Information Program for Seafood would violate Section 539 of the 2018 Appropriations Act and likely provoke challenges to the Seafood Import Monitoring Program in international trade fora.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.
Government Levels Affected: Federal.
International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: John Henderschedt, Director, Office for International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 10362, Silver Spring, MD 20910, *Phone:* 301 427–8314, *Email: john.henderschedt@noaa.gov.*
Related RIN: Related to 0648–BF09
RIN: 0648–BH87

DOC—NOAA

Final Rule Stage

19. Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

Priority: Other Significant.
E.O. 13771 Designation: Regulatory.
Legal Authority: 16 U.S.C. 1361 *et seq.*
CFR Citation: 50 CFR 217.
Legal Deadline: None.

Abstract: The National Marine Fisheries Service is taking this action in response to an October 17, 2016 petition from the U.S. Department of Interior (DOI), Bureau of Ocean Energy Management (BOEM), to promulgate regulations governing the authorization of take of marine mammals incidental to oil and gas industry geophysical surveys conducted in support of hydrocarbon exploration and development on the Outer Continental Shelf in the Gulf of Mexico from approximately 2018 through 2023.

Statement of Need: The Marine Mammal Protection Act (MMPA) prohibits the ''take'' (*e.g.,* behavioral harassment, injury, or mortality) of marine mammals with certain exceptions, including through the issuance of incidental take authorizations. Where there is a reasonable likelihood of an activity resulting in the take of marine mammals—as is the case for certain methods of geophysical exploration, including the use of airgun arrays (*i.e.,* ''seismic surveys'')—action proponents must ensure that take occurs in a lawful

manner. However, there has not previously been any analysis of industry survey activities in the Gulf of Mexico conducted pursuant to requirements of MMPA, and industry operators have been, and currently are, conducting their work without MMPA incidental take authorizations. In support of the oil and gas industry, the Bureau of Ocean Energy Management has requested 5-year incidental take regulations, which would provide a regulatory framework under which individual companies could apply for project-specific Letters of Authorization. Providing for industry compliance with the MMPA through the requested regulatory framework, versus companies pursuing individual authorizations, would be the most efficient way to achieve such compliance for both industry and for NMFS, and would provide regulatory certainty for industry operators.

Summary of Legal Basis: Marine Mammal Protection Act.

Alternatives: The regulatory impact analysis considers several alternatives with varying amounts of required mitigation by industry authorization-holders. The proposed rule seeks comment on the extent to which certain areas should be closed to geophysical activity, the distance at which operators must shut down upon detection of specified species of whales, and the mitigation requirements concerning large dolphins.

Anticipated Cost and Benefits: The rule would include mitigation, monitoring, and reporting requirements, as required by the MMPA. The rule analyzes the impacts against two baselines—the current mitigation requirements as stipulated in a settlement agreement currently in effect until November 1, 2018, and the requirements prior to the settlement agreement. Compared to the settlement agreement, the annualized impacts of the proposed rule are estimated to achieve a cost savings of $11 million to $147 million. Compared to the pre-settlement agreement baseline the annualized costs are estimated to range from $49 million to $182 million. The rule would also result in certain non-monetized benefits. The lessened risk of harm to marine mammals afforded by this rule (pursuant to the requirements of the MMPA) would benefit the regional economic value of marine mammals via tourism and recreation to some extent, as mitigation measures applied to geophysical survey activities in the Gulf of Mexico (GOM) region are expected to benefit the marine mammal populations that support this economic activity in the GOM. The rule would also afford significant benefit to the regulated industry by providing an efficient framework within which compliance with the MMPA, and the attendant regulatory certainty, may be achieved. Cost savings may be generated in particular by the reduced administrative effort required to obtain an LOA under the framework established by a rule compared to what would be required to obtain an incidental harassment authorization (IHA) under section 101(a)(5)(D) of the MMPA. Absent the rule, survey operators in the GOM would likely be required to apply for an IHA. Although not monetized, NMFSs analysis indicates that the upfront work associated with the rule (*e.g.,* analyses, modeling, process for obtaining LOA) would likely save significant time and money for operators.

Risks: Absent the rule, oil and gas industry operators would face a highly uncertain regulatory environment due to the imminent threat of litigation. BOEM currently issues permits under a stay of ongoing litigation; in the absence of the rule, the litigation would continue. The IHA application process that would be available to companies would be more expensive and time-consuming.

Timetable:

Action	Date	FR Cite
NPRM	06/22/18	83 FR 29212
NPRM Comment Period End.	08/21/18	
Final Action	02/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BB38

DOC—NOAA

20. Commerce Trusted Trader Program

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

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

CFR Citation: 50 CFR 300.

Legal Deadline: None.

Abstract: This rule will establish a voluntary Commerce Trusted Trader Program for importers, aiming to provide benefits such as reduced targeting and inspections and enhanced streamlined entry into the United States for certified importers. Specifically, this rule would establish the criteria required of a Commerce Trusted Trader, and identify specifically how the program will be monitored and by whom. It will require that a Commerce Trusted Trader establish a secure supply chain and maintain the records necessary to verify the legality of all designated product entering into U.S. commerce, but will excuse the Commerce Trusted Trader from entering that data into the International Trade Data System prior to entry, as required by Seafood Import Monitoring Program (finalized on December 9, 2016). The rule will identify the benefits available to a Commerce Trusted Trader, detail the application process, and specify how the Commerce Trusted Trader will be audited by third-party entities while the overall program will be monitored by the National Marine Fisheries Service.

Statement of Need: Under the Magnuson-Stevens Fishery Conservation and Management Act, importation of fish products taken in violation of foreign law and regulation is prohibited. To enforce this prohibition, NMFS has implemented the Seafood Import Monitoring Program (SIMP) (81 FR 88975, December 9, 2016) which requires U.S. importers to report on the origin of fish products and to keep supply chain records. The Commerce Trusted Trader Program was recommended by an interagency working group to reduce the burden of SIMP compliance for importers with secure supply chains by reducing reporting requirements for entry into U.S. commerce and allowing more flexible approaches to retaining supply chain records.

Summary of Legal Basis: Magnuson-Stevens Fishery Conservation and Management Act.

Alternatives: SIMP is aimed at preventing the infiltration of illegal fish products into the U.S. market. Alternatives to reduce the reporting and recordkeeping burden for U.S. importers were considered during the course of that rulemaking. Collecting less information at import about the origin of products would increase the likelihood of illegal products entering the supply chain. However, working with individual traders to secure the supply chain will be an economical approach to ensure that illegal products are precluded and records will be kept as needed for post-entry audits. The Commerce Trusted Trader Program is designed to allow those entities who

demonstrate a robust traceability and internal control system, and submit to annual third-party audits of their system, to benefit from reduced reporting requirements of SIMP species at the time of entry as well as flexibility in how they maintain the complete chain of custody records within their secure supply chain.

Anticipated Cost and Benefits: The Commerce Trusted Trader Program, as proposed, will result in an estimated industry-wide savings between $0.50 and $1.21 million annually. Anticipated costs are minimal and include a one-time application fee of $30.00 and associated labor costs of developing application materials. Commerce Trusted Traders will benefit from the reduced reporting costs at entry and reduced recordkeeping costs due to flexibility in archiving chain of custody records, but incur costs to perform an annual third-party audit of adherence to their Compliance Plan.

Risks: While there is no risk of not implementing a Commerce Trusted Trader Program, not doing so would deprive industry of potentially significant cost savings for an existing regulatory program.

Timetable:

Action	Date	FR Cite
NPRM	01/17/18	83 FR 2412
NPRM Comment Period End.	03/19/18	
Final Action	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: John Henderschedt, Director, Office for International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 10362, Silver Spring, MD 20910, *Phone:* 301 427–8314, *Email: john.henderschedt@noaa.gov*.

Related RIN: Related to 0648–BF09

RIN: 0648–BG51

DOC—PATENT AND TRADEMARK OFFICE (PTO)

Proposed Rule Stage

21. Setting and Adjusting Patent Fees

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Pub. L. 112–29

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: The USPTO operates like a business in that it fulfills requests for intellectual property products and services that are paid for by users of those services. The USPTO takes this action to set and adjusts patent fee amounts to provide sufficient aggregate revenue to cover aggregate cost of operations.

Statement of Need: The purpose of this rule is to set and adjust patent fee amounts to provide sufficient aggregate revenue to cover the agency's aggregate cost of operations. To this end, this rule creates new or changes existing fees for patent services, and does so without imposing any new costs.

Summary of Legal Basis: The Leahy-Smith America Invents Act (AIA), enacted in 2011, provided USPTO with the authority to set and adjust its fees for patent and trademark services. Since then, USPTO has conducted an internal biennial fee review, in which it undertook internal consideration of the current fee structure, and considered ways that the structure might be improved, including rulemaking pursuant to the USPTO's fee setting authority. This fee review process involves public outreach, including, as required by the Act, public hearings held by the USPTO's Public Advisory Committees, as well as public comment and other outreach to the user community and public in general.

Alternatives: This rulemaking action is currently in development and alternatives have not yet been determined.

Anticipated Cost and Benefits: This rulemaking action is currently in development and aggregate annual economic impacts have not yet been determined. It is anticipated that the final rule would become effective with the new fee schedule in 2020.

Risks: The USPTO will set and adjust Patent fee amounts to provide the Office with a sufficient amount of aggregate revenue to recover its aggregate cost of operations while helping the Office maintain a sustainable funding model, reduce the current patent application backlog, decrease patent pendency, improve quality, and upgrade the Office's business information technology capability and infrastructure. Therefore, one risk of taking no action could be that USPTO might not be able to recover its aggregate costs of operations in the long run.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	
NPRM Comment Period End.	11/00/19	
Final Action	08/00/20	
Final Action Effective.	10/00/20	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Agency Contact: Brendan Hourigan, Director, Office of Planning and Budget, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450, *Phone:* 571 272–8966, *Fax:* 571 273–8966, *Email: brendan.hourigan@uspto.gov*.

RIN: 0651–AD31

BILLING CODE 3510–12–P

DEPARTMENT OF DEFENSE

Statement of Regulatory Priorities

Background

The Department of Defense (DoD) is the largest Federal department, employing over 1.3 million military personnel and 742,000 civilians with operations all over the world. DoD's enduring mission is to provide combat-credible military forces needed to deter war and protect the security of our nation. In support of this mission, DoD adheres to a strategy where a more lethal force, strong alliances and partnerships, American technological innovation, and a culture of performance will generate a decisive and sustained United States military advantage. Because of this expansive and diversified mission and reach, DoD regulations can address a broad range of matters and have an impact on varied members of the public, as well as a multitude of other federal agencies.

The regulatory and deregulatory actions identified in this Regulatory Plan embody the core of DoD's regulatory priorities for Fiscal Year (FY) 2019 and help support or impact the Secretary's three lines of efforts to: (1) Build a more lethal force; (2) strengthen alliances and attract new partners; and (3) reform the Department for greater performance and affordability. These actions originate within three of DoD's

main regulatory components—the Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), which is responsible for contracting and procurement policy, the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), which supports troop readiness and health affairs, and the Department of the Army through the United States Army Corps of Engineers (USACE), which provides engineering services to support the national interest. The missions of these offices are discussed more fully below.

DoD's Regulatory Philosophy and Principles

The Department's regulatory program strives to be responsive, efficient, and transparent. DoD adheres to the general principles set forth in Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' dated October 4, 1993, by promulgating only those regulations that are required by law, necessary to interpret the law, or are made necessary by compelling public need. By following this regulatory philosophy, the Department's regulatory program also compliments and advances the Secretary's third line of effort—to reform the Department for greater performance and affordability.

The Department is also fully committed to implementing and sustaining regulatory reform in accordance with Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' dated January 30, 2017, and Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' dated February 24, 2017. These reform efforts support DoD's goals to eliminate outdated, unnecessary, or ineffective regulations; account for the currency and legitimacy of each of the Department's regulations; and ultimately reduce regulatory burden and costs placed on the American people. Specifically in support of DoD's reform efforts, DoD appointed a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies. DoD also established a Regulatory Reform Task Force (Task Force) to review and evaluate existing regulations and make recommendations to the Agency head regarding their repeal, replacement, or modification, consistent with applicable law.

DoD is implementing its reform efforts in three general phases:

- *Phase I:* Utilizing the Task Force, assess all 716 existing, codified DoD regulations to include 350 solicitation provisions and contract clauses contained in the Defense Federal Acquisition Regulation Supplement (DFARS). The Task Force will present recommendations for the repeal, replacement, or modification to the Secretary of Defense on a quarterly basis through the end of December 2018.
- *Phase II:* Implementing the approved recommendations. Implementation requires drafting, internal coordination, review by the Office of Management and Budget, and providing for notice and comment, as required by law.
- *Phase III:* Incorporating into its policies a requirement for components to sustain review of both new regulatory actions and existing regulations.

In FY 2019, based primarily on the ongoing work of the Task Force, DoD expects to publish more deregulatory actions than regulatory actions. Exact figures are not yet available as the regulations reported in this edition of the Unified Agenda are still under evaluation for classification under Executive Order 13771. Additionally, the Task Force will continue working to execute directives under Executive Orders 13783 and 13807 to streamline its regulatory process and permitting reviews.

In addition to reform efforts, DoD is also mindful of the importance of international regulatory cooperation, consistent with domestic law and trade policy, as described in Executive Order 13609, ''Promoting International Regulatory Cooperation'' (May 1, 2012). For example, DoD, along with the Departments of State and Commerce, engages with other countries in the Wassenaar Arrangement, Nuclear Suppliers Group, Australia Group, and Missile Technology Control Regime through which the international community develops a common list of items that should be subject to export controls. DoD has been a key participant in the Administration's Export Control Reform effort that resulted in a complete overhaul of the U.S. Munitions List and fundamental changes to the Commerce Control List. New controls have facilitated transfers of goods and technologies to allies and partners while helping prevent transfers to countries of national security and proliferation concern. In this context, DoD will continue to assess new and emerging technologies to ensure items that provide critical military and intelligence capabilities are properly controlled on international export control regime lists.

DoD Priority Regulatory Actions

As stated above, OUSD (A&S), OUSD (P&R), and the Department of the Army will be planning actions that are considered the most important significant DoD regulatory actions for FY 2019. During the next year, these DoD Components plan to publish 15 rulemaking actions that are designated as significant actions. Further information on these actions is provided below.

OUSD (A&S)/Defense Pricing and Contracting (DPC)

DPC is responsible for all contracting and procurement policy matters in the Department and uses the Defense Acquisition Regulations System (DARS) to develop and maintain acquisition rules and to facilitate the acquisition workforce as they acquire goods and services. For this component, DoD is highlighting the following rules:

Rulemakings that are expected to have high net benefits well in excess of costs.

Rulemakings that promote Open Government and use disclosure as a regulatory tool.

Brand Name or Equal (DFARS Case 2017–D040). RIN: 0750–AJ50

This rule proposes to amend the DFARS to implement section 888 of the NDAA for FY 2017. Section 888 requires DoD to justify when a solicitation includes ''brand name or equal'' specifications, which could limit competition by unnecessarily restricting offerors to a limited set of specifications. Currently, if the Government intends to procure specific ''brand name'' products, the contracting officer must prepare a justification and obtain the appropriate approval based on the estimated dollar value of the contracts. However, a justification is not required to use ''brand name or equal'' descriptions in a solicitation. To implement section 888, this rule proposes to amend the DFARS to require contracting officers to obtain an approval of a justification for use of ''brand name or equal'' descriptions, which would then be posted with the covered solicitation. It is expected that this rule will both promote transparency with industry by disclosing the basis for the Government's decision to limit competition and, in turn, present an opportunity to increase competition.

Rulemakings that streamline regulations and reduce unjustified burdens.

Contractor Purchasing System Review Threshold (DFARS Case 2017–D038). RIN: 0750–AJ48

This rule proposes to amend the DFARS to raise the threshold for determining when a contractor purchasing system review (CPSR) is required. The Government will conduct

a CPRS in order to evaluate the efficiency and effectiveness with which a prime contractor spends Government funds and complies with Government policy when subcontracting. Currently, if a prime contractor's sales to the Government are expected to exceed $25 million during the next 12 months, then the administrative contracting officer (ACO) will determine whether there is a need for a CPSR. This rule proposes to amend the DFARS to raise the dollar threshold at which an ACO makes the determination to conduct a CPSR to $50 million for DoD contracts. It is expected that this rule may reduce the number of CPSRs conducted by DoD and, in turn, alleviate the burden on contractors associated with participating in the CPSR.

Rules modifying, streamlining, expanding, or repealing regulations making DoD's regulatory program more effective or less burdensome in achieving regulatory objectives.

Submission of Summary Subcontract Reports (DFARS Case 2017–D005). RIN: 0750–AJ42

This rule proposes to amend the DFARS to clarify the entity to which contractors submit Summary Subcontract Reports in the Electronic Subcontracting Reporting System (eSRS) and to clarify the entity that acknowledges receipt of, or rejects, the reports in eSRS. This rule streamlines the submission and review of Summary Subcontract Reports (SSRs) for DoD contractors and brings the DFARS into compliance with changes in the Federal Acquisition Regulation. Instead of submitting multiple SSRs to various departments and agencies within DoD, contractors with individual subcontracting plans will submit a single, consolidated SSR in eSRS at the DoD level. The consolidated SSR will be acknowledged or rejected in eSRS at the DoD level.

OUSD (P&R)/Assistance Secretary of Defense for Health Affairs

The mission of DoD's health program is to enhance the Department of Defense and our Nation's security by providing health support for the full range of military operations and sustaining the health of all those entrusted to our care by creating a world-class health care system that supports the military mission by fostering, protecting, sustaining and restoring health.

TRICARE is the health care program for uniformed service members including active duty and retired members of the U.S. Army, U.S. Air Force, U.S. Navy, U.S. Marine Corps, U.S. Coast Guard, the Commissioned Corps of the U.S. Public Health Service and the Commissioned Corps of the National Oceanic and Atmospheric Association and their families around the world. It serves 9.5 million individuals worldwide. It continues to offer an increasingly integrated and comprehensive health care plan, refining and enhancing both benefits and programs in a manner consistent with the law, industry standard of care, and best practices, to meet the changing needs of its beneficiaries. The program's goal is to increase access to health care services, improve health care quality, and control health care costs.

For this component, DoD is highlighting the following rule:

Establishment of TRICARE Select and Other TRICARE Reforms. RIN: 0720–AB70

This final rule implements the primary features of section 701 and partially implements several other sections of the National Defense Authorization Act for Fiscal Year 2017 (NDAA–17). The rule makes significant changes to the TRICARE program, especially to the health maintenance organization (HMO)-like health plan known as TRICARE Prime; to the preferred provider organization (PPO) health plan previously known as TRICARE Extra and replaced by TRICARE Select; and to the third health care option known as TRICARE Standard, which was terminated December 31, 2017, and is also replaced by TRICARE Select.

The statute also adopts a new health plan enrollment system under TRICARE and new provisions for access to care, high value services, preventive care, and healthy lifestyles. In implementing section 701 and partially implementing several other sections of NDAA–17, this rule advances all four components of the Military Health System's quadruple aim of improved readiness, better care, better health, and lower cost. The aim of improved readiness is served by reinforcing the vital role of the TRICARE Prime health plan to refer patients, particularly those needing specialty care, to military medical treatment facilities (MTFs) in order to ensure that military health care providers maintain clinical currency and proficiency in their professional fields.

The objective of better care is enhanced by a number of improvements in beneficiary access to health care services, including increased geographical coverage for the TRICARE Select provider network, reduced administrative hurdles for TRICARE Prime enrollees to obtain urgent care services and specialty care referrals, and promotion of high value services and medications. The goal of better health is advanced by expanding TRICARE coverage of preventive care services, treatment of obesity, high-value care, and telehealth. Finally, the aim of lower cost is furthered by refining cost-benefit assessments for TRICARE plan specifications that remain under DoD's discretion and adding flexibilities to incentivize high-value health care services.

USACE

The United States Army Corps of Engineers (USACE), is a major Army command made up of some 37,000 civilian and military personnel, making it one of the world's largest public engineering, design, and construction management agencies. Although generally associated with flood and coastal storm damage reduction, commercial navigation, and aquatic ecosystem restoration in the United States, USACE is involved in a wide range of public works throughout the world.

The USACE's mission is to ''Deliver vital public and military engineering services; partnering in peace and war to strengthen our Nation's security, energize the economy and reduce risks from disasters.'' The most visible missions include:

- Water resources development activities including flood risk management, navigation, aquatic ecosystem restoration, recreation, emergency response, and environmental stewardship
- Design and construction management of military facilities for the Army, Air Force, Army Reserve and Air Force Reserve and other Defense and Federal agencies.

For this component, DoD is highlighting the following rules.

Waters of the United States. RINs: 0710–AA79, 0710–AA80

In 2015, the Environmental Protection Agency and the Department of the Army (''the agencies'') published the ''Clean Water Rule: Definition of 'Waters of the United States' '' (80 FR 37054, June 29, 2015). On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 rule nationwide pending further action of the court. On February 28, 2017, the President signed Executive Order 13778, ''Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule'' which instructed the agencies to review the 2015 rule and rescind or replace it as appropriate and consistent with law. On July 27, 2017,

the agencies published a **Federal Register** notice proposing to repeal (STEP 1 of a comprehensive 2-STEP process) the 2015 Clean Water Rule (2015 Rule) and recodify the pre-existing regulations; the initial 30-day comment period was extended an additional 30 days to September 28, 2017. The agencies signed a supplemental notice of proposed rulemaking on June 29, 2018, clarifying and seeking additional comment on the proposal.

In Step 2 (Revised Definition of 'Waters of the United States'), the agencies plan to propose a new definition that would replace the prior regulations and the approach in the CWR2015 Rule. In determining the possible new approach, the agencies are considering defining ''navigable waters'' in a manner consistent with the plurality opinion of Justice Antonin Scalia in the Rapanos decision, as instructed by Executive Order 13778, ''Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule.''

On February 6, 2018, the agencies issued a final rule adding an applicability date to the CWR2015 Rule of February 6, 2020, to provide continuity and certainty for regulated entities, the States and Tribes, and the public while the agencies conduct STEP 2 of the rulemaking. Until the new definition is finalized, the agencies will continue to implement the regulatory definition in place prior to the CWR consistent with Supreme Court decisions and practice, and as informed by applicable agency guidance documents.

Regulatory Program of the Army Corps of Engineers Tribal Consultation and National Historic Preservation Act Compliance. RIN: 0710–AA75

The USACE recognizes the sovereign status of Indian tribes (as defined by Executive Order 13175) and our obligation for pre-decisional government-to-government consultation, as established through and confirmed by the U.S. Constitution, treaties, statutes, executive orders, judicial decisions, and Presidential documents and policies, on proposed regulatory actions (*e.g.,* individual permit decisions and general permit verifications). The USACE Regulatory Program's regulations for considering the effects of its actions on historic properties as required under Section 106 of the National Historic Preservation Act (NHPA) are outlined at 33 CFR 325 Appendix C. Since these regulations were promulgated in 1990, there have been amendments to the NHPA and revisions to Advisory Council on Historic Preservation's (ACHP) regulations at 36 CFR part 800 subpart B, addressing, among other things, tribal consultation requirements. In response, the USACE issued interim guidance until rulemaking could be completed in order to ensure full compliance with the NHPA and ACHP's regulations. The USACE seeks to revise its regulations to conform to these requirements.

Policy for Domestic, Municipal, and Industrial Water Supply Uses of Reservoir Projects Operated by the Department of the Army, U.S. Army Corps of Engineers. RIN: 0710–AA72

The USACE is updating and clarifying its policies governing the use of its reservoir projects for domestic, municipal and industrial water supply pursuant to Section 6 of the Flood Control Act of 1944 and the Water Supply Act of 1958 (WSA). The USACE intends through this rulemaking to explain and improve its interpretations and practices under these statutes. The rule is intended to enhance the USACE's ability to cooperate with State and local interests in the development of water supplies in connection with the operation of its reservoirs for federal purposes as authorized by Congress, to facilitate water supply uses of USACE reservoirs by others as contemplated under applicable law, and to avoid interfering with lawful uses of water by any entity when the USACE exercises its discretionary authority under either section 6 or the WSA. The rule would apply only to reservoir projects operated by the USACE, not to projects operated by other federal or non-federal entities, and it would not impose requirements on any other entity, alter existing contractual arrangements at USACE reservoirs, or require operational changes at any Corps reservoir.

Natural Disaster Procedures: Preparedness, Response, and Recovery Activities of the Corps of Engineers. RIN: 0710–AA78

The USACE is proposing to update its regulations for USACE's natural disaster procedures pursuant to Section 5 of the Flood Control Act of 1941, as amended (33 U.S.C. 701n), commonly referred to as Public Law 84–99. The revisions are necessary to incorporate elements of the Water Resources and Reform Development Act of 2014 (WRRDA 2014), and update procedures concerning USACE authority to address disaster preparedness, response, and recovery activities. The revisions relating to WRRDA 2014 include the authority to implement modifications to Flood Control Works (FCW) and Coastal Storm Risk Management Projects (formerly referred to as Hurricane and Shore Protection Projects); and the authority to implement nonstructural alternatives to rehabilitation, if requested by the non-federal sponsor. Other significant changes under consideration include revisions to the eligibility criteria for rehabilitation assistance for FCW, an increase to the minimum repair cost for FCW projects, revised policies to address endangered species and vegetation management during rehabilitation, and a change in the cost share for emergency measures constructed using permanent construction standards.

Compensatory Mitigation for Losses of Aquatic Resources—Review and Approval of Mitigation Banks and In-Lieu Fee Programs. RIN: 0710–AA83

This rule proposes to amend the regulations governing the review and approval process for mitigation banks and in-lieu fee programs, which are used to provide compensatory mitigation that offsets losses of jurisdictional waters and wetlands authorized by Department of the Army permits. Those regulations also include time frames for certain steps in the mitigation bank and in-lieu fee program review and approval process. The review and approval process for mitigation banks and in-lieu fee programs includes an opportunity for public and agency review and comment, as well as a second review by an interagency review team. The interagency review team consists of federal, tribal, state, and local agencies that review documentation and provide the United States Army Corps of Engineers (USACE) with advice on the establishment and management of mitigation banks and in-lieu fee programs. The USACE is reviewing the review and approval process and the interagency review team process in particular to determine whether and how it can enhance the efficiency of those processes. An increase in efficiency could result in savings to the public if it results in similar or improved outcomes with shorter review times and thereby reduce risk and uncertainty for mitigation bank and in-lieu fee program sponsors and the costs they incur in obtaining mitigation banking or in-lieu fee program instruments. An increase in review efficiency could also decrease the resources other federal, tribal, state, and local agencies expend in reviewing these activities, attending meetings, participating in site visits, and

providing their comments to the USACE.

Modification of Nationwide Permits. RIN: 0710–AA84

The USACE issues nationwide permits to authorize specific categories of activities in jurisdictional waters and wetlands that have no more than minimal individual and cumulative adverse environmental effects. The issuance and reissuance of nationwide permits must be done every five years to continue the Nationwide Permit Program. The nationwide permits were last issued on December 21, 2016, and expire on March 18, 2022. On October 25, 2017, the USACE issued a report to meet the requirements of Executive Order 13783, Promoting Energy Independence and Economic Growth. In that report, the USACE recommended changes to nine nationwide permits that authorize activities related to domestic energy production and use, including oil, natural gas, coal, and nuclear energy sources, as well as renewable energy sources such as flowing water, wind, and solar energy. This rulemaking action would seek to review and, if appropriate, modify those nine nationwide permits in accordance with the opportunities identified in the report in order to reduce burdens on the public. In addition, the Corps is considering modifying an additional 23 nationwide permits to allow federal agencies to select and use nationwide permits without additional USACE review. This rulemaking action would help simplify the nationwide permit authorization process.

DOD—DEFENSE ACQUISITION REGULATIONS COUNCIL (DARC)

Proposed Rule Stage

22. Contractor Purchasing System Review Threshold (DFARS CASE 2017–D038)

Priority: Other Significant.
E.O. 13771 Designation: Deregulatory.
Legal Authority: 41 U.S.C. 1303
CFR Citation: 48 CFR 244.
Legal Deadline: None.
Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement to establish a higher dollar threshold for conducting contractor purchasing system reviews. This rule proposes, in lieu of the threshold at Federal Acquisition Regulation 44.302(a) of $25 million, the administrative contracting officer shall determine the need for a contractors purchasing system review if a contractor's sales to the Government are expected to exceed $50 million during the next 12 months.
Statement of Need: There is a need to increase the threshold for a contractor purchasing system review from $25 to $50 million to reduce the administrative burden on contractors and the Government for maintaining and reviewing an approved contractor purchasing system.
Summary of Legal Basis: This rule is proposed under the authority at 41 U.S.C. 1303, Functions and authority, which provides the authority to issue and maintain the Federal Acquisition Regulation and executive agency implementing regulations.
Alternatives: No alternatives to this action are being considered at this time.
Anticipated Cost and Benefits: Implementing this rule provides a net annualized savings of approximately $12 million. This estimate is based on data available in the Federal Procurement Data System (FPDS) data for fiscal year 2016, which indicates that 958 unique vendors received awards valued at $25 million or more, but less than $50 million, that were subject to the purchasing system review. Removing this requirement would relieve these contractors from the time and cost burden required to establish, maintain, audit, document, and train for an approved purchasing system.
Risks: If this rule is not finalized, the public will continue to experience additional costs to comply with this rule at the current threshold.
Timetable:

Action	Date	FR Cite
NPRM	01/00/19	

Regulatory Flexibility Analysis Required: No.
Government Levels Affected: Federal.
Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email:* *jennifer.l.hawes2.civ@mail.mil.*
RIN: 0750–AJ48

DOD—DARC

23. Brand Name or Equal (DFARS CASE 2017–D040)

Priority: Other Significant.
E.O. 13771 Designation: Other.
Legal Authority: 41 U.S.C. 1303; Pub. L. 113–291, sec. 888; 10 U.S.C. 2304(f)
CFR Citation: 48 CFR 206; 48 CFR 211.
Legal Deadline: Final, Statutory, December 23, 2016, Effective upon enactment.
Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement to implement section 888 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017, which requires that competition not be limited through the use of specifying brand names or brand name or equivalent descriptions, or proprietary specifications and standards, unless a justification for such specifications is provided and approved in accordance with 10 U.S.C. 2304(f).
Statement of Need: This case is necessary to ensure contracting officers comply with section 888 of the NDAA for FY 2015 (Pub. L. 113–291). Specifically, it will ensure contracting officers properly justify for the use of brand name and brand name or equivalent descriptions, or proprietary specifications or standards.
Summary of Legal Basis: This rule is proposed under the authority at 41 U.S.C. 1303, Functions and authority, which provides the authority to issue and maintain the Federal Acquisition Regulation and executive agency implementing regulations. In addition, this rule is necessary to implement the statutory amendments made by section 888 of the NDAA for FY 2017.
Alternatives: There are no viable alternatives that are consistent with the stated objectives of the statute.
Anticipated Cost and Benefits: The Department does not expect this proposed rule to have any cost impact on contractors or offerors. Rather, preparing a justification for the use of brand name descriptions or specifications provides increased transparency into the acquisition planning and source selection strategy process for department goods and services.
Risks: If this rule is not finalized, the department will not be in compliance with section 888 of the NDAA for FY 2017, therefore losing an opportunity to increase competition, expand the defense industrial base and secure reduced pricing.
Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.
Government Levels Affected: Federal.
Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941,

Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ50

DOD—DARC

Final Rule Stage

24. Submission of Summary Subcontract Report (DFARS CASE 2017–D005)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 41 U.S.C. 1303

CFR Citation: 48 CFR 252.

Legal Deadline: None.

Abstract: DoD is issuing a final rule to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify the entity to which Summary Subcontract Reports (SSRs) are to be submitted and the entity that acknowledges receipt of, or rejects, SSRs in the Electronic Subcontracting Reporting System (eSRS). The SSR is used to collect prime contractors' and subcontractors' subcontract award data for a specific Federal Government agency when the prime or subcontractor: (a) Holds one or more contracts over $700,000 (over $1,500,000 for construction of a public facility); and (b) is required to report subcontracts awarded to various types of small business under an individual subcontracting plan with the Federal Government. Currently, the contractors submit the SSR to the various individual DoD components (*i.e.,* departments and agencies within DoD) with which they have contracts. As a result of this rule, contractors with individual subcontracting plans will submit a single, consolidated SSR in eSRS at the DoD-level, which will be acknowledged or rejected in eSRS at the DoD-level. These revisions will bring DFARS into compliance with the requirement for a consolidated SSR in the clause at Federal Acquisition Regulation 52.219–9, Small Business Subcontracting Plan. This rule will also have a positive impact on contractors, because they will be able to submit a single consolidated SSR to DoD, instead of multiple SSRs to DoD components.

Statement of Need: The purpose of the rule change is to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a policy that streamlines the submission and review of Summary Subcontract Reports (SSRs) for DoD contractors. Instead of the current practice of submitting multiple SSRs to various departments or agencies within DoD, contractors with individual subcontracting plans will submit one consolidated SSR at the DoD level in the Electronic Subcontracting Reporting System (eSRS). The consolidated SSR will be acknowledged or rejected in eSRS at the DoD level. Large business contractors currently submit SSRs to the department or agency within DoD that administers the majority of the contractor's individual subcontracting plans, and these contractors frequently must submit SSRs to each department or agency within DoD with which they have contracts. This results in extra work for the contractors and creates problems with duplicate subcontracting data. By requiring submission and review of SSRs at the DoD level, this rule identifies a solution for these issues.

Summary of Legal Basis: This rule is issued under the authority at 41 U.S.C. 1303, functions and authority, which provides the authority to issue and maintain the Federal Acquisition Regulation and executive agency implementing regulations.

Alternatives: There are no known alternatives that would achieve the efficiencies expected from this rule. The current submission requirements result in extra work for contractors and create problems with duplicate subcontracting data being reported.

Anticipated Cost and Benefits: By requiring submission and review of SSRs at the DoD level, this rule solves these issues. The following is a summary of the estimated anticipated public cost savings calculated in 2016 dollars at a 7-percent discount rate and in perpetuity:

Annualized Cost Savings: −$25,514.

Present Value Cost Savings: −$364,492.

Risks: There are no identified risks associated with this rule. The rule should serve to eliminate the potential for duplicative reporting of subcontracting data to DoD.

Timetable:

Action	Date	FR Cite
NPRM	06/29/18	83 FR 30666
NPRM Comment Period End.	08/28/18	
Final Action	12/00/18	
Final Action Effective.	12/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Federal.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ42

DOD—U.S. ARMY CORPS OF ENGINEERS (COE)

Prerule Stage

25. Regulatory Program of the Army Corps of Engineers Tribal Consultation and National Historic Preservation Act Compliance

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 33 U.S.C. 1344; 33 U.S.C. 401; 33 U.S.C. 403; 33 U.S.C. 1413

CFR Citation: 33 CFR 325.

Legal Deadline: None.

Abstract: The U.S. Army Corps of Engineers (USACE) recognizes the sovereign status of Indian tribes (as defined by Executive Order 13175) and our obligation for pre-decisional government-to-government consultation, as established through and confirmed by the U.S. Constitution, treaties, statutes, executive orders, judicial decisions, and Presidential documents and policies, on proposed regulatory actions (*e.g.,* individual permit decisions and general permit verifications). In addition, the USACE must also consider the effects of its actions on historic properties pursuant to section 106 of the National Historic Preservation Act. The USACE Regulatory Program's regulations for complying with the NHPA are outlined at 33 CFR 325 appendix C. Since these regulations were promulgated in 1990, there have been amendments to the NHPA and revisions to the Advisory Council on Historic Preservation's (ACHP) regulations at 36 CFR part 800 subpart B, addressing, among other things, tribal consultation requirements. In response, the USACE issued interim guidance until rulemaking could be completed in order to ensure full compliance with the NHPA and ACHP's regulations. The USACE seeks to revise its regulations to conform to these requirements. Consequently, the USACE intends to publish an advance notice of proposed rulemaking to solicit the public's input and inform its drafting of any future rulemaking.

Statement of Need: Since the USACE Regulatory Program's regulations for section 106 of the National Historic Preservation Act (NHPA) were promulgated in 1990, there have been amendments to the NHPA and revisions

to Advisory Council on Historic Preservation's (ACHP) regulations at 36 CFR part 800 subpart B. The ACHP's regulations address, among other things, tribal consultation requirements. The Corps seeks to revise its regulations to conform to these requirements, and to develop regulations governing consultation with Indian tribes.

Summary of Legal Basis: For historic properties: Section 106 of the National Historic Preservation Act. The USACE's obligations to consult with Indian tribes are derived from the U.S. Constitution, treaties, statutes, executive orders, judicial decisions, and Presidential documents and policies.

Alternatives: Various alternatives are expected to be developed from the input received from the advance notice of proposed rulemaking, and further explored during the development of the proposed and final rules.

Anticipated Cost and Benefits: Anticipated costs and benefits will be estimated as rule options are developed after comments received in response to the advance notice of proposed rulemaking are evaluated.

Risks: The regulation is expected to reduce risks to the environment, specifically historic properties, properties of traditional religious and cultural importance to tribes, and natural resources that are subject to tribal treaty rights. Other potential risks will likely be identified through the advance notice of proposed rulemaking and those risks will be evaluated during the rulemaking process.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/19	
ANPRM Comment Period End.	05/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Amy Klein, Regulatory Program Manager, Department of Defense, U.S. Army Corps of Engineers, 441 G Street NW, Washington, DC 20314, *Phone:* 202 761–4559, *Email: amy.s.klein@usace.army.mil.*

RIN: 0710–AA75

DOD—COE

Proposed Rule Stage

26. Natural Disaster Procedures: Preparedness, Response, and Recovery Activities of the Corps of Engineers

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 33 U.S.C. 701n

CFR Citation: 33 CFR 203.

Legal Deadline: None.

Abstract: The Corps is proposing to update the Federal regulation for its natural disaster procedures currently promulgated in 33 CFR part 203. This proposed rule continues the rulemaking process to revise 33 CFR part 203, which implements section 5 of the Flood Control Act of 1941, as amended, (33 U.S.C. 701n), commonly referred to as Public Law 84–99. The Corps initiated this process through advanced notice of proposed rulemaking (ANPR) on February 13, 2015. The revisions under consideration would respond to the comments to the ANPR. The revisions address statutory changes to the program enacted in section 3011 and 3029 of the Water Resources and Reform Development Act of 2014 (WRRDA 2014) regarding the System Wide Improvement Framework (SWIF), modifications to Flood Control Works (FCW) and Coastal Storm Risk Management Projects (formerly referred to as Hurricane and Shore Protection Projects); and nonstructural alternatives to rehabilitation, if requested by the non-Federal sponsor. Additional revisions address statutory changes from section 1176 of the Water Resources Development Act of 2016 (WRDA) which provided an express definition of nonstructural alternatives,'' as that term is used in Public Law 84–99, and authorized the Chief of Engineers, under certain circumstances, to increase the level of protection of flood control or hurricane or shore protection works when conducting repair or restoration activities to such works under Public Law 84–99. Other significant changes under consideration include revisions to the eligibility criteria for rehabilitation assistance for flood control works (FCW), an increase to the minimum repair cost for FCW projects, revised policies to address endangered species and vegetation management during rehabilitation, and a change in the cost share for emergency measures constructed using permanent construction standards.

Statement of Need: Since the last revision in 2003, significant disasters, including Hurricane Katrina (2005), Hurricane Sandy (2012), flooding on the Mississippi and Missouri Rivers (2008, 2011, and 2013), and Hurricanes Harvey, Irma and Maria (2017) have provided a more detailed understanding of the nature and severity of risk associated with flood control projects. Additionally, the maturation of risk-informed decision making approaches and technological advancements have influenced the outlook on how Public Law 84–99 activities should be implemented, with a shift towards better alignment with Corps Levee Safety and National Flood Risk Management Programs, as well as the National Preparedness and Response Frameworks. Through these programs, the Corps works with non-federal sponsors and stakeholders to assess, communicate, and manage the risks to people, property, and the environment associated with levee systems and flood risks. Revisions to part 203 are necessary to implement statutes that amended or otherwise affected Public Law 84–99, as explained in the next section.

Summary of Legal Basis: Public Law 84–99 authorizes an emergency fund to be expended at the discretion of the Chief of Engineers for preparation for natural disasters, flood fighting, rescue operations, repairing or restoring flood control works, emergency protection of federally authorized hurricane or shore protection projects, and the repair and restoration of federally authorized hurricane and shore protection projects damaged or destroyed by wind, wave, or water of other than ordinary nature.

1. Subsection 3029(a) of the Water Resources Reform and Development Act of 2014 (WRRDA) (Pub. L. 113–121) granted the Chief of Engineers authority, under certain circumstances, to make modifications to flood control and hurricane or shore protections works damaged during flood or coastal storms events, as well as the authority to implement nonstructural alternatives in the repair and restoration of hurricane or shore protection works.

2. Subsection 3029(b) of WRRDA 2014 directed the Secretary of the Army to undertake a review of implementation of Public Law 84–99 to ensure the safety of affected communities to future flooding and storm events; the resiliency of water resources development projects to future flooding and storm events; the long-term cost-effectiveness of water resources development projects that provide flood control and hurricane and storm damage reduction benefits; and the policy goals and objectives that were outlined by the President as a response to recent

extreme weather events at that time are met.

3. Section 3011 of WRRDA 2014 mandated that a levee system shall remain eligible for rehabilitation assistance under Public Law 84–99 as long as the system sponsor continues to make satisfactory progress, as determined by the Secretary of the Army, on an approved system wide improvement framework or letter of intent.

4. Section 1176 of the Water Resources Development Act of 2016 (WRDA) (Pub. L. 114–322, title I) provided an express definition of nonstructural alternatives, as that term is used in Public Law 84–99, and authorized the Chief of Engineers, under certain circumstances, to increase the level of protection of flood control or hurricane or shore protection works when conducting repair or restoration activities to such works under Public Law 84–99.

Alternatives:

1. No rule update: Implement all changes through agency discretion. Alternative not selected because the Public Law 84–99 amendments are very prescriptive and it is inappropriate for those conflicts to exist.

2. Modify: Evaluate required changes and determine which require implementation via agency discretion and those requiring an update to the rule, thereby only updating the rule where necessary. Alternative not selected because of inconsistencies resulting from a lack of comprehensive consideration and a mix of policies. It would result in misunderstandings of program activities and inhibit transparency.

3. Repeal and replace (Selected Alternative): Incorporate and integrate the current state of the practice of flood risk management principles and concepts through the provision of agency policy codified in a federal rule. The intended benefit is to encourage broader community flood risk management activities, as enacted by non-federal project sponsors. The rule alternative also consolidates recent Public Law 84–99 amendments into one comprehensive rule, ensuring the Public has a clear understanding of the responsibilities and requirements.

Anticipated Cost and Benefits: Overall, the changes to this regulation provide greater flexibility to the federal government and non-Federal sponsors and improve the effectiveness of federal and local investments in riverine and coastal projects. These proposed changes take advantage of our increased understanding of project risks, moving from an assessment of how the project is expected to perform to a focus on a broader set of actions to reduce risk to life, including operations, maintenance, planning, and execution actions to improve emergency warning and evacuation and other activities to improve the ability of communities and individuals to understand and manage project-related risks. Informed by more detailed understanding of risk for levee projects, the federal government and non-federal sponsors are able to apply limited resources to the risk management activities that most effectively reduce riverine flood risk and avoid expenditures that have little risk reduction benefit.

Risks: The rule will is expected to reduce risks to public health and safety by improving the Corps' ability to prepare for national response framework missions that contribute to the restoration of critical lifelines that are necessary for life sustaining activities and economic recovery. The rule is also expected to encourage broader community flood risk management activities, as enacted by non-federal project sponsors.

Timetable:

Action	Date	FR Cite
ANPRM	02/13/15	80 FR 8014
ANPRM Comment Period End.	04/14/15	
NPRM	12/00/18	
NPRM Comment Period End.	02/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Willem Helms, Department of Defense, U.S. Army Corps of Engineers, 441 G Street NW, Washington, DC 20314, *Phone:* 202 761–5909.

RIN: 0710–AA78

DOD—COE

27. Definition of ''Waters of the United States''

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 33 U.S.C. 1251 *et seq.*

CFR Citation: 33 CFR 328.

Legal Deadline: None.

Abstract: In 2015, the Environmental Protection Agency and the Department of the Army (the agencies) published the ''Clean Water Rule: Definition of Waters of the United States'' (80 FR 37054, June 29, 2015). On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 rule nationwide pending further action of the court. On February 28, 2017, the President signed Executive Order 13778, ''Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States Rule','' which instructed the agencies to review the 2015 Rule and rescind or replace it as appropriate and consistent with law. The agencies are publishing this proposed rule to follow the first step, which sought to recodify the definition of ''waters of the United States'' that existed prior to the 2015 Rule. In this second step, the agencies are conducting a substantive reevaluation and revision of the definition of ''waters of the United States'' in accordance with the Executive order.

Statement of Need: Please see EPA's statement of need for RIN 2040–AF75, because EPA is the lead for this rulemaking action.

Summary of Legal Basis: The Clean Water Act (33 U.S.C. 1251 *et seq.*).

Alternatives: Please see EPA's alternatives for RIN 2040–AF75, because EPA is the lead for this rulemaking action.

Anticipated Cost and Benefits: Please see EPA's statement of anticipated costs and benefits for RIN 2040–AF75, because EPA is the lead for this rulemaking action.

Risks: Please see EPA's statement of risks for RIN 2040–AF75, because EPA is the lead for this rulemaking action.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Stacey Jensen, Department of Defense, U.S. Army Corps of Engineers, 441 G Street NW, Washington, DC 20314, Phone: 202 761–5856.

Related RIN: Related to 2040–AF75

RIN: 0710–AA80

DOD—COE

28. Compensatory Mitigation for Losses of Aquatic Resources—Review and Approval of Mitigation Banks and In-Lieu Fee Programs

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 33 U.S.C. 1344; 33 U.S.C. 403; 33 U.S.C. 1413

CFR Citation: 33 CFR 332.

Legal Deadline: None.

Abstract: In 2008, the U.S. Army Corps of Engineers (Corps) issued a final rule governing compensatory mitigation for losses of aquatic resources (73 FR 19593). The regulation prescribes a review and approval process for the establishment and management of mitigation banks and in-lieu fee programs. The regulation also includes time frames for certain steps in the mitigation bank and in-lieu fee program review and approval process. The review and approval process for mitigation banks and in-lieu fee programs includes an opportunity for public and agency review and comment, as well as a second review by an interagency review team. The interagency review team consists of Federal, Tribal, State, and local agencies that review documentation and provide the USACE with advice on the establishment and management of mitigation banks and in-lieu fee programs. The Corps is reviewing the review and approval process and the interagency review team process in particular to enhance the efficiency of the mitigation bank and in-lieu fee program approval time frames. An increase in efficiency would likely result in savings to the public because it is expected to result in shorter review times for proposed mitigation banks, in-lieu fee programs, and instrument modifications, as well as credit release requests, and decreases in the resources other federal, state, and local agencies expend in reviewing these activities, attending meetings, participating in site visits, and providing their comments to the Corps.

Statement of Need: This proposed rule would propose executing execute of one of the legislative principles in the Administration's framework for rebuilding infrastructure in the United States, by removing duplication in the review process for mitigation banks and in-lieu fee programs that offset losses of jurisdictional waters and wetlands authorized by Department of the Army permits issued under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899. It could reduce duplication, increase efficiency, and lower costs by providing one review process for proposed mitigation banks and in-lieu fee programs, instead of two processes. Depending on the outcome of this rulemaking, Federal, tribal, state, and local agencies could end up using a different approach to provide input into the mitigation bank and in-lieu fee program review process by participating in the public notice and comment process along with the general public.

Summary of Legal Basis: The Corps' legal authority for conducting this rulemaking is section 404 of the Clean Water Act (33 U.S.C. 1344) and section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Alternatives: Alternatives that may be considered during the rulemaking process might include, but are not limited to, conducting the rulemaking to remove the interagency review team process from the regulation, using other approaches to increase efficiency in the mitigation bank and in-lieu fee program review and approval process, or making no changes to the regulation.

Anticipated Cost and Benefits: The proposed rule change is anticipated to reduce costs for sponsors of mitigation banks and in-lieu fee programs, by reducing the amount of time it takes to review and approve their mitigation banks and in-lieu fee programs, and oversee their operation. The proposed rule change is also anticipated to reduce costs to the Corps and other Federal, Tribal, State, and local government agencies by eliminating costs associated with the current interagency review team processes, including staff time for review of documentation for mitigation banks and in-lieu fee programs, site visits, travel, and participation in meetings. A regulatory impact analysis will be prepared for the proposed rule, to fully evaluate anticipated costs and benefits.

Risks: The proposed rule is not anticipated to increase risks to public health, safety, or the environment because the Corps would retain its authority to review and approve mitigation banks and in-lieu fee programs, as well as modification of mitigation banking instruments and in-lieu fee program instruments. It might only alter how Federal, Tribal, State, and local government agencies provide their views on proposed mitigation banks and in-lieu fee programs, and modifications to approved mitigation banks and in-lieu fee programs. Mitigation banks and in-lieu fee programs would continue to be required to provide ecologically successful aquatic resource compensatory mitigation projects to offset permitted impacts to jurisdictional waters and wetlands.

Timetable:

Action	Date	FR Cite
NPRM	03/00/19	
NPRM Comment Period End.	05/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Agency Contact: David B. Olson, Regulatory Program Manager, Department of Defense, U.S. Army Corps of Engineers, 441 G Street NW, CECW–CO, Washington, DC 20314–1000, *Phone:* 202 761–4922, *Email: david.b.olson@usace.army.mil.*

RIN: 0710–AA83

DOD—COE

29. Modification of Nationwide Permits

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 33 U.S.C. 1344(e); 33 U.S.C. 403

CFR Citation: None.

Legal Deadline: None.

Abstract: The U.S. Army Corps of Engineers (Corps) issues nationwide permits to authorize specific categories of activities in jurisdictional waters and wetlands that have no more than minimal individual and cumulative adverse environmental effects. This action would be a deregulatory action because it proposes to remove specific terms of nationwide permits that impose costs on prospective permittees, and it would help simplify the nationwide permit authorization process. Since the submission and review of such nationwide permits can take significantly less time than individual permits, any changes to the program that increase the conditions under which the nationwide permits can be used could result in significant cost savings for the public. The issuance and reissuance of nationwide permits must be done every five years to continue the Nationwide Permit Program. The nationwide permits were last issued on December 21, 2016, and expire on March 18, 2022. On October 25, 2017, the Corps issued a report to meet the requirements of Executive Order 13783, Promoting Energy Independence and Economic Growth. In that report, the Corps recommended changes to nine nationwide permits that authorize activities related to domestic energy production and use, including oil, natural gas, coal, and nuclear energy sources, as well as renewable energy sources such as flowing water, wind, and solar energy. This rulemaking action would seek to review and, if appropriate, modify those nine nationwide permits in accordance with the opportunities identified in the

report in order to reduce burden on the public. In addition, the Corps is considering modifying an additional 23 nationwide permits to allow federal agencies to select and use nationwide permits without additional Corps review. This rulemaking action would help simplify the nationwide permit authorization process.

Statement of Need: This proposed rule would propose executing the recommendations the Corps made in the report dated October 25, 2017, that it wrote in response to Executive Order 13783, Promoting Energy Independence and Economic Growth, as well as one of the legislative principles in the Administration's framework for rebuilding infrastructure in the United States. For Executive Order 13783, the Corps may propose to modify 9 nationwide permits that authorize activities association with energy production and distribution. For the framework for rebuilding infrastructure in the United States, the Corps may propose to modify an additional 23 nationwide permits so that federal agencies that want to use these nationwide permits do not have to submit pre-construction notifications.

Summary of Legal Basis: The Corps has authority to issue nationwide permits under the following statutes: Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Alternatives: Potential alternatives consist of: (1) Conducting the rulemaking necessary to make the proposed modifications or other modifications to these 32 nationwide permits prior to the expiration of the current nationwide permits, (2) conducting rulemaking to modify a smaller number of the current nationwide permits prior to the expiration of the current nationwide permits, and (3) taking no action until the next scheduled rulemaking. The current nationwide permits went into effect on March 19, 2017, and expire on March 18, 2022. If the nationwide permits are not reissued before March 18, 2022, the nationwide permits will automatically expire and project proponents would be required to obtain individual permits to conduct regulated activities under section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899, unless the applicable Corps district has regional general permits available to authorize similar categories of activities.

Anticipated Cost and Benefits: The proposed changes to these 32 nationwide permits would reduce compliance costs for regulated entities by removing or changing certain terms of those nationwide permits to make them easier to use. According to the regulatory impact analysis prepared for the 2017 nationwide permits, a typical nationwide permit verification costs $4,308 to $14,358 to obtain, whereas a typical individual permit costs $17,230 to $34,460 to obtain. A more detailed cost/benefit analysis will be prepared when the proposed rule is developed.

Risks: The nationwide permits reduce risks to public health, safety, and the environment by providing streamlined authorization for categories of activities that require Department of the Army authorization and result in no more than minimal individual and cumulative adverse environmental effects. The nationwide permits authorize the construction and maintenance of infrastructure that supports public health and safety. The streamlined authorization process provided by the nationwide permits reduces risks to the environment by giving incentives to project proponents to design their projects to reduce adverse environmental effects so that they are no more than minimal. Many of the nationwide permits have acreage and other terms that help regulated entities design their projects to qualify for nationwide permit authorization.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	
NPRM Comment Period End.	08/00/19	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: David B. Olson, Regulatory Program Manager, Department of Defense, U.S. Army Corps of Engineers, 441 G Street NW, CECW–CO, Washington, DC 20314–1000, *Phone:* 202 761–4922, *Email: david.b.olson@usace.army.mil.*

RIN: 0710–AA84

DOD—COE

Final Rule Stage

30. Policy for Domestic, Municipal, and Industrial Water Supply Uses of Reservoir Projects Operated by the Department of the Army, U.S. Army Corps of Engineers

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 33 U.S.C. 708; 43 U.S.C. 390b

CFR Citation: 33 CFR 209.

Legal Deadline: None.

Abstract: The Department of the Army, U.S. Army Corps of Engineers (Corps) is updating and clarifying the policies governing the use of its reservoir projects for domestic, municipal, and industrial water supply pursuant to the Flood Control Act of 1944 section 6, 33 U.S.C. 708 (section 6), and the Water Supply Act of 1958, 43 U.S.C. 390(b) (WSA). The proposed rules for the use of storage space in Corps reservoir projects for water supply are being developed to implement section 6 of the Flood Control Act of 1944 and the Water Supply Act of 1958.

Statement of Need: The Corps is updating and clarifying its policies governing the use of its reservoir projects for domestic, municipal and industrial water supply pursuant to Section 6 of the Flood Control Act of 1944 and the Water Supply Act of 1958. The Corps intends through this rulemaking to explain and improve its interpretations and practices under these statutes. The rule is intended to enhance the Corps' ability to cooperate with state and local interests in the development of water supplies in connection with the operation of its reservoirs for federal purposes as authorized by Congress, to facilitate water supply uses of Corps reservoirs by others as contemplated under applicable law, and to avoid interfering with lawful uses of water by any entity when the Corps exercises its discretionary authority under either Section 6 or the Water Supply Act.

Summary of Legal Basis: Section 6 of the Flood Control Act of 1944 authorizes the Secretary of the Army to make contracts with states, municipalities, private concerns, or individuals, at such prices and on such terms as [the Secretary] may deem reasonable, for domestic and industrial uses for surplus water that may be available at any reservoir under the control of the [Department of the Army]. 33 U.S.C. 708. The Water Supply Act provides that storage may be included in any reservoir project surveyed, planned, constructed or to be planned, surveyed and/or constructed by the Corps to impound water for present or anticipated future demand or need for municipal or industrial water, 43 U.S.C. 390b(b).

Alternatives: The Army anticipates considering two alternatives: (1) A no action alternative and (2) revising the Corps' policies implementing section 6 and the Water Supply Act.

Anticipated Cost and Benefits: The proposed rule is not expected to have a significant economic impact. It would

not change the methodology by which the cost of Water Supply Act storage agreements is determined. It would establish a new pricing methodology for surplus water contracts, under which users would be charged only for costs, if any, incurred by the Corps in making surplus water available. The costs incurred by the Government and the costs charged to users for surplus water withdrawals are not expected to be significant.

Risks: This rule is expected to reduce risks to public health and the environment by facilitating water supply uses of Corps reservoirs by others as contemplated under applicable law, and to avoid interfering with lawful uses of water by any entity. This rule is also expected to reduce risk by clarifying existing policies of non-interference with water rights issued by the states or other permitting authorities.

Timetable:

Action	Date	FR Cite
NPRM	12/16/16	81 FR 91556
NPRM Comment Period End.	11/16/17	
Final Action	08/00/19	
Final Action Effective.	10/00/19	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Joseph Redican, Deputy Chief, Planning and Policy Division, Department of Defense, U.S. Army Corps of Engineers, 441 G Street NW, Washington, DC 20314, *Phone:* 202 761–4523, *Email: joseph.h.redican@usace.army.mil.*

RIN: 0710–AA72

DOD—OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS (DODOASHA)

Final Rule Stage

31. Establishment of Tricare Select and Other Tricare Reforms

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 10 U.S.C. ch. 55; NDAA–17 sec. 701; NDAA–17 sec. 706; NDAA–17 sec. 715; NDAA–17 sec. 718; NDAA–17 sec. 729

CFR Citation: 32 CFR 199.

Legal Deadline: Other, Statutory, June 23, 2017, NDAA 17 section 718. Other, Statutory, January 1, 2018, NDAA 17 section 729.

Abstract: This final rule implements the primary features of section 701 and partially implements several other sections of the National Defense Authorization Act for Fiscal Year 2017 (NDAA–17). The law makes significant changes to the TRICARE program, especially to the health maintenance organization (HMO) like health plan, known as TRICARE Prime; to the preferred provider organization health plan, previously called TRICARE Extra and now to be called TRICARE Select; and to the third health care option, known as TRICARE Standard, which was terminated as of December 31, 2017, and replaced by TRICARE Select. The statute also adopts a new health plan enrollment system under TRICARE and new provisions for access to care, high value services, preventive care, and healthy lifestyles. In implementing the statutory changes, this finalizes a number of improvements to TRICARE. Specifically, this rule will enhance beneficiary access to health care services, including increased geographic coverage for the TRICARE Select provider network, reduced administrative hurdles for TRICARE Prime enrollees to obtain urgent care services and specialty care referrals, and promotes high value services and medications and telehealth services. It also expanded TRICARE coverage of preventive care services and prevention and treatment of obesity and refining cost-benefit assessments for TRICARE plan specifications that remain under DoD's discretion.

Statement of Need: This rule implements the primary features of section 701 and partially implements several other sections of the National Defense Authorization Act for Fiscal Year 2017 (NDAA–17). The law makes significant changes to the TRICARE program, especially to the health maintenance organization (HMO)-like health plan, known as TRICARE Prime; to the preferred provider organization health plan, previously called TRICARE Extra and now to be called TRICARE Select; and to the third health care option, known as TRICARE Standard, which will be terminated as of December 31, 2017, and replaced by TRICARE Select. The statute also adopts a new health plan enrollment system under TRICARE and new provisions for access to care, high-value services, preventive care, and healthy lifestyles. In implementing the statutory changes, this rule makes a number of improvements to TRICARE.

In implementing section 701 and partially implementing several other sections of NDAA–17, this interim final rule advances all four components of the Military Health System's quadruple aim of stronger readiness, better care, healthier people, and smarter spending. The aim of stronger readiness is served by reinforcing the vital role of the TRICARE Prime health plan to refer patients, particularly those needing specialty care, to military medical treatment facilities in order to ensure that military health care providers maintain clinical currency and proficiency in their professional fields. The objective of better care is enhanced by a number of improvements in beneficiary access to health care services, including geographical coverage for the TRICARE Select provider network, reduced administrative hurdles for TRICARE Prime enrollees to obtain urgent care services and specialty care referrals, and promotion of high-value services and medications and telehealth services. The goal of healthier people is advanced by expanding TRICARE coverage of preventive care services and prevention and treatment of obesity. And the aim of smarter spending is furthered by sharpening cost-benefit assessments for TRICARE plan specifications that remain under the DoD's discretion.

Summary of Legal Basis: This rule is required to implement or partially implement several sections of NDAA–17, including 701, 706, 715, 718, and 729. The legal authority for this rule also includes chapter 55 of title 10, United States Code.

Alternatives: None.

Anticipated Cost and Benefits: This rule is not anticipated to have an annual effect on the economy of $100M or more, thus it is not an economically significant rule under the Executive Order and the Congressional Review Act. The rule includes estimated program costs associated with implementation that include administrative startup costs ($11M) information systems changes ($10M). Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, seeks to control costs associated with the government imposition of private expenditures required to comply with Federal regulations and to reduce regulations that impose such costs. Consistent with the analysis of transfer payments under OMB Circular A–4, this rule does not involve regulatory costs subject to Executive Order 13771.

Risks: The rule does not impose any risks. The risks lie in not implementing statutorily required changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/29/17	82 FR 45438
Interim Final Rule Comment Period End.	11/28/17	

Action	Date	FR Cite
Final Action	01/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Mark Ellis, Department of Defense, Office of Assistant Secretary for Health Affairs, 5111 Leesburg Pike, Suite 810A, Falls Church, VA 22041, *Phone:* 703 681–0039.

RIN: 0720–AB70

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Statement of Regulatory Priorities

I. Introduction

The U.S. Department of Education (Department) supports States, local communities, institutions of higher education, and families in improving education and other services nationwide in order to ensure that all Americans, including those with disabilities, receive a high-quality education and are prepared for high-quality employment. We provide leadership and financial assistance pertaining to education and related services at all levels to a wide range of stakeholders and individuals, including State educational and other agencies, local school districts, providers of early learning programs, elementary and secondary schools, institutions of higher education, career and technical schools, nonprofit organizations, postsecondary students, members of the public, families, and many others. These efforts are helping to ensure that all children and students from pre-kindergarten through grade 12 will be ready for, and succeed in, postsecondary education or employment, and that students attending postsecondary institutions are prepared for a profession or career.

We also vigorously monitor and enforce the implementation of Federal civil rights laws in educational programs and activities that receive Federal financial assistance, and support innovative programs, research and evaluation activities, technical assistance, and the dissemination of data, research, and evaluation findings to improve the quality of education.

Overall, the laws, regulations, and programs that the Department administers will affect nearly every American during his or her life. Indeed, in the 2018–19 school year, about 57 million students will attend an estimated 133,000 elementary and secondary schools in approximately 13,600 districts, and about 20 million students will enroll in degree-granting postsecondary schools. All of these students may benefit from some degree of financial assistance or support from the Department.

In developing and implementing regulations, guidance, technical assistance, evaluations, data gathering and reporting, and monitoring related to our programs, we are committed to working closely with affected persons and groups. We know that improving education starts with allowing greater decision-making authority at the State and local levels while also recognizing that the ultimate form of local control occurs when parents and students are empowered to choose their own educational paths forward. Our core mission includes this empowerment of local education, serving the most vulnerable, and facilitating equal access for all, to ensure all students receive a high-quality education, and complete it with a well-considered and attainable path to a sustainable career.

Toward these ends, we work with a broad range of interested parties and the general public, including families, students, and educators; State, local, and Tribal governments; other Federal agencies; and neighborhood groups, community-based early learning programs, elementary and secondary schools, colleges, rehabilitation service providers, adult education providers, professional associations, advocacy organizations, businesses, and labor organizations.

If we determine that it is necessary to develop regulations, we seek public participation at the key stages in the rulemaking process. We invite the public to submit comments on all proposed regulations through the internet or by regular mail. We also continue to seek greater public participation in our rulemaking activities through the use of transparent and interactive rulemaking procedures and new technologies.

To facilitate the public's involvement, we participate in the Federal Docket Management System (FDMS), an electronic single Government-wide access point (*www.regulations.gov*) that enables the public to submit comments on different types of Federal regulatory documents and read and respond to comments submitted by other members of the public during the public comment period. This system provides the public with the opportunity to submit comments electronically on any notice of proposed rulemaking or interim final regulations open for comment, as well as read and print any supporting regulatory documents.

We are committed to reducing burden with regard to regulations, guidance, and information collections, reducing the burden on information providers involved in our programs, and making information easily accessible to the public. To that end and consistent with Executive Order 13777 (''Enforcing the Regulatory Reform Agenda''), we are in the process of reviewing all of our regulations and guidance to modify and rescind items that: (1) Eliminate jobs, or inhibit job creation; (2) are outdated, unnecessary, or ineffective; (3) impose costs that exceed benefits; (4) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies; (5) are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that provision, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or (6) derive from or implement Executive orders or other Presidential directives that have been subsequently rescinded or substantially modified.

II. Regulatory and Deregulatory Priorities

Proposed Rulemakings

The following are the key regulatory and deregulatory rulemaking actions the Department is planning for the coming year. We provide below information about the potential costs and benefits for several of these rulemaking actions, including whether they would be considered regulatory or deregulatory actions under Executive Order 13771. For rulemakings that we are just beginning now, we have limited information about their potential costs and benefits and cannot estimate at this time whether they would be considered regulatory or deregulatory actions.

Postsecondary Education/Federal Student Aid

The Department will continue its work to complete two rulemakings in the area of higher education and Federal Student Aid under the Higher Education Act of 1965, as amended (HEA). The Department has completed negotiated rulemaking for these two rulemakings, described below, and we are revisiting these regulations with the goals of alleviating unnecessary regulatory burdens and ensuring appropriate protections for students, institutions,

taxpayers, and the Federal government. Through the use of the negotiated rulemaking process, we have received input from a diverse range of interests and affected parties.

The Department recently published new proposed regulations that would govern the William D. Ford Federal Direct Loan (Direct Loan) Program regarding the standard and the process for determining whether a borrower has a defense to repayment on a loan based on an act or omission of a school. We also have proposed to amend other sections of the Direct Loan Program regulations, including those that codify our current policy regarding the impact that discharges have on the 150 percent Direct Subsidized Loan Limit and the Student Assistance General Provisions regulations providing the financial responsibility standards and disclosure requirements for schools. In addition, we proposed to amend the discharge provisions in the Federal Perkins Loan, Direct Loan, and Federal Family Education Loan programs. These proposed regulations would replace those promulgated by the Department in 2016.

The Department recently proposed regulations that would rescind the Gainful Employment (GE) regulations and remove them from subparts Q and R of the Student Assistance and General Provisions in 34 CFR part 668. Under the proposed rescission, the Department would remove the provisions providing for a debt-to-earnings (D/E) rates measure to determine a gainful employment program's continuing eligibility for participation in the programs authorized by title IV of the HEA as well as certain disclosure and reporting requirements.

Additionally, the Secretary plans to initiate a new rulemaking to revise regulations related to the Secretary's recognition of accrediting agencies, including specific topics such as: The requirements of accrediting agencies in their oversight of member institutions; requirements for accrediting agencies to honor institutional mission; criteria used by the Secretary to recognize accrediting agencies, emphasizing criteria that focus on educational quality; developing a single definition for purposes of measuring and reporting job placement rates; and simplifying the process for recognition and review of accrediting agencies. The rulemaking will also cover issues such as: State authorization, to address the requirements related to programs offered through distance education or correspondence courses, including disclosures about such programs to enrolled and prospective students, and other State authorization issues; the definitions of a number of terms in the regulations governing institutional and programmatic eligibility; requirements of the Teacher Education Assistance for College and Higher Education Grant (TEACH Grant) program, in an effort to minimize inadvertent grant-to-loan conversions and improve outcomes for TEACH Grant recipients; direct assessment programs and competency-based education; and regulations regarding the eligibility of faith-based entities to participate in the Title IV, HEA programs.

Civil Rights/Title IX

The Secretary is planning a new rulemaking to address issues under Title IX of the Education Amendments of 1972, as amended. In this action, we seek to clarify schools' obligations in redressing sex discrimination, including complaints of sexual misconduct, and the procedures by which they must do so.

Special Education

The Department will continue its work to complete its rulemaking in the area of significant disproportionality under section 618(d) of the Individuals with Disabilities Education Act (IDEA). In July 2018, the Department published a final rule extending the compliance date for States until July 1, 2020. We are revisiting the significant disproportionality regulations with the goal of better serving children with disabilities.

Deregulatory Actions

The Department anticipates issuing a number of deregulatory actions in the upcoming fiscal year. We have thus far been focusing our deregulatory efforts on eliminating outdated regulations. In many instances, our deregulatory actions are being taken because legislation has superseded our regulations. For example, we are planning to rescind a number of sections from our Office of Career, Technical, and Adult Education regulations to remove outdated, superseded regulations for programs no longer administered by the Department. This deregulatory action will clarify for our stakeholders and the general public which of our regulations are still in effect. The unified agenda identifies other deregulatory actions that will provide cost savings and clarity.

Additionally, during the course of its Executive Order 13777 review, the Department's Regulatory Reform Task Force has identified a number of information collections (ICRs) as being outdated, unnecessary, or ineffective. We are currently working to discontinue these.

III. Regulatory Review

As stated previously, the Department is continuing its comprehensive regulatory reform efforts pursuant to Executive Order 13777, focusing on rescinding and modifying all outdated, unnecessary, or ineffective regulations, guidance, and information collections. Section 3(e) of the Executive order requires the Department, as part of this effort, to ''seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations'' on regulations that meet some or all of the criteria above. The Department will continue to consider public input and feedback as part of these efforts.

IV. Principles for Regulating

Over the next year, we may need to issue other regulations because of new legislation or programmatic changes. In doing so, we will follow the Principles for Regulating, which determine when and how we will regulate. Through consistent application of those principles, we have eliminated unnecessary regulations and identified situations in which major programs could be implemented without regulations or with limited regulatory action.

In deciding when to regulate, we consider the following:

- Whether regulations are essential to promote quality and equality of opportunity in education.
- Whether a demonstrated problem cannot be resolved without regulation.
- Whether regulations are necessary to provide a legally binding interpretation to resolve ambiguity.
- Whether entities or situations subject to regulation are similar enough that a uniform approach through regulation would be meaningful and do more good than harm.
- Whether regulations are needed to protect the Federal interest, that is, to ensure that Federal funds are used for their intended purpose and to eliminate fraud, waste, and abuse.

In deciding how to regulate, we are mindful of the following principles:

- Regulate no more than necessary.
- Minimize burden to the extent possible, and promote multiple approaches to meeting statutory requirements if possible.
- Encourage coordination of federally funded activities with State and local reform activities.

• Ensure that the benefits justify the costs of regulating.

• To the extent possible, establish performance objectives rather than specify the behavior or manner of compliance a regulated entity must adopt.

• Encourage flexibility, to the extent possible and as needed to enable institutional forces to achieve desired results.

ED—OFFICE FOR CIVIL RIGHTS (OCR)

Proposed Rule Stage

32. Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 20 U.S.C. 1681 *et seq.*

CFR Citation: 34 CFR 106.

Legal Deadline: None.

Abstract: The Secretary plans to issue a notice of proposed rulemaking to clarify the obligations of recipients of Federal financial assistance in redressing sex discrimination, including complaints of sexual misconduct, and the procedures by which they must do so.

Statement of Need: Based on its extensive review of the critical issues addressed in this rulemaking, the Department has determined that current regulations and subregulatory guidance do not provide a sufficiently clear definition of what conduct constitutes sexual harassment or sufficiently clear standards for how recipients must respond to incidents of sexual harassment. To address this concern, we propose this regulatory action to address sexual harassment under Title IX for the central purpose of ensuring that Federal financial recipients understand their legal obligations under title IX.

Summary of Legal Basis: We are issuing a notice of proposed rulemaking, and subsequently final regulations, to implement Title IX.

Alternatives: This will be discussed in the notice of proposed rulemaking (NPRM) and final regulations.

Anticipated Cost and Benefits: This will be discussed in the notice of proposed rulemaking (NPRM) and final regulations.

Risks: This will be discussed in the notice of proposed rulemaking (NPRM) and final regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL For Public Comments: www.regulations.gov.

Agency Contact: Alejandro Reyes, Department of Education, Office for Civil Rights, 400 Maryland Avenue SW, Room 4E213, Washington, DC 20202, *Phone:* 202 453–7100, *Email: t9ocrcomments@ed.gov.*

RIN: 1870–AA14

ED—OFFICE OF POSTSECONDARY EDUCATION (OPE)

Proposed Rule Stage

33. State Authorization and Related Issues

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 20 U.S.C. 3474; 20 U.S.C. 1221e–3; 20 U.S.C. 1011 *et seq.*

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: The Department is proposing to amend, through negotiated rulemaking, the regulations governing the legal authorization of institutions by States. The Department is also proposing to amend regulations for the State authorization of distance education providers and correspondence education providers as a component of institutional eligibility for participation in Federal student financial aid under title IV of the Higher Education Act of 1965, as amended.

Statement of Need: As required by Executive Order 13771 and 13777, the Department must identify regulations that are among other things outdated, unnecessary, or ineffective and create a serious inconsistency or otherwise interfere with regulatory reform initiative and policies.

Update and revision to the regulations on State Authorization is necessary so that the Department does not inhibit innovation and competition in postsecondary education. Institutions need the regulatory flexibility to innovate and the Department is committed to ensuring program integrity with appropriate guardrails to protect students and taxpayer dollars. The focus of this rulemaking is on breaking down barriers to innovation and reducing regulatory burden while protecting students and taxpayers from unreasonable risk.

Summary of Legal Basis: The Department has the authority to establish a negotiated rulemaking committee with the purpose of creating, amending or rescinding regulations in the Code of Federal Regulations.

Alternatives: One alternative is not to negotiate on the proposed topic and instead work on sub-regulatory guidance to ease burden and clarify current regulations for postsecondary institutions and accreditors.

Note that, the intent to establish a negotiated rulemaking committee has already been published; the topics proposed for negotiation have been added to the *Agency Agenda Report/ Unified Agenda.* Further, the Department has already conducted one of three public hearings inviting comment on our **Federal Register** notice outlining our intent to negotiate. After reviewing feedback from comments received, the Department may choose to modify the topics proposed for negotiation and at that time we can more thoughtfully provide alternatives.

Anticipated Cost and Benefits: We have limited information about the potential cost and benefits and cannot estimate at this time.

Risks: By negotiating on a wide range of topics in one negotiated rulemaking panel there is an increased risk on not reaching consensus. To account for this, the Department will provide draft language prior to the first session of three sessions (each session is three days long) of negotiated rulemaking. Historically, the first session has been used as a listening session to get feedback from the rulemaking committee and the Department provides more specific proposals to the rulemaking committee between the first and second session.

Further, there is no prohibition in the rulemaking process for the main committee to break-off before, during or after a session to discussion topics within their areas of expertise to propose language to the main committee.

Timetable:

Action	Date	FR Cite
Notice of Intention to Commence Negotiated Rulemaking.	07/31/18	83 FR 36814
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Lynn Mahaffie, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Washington, DC 20202, *Phone:* 202 453–6914.

RIN: 1840–AD36

ED—OPE

34. Accreditation and Related Issues

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 20 U.S.C. 3474; 20 U.S.C. 1221e–3; 20 U.S.C. 1011 *et seq.*

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: The Department is proposing to amend, through negotiated rulemaking, the regulations relating to the Secretary's recognition of accrediting agencies and accreditation procedures as a component of institutional eligibility for participation in Federal student financial aid under title IV of the Higher Education Act of 1965, as amended.

Statement of Need: As required by Executive Order 13771 and 13777, the Department must identify regulations that are among other things outdated, unnecessary, or ineffective and create a serious inconsistency or otherwise interfere with regulatory reform initiative and policies.

We believe that a revision to the accreditation regulations is necessary to restore the separation of duties in responsibilities in the triad: The State Authorization, Accreditation, and the U.S. Department of Education. We believe that the accreditation regulations may contain redundancy, unnecessary duplication of oversight, and pose broad Federal overreach in measuring program quality. We also want to ensure that accreditors while measuring institutional quality do not infringe on autonomy of institutions in their missions.

Summary of Legal Basis: The Department has the authority to establish a negotiated rulemaking committee with the purpose of creating, amending or rescinding regulations in the Code of Federal Regulations.

Alternatives: One alternative is not to negotiate on the proposed topic and instead work on sub-regulatory guidance to ease burden and clarify current regulations for postsecondary institutions and accreditors.

Note that, the intent to establish a negotiated rulemaking committee has already been published; the topics proposed for negotiation have been added to the Agency Agenda Report/Unified Agenda. Further, the Department has already conducted one of three public hearings inviting comment on our **Federal Register** notice outlining our intent to negotiate. After reviewing feedback from comments received, the Department may choose to modify the topics proposed for negotiation and at that time we can more thoughtfully provide alternatives.

Anticipated Cost and Benefits: We have limited information about the potential cost and benefits and cannot estimate at this time.

Risks: By negotiating on a wide range of topics in one negotiated rulemaking panel there is an increased risk on not reaching consensus. To account for this, the Department will provide draft language prior to the first session of three sessions (each session is three days long) of negotiated rulemaking. Historically, the first session has been used as a listening session to get feedback from the rulemaking committee and the Department provides more specific proposals to the rulemaking committee between the first and second session.

Timetable:

Action	Date	FR Cite
Notice of Intention to Commence Negotiated Rulemaking.	07/31/18	83 FR 36814
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Lynn Mahaffie, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Washington, DC 20202, *Phone:* 202 453–6914.

RIN: 1840–AD37

ED—OPE

35. Ensuring Student Access to High Quality and Innovative Postsecondary Educational Programs

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 20 U.S.C. 3474; 20 U.S.C. 1221e–3; 20 U.S.C. 1011 *et seq.*

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: The Department proposes to create and amend, through negotiated rulemaking, regulations relating to institutional eligibility and operations for participation in Federal student financial aid under title IV of the Higher Education Act of 1965, as amended, including those relating to credit hour, competency-based education, direct assessment programs, and regular and substantive interaction between faculty and students in the delivery of distance education programs, in order to promote greater access for students to high-quality, innovative programs of postsecondary education.

Statement of Need: As required by Executive Order 13771 and 13777, the Department must identify regulations that are among other things outdated, unnecessary, or ineffective and create a serious inconsistency or otherwise interfere with regulatory reform initiative and policies.

Update and revision to the outlined regulations is necessary so that the Department does not inhibit innovation and competition in postsecondary education. For example, regulations implemented regarding the credit-hour, regular and substantive interaction and institutional partnerships in instructional programs may limit innovation and inhibit student completion and graduation in the rapidly evolving postsecondary education landscape. Institutions need the regulatory flexibility to innovate and the Department is committed to ensuring program integrity with appropriate guardrails to protect students and taxpayer dollars. The focus of this rulemaking is on breaking down barriers to innovation and reducing regulatory burden while protecting students and taxpayers from unreasonable risk.

Summary of Legal Basis: The Department has the authority to establish a negotiated rulemaking committee with the purpose of creating, amending or rescinding regulations in the Code of Federal Regulations.

Alternatives: One alternative is not to negotiate on the proposed topics and instead work on sub-regulatory guidance to ease burden and clarify current regulations for postsecondary institutions and accreditors. Another alternative is to only negotiate on one or a smaller number of the topics the Department has proposed.

Note that, the intent to establish a negotiated rulemaking committee has already been published; the topics proposed for negotiation have been added to the Agency Agenda Report/Unified Agenda. Further, the Department has already conducted one of three public hearings inviting comment on our FR Notice outlining

our intent to negotiate. After reviewing feedback from comments received, the Department may choose to modify the topics proposed for negotiation and at that time we can more thoughtfully provide alternatives.

Anticipated Cost and Benefits: We have limited information about the potential cost and benefits and cannot estimate at this time.

Risks: By negotiating on a wide range of topics in one negotiated rulemaking panel there is an increased risk on not reaching consensus. To account for this, the Department will provide draft language prior to the first session of three sessions (each session is three days long) of negotiated rulemaking. Historically, the first session has been used as a listening session to get feedback from the rulemaking committee and the Department provides more specific proposals to the rulemaking committee between the first and second session.

Also, by negotiating a wide range of topics the Department risks not having the expertise necessary on the rulemaking committee to fully explore the nuances of each of the proposed topics. To account for this the Department will form two subcommittees, one directly related to direct assessment programs and competency-based education. These committees will report back to the main rulemaking committee with their reports.

Further, there is no prohibition in the rulemaking process for the main committee to break-off before, during or after a session to discussion topics within their areas of expertise to propose language to the main committee.

Timetable:

Action	Date	FR Cite
Notice of Intention to Commence Negotiated Rulemaking.	07/31/18	83 FR 36814
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Lynn Mahaffie, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Washington, DC 20202, *Phone:* 202 453–6914.

RIN: 1840–AD38

ED—OPE

36. Eligibility of Faith-Based Entities and Activities—Title IV Programs

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 20 U.S.C. 1001 and 1002; 20 U.S.C. 1099b; 20 U.S.C. 1087aa, 1087dd, and 1091

CFR Citation: 34 CFR 600.9; 34 CFR 600.11; 34 CFR 674.9.

Legal Deadline: None.

Abstract: Various provisions of the Department's regulations regarding the eligibility of faith-based entities to participate in the Department's higher education and student aid programs, and the eligibility of students to participate in student aid programs and obtain certain benefits under those programs, unnecessarily restrict participation by religious entities. For example, some provisions may be overly broad in their prohibition of activities or services that relate to sectarian instruction or religious worship. Other provisions may be overly broad in prohibiting the benefits a borrower may receive based on faith-based activity. The Department is proposing to review and amend, through negotiated rulemaking, such regulations in order to be consistent with current law, and to reduce or eliminate unnecessary burdens and restrictions on religious entities and activities.

Statement of Need: Rulemaking is necessary in light of the recent United States Supreme Court decision in *Trinity Lutheran Church of Columbia, Inc.* v. *Comer,* 137 S. Ct. 2012 (2017), and the October 6, 2017, Memorandum for All Executive Agencies issued by the Attorney General of the United States pursuant to Executive Order No. 13798.

Summary of Legal Basis: The Department has the authority to establish a negotiated rulemaking committee with the purpose of creating, amending or rescinding regulations in the Code of Federal Regulations.

Alternatives: One alternative is not to negotiate on the proposed topic and instead work on sub-regulatory guidance to ease burden and clarify current regulations for postsecondary institutions and accreditors.

Note that, the intent to establish a negotiated rulemaking committee has already been published; the topics proposed for negotiation have been added to the Agency Agenda Report/Unified Agenda. Further, the Department has already conducted one of three public hearings inviting comment on our **Federal Register** notice outlining our intent to negotiate. After reviewing feedback from comments received, the Department may choose to modify the topics proposed for negotiation and at that time we can more thoughtfully provide alternatives.

Anticipated Cost and Benefits: We have limited information about the potential cost and benefits and cannot estimate at this time.

Risks: By negotiating on a wide range of topics in one negotiated rulemaking panel there is an increased risk on not reaching consensus. To account for this the Department will provide draft language prior to the first session of three sessions (each session is three days long) of negotiated rulemaking. Historically, the first session has been used as a listening session to get feedback from the rulemaking committee and the Department provides more specific proposals to the rulemaking committee between the first and second session.

Also, the Department will form two subcommittees, one specifically for faith-based entities. These committees will report back to the main rulemaking committee with their reports.

Timetable:

Action	Date	FR Cite
Notice of Intention to Commence Negotiated Rulemaking.	07/31/18	83 FR 36814
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State.

Federalism: Undetermined.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Lynn Mahaffie, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Washington, DC 20202, *Phone:* 202 453–6914.

RIN: 1840–AD40

ED—OPE

37. • Teach Grants

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 20 U.S.C. 1070g, *et seq.*

CFR Citation: 34 CFR 686.

Legal Deadline: None.

Abstract: The Department is proposing to amend, through negotiated

rulemaking, the regulations relating to the Teacher Education Assistance for College and Higher Education (TEACH) Grant. Our goal is to simplify and clarify program requirements, minimize inadvertent grant-to-loan conversions, and improve outcomes for TEACH Grant recipients.

Statement of Need: As required by Executive Order 13771 and 13777, the Department must identify regulations that are among other things outdated, unnecessary, or ineffective and create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies. Our goal is to simplify and clarify program requirements, minimize inadvertent grant-to-loan conversions, and improve outcomes for TEACH Grant recipients.

Summary of Legal Basis: The Department has the authority to establish a negotiated rulemaking committee with the purpose of creating, amending or rescinding regulations in the Code of Federal Regulations.

Alternatives: One alternative is not to negotiate on the proposed topic and instead work on sub-regulatory guidance to ease burden and clarify current regulations to the loan servicer that overseas TEACH grant servicing.

Note that, the intent to establish a negotiated rulemaking committee has already been published; the topics proposed for negotiation have been added to the *Agency Agenda Report/ Unified Agenda*. Further, the Department has already conducted one of three public hearings inviting comment on our **Federal Register** notice outlining our intent to negotiate. After reviewing feedback from comments received, the Department may choose to modify the topics proposed for negotiation and at that time we can more thoughtfully provide alternatives.

Anticipated Cost and Benefits: We have limited information about the potential cost and benefits and cannot estimate at this time.

Risks: By negotiating on a wide range of topics in one negotiated rulemaking panel there is an increased risk on not reaching consensus. To account for this, the Department will provide draft language prior to the first session of three sessions (each session is three days long) of negotiated rulemaking. Historically, the first session has been used as a listening session to get feedback from the rulemaking committee and the Department provides more specific proposals to the rulemaking committee between the first and second session.

Further, there is no prohibition in the rulemaking process for the main committee to break-off before, during or after a session to discussion topics within their areas of expertise to propose language to the main committee.

Timetable:

Action	Date	FR Cite
Notice of Intention to Commence Negotiated Rulemaking.	07/31/18	83 FR 36814
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State.

Federalism: Undetermined.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Sophia McArdle, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Washington, DC 20202, *Phone:* 202 453–6318.

RIN: 1840–AD44

ED—OPE

Final Rule Stage

38. Institutional Accountability

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Other.

Legal Authority: 20 U.S.C. 1082(a)(5), (a)(6); 20 U.S.C. 1087(a); 20 U.S.C. 1087e(h); 20 U.S.C. 1221e–3; 20 U.S.C. 1226a–1; 20 U.S.C. 1234(a); 31 U.S.C. 3711

CFR Citation: 34 CFR 668; 34 CFR 674; 34 CFR 682; 34 CFR 685; and other sections as applicable.

Legal Deadline: None.

Abstract: The Secretary plans to establish new regulations governing the William D. Ford Federal Direct Loan (Direct Loan) Program regarding the standard and the process for determining whether a borrower has a defense to repayment on a loan based on an act or omission of a school. We also may amend other sections of the Direct Loan Program regulations, including those that codify our current policy regarding the impact that discharges have on the 150 percent Direct Subsidized Loan Limit; and the Student Assistance General Provisions regulations providing the financial responsibility standards and disclosure requirements for schools. In addition, we may amend the discharge provisions in the Federal Perkins Loan, Direct Loan and Federal Family Education Loan program regulations.

Statement of Need: The Secretary initiated negotiated rulemaking to revise current regulations governing borrower defenses to loan repayment.

Summary of Legal Basis: Section 492 of the HEA requires that, before publishing any proposed regulations to implement programs authorized under title IV of the HEA, the Secretary obtain public involvement in the development of the proposed regulations. After obtaining advice and recommendations from the public, the Secretary conducts negotiated rulemaking to develop the proposed regulations. Section 431 of the Department of Education Organization Act provides authority to the Secretary, in relevant part, to inform the public regarding federally supported education programs; and collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving the intended purposes of such programs. 20 U.S.C. 1231a.

Alternatives: These are identified through the negotiated rulemaking process and presented in the Notice of Proposed Rulemaking.

Anticipated Cost and Benefits: These are identified through the negotiated rulemaking process and presented in the Notice of Proposed Rulemaking.

Risks: These are identified through the negotiated rulemaking process and presented in the Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
Notice of Intention to Commence Negotiated Rulemaking.	06/16/17	82 FR 27640
NPRM	07/31/18	83 FR 37242
NPRM Comment Period End.	08/30/18	
Final Action	01/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Federal, Local, State.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Annmarie Weisman, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Room 287–25, Washington, DC 20202, *Phone:* 202 453–6712, *Email: annmarie.weisman@ed.gov.*

RIN: 1840–AD26

ED—OPE

39. Program Integrity; Gainful Employment

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Other.

Legal Authority: 20 U.S.C. 3474; 20 U.S.C. 1221e–3

CFR Citation: 34 CFR 668.

Legal Deadline: None.

Abstract: The Secretary plans to amend regulations on institutional eligibility under the Higher Education Act of 1965, as amended (HEA), and the Student Assistance General Provisions, including the regulations governing whether certain postsecondary educational programs prepare students for gainful employment in a recognized occupation, and the conditions under which these educational programs remain eligible under the Federal Student Aid programs authorized under title IV of the HEA.

Statement of Need: The Secretary initiated negotiated rulemaking to revise the gainful employment regulations published by the Department on October 31, 2014 (79 FR 64889). The negotiated rulemaking committee did not reach consensus and the Department proposed new regulations to rescind the gainful employment regulations.

Summary of Legal Basis: Section 492 of the HEA requires that, before publishing any proposed regulations to implement programs authorized under title IV of the HEA, the Secretary obtain public involvement in the development of the proposed regulations. After obtaining advice and recommendations from the public, the Secretary conducts negotiated rulemaking to develop the proposed regulations. Section 431 of the Department of Education Organization Act provides authority to the Secretary, in relevant part, to inform the public regarding federally supported education programs; and collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving the intended purposes of such programs. 20 U.S.C. 1231a.

Alternatives: These are identified through the negotiated rulemaking process and presented in the Notice of Proposed Rulemaking.

Anticipated Cost and Benefits: These are identified through the negotiated rulemaking process and presented in the Notice of Proposed Rulemaking.

Risks: These are identified through the negotiated rulemaking process and presented in the Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
Notice of Intention to Commence Negotiated Rulemaking.	06/16/17	82 FR 27640
NPRM	08/14/18	83 FR 40167
NPRM Comment Period End.	09/13/18	
Final Action	12/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Federal, Local, State.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Annmarie Weisman, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Room 287–25, Washington, DC 20202, *Phone:* 202 453–6712, *Email:* *annmarie.weisman@ed.gov*.

RIN: 1840–AD31

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Statement of Regulatory and Deregulatory Priorities

The Department of Energy (DOE or the Department) makes vital contributions to the Nation's welfare through its activities focused on improving national security, energy supply, energy efficiency, environmental remediation, and energy research. The Department's mission is to ensure America's security and prosperity by addressing its energy, environmental, and nuclear challenges through transformative science and technology solutions.

Through its regulatory and deregulatory activities, the Department works to ensure it both achieves its critical mission, and implements the administration's initiative to reduce regulation and control regulatory costs as outlined in Executive Order (E.O.) 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' As such, the Department strives to act in a prudent and financially responsible manner in the expenditure of funds, from both public and private sources, and manages appropriately the costs associated with private expenditures required for compliance with DOE regulations. Ultimately, DOE aims to promote meaningful regulatory burden reduction, while also achieving its regulatory objectives and meeting its statutory obligations.

Regulatory and Deregulatory Priorities

DOE's regulatory and deregulatory priorities reflect the Department's efforts to achieve meaningful burden reduction while continuing to achieve the Department's statutory obligations.

DOE is engaged in a number of deregulatory activities aimed at reducing regulatory costs and burdens. These activities include amending regulations to expedite the preparation of and simplify the content of Notices of Sale for the price competitive sale of petroleum from the Strategic Petroleum Reserve (SPR), which in turn will reduce the administrative burden placed on prospective bidders. Another important deregulatory action concerns modernizing the procedures for establishing energy conservation standards and test procedures as part of DOE's Appliance Program. Also, DOE published a final rule that will provide for faster approval of applications for small-scale exports of natural gas, including liquefied natural gas (LNG), from U.S. export facilities.

Retrospective Analyses of Existing Rules

On January 30, 2017, the President issued E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' That Order stated the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources. The Order stated it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations. Toward that end, E.O. 13771 requires, among other things, that whenever an agency proposes for notice and comment or otherwise promulgates a new regulation, the agency must identify at least two existing regulations to be repealed. E.O. 13771 also provides for the establishment of agency regulatory cost budgets, as identified by the Office of Management and Budget.

Additionally, on February 24, 2017, the President issued E.O. 13777, ''Enforcing the Regulatory Reform Agenda.'' That Order required that the head of each agency designate an agency official as its Regulatory Reform Officer (RRO). Each RRO oversees the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. Further, E.O. 13777 required the establishment of a regulatory reform task force at each agency. The regulatory reform task force makes recommendations to the agency head regarding the repeal, replacement, or

modification of existing regulations, consistent with applicable law.

In implementation of both Orders, on May 30, 2017, DOE published in the **Federal Register** a Request for Information (RFI), seeking input and other assistance from entities significantly affected by regulations of the DOE, including State, local, and Tribal governments, small businesses, consumers, non-governmental organizations, and manufacturers and their trade associations. DOE's goal in publishing the RFI was to ''create a systematic method for identifying those existing DOE rules that are obsolete, unnecessary, unjustified, or simply no longer make sense.'' DOE solicited views on: (a) How DOE could best conduct its analysis of existing agency actions, and (b) insights on specific rules or Department-imposed obligations that should be altered or eliminated. DOE received 132 separate public comments from decision-makers, stakeholders, and the public on rules promulgated by DOE and the burdens some of those rules have imposed.

In response to the May 30, 2017, RFI, DOE received many comments recommending that DOE update and modernize its procedures for establishing energy conservation standards and test procedures for the DOE Appliance Program, otherwise known as the ''Process Rule.'' The current Process Rule can be found in Appendix A to Subpart C of part 430 of the Code of Federal Regulations, published on July 15, 1996. In response to stakeholder input, DOE published a RFI on December 18, 2017 (82 FR 59992), seeking comments and information from interested parties to assist DOE in identifying potential modifications to its ''Process Rule.'' DOE conducted a public meeting and webinar on January 9, 2018, that was widely attended by a broad spectrum of stakeholders. DOE is currently preparing a Notice of Proposed Rulemaking (NOPR), taking into account the many suggestions from stakeholders, and is including this proposed rule as part of its 2018 Regulatory Plan. DOE has characterized this action as deregulatory.

The second deregulatory action that is part of DOE's 2018 Regulatory Plan is a rule that proposes to withdraw the revised definitions of general service lamps (GSL) and general service incandescent lamps (GSIL) that would otherwise take effect on January 1, 2020. This proposal would maintain the existing statutory definitions of GSL and GSIL currently found in the Department's regulations.

Lastly, DOE is placing one action in its Regulatory Plan: Energy Conservation Standards for Residential Conventional Cooking Products (1904–AD15), even though it does not meet the Regulatory Plan criterion of ''most important significant regulatory actions'' of the agency. DOE has included this regulatory action for the purpose of transparency and due to the non-trivial costs of the proposed action. At the 7% and 3% discount rate the primary annualized cost of this rule could be as much as 42.6 million and 42.3 million dollars, respectively. The primary annualized benefits at the 7% and 3% discount rate have been projected to be 126 million and 178 million dollars, respectively.

DOE—ENERGY EFFICIENCY AND RENEWABLE ENERGY (EE)

Proposed Rule Stage

40. Energy Conservation Standards for Residential Conventional Cooking Products

Priority: Other Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 6295(m)(1); 42 U.S.C. 6292(a)(10); 42 U.S.C. 6295(h).

CFR Citation: 10 CFR 429; 10 CFR 430.

Legal Deadline: Other, Statutory, Subject to 6-year-look-back at 6295(m).

Abstract: EPCA, as amended by EISA 2007, requires the Secretary to determine whether updating the statutory energy conservation standards for residential conventional cooking products would yield a significant savings in energy use and is technically feasible and economically justified. DOE is reviewing to make such determination.

Statement of Need: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential conventional cooking products. EPCA also requires the U.S. Department of Energy (DOE) to determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would save a significant amount of energy. DOE is proposing new and amended energy conservation standards for residential conventional cooking products, specifically conventional cooking tops and conventional ovens.

Summary of Legal Basis: EPCA provides that not later than 6 years after issuance of any final rule establishing or amending a standard, DOE must publish either a notice of determination that standards for the product do not need to be amended, or a notice of proposed rulemaking including new proposed energy conservation standards (42 U.S.C. 6295(m)(1)).

Alternatives: Additional compliance flexibilities may be available through other means. EPCA provides that a manufacturer whose annual gross revenue from all of its operations does not exceed $8 million may apply for an exemption from all or part of an energy conservation standard for a period not longer than 24 months after the effective date of a final rule establishing the standard (42 U.S.C. 6295(t)). Additionally, section 504 of the Department of Energy Organization Act, 42 U.S.C. 7194, provides authority for the Secretary to adjust a rule issued under EPCA in order to prevent special hardship, inequity, or unfair distribution of burdens that may be imposed on that manufacturer.

Anticipated Cost and Benefits: Using a 7-percent discount rate for benefits and costs, the estimated cost of the proposed standards for consumer conventional cooking products is $42.6 million per year in increased equipment costs, while the estimated annual benefits are $120.3 million in reduced equipment operating costs.

Using a 3-percent discount rate for all benefits and costs, the estimated cost of the proposed standards for consumer conventional cooking products is $42.3 million per year in increased equipment costs, while the estimated annual benefits are $163.3 million in reduced operating costs.

In determining whether a standard is economically justified, DOE must consider whether the benefits of the standard exceed the burdens by, to the greatest extent practicable, considering 7 enumerated factors, including the economic impact of the standard on manufacturers. DOE uses industry net present value (INPV) is the sum of the discounted cash flows to the industry from the reference year through the end of the analysis period (2017 to 2049), to determine manufacturer impact. Using a real discount rate of 9.1 percent, DOE estimates that the INPV for manufacturers of consumer conventional cooking products is $1,241.6 million in 2016 dollars. Under the proposed standards, DOE expects that manufacturers may experience a reduction of up to 4.7 percent of their

INPV, which is approximately $58.4 million in 2016.

The cumulative net present value (NPV) of total consumer benefits of the standards for consumer conventional cooking products ranges from $1.08 billion (at a 7-percent discount rate) to $2.63 billion (at a 3-percent discount rate). This NPV expresses the estimated total value of future operating-cost savings minus the estimated increased product costs for consumer conventional cooking products purchased in 2020–2049.

Risks:

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	02/12/14	79 FR 8337
RFI Comment Period End.	03/14/14	
RFI Comment Period Extended.	03/03/14	79 FR 11714
RFI Comment Period Extended End.	04/14/14	
NPRM and Public Meeting.	06/10/15	80 FR 33030
NPRM Comment Period Extended.	07/30/15	80 FR 45452
NPRM Comment Period Extended End.	09/09/15	
Supplemental NPRM.	09/02/16	81 FR 60784
SNPRM Comment Period Extended.	09/30/16	81 FR 67219
SNPRM Comment Period Extended End.	11/02/16	
Supplemental NPRM.	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

URL For More Information: *www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=85.*

URL For Public Comments: *www.regulations.gov/#!docketDetail;D=EERE-2014-BT-STD-0005.*

Agency Contact: Stephanie Johnson, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Building Technologies Office, EE5B, Washington, DC 20002, *Phone:* 202 287–1943, *Email:* *stephanie.johnson@ee.doe.gov.*

RIN: 1904–AD15

DOE—EE

41. Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards for Consumer Products

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 5 U.S.C. 553(d)

CFR Citation: 10 CFR 430.

Legal Deadline: None.

Abstract: DOE is considering a notice-and-comment rulemaking to amend its Process Improvement Rule (''Process Rule'') to reflect statutory changes as well as innovative, collaborative approaches that DOE has been using to reflect more efficient appliance standards rulemaking.

Statement of Need: DOE is proposing to update and modernize its procedures for establishing energy conservation standards and test procedures for the DOE Appliance Program, otherwise known as the ''Process Rule.'' This proposed rule would reduce burdens on all stakeholders when engaging in the rulemaking process.

Summary of Legal Basis: On July 15, 1996, DOE published a final rule titled, ''Procedures, Interpretations and Policies for Consideration of New or Revised Energy Conservation Standards for Consumer Products.'' This document was codified at 10 CFR part 430, subpart C, appendix A. As explained in the final rule for the Process Rule, this rule came within the scope of the Administrative Procedure Act's exemption from notice-and-comment rulemaking for procedural rules at 5 U.S.C. 553(b)(A). Although DOE's current rulemaking to consider potential revisions to the Process Rule might similarly warrant exemption from notice-and-comment requirements, DOE nonetheless seeks input from interested parties regarding potential avenues to improve DOE's procedures.

Alternatives:

Anticipated Cost and Benefits:

Risks:

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	10/31/14	79 FR 64705
RFI Comment Period End.	12/30/14	
Request for Information (RFI) and Notice of Public Meeting.	12/18/17	82 FR 59992
RFI Comment Period Extended.	02/07/18	83 FR 5374
RFI Comment Period Extended End.	03/02/18	
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

URL For More Information: *energy.gov/eere/buildings/standards-and-test-procedures.*

Agency Contact: John Cymbalsky, Building Technologies Office, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 202 287–1692, *Email:* *john.cymbalsky@ee.doe.gov.*

RIN: 1904–AD38

DOE—EE

42. • Energy Conservation Program: Definition for General Service Lamps

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 6295(i)(6)(A)

CFR Citation: 10 CFR 430.

Legal Deadline: None.

Abstract: The Department proposes to withdraw the revised definitions of general service lamp (GSL) and general service incandescent lamp (GSIL) that take effect on January 1, 2020. This proposal would maintain the existing statutory definitions of GSL and GSIL currently found in the Department's regulations.

Statement of Need: DOE is proposing to withdraw the revised definitions of General Service Lamps (GSL) and general service incandescent lamps (GSIL) that would otherwise take effect on January 1, 2020, to reduce the regulatory burdens on stakeholders.

Summary of Legal Basis: On August 15, 2017, DOE published a notice of data availability and request for information (NODA) seeking data for GSILs and other incandescent lamps. The purpose of this NODA was to assist DOE in making a determination regarding amending standards for GSILs. Comments submitted in response to the NODA lead DOE to re-consider the decisions it had already made with respect to the definitions for GSLs and GSILs.

Alternatives:

Anticipated Cost and Benefits:

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Celia Sher, Attorney–Advisor, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20002, *Phone:* 202 287–6122.

RIN: 1904–AE26

BILLING CODE 6450–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Statement of Regulatory Priorities for Fiscal Year 2019

The Department of Health and Human Services (HHS) carries out a wide array of activities in order to fulfill its mission of protecting and promoting the health and well-being of the American people. From supporting cutting-edge research and disease surveillance, to regulating products and facilities, to administering programs that help our citizens most in need of access to healthcare and social services, HHS's work has a clear impact on the daily life of all Americans. As the federal agency most deeply involved in more than one-sixth of the US economy, it is imperative that HHS be attentive to the costs of over-regulation. Building on the progress that HHS has made in Fiscal Year 2018, the Department will continue to find ways to clarify its regulations to ease the burden of public compliance, or to remove them where feasible to avoid unnecessarily diverting resources from the private sector while simultaneously ensuring the integrity of HHS programs.

HHS is committed to a regulatory agenda that is focused on better meeting the needs of the individuals served by its programs, informed by an understanding that excess and unclear federal regulation not only imposes serious burdens on job creation and the economy as a whole, but also that the opportunity costs from overregulation dampen provider productivity and medical product innovation, which undermines HHS's own ultimate core mission. Through its rulemakings in the coming fiscal year, HHS will take concrete steps towards reducing and streamlining its regulations and improving the transparency, flexibility, and accountability of its regulatory processes.

I. Advancing Secretary Azar's Priorities Through Rulemaking

Since his confirmation as the twenty-fourth Secretary of Health and Human Services in January 2018, Secretary Alex Azar has focused the Department's efforts on four priorities. These initiatives—combatting the opioid crisis; increasing the affordability and accessibility of individual health insurance; tackling the high cost of prescription drugs; and moving to a value-based healthcare system—renew the substantial efforts made by the Department in these areas over the past year and a half and have the potential to deliver lasting change across America's healthcare system.

Combatting the Opioid Crisis

One of the most pressing public health problems of our time, the opioid crisis has steadily grown over the past several decades and is now impacting communities across the country. In addition to providing unprecedented levels of support for states, local governments, and community organizations working to combat this crisis, HHS is exploring ways to enhance our nation's response through critically examining its regulations. To reduce opioid misuse without restricting access to legitimate services, Medicaid programs can utilize several medical management techniques, including quantity limits of short-acting and long-acting opioids. The President's FY 2019 Budget includes a proposal that would establish minimum standards for Medicaid Drug Utilization Review programs. Currently, CMS does not set minimum requirements for these programs, and there is substantial variation in how states approach this issue. Establishing minimum standards would not only help increase oversight of opioid prescriptions and dispensing in Medicaid, but would save the program an estimated $245 million over 10 years.

Additionally, the Substance Abuse and Mental Health Services Administration (SAMHSA) is considering updating its regulations governing medication-assisted treatment for opioid use disorders (OUD) by deleting outdated provisions and revising reporting requirements for providers with waivers to treat up to 275 patients with OUD. SAMHSA will also provide guidance and consider additional changes to 42 CFR part 2 that can foster further alignment with the Health Insurance Portability and Accountability Act (HIPAA). Furthermore, although many covered entities believe that the HIPAA Privacy Rule precludes such disclosures, the Office for Civil Rights (OCR) plans to propose a rule clarifying the Privacy Rule provisions most applicable to information sharing with family members or others when patients are incapacitated. This would reduce uncertainties about the ability of covered entities to disclose patient information to family members, friends, or others best positioned to help individuals suffering with a substance use disorder or serious mental illness.

Strengthening Individual Health Insurance Programs

In addition, strengthening program integrity with respect to subsidy payments in the individual markets is a top priority of this Administration. In furtherance of that goal, the Centers for Medicare & Medicaid Services (CMS) will publish an Exchange Program Integrity rule focusing on ensuring that eligible enrollees receive the correct advanced payments of the premium tax credit, conducting effective and efficient oversight of State-Based Exchanges, and protecting the interests of taxpayers, consumers, and the financial integrity of Federally Facilitated Exchanges. CMS, through its annual Payment Notice for the Exchanges, will also emphasize deregulation and increasing flexibility for states and issuers. CMS will continue to work with the Tri-Departments to explore allowing more flexibility in the availability of health plans in the individual and small group markets, as well as carrying out the instructions in the President's October 12, 2017, Executive Order to consider expanding the use of health reimbursement arrangements (HRAs).

HHS' forthcoming report on promoting competition and choice will also inform HHS' efforts in this area and help drive positive change.

These initiatives will help restore market forces to ensure consumers have plans to choose from that meet their needs.

Tackling the High Cost of Prescription Drugs

In May 2018, Secretary Azar unveiled the President's blueprint to tackle the high cost of prescription drugs, *American Patients First.* HHS is aggressively working on actions the President may direct HHS to take immediately as well as the consideration of actions on which feedback was solicited in the blueprint. As a part of this ongoing effort, the Food and Drug Administration (FDA) plans to propose regulations to facilitate access to more treatments for common conditions and potentially some chronic conditions by using innovative approaches, including new technologies, to assist consumers in self-selection and use of drug products that have previously been available only by prescription. If finalized, FDA believes this rule will improve public health and lower costs by increasing the number and types of medications that are available without a prescription.

Changes CMS plans to make in its annual Part C and D rules, and potentially other mechanisms, are likewise seeking to improve health and lower costs for American patients.

Transforming Our Healthcare System Into One That Pays for Value

Over the years, it has become increasingly apparent that the United States' fee-for-service payment system does not incentivize innovative therapies and intelligent treatment plans for patients. Previous Congresses and administrations have attempted to alleviate these problems through patchwork attempts at introducing innovative payment models. Now, under Secretary Azar's leadership, HHS will undertake efforts to comprehensively address this issue and attempt to rebuild our healthcare system into one that truly incentivizes effective, efficient patient care by paying for value. As an early step in this effort, CMS plans to propose regulatory revisions to address the impact of the physician self-referral (commonly known as ''Stark'') law and encourage coordinated care. Additionally, OCR will be examining the HIPAA rules for obstacles that may limit or discourage coordinated care or otherwise impose regulatory burdens that may impede the transformation to value-based healthcare, without providing commensurate privacy or security protections for patients' protected health information (PHI). HHS' forthcoming report on promoting competition and choice will also inform HHS' efforts in this area and help drive positive change.

II. Empowering the American People Through Reducing Regulatory Burden and Clarifying Regulation

In addition to these four priorities, HHS has been comprehensively reviewing its regulations to find ways to reduce burdens on states, grantees, industries, and individuals. Regulatory burden can result from a variety of sources, including reporting requirements, outdated restrictions, requirements and/or conditions not required by the authorizing statutes, and a lack of clear regulatory guidelines. HHS is committed to streamlining and clarifying its regulations to reduce unnecessary burden while continuing to protect the public health and to meet the human services needs of the American people.

Minimizing Duplicative Requirements and Eliminating Obsolete Regulations

The Department recognizes the burden that requirements for many of its programs place on states, territories, tribes, local governments, industry, providers and facilities, caseworkers, grant recipients, and individuals. HHS plans to actively engage stakeholders in transparent, deliberative processes to ensure that the Department reduces burden while continuing to administer high-quality programs. For example, the Administration for Children and Families (ACF) plans to issue a Notice of Proposed Rulemaking seeking public comment on its proposal to streamline the Adoption and Foster Care Analysis and Reporting System (AFCARS), which doubled reporting requirements for states and tribes. Through careful consideration of all comments submitted by the public to its Advanced Notice of Proposed Rulemaking issued in March 2018, ACF believes it can streamline the 2016 Rule so that state and tribal IV–E agencies are able to devote less time and fewer resources to administrative work and to redirect those efforts to the children they serve.

In addition to minimizing regulatory burden, HHS realizes that many of its regulations may contain provisions that are outdated, obsolete, or otherwise not applicable to the current environment. HHS has resolved to reform its processes so that those providing care and other services to Americans are able to thrive within the state and federal regulatory environment. As an early step in this broader effort, CMS plans to issue a proposed rule that will remove unnecessary and outdated requirements from the conditions of participation for the Medicare and Medicaid programs for Long-Term Care facilities. Currently, these requirements often impede the delivery of quality care and divert resources away from facility residents.

Providing Necessary Regulatory Clarity to Industry Stakeholders

As part of efforts to streamline regulation, in some cases, regulation is necessary in order to make HHS's processes transparent and predictable. This year, FDA plans to continue work on needed implementing regulations for its tobacco program. Rulemaking is needed to clarify for industry the submission and review processes for various review pathways as part of a comprehensive framework to regulate nicotine and tobacco and advance the public health. In addition, FDA is updating important rules for medical device applications so the rules reflect risk-based and least burdensome pathways to market for devices, including new and innovative devices. These rules will fill gaps to ensure that manufacturers in these sectors know how to bring innovative products to market that may save lives or reduce health risks. FDA intends to continue rulemaking this fiscal year to fill these regulatory gaps so that these processes become more fair, efficient, and predictable.

Protecting the Exercise of Conscience Rights

Religious and faith-based organizations and individuals have historically played an important role in providing needed health care and human services. However, regulatory and other burdens on religious freedom and conscience that discourage such organizations and individuals from participating in HHS programs have been often overlooked in recent years. HHS has taken a number of steps to rectify the situation in the past year and plans to continue work to ensure that HHS's programs respect religious liberty and conscience—and to relieve burden on the exercise of religion and conscience. In order to adequately protect these First Amendment and statutory rights, HHS plans to complete a rulemaking to implement and enforce a number of HHS-specific conscience laws and protections, in order to help ensure that individuals participating in HHS-funded health programs are aware of their conscience rights, that recipients of HHS funds comply with their obligations to respect such rights, and that there are enforcement procedures for such conscience protections that are comparable to other civil rights. Additionally, in finalizing its update to the Title X family planning regulations, HHS plans to ensure that the conscience rights of Title X providers are respected.

III. Harnessing Regulatory Reform To Encourage Innovation

In addition to reducing burden, an important outcome of regulatory reform efforts is the proliferation of innovative solutions and programs structured to suit the needs of unique problems and populations. HHS is committed to promoting innovation through a variety of mechanisms, including deregulatory actions.

Promoting Flexibility for States, Grantees, and Regulated Entities

HHS intends to enhance regulatory flexibility so that its state and community partners are able to better tailor their programs to meet the needs of the people they serve. Over the past year and a half, the Department has been looking seriously at its programs to see how it can maximize the number of people reached through amending its regulations to remove or change

regulatory limitations on grantees and regulated entities. For example, ACF plans to consider revising minimum service duration requirements for Head Start center-based programs to allow these programs to serve more children or better meet the needs and daily schedules of local families. Rulemaking carried out in 2016 nearly doubled the current minimum.

Keeping Pace With 21st Century Science

In order to best respond to the needs of patients, it is crucial that HHS regulations and programs reflect current science. HHS is fulfilling this need by updating regulations so that the Department can utilize the full spectrum of current scientific thinking when carrying out program activities. Specifically, HRSA plans to revise the Vaccine Injury Table to include vaccines that the Centers for Disease Control and Prevention (CDC) recommends for administration to pregnant women. This revision will allow injuries related to these vaccines to be eligible for the National Vaccine Injury Compensation Program. Additionally, FDA intends to propose a new rule that will modernize mammography quality by recognizing new technologies, making improvements in facility processes, and updating reporting requirements. FDA believes that these changes will improve the delivery of mammography services and allow for more informed decision-making by strengthening the communication of health care information.

FDA is also taking action to facilitate food innovations that can give consumers more choices and enable better nutrition. Diet is a powerful tool for reducing chronic disease and its impact on the healthcare system. Modernizing the outdated framework for food standards will allow industry flexibility for innovation to produce more healthful foods while maintaining the basic nature and nutritional integrity of key food products. FDA will reopen the comment period on its earlier proposed rule soliciting updated information to guide development of a modern approach to regulating food standards and related labeling.

Summary

In the coming fiscal year, HHS plans to consider a number of deregulatory actions, accompanied by regulatory changes intended to make its processes more flexible, efficient, and transparent. In order to fully realize the potential of these efforts, HHS recognizes the need for a collaborative rulemaking process where the concerns of patients, providers, States, tribes, faith-based and community organizations, and other stakeholders are appropriately considered. By working with its partners in bringing better healthcare and human services to the American people, and understanding the challenges that they face under HHS's current regulatory structures, the Department will continue to modernize its role in this critical sector of the national economy, assuring its vitality and the increased wellbeing of those it serves.

HHS—OFFICE FOR CIVIL RIGHTS (OCR)

Prerule Stage

43. HIPAA Privacy: Request for Information on Changes To Support, and Remove Barriers To, Coordinated Care

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 115–5, sec. 13405(c)

CFR Citation: 45 CFR 164.

Legal Deadline: Final, Statutory, June 1, 2010, The statutory deadline to issue a rule on accounting of disclosures was 06/01/2010.

Required by the HITECH Act. Statutory deadline contingent on further regulatory action.

Abstract: This Request for Information (RFI) would solicit the public's views on whether there are provisions of the HIPAA Rules which present barriers that limit or discourage coordinated care and case management among hospitals, physicians (and other providers), payors, and patients, or otherwise impose regulatory burdens that may impede the transformation to value-based health care without providing commensurate privacy or security protections for patients' protected health information and while maintaining patients' ability to control the use or disclosure of their PHI and to access PHI. In addition to a general request for information, the RFI would specifically seek comment on a number of particular issues, including: (1) Methods of accounting of all disclosures of a patient's protected health information; (2) patients' acknowledgment of receipt of a providers' notice of privacy practices; (3) creation of a safeharbor for good faith disclosures of PHI for purposes of care coordination or case management; (4) disclosures of protected health information without a patient's authorization for treatment, payment, and health care operations; (5) the minimum necessary standard/requirement. This RFI would subsume the previous 0945–AA08 entry in the Regulatory Agenda.

Statement of Need: The HHS Deputy Secretary recently launched an initiative called the Regulatory Sprint to Coordinated Care. The goal of the Regulatory Sprint is to remove regulatory barriers that impede coordinated, value-based health care. This RFI is being produced to support the Regulatory Sprint.

Summary of Legal Basis: The HIPAA statute and its amendments.

Alternatives: None were considered as this RFI is intended to solicit various policies for improving HIPAA.

Anticipated Cost and Benefits: No anticipated costs as this is not regulatory. Benefits include receiving public feedback on potential policies to pursue in rulemaking.

Risks: None known.

Timetable:

Action	Date	FR Cite
NPRM	05/31/11	76 FR 31426
NPRM Comment Period End.	08/01/11	
NPRM Withdrawal	11/00/18	
RFI	11/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

URL For More Information: *www.hhs.gov/ocr/privacy.*

Agency Contact: Andra Wicks, Health Information Privacy Specialist, Department of Health and Human Services, Office for Civil Rights, 200 Independence Avenue SW, Washington, DC 20201, *Phone*: 202 774–3081, *TDD Phone:* 800 537–7697, *Email:* *andra.wicks@hhs.gov.*

RIN: 0945–AA00

HHS—OCR

Proposed Rule Stage

44. HIPAA Privacy Rule: Presumption of Good Faith of Health Care Providers

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Health Insurance Portability and Accountability (HIPAA) Act of 1996, Pub. L. 104–191

CFR Citation: 45 CFR 164.510.

Legal Deadline: None.

Abstract: In an effort to address the opioid epidemic, the proposed rule would make a number of changes to

provisions of the HIPAA Privacy Rule regarding uses and disclosures of protected health information to ease the burden on and potential risks to covered entities that may want to disclose PHI in such circumstances.

Statement of Need: With over 60,000 individuals dying of opioid overdoses in 2016 and others suffering from addiction to the opiates, HHS issued a declaration of emergency to recognize a nationwide opioid epidemic. HIPAA permits providers and other covered entities to disclose protected health information about an individual to families, caregivers and other relevant parties in circumstances related to opioid overdose and addiction. Despite this permission and HHS guidance clarifying HIPAA, HHS continues to receive anecdotal evidence that providers and other covered entities are reluctant to share an opioid patient's health information with family or other caregivers.This proposal seeks to encourage covered entities to share protected health information with family members, caregivers, and others in a position to avert threats of harm to health and safety when necessary to promote the health and recovery of those struggling with opioid addiction.

Summary of Legal Basis: OCR has broad authority under the HIPAA statute to make modifications to the Privacy Rule, within the statutory constraints of HIPAA, the HITECH Act, and other applicable law (*e.g.,* the Administrative Procedures Act). OCR, by delegation from the Secretary, has broad authority under HIPAA to make modifications to the Privacy Rule, as provided by section 264 of HIPAA (codified at 42 U.S.C. 1320d–2(note)).

Alternatives: OCR may issue additional guidance as an alternative to the proposed rule. However, HIPAA continues to be cited as a barrier to sharing protected health information in crisis situations, despite extensive existing guidance and outreach efforts. Without regulatory changes, it is not clear that additional guidance would be effective in clarifying the ability to share protected health information in such situations. Revising the Privacy Rule would be a more effective and permanent vehicle for achieving the desired policy, and would provide additional Good Samaritan safe harbor protections to health care providers who share protected health information when trying to help patients.

Anticipated Cost and Benefits: The proposed rule will not create any new requirements or costs for regulated entities or the public. It will benefit patients and families by helping to ensure that family members and others involved in the patients' care can get the information they need to help their loved ones obtain appropriate care and support. It will also provide additional protections to health care providers exercising their professional judgment when making disclosures of protected health information to further the interests of patients.

Risks: While we do not anticipate significant risks to privacy associated with this proposal, the NPRM requests public input on whether the impact of these amendments, taken together, could be expected to discourage individuals from seeking care based on concerns that their PHI may be disclosed against their wishes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Andra Wicks, Health Information Privacy Specialist, Department of Health and Human Services, Office for Civil Rights, 200 Independence Avenue SW, Washington, DC 20201, *Phone:* 202 774–3081, *TDD Phone:* 800 537–7697, *Email: andra.wicks@hhs.gov.*

RIN: 0945–AA09

HHS—OCR

Final Rule Stage

45. Protecting Statutory Conscience Rights in Health Care; Delegations of Authority

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 115–31; 22 U.S.C. 7631(d); 26 U.S.C. 5000A(d)(2); 29 U.S.C. 669(a)(5); 42 U.S.C. 300a–7; 42 U.S.C. 238n; secs. 1553, 280g–1(d), 290bb–36(f), 1320a–1, 1320c–11, 1395cc(f), 1395i–5, 1395w–22(j)(3)(B), 1395x(e), 1395x(y)(1); 1396a(a), 1396a(w)(3), 1396f, 1396s(c)(2)(B)(ii), 1396u–2(b)(3)(B), 1397j–1(b), 1553, 5106i(a); 18113s, 18023(c)(2)(A)(i)–(iii), 18023(b)(1)(A), 18023(b)(4), 18113; . . .

CFR Citation: 45 CFR 88.

Legal Deadline: None.

Abstract: This final rule would provide for the implementation and enforcement of the Federal health care conscience and associated anti-discrimination laws.

Statement of Need: Revision of the current conscience rule is necessary to provide proper enforcement tools to address unlawful discrimination, coercion and hostility, which has been the subject of a rising number of complaints before OCR and in Federal courts and raised questions from Congressional oversight. Clarity about existing conscience protections is needed to reduce confusion about the law. Furthermore, the Department lacks strategic coordination across its components and enforcement tools that are available to remedy invidious discrimination under other protected bases.

Summary of Legal Basis: The rule would enforce and implement health care conscience and associated anti-discrimination statutes that protect health care providers and patients in these areas as prescribed by Congress: (1) Conscience protections related to abortion, sterilization, and certain other health services to participants in programs and their personnel funded by the Department; (2) conscience protections for health care entities related to abortion provision or training, referral for such abortion or training, or accreditation standards related to abortion; (3) protections from discrimination for health care entities and individuals who object to furthering or participating in abortion under programs funded by the Department's yearly appropriations acts; (4) conscience protections under the Patient Protection and Affordable Care Act related to assisted suicide, individual mandate, and other matters of conscience; (5) conscience protections for objections to counseling and referral for certain services in Medicaid or Medicare Advantage; (6) conscience protections related to the performance of advanced directives; (7) conscience protections related to Global Health Programs to the extent administered by the Secretary; (8) exemptions from compulsory health care or services generally and under specific programs for hearing screenings, occupational illness testing, vaccination, and mental health treatment; and (9) protections for religious nonmedical health care.

Alternatives: Maintaining the status quo by enforcing 45 CFR part 88 as it currently exists creates a significant risk of unaddressed violations of conscience laws, and leaves few remedies available due to OCR's administrative enforcement scheme and court decisions holding that Congress did not incorporate into its conscience statutes for parties to file private rights of action in the courts.

Anticipated Cost and Benefits: Protection of religious beliefs and moral convictions is a broad qualitative benefit

that serves individual rights and society as a whole, and protection of conscience reduces barriers to entry, combats attrition, and increases diversity of providers in the health care field. Costs of $311 million in the first year and $124.6 million per year in years 2 through 5 are estimated to be incurred for familiarization with the law, preparation of notices and assurances of compliance, compliance procedures and voluntary remedial efforts. Costs for OCR enforcement are $1 million in the first year and $1 million per year in years 2 through 5.

Risks: Enforcement of these conscience laws could risk reduction in access to health care services in low provider populated areas.

Timetable:

Action	Date	FR Cite
NPRM	01/26/18	83 FR 3880
NPRM Comment Period End.	03/27/18	
Final Action	11/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State.

Agency Contact: Sarah Bayko-Albrecht, Supervisory Analyst, Department of Health and Human Services, Office for Civil Rights, 200 Independence Avenue SW, Washington, DC 20201, *Phone:* 800 368–1019, *TDD Phone:* 800 537–7697, *Email: ocrmail@hhs.gov.*

RIN: 0945–AA10

HHS—SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)

Proposed Rule Stage

46. Revising Outdated Requirements for Opioid Treatment Providers (OTPS)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: sec. 303(g) of the Controlled Substances Act (CSA); 21 U.S.C. 823(g)

CFR Citation: 42 CFR 8.

Legal Deadline: None.

Abstract: This planned deregulatory action would revise 42 CFR part 8 to reduce outmoded requirements. First, SAMSHA may streamline the regulation by deleting now outdated requirements pertaining to transitional certification for opioid treatment programs (OTPs). This change will help make the regulation less confusing by removing a provision that no longer applies.

Second, SAMSHA may alter requirements pertaining to interim maintenance treatment program approval.

Statement of Need: SAMHSA plans to promulgate a rule to remove the transitional certification provisions that are now outdated. Additionally, updating language to permit private, for-profit entities to serve as opioid treatment programs could improve patient access to this treatment.

This planned deregulatory action would revise 42 CFR part 8 to reduce outmoded requirements. First, SAMSHA may streamline the regulation by deleting now outdated requirements pertaining to transitional certification for opioid treatment programs (OTPs). This change will help make the regulation less confusing by removing a provision that no longer applies.

Second, SAMSHA may alter requirements pertaining to interim maintenance treatment program approval.

Summary of Legal Basis: Section 303(g) of the Controlled Substances Act (CSA) (21 U.S.C. 823(g) establishes procedures for determining whether a healthcare practitioner can dispense opioid drugs for the purpose of treating opioid use disorders. HHS has adopted regulations at 42 CFR part 8 to provide additional details. These regulations were most recently substantively revised in July 2016 (81 FR 44712).

Alternatives: The alternatives include not making these changes or making only one of the above changes rather than both.

Anticipated Cost and Benefits: Eliminating outmoded transition regulations will make the regulations less confusing. In addition, permitting private, for-profit entities to qualify for certification potentially will broaden access to opioid treatment programs. SAMHSA is unsure how to quantify costs and benefits for these changes.

Risks: The transition provisions are outdated and no longer apply. SAMSHA anticipates most stakeholders will support permitting private, for-profit entities to serve as OTPs but some may be skeptical of these entities as compared to nonprofits. Rescinding the reporting requirements for providers treating up to 275 patients should hold minimal risk since these providers still are bound by other certification requirements such as recordkeeping, etc. These reporting requirements initially were added in July 2016 (81 FR 66191).

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Local, State, Tribal.

Agency Contact: Chris Carroll, Director of Health Care Financing and Systems Integration, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Rockville, MD 20857, *Phone:* 240 276–1765, *Email: christopher.carroll@samhsa.hhs.gov.*

RIN: 0930–AA27

HHS—SAMHSA

47. • Coordinating Care and Information Sharing in the Treatment of Substance Use Disorders

Priority: Other Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 290dd–2

CFR Citation: 42 CFR 2.

Legal Deadline: None.

Abstract: SAMHSA is proposing broad changes to Confidentiality of Alcohol and Drug Abuse Patient Records, 42 Code of Federal Regulations (CFR) 2, also known as 42 CFR part 2 to remove barriers to coordinated care and permit additional sharing of information among providers and part 2 programs assisting patients with substance use disorders (SUDs).

Statement of Need: SAMHSA is proposing broad changes to Confidentiality of Alcohol and Drug Abuse Patient Records, 42 Code of Federal Regulations (CFR) 2, also known as 42 CFR part 2 to remove barriers to coordinated care and permit additional sharing of information among providers and part 2 programs assisting patients with substance use disorders (SUDs).

Summary of Legal Basis: To be determined.

Alternatives: The alternatives include not making these changes or making changes to part 2 more limited in scope (*i.e.,* only in one or two sections).

Anticipated Cost and Benefits: The rule is not expected to be economically significant. As we move toward publication, estimates of the cost and benefits of these provisions will be included in the rule.

Risks: SAMHSA believes the many stakeholders will support efforts to make it easier for patients and providers to share information under part 2. However, some commenters may

believe these changes will further undermine privacy protection under part 2 and lead individuals who may seek treatment to not seek treatment for fear of disclosure of their SUD.

Timetable:

Action	Date	FR Cite
NPRM	03/00/19	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Local, State, Tribal.

Agency Contact: Chris Carroll, Director of Health Care Financing and Systems Integration, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Rockville, MD 20857, *Phone:* 240 276–1765, *Email: christopher.carroll@samhsa.hhs.gov*.

RIN: 0930–AA32

HHS—FOOD AND DRUG ADMINISTRATION (FDA)

Proposed Rule Stage

48. Food Standards: General Principles and Food Standards Modernization (Reopening of Comment Period)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 336; 21 U.S.C. 341; 21 U.S.C. 343; 21 U.S.C. 371

CFR Citation: 21 CFR 130.5.

Legal Deadline: None.

Abstract: FDA is reopening the comment period on a proposed rule, issued jointly with USDA/FSIS in 2005, that proposed to establish general principles that would be the first step in modernizing and updating the framework for food standards (also known as standards of identity). We are reopening the comment period because of the time that has elapsed since the publication of the proposed rule during which time there have been additional technological advances and other changes in the food industry which could help inform the development of a modernized food standards framework.

Statement of Need: Standards of identity for foods are regulations Congress authorized FDA to issue to promote honesty and fair dealing in the interest of consumers. FDA's standards of identity have proved valuable in assuring that food products are consistent across different manufacturers. They are important for international trade as well as domestic trade and are critical to government expenditures on food for the military, for WIC (women, infants, and children) programs, and in school feeding programs. However, questions have been raised about whether the regulations concerning standards of identity should be revised in light of changing consumer expectations and subsequent developments in food technology, and global trade. In 1996, FDA and USDA established a task force to discuss the current and future role of food standards. The task force determined there were several regulatory options including making no change to the food standards, eliminating all food standards, or using resources to review and revise the food standards to protect consumers without inhibiting technological advances in food preparation and marketing. FDA and FSIS ultimately decided to propose amending the petition process so the standards of identity would be more internally consistent, flexible for manufacturers, and easier to administer while ensuring product quality and uniformity to consumers, and did so in 2005.

Summary of Legal Basis: FDA has established over 280 food standards of identity, in addition to standards of quality and fill of container, under the authority set forth in section 401 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 341). This section provides in part:

Whenever in the judgment of the Secretary (of Health and Human Services) such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, or reasonable standards of fill of container.

The standards of identity, quality, and fill of container for foods regulated by FDA are codified in title 21, parts 130 to 169 (21 CFR parts 130 to 169). FDA food standards are established under the common or usual name of a food and often specify the content of the food, generally in terms of the types of ingredients that it must contain (*i.e.,* mandatory ingredients), and that it may contain (*i.e.,* optional ingredients). FDA food standards may specify minimum and maximum levels of constituents. They also may describe the manufacturing process when that process has a bearing on the identity of the finished food. Finally, FDA food standards may also include provisions related to label declaration of ingredients and nomenclature of the food depending on the form, packing medium, and optional ingredients used.

Alternatives: FDA is proposing to reopen the comment period on the 2005 proposal, to allow for us to update the record and inform decisionmaking on standards of identity. The only alternative would be to open a docket and request comments and data on the issue generally, which would be a step backward. FDA does not believe it is in a position to develop a new proposed rule without affording stakeholders and the public a chance to comment and provide new data and information. After we have reviewed this information, we will be in a position to either publish a new proposed rule or to issue a final rule based on the full record.

Anticipated Cost and Benefits: There is no cost/benefit analysis associated with reopening a proposed rule to solicit updated comments and information. The preliminary regulatory impact analysis in the proposed rule evaluated various options and concluded that taking the action covered in the proposed rule will generate net social benefits, and concluded that the social costs of taking the proposed action are likely to be small. The analysis found that most of the other options were likely to have lower net benefits because they had lower benefits, higher costs, or both.

Risks:

Timetable:

Action	Date	FR Cite
ANPRM	12/29/95	60 FR 67492
ANPRM Comment Period End.	04/29/96	
NPRM	05/20/05	70 FR 29214
NPRM Comment Period End.	08/18/05	
NPRM Comment Period Re-opened.	06/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Undetermined.

Agency Contact: Andrea Krause, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, 5001 Campus Drive, College Park, MD 20740, *Phone:* 240 402–2371, *Fax:* 301 436–2636, *Email: andrea.krause@fda.hhs.gov*.

Related RIN: Related to 0583–AC72

RIN: 0910–AC54

HHS—FDA

49. Mammography Quality Standards Act; Amendments to Part 900 Regulations

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 360i; 21 U.S.C. 360nn; 21 U.S.C. 374(e); 42 U.S.C. 263b

CFR Citation: 21 CFR 900.

Legal Deadline: None.

Abstract: FDA is proposing to amend its regulations governing mammography. The amendments would update the regulations issued under the Mammography Quality Standards Act of 1992 (MQSA). FDA is taking this action to address changes in mammography technology and mammography processes that have occurred since the regulations were published in 1997 and to address breast density reporting to patient and health care providers.

Statement of Need: FDA is proposing to update the mammography regulations that were issued under the Mammography Quality Standards Act of 1992 (MQSA) and the Federal Food, Drug, and Cosmetic Act (FD&C Act). FDA is taking this action to address changes in mammography technology and mammography processes.

FDA is also proposing updates to modernize the regulations by incorporating current science and mammography best practices, including addressing breast density reporting to patients and health care providers. These updates are intended to improve the delivery of mammography services.

Summary of Legal Basis: Mammography is an X-ray imaging examination device that is regulated under the authority of the FD&C Act. FDA is proposing these amendments to the mammography regulations (set forth in 21 CFR part 900) under section 354 of the Public Health Service Act (42 U.S.C. 263b), and sections 519, 537, and 704(e) of the FD&C Act (21 U.S.C. 360i, 360nn, and 374(e)).

Alternatives: The Agency will consider different options so that the health benefits to patients are maximized and the economic burdens to mammography facilities are minimized.

Anticipated Cost and Benefits: The primary public health benefits of the rule will come from the potential for earlier breast cancer detection, improved morbidity and mortality, resulting in reductions in cancer treatment costs. The primary costs of the rule will come from industry labor costs and costs associated with supplemental testing and biopsies.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Erica Payne, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, 10903 New Hampshire Avenue, WO 66, Room 5522, Silver Spring, MD 20993, *Phone:* 301 796–3999, *Fax:* 301 847–8145, *Email: erica.payne@fda.hhs.gov.*

RIN: 0910–AH04

HHS—FDA

50. Medical Device De Novo Classification Process

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 321(h); 21 U.S.C. 360c, 360i–360j; 21 U.S.C. 371; 21 U.S.C. 374

CFR Citation: 21 CFR 860.

Legal Deadline: None.

Abstract: De novo classification decreases regulatory burdens because manufacturers can use a less burdensome application pathway under the FD&C Act to market their devices. The proposed rule would establish procedures and criteria for the de novo process and would make it more transparent and predictable for manufacturers.

Statement of Need: FDA is taking this action to implement amendments to the De Novo classification process in the FD&C Act that were enacted by the Food and Drug Administration Modernization Act of 1997 (FDAMA), and the Food and Drug Administration Safety and Innovation Act of 2012 (FDASIA), and the 21st Century Cures Act of 2016 (Cures).

Summary of Legal Basis: The FD&C Act (21 U.S.C. 301 *et seq.*), as amended, establishes a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the FD&C Act established three categories (classes) of medical devices based on the regulatory controls sufficient to provide reasonable assurance of safety and effectiveness of the device. In 1997, Congress enacted section 513()(2) to include a De Novo classification process for some devices for which reasonable assurance of safety and effectiveness could be established through the De Novo process. FDASIA and cures expanded and modified this process.

Alternatives: The De Novo classification process is based on authority from the FD&C Act. The De Novo classification program must continue because it is required by statute. If the proposed rule is not finalized, then procedures and details about the application process and handling of De Novo applications might be unclear to potential applicants, and the program may not be as efficient as it might be.

Anticipated Cost and Benefits: By clarifying the requirements for the De Novo classification process. FDA expects that the rule would reduce the time and costs associated with preparing and reviewing De Novo requests, and would generate net benefits in the form of cost savings for both private and government sectors.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Jean M. Olson, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 66, Room 5508, Silver Spring, MD 20993, *Phone:* 301 796–6579, *Email: jean.olson@fda.hhs.gov.*

RIN: 0910–AH53

HHS—FDA

51. Nonprescription Drug Product With an Additional Condition for Nonprescription Use

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 352; 21 U.S.C. 355; 21 U.S.C. 371; 42 U.S.C. 262; 42 U.S.C. 264; . . .

CFR Citation: 21 CFR 314.56; 21 CFR 201.67.

Legal Deadline: None.

Abstract: The proposed rule is intended to increase access to nonprescription drug products. The proposed rule would establish requirements for a drug product that

could be marketed as a nonprescription drug product with an additional condition that an applicant must implement to ensure appropriate self-selection, appropriate actual use, or both by consumers.

Statement of Need: Nonprescription products have traditionally been limited to drugs that can be labeled with information for consumers to safely and appropriately self-select and use the drug product without supervision of a health care provider. There are certain prescription medications that may have comparable risk-benefit profiles to over-the-counter medications in selected populations. However, appropriate consumer selection and use may be difficult to achieve in the nonprescription setting based solely on information included in labeling. FDA is proposing regulations that would establish the requirement for a drug product could be marketed as a nonprescription drug product with an additional condition that an applicant must implement to ensure appropriate self-selection or appropriate actual use or both for consumers.

Summary of Legal Basis: FDA's proposed revisions to the regulations regarding labeling and applications for nonprescription drug products labeling are authorized by the FD&C Act (21 U.S.C. 321 *et seq.*) and by the Public Health Service Act (42 U.S.C. 262 and 264).

Alternatives: FDA evaluated various requirements for new drug applications to assess flexibility of nonprescription drug product design through drug labeling for appropriate self-selection and appropriate use.

Anticipated Cost and Benefits: The benefits of the proposed rule would include increased consumer access to drug products which could translate to a reduction in under treatment of certain diseases and conditions. Benefits to industry would arise from the flexibility in drug product approval. The proposed rule would impose costs arising from the development of an innovative approach to assist consumers with nonprescription drug product self-selection or use.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Chris Wheeler, Supervisory Project Manager, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 3330, Silver Spring, MD 20993, *Phone:* 301 796–0151, *Email: chris.wheeler@fda.hhs.gov.*

RIN: 0910–AH62

HHS—FDA

52. Format and Content of Reports Intended To Demonstrate Substantial Equivalence

Priority: Other Significant.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 387; 42 U.S.C. 4332

CFR Citation: 21 CFR 1107.

Legal Deadline: None.

Abstract: This proposed rule would establish the format and content of reports intended to demonstrate substantial equivalence (SE) in tobacco products and would provide information as to how the Agency will review and act on these submissions.

Statement of Need: The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act), requires premarket submissions for new tobacco products. Substantial equivalence reports are one type of premarket submission that manufacturers of new tobacco products may use to obtain marketing authorization for a new tobacco product. This regulation is necessary to provide information to manufacturers to aid them in preparing and submitting substantial equivalence reports.

Summary of Legal Basis: Section 905(j) of the FD&C Act, as amended by the Tobacco Control Act, provides for the submission of substantial equivalence reports and authorizes FDA to prescribe the form and manner of these reports. Section 910 of the FD&C Act mandates the premarket review of new tobacco products, establishes definitions of substantial equivalence and characteristics, and requires health information as part of a submission under section 905(j) of the FD&C Act. Section 909 establishes record and report requirements for tobacco products. Sections 701 and 704 of the FD&C Act authorize the promulgation of regulations to implement the FD&C Act and inspections.

Alternatives: In addition to the benefits and costs of the proposed rule, FDA assessed the benefits and costs of several alternatives to the proposed rule: (1) Extending the effective date of the rule, (2) allowing for more deficiency letters and review cycles, and (3) allowing for only one review cycle.

Anticipated Cost and Benefits: The costs of the rule are compliance costs on affected entities, *e.g.,* to read and understand the rule, to revise internal procedures, and fill out a form for substantial equivalence reports. The quantified benefits of the proposed rule are cost-savings resulting from shorter FDA review times and fewer staff to review substantial equivalence reports. The cost savings to the government is expected to be larger than the compliance cost for industry and the net result is an overall net positive benefit from this proposed rule. The qualitative benefits of the rule include additional clarity to industry about the requirements for the content and format of substantial equivalence reports, as well as the establishment of procedures for substantial equivalence report review and communication with applicants. These changes make the substantial equivalence marketing pathway clearer for both FDA and applicants.

Risks: Premarket submissions for new tobacco products are required by the FD&C Act. But to prepare premarket submissions such as substantial equivalence reports intended to meet those requirements, manufacturers need more information about content and format requirements. This rule provides more information on content and format requirements and describes possible FDA actions on the substantial equivalence report.

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Annette L. Marthaler, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 877 287–1426, *Email: ctpregulations@fda.hhs.gov.*

RIN: 0910–AH89

HHS—FDA

53. • Nutrient Content Claims, Definition of Term: Healthy

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321, 331, 343, and 371

CFR Citation: 10 CFR 101.65 (revision).

Legal Deadline: None.

Abstract: The proposed rule would update the definition for the implied nutrient content claim ''healthy'' to be consistent with current nutrition science and federal dietary guidelines. The proposed rule would revise the requirements for when the claim ''healthy'' can be voluntarily used in the labeling of human food products so that the claim reflects current science and dietary guidelines and help consumers maintain healthy dietary practices.

Statement of Need: FDA is proposing to redefine healthy to make it more consistent with current public health recommendations, including those captured in recent changes to the Nutrition Facts label. The existing definition for healthy is based on nutrition recommendations regarding intake of fat, saturated fat, and cholesterol, and specific nutrients Americans were not getting enough of in the early 1990s. Nutrition recommendations have evolved since that time; recommended diets now focus on dietary patterns, which includes getting enough of certain food groups such as fruits, vegetables, low-fat dairy, and whole grains. Chronic diseases, such as heart disease, cancer, and stroke, are the leading causes of death and disability in the United States and diet is a contributing factor to these diseases. Claims on food packages such as healthy can provide quick signals to consumers about the healthfulness of a food or beverage, thereby making it easier for busy consumers to make healthy choices.

FDA is proposing to update the existing nutrient content claim definition of Healthy based on the food groups recommended by the Dietary Guidelines for Americans and also include nutrients to limit to ensure that foods bearing the claim can help consumers build more healthful diets to reduce their risk of diet-related chronic diseases.

Summary of Legal Basis: FDA is issuing this proposed rule under sections 201(n), 301(a), 403(a), 403(r), and 701(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 321(n), 331(a), 343(a), 343(r), and 371(a)). These sections authorize the agency to adopt regulations that prohibit labeling that bears claims that characterize the level of a nutrient which is of a type required to be declared in nutrition labeling unless the claim is made in accordance with a regulatory definition established by FDA. Pursuant to this authority, FDA issued a regulation defining the healthy implied nutrient content claim, which is codified at 21 CFR 101.65. This proposed rule would update the existing definition to be consistent with current federal dietary guidance.

Alternatives: Alternative 1: Codify the policy in the current enforcement discretion guidance.

In 2016, FDA published Use of the Term 'Healthy' in the Labeling of Human Food Products: Guidance for Industry. This guidance was intended to advise food manufacturers of FDA's intent to exercise enforcement discretion relative to foods that use the implied nutrient content claim healthy on their labels which: (1) Are not low in total fat, but have a fat profile makeup of predominantly mono and polyunsaturated fats; or (2) contain at least 10 percent of the Daily Value (DV) per reference amount customarily consumed (RACC) of potassium or vitamin D.

One alternative is to codify the policy in the current enforcement discretion. Although guidance is non-binding, we assume that most packaged food manufacturers are aware of the guidance and, over the past 2 years, have already made any adjustments to their products or product packaging. Therefore, we assume that this alternative would have no costs to industry and no benefits to consumers.

Alternative 2: Extend the compliance date by 1 year.

Extending the anticipated proposed compliance date on the rule updating the definition by 1 year would reduce costs to industry as they would have more time to change products that may be affected by the rule or potentially coordinate label changes with already scheduled label changes. On the other hand, a longer compliance date runs the risk of confusing consumers that may not understand whether a packaged food product labeled healthy follows the old definition or the updated one.

Anticipated Cost and Benefits: Food products bearing the healthy claim currently make up a small percentage (5%) of total packaged foods. Relabeling and reformulating costs can range from about $2,000/UPC to relabel, $800,000/formula to reformulate. We currently anticipate that total cost to industry will be about $15 million, annualized at 7% in perpetuity.

Updating the definition of healthy to align with current dietary recommendations help consumers build more healthful diets to reduce their risk of diet-related chronic diseases. We currently anticipate the monetized benefits to be around $100 million, annualized at 7% in perpetuity.

There are no cost savings.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	03/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Vincent De Jesus, Nutritionist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS–830), Room 3D–031, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1774, *Fax:* 301 436–1191, *Email: vincent.dejesus@fda.hhs.gov.*

RIN: 0910–AI13

HHS—OFFICE OF ASSISTANT SECRETARY FOR HEALTH (OASH)

Final Rule Stage

54. • Compliance With Statutory Program Integrity Requirements

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 300–300a–6

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: This action would finalize revisions to the Title X regulations to ensure compliance with, and enhance the implementation of, various statutory program integrity requirements, including the statutory requirement that none of the funds appropriated for Title X may be used in programs where abortion is a method of family planning.

Statement of Need: This action should enhance compliance with the statutory program integrity requirements applicable to, and purpose and goals of, the Title X program (especially those related to section 1008), the appropriations provisos and riders addressing the Title X program, and other obligations and requirements established under other Federal law. The action should also enhance

programmatic transparency regarding the provision of Title X services (with respect to both the identity of the providers and the services being provided by such entities).

Summary of Legal Basis: The Department has legal authority to issue and amend regulations to implement Title X of the Public Health Service (PHS) Act (42 U.S.C. 300 300a–6), in order to establish the requirements applicable to projects for family planning services, pursuant to section 1006 of the Public Health Service Act, 42 U.S.C. 300a–4; section 1006 also provides priority for low-income families. Section 1001 of the PHS Act establishes certain parameters for voluntary Title X family planning projects/programs, including the offering of a broad range of acceptable and effective family planning methods and services (including natural family planning methods, infertility services, and services for adolescents) and the encouragement, to the extent practical, of family participation. Section 1008 of the PHS Act, 42 U.S.C. 300a–6, establishes the prohibition on the use of the funds appropriated for Title X ''in programs where abortion is a method of family planning.''

In addition, the annual Labor-HHS appropriations act imposes, on an annual basis, certain additional requirements with respect to the Title X program, including that all pregnancy counseling be nondirective; that Title X funds not be expended for any activity that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office; that Title X grant applicants certify to the Secretary that they encourage family participation in the decision of minors to seek family planning services and provide counseling to minors on how to resist attempts to coerce them into engaging in sexual activities; and that Title X providers comply with State laws requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest. See, *e.g.,* Consolidated Appropriations Act, 2018, Pub. L. 115–141, Div. H, 207–208, Title II, 132 Stat. 348, 716–17.

Finally, the action would ensure that the Title X program and Title X providers comply with laws that protect the conscience rights of individuals and entities who decline to perform, participate in, or refer for abortions, including the Church Amendments (42 U.S.C. 300a–7), the Coats-Snowe Amendment (42 U.S.C. 238n), and the Weldon Amendment, see, *e.g.,* Consolidated Appropriations Act, 2018, Public Law 115–141, Div. H, 507(d), 132 Stat. 348, 764 (2018).

The Department has legal authority to issue and amend regulations to implement Title X of the Public Health Service (PHS) Act (42 U.S.C. 300 300a–6), in order to establish the requirements applicable to projects for family planning services, pursuant to section 1006 of the Public Health Service Act, 42 U.S.C. 300a–4; section 1006 also provides priority for low-income families. Section 1001 of the PHS Act establishes certain parameters for voluntary Title X family planning projects/programs, including the offering of a broad range of acceptable and effective family planning methods and services (including natural family planning methods, infertility services, and services for adolescents) and the encouragement, to the extent practical, of family participation. Section 1008 of the PHS Act, 42 U.S.C. 300a–6, establishes the prohibition on the use of the funds appropriated for Title X ''in programs where abortion is a method of family planning.''

In addition, the annual Labor-HHS appropriations act imposes, on an annual basis, certain additional requirements with respect to the Title X program, including that all pregnancy counseling be nondirective; that Title X funds not be expended for any activity that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office; that Title X grant applicants certify to the Secretary that they encourage family participation in the decision of minors to seek family planning services and provide counseling to minors on how to resist attempts to coerce them into engaging in sexual activities; and that Title X providers comply with State laws requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest. See, *e.g.,* Consolidated Appropriations Act, 2018, Pub. L. 115–141, Div. H, 207–208, Title II, 132 Stat. 348, 716–17.

Finally, the action would ensure that the Title X program and Title X providers comply with laws that protect the conscience rights of individuals and entities who decline to perform, participate in, or refer for abortions, including the Church Amendments (42 U.S.C. 300a–7), the Coats-Snowe Amendment (42 U.S.C. 238n), and the Weldon Amendment, see, *e.g.,* Consolidated Appropriations Act, 2018, Public Law 115–141, Div. H, 507(d), 132 Stat. 348, 764 (2018).

Alternatives: The Department continues to consider alternative approaches that would ensure (1) sufficient compliance with the statutory program integrity requirements and purpose and goals of the Title X program, the appropriations provisos and riders addressing the Title X program, and other obligations and requirements established under other Federal law, and (2) transparency regarding the provision of services (with respect to both the identity of the providers and the services being provided by such entities).

Anticipated Cost and Benefits: The changes proposed will improve the integrity of Title X program, especially with respect to ensuring that projects and providers do not fund, support, or promote abortion as a method of family planning, and enhance compliance with statutory requirements and appropriations riders and provisos. In addition, it is expected that the changes will facilitate the ability of an expanded number of entities to participate in Title X, including by removal of abortion counseling and referral requirements that potentially violate Federal health care conscience protections; this should serve to expand and enhance patient service and care. The proposed rule estimated $13.6 million in annualized costs at a 7% discount rate.

Risks: None known.

Timetable:

Action	Date	FR Cite
NPRM	06/01/18	83 FR 25502
NPRM Comment Period End.	07/31/18	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Agency Contact: Valerie Huber, Senior Policy Advisor, Department of Health and Human Services, Office of Assistant Secretary for Health, 200 Independence Avenue SW, Washington, DC 20201, *Phone:* 202 690–7694, *Fax:* 202 401–8034, *Email: valerie.huber@hhs.gov.*

Related RIN: Related to 0937–ZA00

RIN: 0937–AA07

HHS—CENTERS FOR MEDICARE & MEDICAID SERVICES (CMS)

Proposed Rule Stage

55. Requirements for Long-Term Care Facilities: Regulatory Provisions To Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3347–P) (Section 610 Review)

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Secs. 1819 and 1919 of the Social Security Act; sec. 1819(d)(4)(B) and 1919(d)(4)(B) of the Social Security Act; sec. 1819(b)(1)(A) and 1919(b)(1)(A) of the Social Security Act

CFR Citation: 42 CFR 483; 42 CFR 488.

Legal Deadline: None.

Abstract: This proposed rule would reform the requirements that long-term care facilities must meet to participate in the Medicare and Medicaid programs, that CMS has identified as unnecessary, obsolete, or excessively burdensome on facilities. This rule would increase the ability of healthcare professionals to devote resources to improving resident care by eliminating or reducing requirements that impede quality care or that divert resources away from providing high quality care.

Statement of Need: CMS is committed to transforming the healthcare delivery system, and the Medicare program, by putting an additional focus on patient-centered care and working with providers, physicians, and patients to improve outcomes. We seek to reduce burdens for long-term care facilities; healthcare professionals and residents; improve the quality of care; decrease costs; and, ensure that residents and their providers are making the best healthcare choices possible.

We are therefore proposing revisions to the requirements that long-term care facilities must meet to participate in the Medicare and Medicaid programs that would increase the ability of healthcare professionals to devote resources to improving resident care by eliminating or reducing requirements that impede quality care or that divert resources away from providing high quality care.

Summary of Legal Basis: The Secretary has statutory authority to issue these rules under the Nursing Home Reform Act, (part of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), Pub. L. 100–203, 101 Stat. 1330 (1987)), which added sections 1819 and 1919 to the Act; those provisions authorize the Secretary to promulgate regulations that are ''adequate to protect the health, safety, welfare, and rights of residents and to promote the effective and efficient use of public moneys.'' (Sections 1819(f)(1) and 1919(f)(1) of the Act). In addition, the Act authorizes the Secretary to impose ''such other requirements relating to the health and safety [and well-being] of residents as [he] may find necessary.'' (Sections 1819(d)(4)(B), 1919(d)(4)(B) of the Act). Under Sections 1819(c)(1)(A)(xi) and 1919 (c)(1)(A)(xi) of the Act, the Secretary may also establish ''other right[s]'' for residents, in addition to those expressly set forth in the statutes and regulations, to ''protect and promote the rights of each resident.''

Alternatives: For all of the proposed provisions, we considered not making these changes. Specifically, we considered the impact that any revisions would have on the health and safety of residents in long-term care facilities and if such revisions would realistically be burden reducing for facilities. Ultimately, we believe that the proposed revisions will be burden reducing and do not impede on the health and safety of residents.

Anticipated Cost and Benefits: This proposed rule would create ongoing cost savings to long-term care facilities in many areas. In addition, various proposals would clarify existing policy and relieve some administrative burdens.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Agency Contact: Ronisha Blackstone, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, MS: S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6882, *Email: ronisha.blackstone@cms.hhs.gov.*

RIN: 0938–AT36

HHS—CMS

56. CY 2020 Notice of Benefit and Payment Parameters (CMS–9926–P)

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 111–148, title I

CFR Citation: 45 CFR 149; 45 CFR 153; 45 CFR 155; 45 CFR 156.

Legal Deadline: None.

Abstract: This annual proposed rule would set forth payment parameters and provisions related to the risk adjustment programs; cost-sharing parameters; and user fees for issuers offering plans on Federally-facilitated Exchanges and State-based Exchanges using the Federal platform. It would also provide additional standards for several other Affordable Care Act programs.

Statement of Need: This rule will propose standards related to the risk adjustment program for the 2020 benefit year, as well as certain modifications that will promote state flexibility and control over their insurance markets, reduce burden on stakeholders, and improve program integrity.

Summary of Legal Basis: This rule addresses multiple sections of the Patient Protection and Affordable Care Act (Pub. L. 111148) and the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111152), which amended and revised several provisions of the Patient Protection and Affordable Care Act.

Alternatives: We considered slight variants of the proposed policies related to the risk adjustment program and standards related to the Exchanges.

Anticipated Cost and Benefits: We anticipate that the proposed changes will include some initial costs on stakeholders, but generate savings over the long term. As we move toward publication, estimates of the cost and benefits of these provisions will be included in the rule.

Risks: If this regulation is not published timely, issuers in the individual and small group market will not have important information for rate setting for the 2020 plan year, and changes applicable to qualified health plans will not be in place in time for the 2020 plan year.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Lindsey Murtagh, Senior Policy Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Consumer Information and Insurance Oversight, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 301 492–4106, *Email: lindsey.murtagh@cms.hhs.gov.*

RIN: 0938–AT37

HHS—CMS

57. Exchange Program Integrity (CMS–9922–P)

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 111–148

CFR Citation: 45 CFR 155; 45 CFR 156.

Legal Deadline: None.

Abstract: This rule proposes improvements to Exchange program integrity, ensuring that eligible enrollees receive the correct advanced payments of the premium tax credit, and conducting effective and efficient oversight of State-Based Exchanges.

Statement of Need: This proposed rule would propose changes to strengthen program integrity related to oversight of State Exchanges, and the operation of Exchanges.

Summary of Legal Basis: This rule addresses multiple sections of the Patient Protection and Affordable Care Act (Pub. L. 111148) and the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111152), which amended and revised several provisions of the Patient Protection and Affordable Care Act.

Alternatives: The proposed policies are important for program integrity reasons. We considered variations on the proposed policies.

Anticipated Cost and Benefits: We do not anticipate the proposed rule to be a significant regulatory action, but do anticipate it would generate costs on stakeholders. We believe these costs will be offset by improvements in program integrity.

Risks: If this regulation is not published timely, important program integrity improvements will be delayed.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Federal, State.

Federalism: This action may have federalism implications as defined in E.O. 13132.

Agency Contact: Jeff Wu, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Consumer Information and Insurance Oversight, MS: 733H.02, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 301 492–4305, *Email: jeff.wu@cms.hhs.gov*.

RIN: 0938–AT53

HHS—CMS

58. Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2020 (CMS–4185–P)

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

CFR Citation: 42 CFR 417; 42 CFR 422; 42 CFR 423.

Legal Deadline: None.

Abstract: This proposed rule would set forth programmatic and operational changes to the Medicare Advantage (MA) and prescription drug benefit programs for contract year 2020.

Statement of Need: This rule is necessary to make revisions to the Medicare Advantage (MA) and Prescription Drug Benefit programs to implement applicable provisions of the Bipartisan Budget Act of 2018 and based on our continued experience in the administration of the programs.

Summary of Legal Basis: This rule addresses multiple sections of the Social Security Act. It also implements sections 50323, 50311, and 50354 of the Bipartisan Budget Act of 2018.

Alternatives: This rule implements provisions that require public notice and comment and are necessary for the upcoming contract year. We will continue to explore additional alternatives as we develop the rule.

Anticipated Cost and Benefits: Preliminary estimates of the anticipated costs and benefits of this proposed rule indicate savings and burden reduction for the government, MA organizations, prescription drug plan sponsors, and providers. We expect some savings will also be passed onto beneficiaries in the form of increased benefit offerings and reduced premiums or cost sharing. Numerical estimates are pending and as we move toward publication, estimates of costs and benefits will be included in the proposed rule.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal.

Agency Contact: Michael Dibella, Director, Division of Policy, Analysis, and Planning, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–22–18, 7500 Security Blvd., Baltimore, MD 21244, *Phone:* 410 786–4480, *Email: michael.dibella@cms.hhs.gov*.

RIN: 0938–AT59

HHS—CMS

59. • Modernizing and Clarifying the Physician Self-Referral Regulations (CMS–1720–P)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 1395nn

CFR Citation: 42 CFR 411.

Legal Deadline: None.

Abstract: This rule proposes to address any undue regulatory impact and burden of the physician self-referral law.

Statement of Need: This rule is necessary to facilitate the successful transition from volume-based to value-based payment for health care services and promote care coordination among health care providers and suppliers who furnish care to Medicare beneficiaries and other patients. This rule is also necessary to bring needed clarity and flexibility for parties subject to the physician self-referral law's prohibitions on referrals and Medicare claims submission.

Summary of Legal Basis: This rule interprets section 1877 of the Social Security Act.

Alternatives: We will continue to explore alternatives as we develop the rule.

Anticipated Cost and Benefits: We believe that this rule could have a positive impact on health outcomes of beneficiaries and other American patients because providers, suppliers and physicians will be able to better coordinate patient care without running afoul of the physician self-referral law's referral and Medicare claims submission prohibitions. We also believe the proposed regulatory reforms may make compliance with the physician self-referral law more straightforward.

Risks:

Timetable:

Action	Date	FR Cite
RFI Notice With Comment Period.	06/25/18	83 FR 29524
RFI Comment Period End.	08/28/18	
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Agency Contact: Lisa Wilson, Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–25–02, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–8852, *Email: lisa.wilson2@cms.hhs.gov*.

RIN: 0938–AT64

HHS—ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF)

Proposed Rule Stage

60. Adoption and Foster Care Analysis and Reporting System

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Secs. 474(f), 479 and 1102 of the Social Security Act

CFR Citation: 45 CFR 1355.

Legal Deadline: None.

Abstract: This notice of proposed rulemaking (NPRM) seeks public suggestions in particular from State and Tribal title IV–E agencies and Indian tribes, Tribal organizations and consortiums, for streamlining the Adoption and Foster Care Analysis and Reporting System (AFCARS) data elements and removing any undue burden related to reporting AFCARS.

Statement of Need: The reporting requirements for the Adoption and Foster Care Analysis and Reporting System (AFCARS) have doubled in the past year. In an effort to ensure that an appropriate balance is achieved between reporting burden and administering high-quality programs that provide services to children and families. By engaging in this rulemaking process, the public and stakeholders will be afforded an opportunity to provide input on what data collections are most useful to the administration of child welfare programs.

Summary of Legal Basis: Section 479 of the Social Security Act requires HHS regulate a national data collection system which provides comprehensive information on adopted and foster children and their parents.

Alternatives: None. This rule implements statutory requirements.

Anticipated Cost and Benefits: An estimate of costs to States to modify their existing data systems is not available at this time.

Risks: None.

Timetable:

Action	Date	FR Cite
ANPRM	03/15/18	83 FR 11449
ANPRM Comment Period End.	06/13/18	
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Kathleen McHugh, ACYF/Children's Bureau, Department of Health and Human Services, Administration for Children and Families, 330 C Street SW, Washington, DC 20201, *Phone:* 202 401–5789, *Email: kathleen.mchugh@acf.hhs.gov*.

RIN: 0970–AC72

BILLING CODE: 4150–03–P

DEPARTMENT OF HOMELAND SECURITY (DHS)

Fall 2018 Statement of Regulatory Priorities

The Department of Homeland Security (DHS or Department) was established in 2003 pursuant to the Homeland Security Act of 2002, Public Law 107–296. The DHS mission statement provides the following: ''With honor and integrity, we will safeguard the American people, our homeland, and our values.''

Fulfilling that mission requires the dedication of more than 240,000 employees in jobs that range from aviation and border security to emergency response, from cybersecurity analyst to chemical facility inspector. Our duties are wide-ranging, but our goal is clear—keeping America safe.

Leading a unified national effort, DHS has five core missions: (1) Prevent terrorism and enhance security; (2) secure and manage our borders; (3) enforce *and administer our immigration laws*; (4) safeguard and secure cyberspace; and (5) ensure resilience to disasters. In addition, we must specifically focus on maturing and strengthening the homeland security enterprise itself.

In achieving those goals, we are continually strengthening our partnerships with communities, first responders, law enforcement, and Government agencies—at the Federal, State, local, tribal, and international levels. We are accelerating the deployment of science, technology, and innovation in order to make America more secure, and we are becoming leaner, smarter, and more efficient, ensuring that every security resource is used as effectively as possible. For a further discussion of our mission, see the DHS website at *http://www.dhs.gov/our-mission*.

The regulations we have summarized below in the Department's Fall 2018 regulatory plan and agenda support the Department's authorities. These regulations will improve the Department's ability to accomplish its mission. Also, the regulations we have identified in this year's regulatory plan continue to address legislative initiatives such as the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), Public Law 110–53 (Aug. 3, 2007).

DHS strives for organizational excellence and uses a centralized and unified approach in managing its regulatory resources. The Office of the General Counsel manages the Department's regulatory program, including the agenda and regulatory plan. In addition, DHS senior leadership reviews each significant regulatory project in order to ensure that the project fosters and supports the Department's mission.

The Department is committed to ensuring that all of its regulatory initiatives are aligned with its guiding principles to protect civil rights and civil liberties, integrate our actions, build coalitions and partnerships, develop human resources, innovate, and be accountable to the American public.

Executive Order 13771 Requirements

In fiscal year 2019, DHS plans to finalize the following actions:

- 0 Executive Order 13771 regulatory actions;
- 18 Executive Order 13771 deregulatory actions (including information collections);
- 4 Executive Order 13771-exempt regulations; and
- 10 regulations for which we are unsure of their Executive Order 13771 designation. (*Note:* These are regulations that we designated as ''other'' in the newly-created Executive Order 13771 designation data field in the Unified Agenda entries).

We provide further information about those actions in the DHS Regulatory Plan and Unified Agenda.

DHS is also committed to the principles described in Executive Orders 13563 and 12866 (as amended). Both Executive Orders direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

Finally, the Department values public involvement in the development of its regulatory plan, agenda, and regulations, and is particularly concerned with the impact its regulations have on small businesses. DHS and its components continue to emphasize the use of plain language in our regulatory documents to promote a better understanding of regulations and to promote increased public participation in the Department's regulations.

The Fall 2018 regulatory plan for DHS includes regulations from several DHS components, including U.S. Citizenship and Immigration Services (USCIS), the U.S. Coast Guard (the Coast Guard), U.S. Customs and Border Protection (CBP), the U.S. Immigration and Customs Enforcement (ICE), the Federal Emergency Management Agency (FEMA), and the Transportation Security Administration (TSA). Below is a discussion of the regulations that comprise the DHS fall 2018 regulatory plan.

United States Citizenship and Immigration Services

USCIS is the government agency that administers the nation's lawful immigration system, safeguarding its integrity and promise by efficiently and fairly adjudicating requests for immigration benefits while protecting Americans, securing the homeland, and honoring our values. In the coming year, USCIS will promulgate several regulatory actions to support that mission.

Removing H–4 Dependent Spouses from the Class of Aliens Eligible for Employment Authorization. USCIS will propose to rescind the final rule published in the **Federal Register** on February 25, 2015. The 2015 final rule amended DHS regulations by extending eligibility for employment authorization to certain H–4 dependent spouses of H–1B nonimmigrants who are seeking employment-based lawful permanent resident status.

H–1B Nonimmigrant Program and Petitioning Process Regulations. In order to improve U.S. worker protections as well as to address the requirements of Executive Order 13788, *Buy American and Hire American,* USCIS will propose to issue regulations with the focus of improving the H–1B nonimmigrant program and petitioning process. Such initiatives will include a proposed rule that would establish an electronic registration program for H–1B petitions subject to annual numerical limitations and would improve the H–1B numerical limitation allocation process (*Registration Requirement for Petitioners Seeking to File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations*); and a proposed rule that would revise the definition of specialty occupation to increase focus on truly obtaining the best and brightest foreign nationals via the H–1B program and would revise the definition of employment and employer-employee relationship to help better protect U.S. workers and wages. (*Strengthening the H–1B Nonimmigrant Visa Classification Program*).

Heightened Screening and Vetting of Immigration Program Regulations. USCIS will propose regulations guiding the inadmissibility determination whether an alien is likely at any time to become a public charge under section 212(a)(4) of the Immigration and Nationality Act. (*Inadmissibility on Public Charge Grounds*). Additionally, USCIS will propose to update its biometrics regulations to eliminate multiple references to specific biometric types, and to allow for the expansion of the types of biometrics required to establish and verify an identity. The goal of this proposal will be to establish consistent identity enrollment and verification policies and processes, and to provide clear proposals on how biometrics will be used in the immigration process. (*USCIS Biometrics Collection for Collection for Consistent, Efficient and Effective Operations*).

Employment Creation Immigrant Regulations. USCIS will amend its regulations modernizing the employment-based, fifth preference (EB–5) immigrant investor category based on current economic realities and to reflect statutory changes made to the program. (*EB–5 Immigrant Investor Program Modernization*). USCIS will also propose to update its regulations for the EB–5 Immigrant Investor Regional Center Program to better reflect realities for regional centers and EB–5 immigrant investors, to increase predictability and transparency in the adjudication process, to improve operational efficiency, and to enhance program integrity. (*EB–5 Immigrant Investor Regional Center Program*). Lastly, USCIS will publish an advanced notice of proposed rulemaking to solicit public input on proposals that would increase monitoring and oversight of EB–5 projects, and encourage investment in rural areas. (*EB–5 Immigrant Investor Program Realignment.*)

Asylum Reforms. USCIS will propose regulations aimed at deterring the fraudulent filing of asylum applications for the purpose of obtaining Employment Authorization Documents. (*Employment Authorization Documents for Asylum Applicants*). USCIS will also propose to amend its regulations to streamline credible fear screening determinations in response to the Southwest Border crises. (*Credible Fear Reform Regulation*).

Adjustment of Status Process Improvements. USCIS will propose to update regulatory provisions to improve the efficiency in the processing of adjustment of status applications, to reduce processing times, to improve data quality provided to partner agencies, to reduce the potential for visa retrogression, to promote efficient usage of available immigrant visas, and to discourage fraudulent and frivolous filings. (*Updating Adjustment of Status Procedures for More Efficient Processing and Immigrant Visa Usage*). USCIS will also propose updates to its regulations to improve the efficiency of USCIS processing of the Medical Certification for Disability Exceptions. (*Improvements to the Medical Certification for Disability Exceptions*).

Electronic Processing of Immigration Benefit Requests. USCIS will propose to amend its regulations to mandate electronic submission for all immigration benefit requests, explain the requirements associated with electronic processing, and allow end-to-end digital processing. This proposal would enhance efficiency and efficacy in USCIS operations, and improve the experience for those applying for immigration benefits.

United States Coast Guard

Coast Guard is a military, multi-mission, maritime service of the United States and the only military organization within DHS. It is the principal Federal agency responsible for the $4.5 trillion maritime transportation system, including maritime safety, security, and stewardship. The Coast Guard delivers daily value to the nation through multi-mission resources, authorities, and capabilities.

Effective governance in the maritime domain hinges upon an integrated approach to safety, security, and stewardship. The Coast Guard's policies and capabilities are integrated and interdependent, delivering results through a network of enduring partnerships with maritime stakeholders. Consistent standards of universal application and enforcement, which encourage safe, efficient, and responsible maritime commerce, are vital to the success of the maritime industry. The Coast Guard's ability to field versatile capabilities and highly-trained personnel is one of the U.S. Government's most significant and important strengths in the maritime environment.

America is a maritime nation, and our security, resilience, and economic prosperity are intrinsically linked to the oceans. Safety, efficient waterways, and freedom of transit on the high seas are essential to our well-being. The Coast Guard is leaning forward, poised to meet the demands of the modern maritime environment. The Coast Guard creates value for the public through solid prevention and response efforts. Activities involving oversight and

regulation, enforcement, maritime presence, and public and private partnership foster increased maritime safety, security, and stewardship.

The statutory responsibilities of the Coast Guard include ensuring marine safety and security, preserving maritime mobility, protecting the marine environment, enforcing U.S. laws and international treaties, and performing search and rescue. The Coast Guard supports the Department's overarching goals of mobilizing and organizing our Nation to secure the homeland from terrorist attacks, natural disasters, and other emergencies.

In fiscal year 2019, the Coast Guard plans to finalize 0 regulatory actions and 11 deregulatory actions. The Coast Guard is highlighting the following Executive Order 13771 deregulatory actions:

Amendments to the Marine Radar Observer Refresher Training Regulations. The Coast Guard will propose removing obsolete portions of the radar observer endorsement requirements and harmonizing the endorsement with the merchant mariner credential. Active mariners with radar observer endorsements having one year of relevant sea service within the previous five years and having served in a position using radar for navigation and collision avoidance purposes on board a radar-equipped vessel, or who have met certain instructor requirements, would be able to renew their radar observer endorsement without completing a radar course. This proposed rule would eliminate the requirement for mariners to carry a certificate of training if the radar observer endorsement is on the MMC, and would allow the endorsement and MMC to expire at the same time. Elimination of the requirement to take a radar refresher or re-certification course every five years would reduce burden on affected mariners without affecting safety. (*Note:* There is no associated Regulatory Plan entry for this rule because this rule is non-significant under Executive Order 12866. There is an entry, however, in the Unified Agenda.)

TWIC Reader Requirements; Delay of Effective Date. The Coast Guard has proposed to partially delay the effective date of the final rule entitled ''Transportation Worker Identification Credential (TWIC) Reader Requirements,'' published in the **Federal Register** on August 23, 2016. The rule would delay the requirements for facilities that handle bulk CDC, but do not transfer it to or from vessels, as well as facilities that receive vessels that carry CDC, but do not transfer it to the facility. The Coast Guard is considering this delay to allow time to re-evaluate the ''asset categorization'' methodology used to determine which facilities were considered high risk. Currently, the rule is scheduled to be implemented after the Department of Homeland Security submits the report to Congress on the effectiveness of the TWIC program, required by the Transportation Worker Identification Credential Security Card Program Improvements and Assessment Act (Pub. L. 114–278). This rule would delay the effective date for the affected facilities until August 23, 2021.

Removal of Certain International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as Amended (STCW) Training Requirements. The Coast Guard will propose to remove three Coast Guard merchant mariner training requirements related to STCW officer and rating endorsements from its regulations in 46 CFR parts 11 and 12. The Coast Guard has determined these training requirements exceed current international certification and training standards of the STCW and cause a misalignment between the training of U.S. mariners and the mariners of other countries. The proposed rule would remove the following training requirements: Leadership and managerial skills training to qualify as master of vessels of less than 500 gross tons limited to near-coastal waters; bridge resource management training to qualify as officer in charge of a navigational watch on vessels of less than 500 gross tons limited to near-coastal waters; and computer systems and maintenance training to qualify as electro-technical rating on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more. Removal of these training requirements would reduce the burden on affected mariners without affecting safety.

Person in Charge of Fuel Transfers. The Coast Guard will propose an alternative to the existing regulatory requirement that a person in charge (PIC) of a fuel transfer on an inspected vessel hold a Merchant Mariner Credential with either an officer endorsement or Tankerman-PIC endorsement. The proposed rule would add the option of designating the PIC using a letter of designation (LOD), which is currently an option for uninspected vessels but not inspected vessels. The LOD designates the holder as a PIC of the transfer of fuel oil and states that the holder has received sufficient formal instruction from the operator or agent of the vessel to ensure his or her ability to safely and adequately carry out the duties and responsibilities of the PIC. Our decades of experience with LODs on uninspected vessels indicates we can safely provide this option to persons on inspected vessels. Allowing the PIC to hold an LOD instead of an Merchant Mariner Credential would relieve certain personnel from the burden of obtaining and renewing an Merchant Mariner Credential every 5 years, and would create flexibility as to who may serve as a PIC of fuel transfers on inspected vessels. This option would be available only for transfers of fuel; the PIC requirements for vessels transferring cargo would remain unchanged. (*Note:* There is no associated Regulatory Plan entry for this rule because this rule is non-significant under Executive Order 12866. There is an entry, however, in the Unified Agenda.)

United States Customs and Border Protection

CBP is the Federal agency principally responsible for the security of our Nation's borders, both at and between the ports of entry into the United States. CBP must accomplish its border security and enforcement mission without stifling the flow of legitimate trade and travel. The primary mission of CBP is its homeland security mission, that is, to prevent terrorists and terrorist weapons from entering the United States. An important aspect of this priority mission involves improving security at our borders and ports of entry, but it also means extending our zone of security beyond our physical borders.

CBP is also responsible for administering laws concerning the importation into the United States of goods, and enforcing the laws concerning the entry of persons into the United States. This includes regulating and facilitating international trade; collecting import duties; enforcing U.S. trade, immigration and other laws of the United States at our borders; inspecting imports, overseeing the activities of persons and businesses engaged in importing; enforcing the laws concerning smuggling and trafficking in contraband; apprehending individuals attempting to enter the United States illegally; protecting our agriculture and economic interests from harmful pests and diseases; servicing all people, vehicles, and cargo entering the United States; maintaining export controls; and protecting U.S. businesses from theft of their intellectual property.

In carrying out its mission, CBP's goal is to facilitate the processing of legitimate trade and people efficiently without compromising security. Consistent with its primary mission of homeland security, CBP intends to issue several regulations during the next fiscal

year that are intended to improve security at our borders and ports of entry. During the upcoming year, CBP will also be working on various projects to streamline CBP processing, reduce duplicative processes, reduce various burdens on the public, and automate various paper forms. Below are descriptions of CBP's planned regulatory and deregulatory actions for fiscal year 2019.

Collection of Biometric Data from Aliens Upon Entry to and Departure from the United States. DHS is required by statute to develop and implement an integrated, automated entry and exit data system to match records, including biographic data and biometric identifiers, of aliens entering and departing the United States. In addition, Executive Order 13780, *Protecting the Nation from Foreign Terrorist Entry into the United* States, states that DHS is to expedite the completion and implementation of a biometric entry-exit tracking system. Although the current regulations provide that DHS may require certain aliens to provide biometrics when entering and departing the United States, they only authorize DHS to collect biometrics from certain aliens upon departure under pilot programs at land ports and at up to 15 airports and seaports. In order to provide the legal framework for DHS to begin a seamless biometric entry-exit system, DHS intends to issue an interim final rule to amend the regulations to remove the references to pilot programs and the port limitation. In addition, to enable CBP to make the process for verifying the identity of alien's more efficient, accurate, and secure by using facial recognition technology, this rule would also provide that alien travelers may be required to provide photographs upon entry and/or departure.

Implementation of the Electronic System for Travel Authorization (ESTA) at U.S. Land Borders—Automation of CBP Form I–94W. CBP intends to amend DHS regulations to implement the ESTA requirements under section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007, for aliens who intend to enter the United States under the Visa Waiver Program (VWP) at land ports of entry. Currently, aliens from VWP countries must provide certain biographic information to U.S. CBP officers at land ports of entry on a paper I–94W Nonimmigrant Visa Waiver Arrival/Departure Record (Form I–94W). Under this rule, these VWP travelers would instead provide this information to CBP electronically through ESTA prior to application for admission to the United States.

Technical Corrections to Reflect the Consolidation of Vessel Repair Unit Locations. CBP intends to issue a final rule to update provisions relating to the declaration, entry and dutiable status of repair expenditures made abroad for certain vessels to reflect the port of New Orleans, Louisiana as the only Vessel Repair Unit (VRU) location. The amendment will improve the efficiency of vessel repair entry processing, ensure the proper assessment and collection of duties, and make the regulations more transparent. This rule is a deregulatory action under Executive Order 13771. (*Note:* There is no associated Regulatory Plan entry for this rule because this rule is non-significant under Executive Order 12866. There is an entry, however, in the Unified Agenda.)

Modernization of the Customs Brokers Regulations. CBP intends to issue a proposed rule to amend the requirements for customs brokers. Specifically, CBP will propose to expand the scope of the national permit authority to allow national permit holders to conduct any type of customs business throughout the customs territory of the United States. To accomplish this, CBP will propose to eliminate broker districts and district permits, which also eliminates the need for district permit waivers and for brokers to maintain district offices. Additionally, CBP will propose to update the responsible supervision and control oversight framework to better reflect the modern business environment. This rule is a deregulatory action under Executive Order 13771. (*Note:* There is no associated Regulatory Plan entry for this rule because this rule is non-significant under Executive Order 12866. There is an entry, however, in the Unified Agenda.)

Automation of CBP Form I–418 for Vessels. CBP intends to issue a rule amending the regulations regarding the submission of Form I–418, *Passenger List—Crew List.* Currently, the master or agent of every commercial vessel arriving in the United States, with limited exceptions, must submit a paper Form I–418, along with certain information regarding longshore work, to CBP at the port where immigration inspection is performed. Most commercial vessel operators are also required to submit a paper Form I–418 to CBP at the final U.S. port prior to departing for a foreign port. Under this rule, most vessel operators would be required to electronically submit the data elements on Form I–418 to CBP through the National Vessel Movement Center in lieu of submitting a paper form. This rule would eliminate the need to file the paper Form I–418 in most cases. This rule is a deregulatory action under Executive Order 13771. (*Note:* There is no associated Regulatory Plan entry for this rule, because this rule is not significant under Executive Order 12866. There is an entry, however, in the Unified Agenda.)

In addition to the regulations that CBP issues to promote DHS's mission, CBP also issues regulations related to the mission of the Department of the Treasury. Under section 403(1) of the Homeland Security Act of 2002, the former-U.S. Customs Service, including functions of the Secretary of the Treasury relating thereto, transferred to the Secretary of Homeland Security. As part of the initial organization of DHS, the Customs Service inspection and trade functions were combined with the immigration and agricultural inspection functions and the Border Patrol and transferred into CBP. The Department of the Treasury retained certain regulatory authority of the U.S. Customs Service relating to customs revenue function. In addition to its plans to continue issuing regulations to enhance border security, in the coming year, CBP expects to continue to issue regulatory documents that will facilitate legitimate trade and implement trade benefit programs. For a discussion of CBP regulations regarding the customs revenue function, see the regulatory plan of the Department of the Treasury.

Federal Emergency Management Agency

FEMA's mission is helping people before, during, and after disasters.

FEMA is working on a deregulatory action titled *Update to FEMA's Regulations on Rulemaking Procedures.* That rule would revise FEMA regulations pertaining to rulemaking by removing sections that are outdated or do not affect the public and update provisions that affect the public's participation in the rulemaking process.

FEMA is also working on a regulatory action titled *Factors Considered When Evaluating a Governor's Request for Individual Assistance for a Major Disaster.* This regulation would address the Sandy Recovery Improvement Act of 2013's requirement that FEMA review, update, and revise through rulemaking the individual assistance factors FEMA uses to measure the severity, magnitude, and impact of a disaster. FEMA published a proposed rule on November 12, 2015, and now plans to issue a final rule.

Federal Law Enforcement Training Center

The Federal Law Enforcement Training Center (FLETC) does not have

any significant regulations planned for fiscal year 2019.

United States Immigration and Customs Enforcement

ICE is the principal criminal investigative arm of DHS and one of the three Department components charged with the criminal and civil enforcement of the Nation's immigration laws. Its primary mission is to protect national security, public safety, and the integrity of our borders through the criminal and civil enforcement of Federal law governing border control, customs, trade, and immigration. During fiscal year 2019, ICE will focus rulemaking efforts on three priority regulations: (1) A final rule to address the detention, processing, and release of alien children; (2) a final rule to increase the fees paid to the Student and Exchange Visitor Program (SEVP) to recover costs for services; and (3) a proposed rule to replace ''duration of status'' with a maximum period of stay for certain classes of nonimmigrants.

Below are ICE's significant regulatory actions for the coming fiscal year:

Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children. ICE, in concert with CBP and the Department of Health and Human Services, will finalize a rule related to the detention, processing, and release of alien children. In 1985, a class-action suit challenged the policies of the former Immigration and Naturalization Service (INS) relating to the detention, processing, and release of alien children; the case eventually reached the U.S. Supreme Court. The Court upheld the constitutionality of the challenged INS regulations on their face and remanded the case for further proceedings consistent with its opinion. In January 1997, the parties reached a comprehensive settlement agreement, referred to as the *Flores* Settlement Agreement (FSA). The FSA was to terminate five years after the date of final court approval; however, the termination provisions were modified in 2001, such that the FSA does not terminate until forty-five days after publication of regulations implementing the agreement. Since 1997, intervening statutory changes, including passage of the Homeland Security Act and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), have significantly changed the applicability of certain provisions of the FSA. The proposed rule will codify the relevant and substantive terms of the FSA and enable the U.S. Government to seek termination of the FSA and the litigation concerning its enforcement. Through this rule, DHS will create a pathway to ensure the humane detention of family units while satisfying the goals of the FSA. The rule will also implement related provisions of the TVPRA.

Adjusting Program Fees for the Student and Exchange Visitor Program. ICE will finalize a rule to adjust the fees that the Student and Exchange Visitor Program (SEVP) charges individuals and organizations. In 2016, SEVP conducted a comprehensive fee study and determined that current fees do not recover the full costs of the services provided. ICE has determined that adjusting fees is necessary to fully recover the increased costs of SEVP operations, program requirements, and to provide the necessary funding to sustain initiatives critical to supporting national security. The rule will adjust DHS's fees for individuals and organizations. The SEVP fee schedule was last adjusted in a rule published on September 26, 2008.

Establishing a Maximum Period of Authorized Stay for F–1 and Other Nonimmigrants. ICE will publish a proposed rule that modifies the period of authorized stay for certain categories of nonimmigrants traveling to the United States. The rule would change the authorized stay from ''duration of status'' and replace it with a maximum period of authorized stay, and options for extensions, for each applicable visa category. This change will help eliminate confusion over the length of authorized period of stay for nonimmigrants to lawfully remain in the United States and will assist efforts to reduce overstay rates.

National Protection and Programs Directorate

The National Protection and Programs Directorate's (NPPD) vision is a safe, secure, and resilient infrastructure where the American way of life can thrive. NPPD leads the national effort to protect and enhance the resilience of the Nation's physical and cyber infrastructure. Although NPPD does not plan to finalize any significant regulations within the next fiscal year, NPPD will undertake reviews of its existing regulations in accordance with Executive Order 13771. NPPD is also working on several future rulemaking projects, as reflected in the Unified Agenda.

Transportation Security Administration

The Transportation Security Administration (TSA) protects the Nation's transportation systems to ensure freedom of movement for people and commerce. TSA applies an intelligence-driven, risk-based approach to all aspects of TSA's mission. This approach results in layers of security to mitigate risks effectively and efficiently. TSA uses established processes, working with stakeholders, to review programs, requirements, and procedures for appropriate modifications based upon changes in the environment, whether those changes result from an evolving threat or enhancements available through new technologies.

For the coming fiscal year, TSA is prioritizing deregulatory actions and regulatory actions that are required to meet statutory mandates and that are necessary for national security. Below are planned TSA actions for fiscal year (FY) 2019.

Security Training for Surface Transportation Employees. TSA will finalize a rule requiring higher-risk public transportation agencies (including rail mass transit and bus systems), railroad carriers (freight and passenger), and over-the-road bus owner/operators to conduct security training for frontline employees. This regulation will implement mandates of the *Implementing Regulations of the 9/11 Commission Act of 2007,* (9/11 Act), which addressed recommendations of the 9/11 Commission for enhancing the nation's security based upon vulnerabilities identified in the aftermath of September 11, 2001. In compliance with the definition of frontline employees in pertinent provisions of the 9/11 Act, the rule will include identification of which employees are required to receive security training and the content of that training. The final rule will also propose definitions for transportation security-sensitive materials, as required by section 1501 of the 9/11 Act.

Vetting of Certain Surface Transportation Employees. TSA will propose a rule requiring security threat assessments for security coordinators and other frontline employees of certain public transportation agencies (including rail mass transit and bus systems), railroads (freight and passenger), and over-the-road bus owner/operators. The NPRM will also propose provisions to implement TSA's statutory requirement to recover its cost of vetting through user fees. While many stakeholders conduct background checks on their employees, their actions are limited based upon the data they can access. Through this rule, TSA will be able to conduct a more thorough check against terrorist watch-lists of individuals in security-sensitive positions.

Amending Vetting Requirements for Employees with Access to a Security

Identification Display Area. The FAA Extension, Safety, and Security Act of 2016 mandates that TSA consider modifications to the list of disqualifying criminal offenses and criteria, develop a waiver process for approving the issuance of credentials for unescorted access, and propose an extension of the look back period for disqualifying crimes. Based on these requirements, and current intelligence pertaining to the ''insider threat,'' TSA will propose revisions that enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to any Security Identification Display Area of an airport.

Protection of Sensitive Security Information. Through a joint rulemaking with the Department of Transportation (DOT), TSA will streamline existing requirements to protect sensitive security information. This action finalizes an Interim Final Rule for a statutorily-required regulation related to national security. The rule amends TSA's and DOT's regulations to provide three options for the sensitive security information distribution statement, one significantly abbreviated, to address comments on the IFR that the current marking requirements are unduly burdensome. TSA is considering further deregulatory actions, including aligning the requirement for the handling of Federal Flight Deck Officer names consistent with the handling of Federal Air Marshal names (two names listed together would be sensitive security information, not a single Federal Flight Deck Officer name).

Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees. This rule will streamline regulations and reduce burden for the alien flight student program. This action finalizes an IFR for rule that implements a statutory requirement, as well as addresses comments received in response to a reopening of the comment period on the IFR. The alien flight student program requires security threat assessments for aliens seeking flight training in the United States and imposes additional security measures on the flight schools training these individuals. In response to recommendations from industry through the Aviation Security Advisory Committee, TSA is considering revising these requirements to reduce costs and industry burden. For example, reporting and recordkeeping requirements for the program are estimated to be overly burdensome due to the requirement for paper records. TSA is considering an electronic recordkeeping platform where all flight providers would upload required student information to a TSA-managed website. Also at industry's request, TSA is considering changing the interval for security threat assessments of alien flight students, eliminating the requirement for a new security threat assessment for each ''training event.'' A related change to the current information collection request pertaining to the alien flight student program will be part of this deregulatory action.

United States Secret Service

The United States Secret Service does not have any significant regulations planned for fiscal year 2019.

DHS Regulatory Plan for Fiscal Year 2019

A more detailed description of the priority regulations that comprise the DHS Fall 2018 regulatory plan follows.

DHS—U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

Prerule Stage

61. • EB–5 Immigrant Investor Program Realignment

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1153(b)(5); 8 U.S.C. 1186(a); 8 U.S.C. 1153

CFR Citation: 8 CFR 204.6; 8 CFR 216.6.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) plans to publish an advanced notice of proposed rulemaking to solicit public input on proposals that would increase monitoring and oversight of the EB-5 program as well as encourage investment in rural areas. DHS would solicit feedback on proposals associated with redefining components of the job creation requirement, and defining conditions for regional center designations and operations.

Statement of Need: DHS will solicit public input on proposals that would increase monitoring and oversight, encourage investment in rural areas, redefine components of the job creation requirement, and define conditions for regional center designations and operations.

Summary of Legal Basis: This rule is based on the authority of DHS to designate regional centers and to permit investors to establish reasonable methodologies to demonstrate job creation under 8 U.S.C. 1153 note (Public Law 102–395, sec. 610 (as amended)), for admission to the United States as lawful permanent residents on a conditional basis. In addition, 8 U.S.C. 1153(b)(5) provides eligibility to aliens who invest in new commercial enterprises which will create jobs and 8 U.S.C. 1186a provides requirements for removal of conditions on permanent resident status, the administration and interpretation of which is left to DHS.

Alternatives:

Anticipated Cost and Benefits: DHS is currently considering the specific cost and benefit impacts of the proposed provisions.

Risks:

Timetable:

Action	Date	FR Cite
ANPRM	09/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State, Tribal.

Agency Contact: Kevin Cummings, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 1200, Washington, DC 20529–2200, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: kevin.j.cummings@uscis.dhs.gov*.

RIN: 1615–AC26

DHS—USCIS

Proposed Rule Stage

62. Inadmissibility on Public Charge Grounds

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1101 to 1103; 8 U.S.C. 1182 and 1183; . . .

CFR Citation: 8 CFR 103; 8 CFR 212 to 214; 8 CFR 248.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) will propose regulatory provisions guiding the inadmissibility determination on whether an alien is likely at any time to become a public charge under section 212(a)(4) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(a)(4). DHS proposes to add a regulatory provision, which would define the term public charge and would outline DHS's public charge considerations.

Statement of Need: To ensure that foreign nationals coming to the United

States or adjusting status to permanent residence, either temporarily or permanently, have adequate means of support while in the United States, and that foreign nationals do not become dependent on public benefits for support.

Summary of Legal Basis: INA 212(a)(4).

Alternatives:

Anticipated Cost and Benefits: DHS is currently considering the specific cost and benefit impacts of the proposed provisions. In general, DHS anticipates that by clarifying the meaning of public charge some stakeholders would incur costs in terms of potentially not being able to adjust status. Other anticipated costs to individuals requesting immigration benefits are associated with the opportunity cost of time to complete and file required forms and documentation, possible costs associated with any additional background checks, and unintended and indirect costs associated with the loss of public assistance due to disenrollment or foregone enrollment in public benefits programs for those who are otherwise eligible. DHS anticipates there will be benefits associated with ensuring that foreign nationals coming to the United States have adequate means of support and do not become dependent on public assistance.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28676
NPRM Comment Period End.	07/26/99	
NPRM	10/10/18	83 FR 51114
NPRM Comment Period End.	12/10/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State, Tribal.

Additional Information: CIS No. 2499–10, Transferred from RIN 1115–AF45.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Mark Phillips, Chief, Residence and Naturalization Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Email: mark.phillips@uscis.dhs.gov.*

RIN: 1615–AA22

DHS—USCIS

63. Registration Requirement for Petitioners Seeking to File H–1B Petitions on Behalf of Cap Subject Aliens

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1184(g)

CFR Citation: 8 CFR 214.

Legal Deadline: None.

Abstract: The Department of Homeland Security proposes to amend its regulations governing petitions filed on behalf of H–1B beneficiaries who may be counted under section 214(g)(1)(A) of the Immigration and Nationality Act (INA) (''H–1B regular cap'') or under section 214(g)(5)(C) of the INA (''H–1B master's cap''). This rule proposes to establish an electronic registration program for petitions subject to numerical limitations for the H–1B nonimmigrant classification. This action is being considered because the demand for H–1B specialty occupation workers by U.S. employers has often exceeded the numerical limitation. This rule is intended to allow U.S. Citizenship and Immigration Services (USCIS) to more efficiently manage the intake and selection process for these H–1B petitions. The Department published a proposed rule on this topic in 2011. The Department intends to publish an additional proposed rule in 2018. The proposal may include a modified selection process, as outlined in section 5(b) of Executive Order 13788, Buy American and Hire American.

Statement of Need: Consistent with the Buy American and Hire American, E.O. 13788's direction to suggest reforms to help ensure that H–1B visas are awarded to the most-skilled or highest-paid petition beneficiaries, this regulation would help to streamline the process for administering the H–1B cap and increase the probability of the total number of petitions selected under the cap filed for H–1B beneficiaries who possess a master's or higher degree from a U.S. institution of higher education each fiscal year.

Summary of Legal Basis: The Secretary of Homeland Security's authority for these proposed regulatory amendments is found in various sections of the INA, 8 U.S.C. 1101 *et seq.,* and the Homeland Security Act of 2002 (HSA), Public Law 107–296, 116 Stat. 2135, 6 U.S.C. 101 *et seq.* General authority for issuing the proposed rule is found in section 103(a) of the INA, 8 U.S.C. 1103(a), which authorizes the Secretary to administer and enforce the immigration and nationality laws, as well as section 102 of the HSA, 6 U.S.C. 112, which vests all of the functions of DHS in the Secretary and authorizes the Secretary to issue regulations. Further authority for the regulatory amendments in the proposed rule is found in section 214(a)(1) of the INA, 8 U.S.C. 1184(a)(1), which authorizes the Secretary to prescribe by regulation the terms and conditions of the admission of nonimmigrants; section 214(c) of the INA, 8 U.S.C. 1184(c), which authorizes the Secretary to prescribe how an importing employer may petition for an H–1B nonimmigrant worker, and the information that an importing employer must provide in the petition; and section 214(g) of the INA, 8 U.S.C. 1184(g), which provides the H–1B numerical limitations and various exceptions to those limitations.

Alternatives:

Anticipated Cost and Benefits: The proposed rule would aim to result in better resource management and predictability for both USCIS and petitioning H–1B employers. An electronic registration process could benefit most of the regulated public by potentially reducing the overall cost and time involved in petitioning for H–1B nonimmigrant workers. However, some additional costs may be incurred from the electronic registration process to some petitioners.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	03/03/11	76 FR 11686
NPRM Comment Period End.	05/02/11	
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: USCIS 2443–08. Includes Retrospective Review under E.O. 13563.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Kevin Cummings, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 1200, Washington, DC 20529–2200, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: kevin.j.cummings@uscis.dhs.gov.*

RIN: 1615–AB71

DHS—USCIS

64. EB–5 Immigrant Investor Regional Center Program

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1153(b)(5); Pub. L. 102–395, secs. 610 and 601(a); Pub. L. 107–273, sec. 11037; Pub. L. 101–649, sec. 121(a); Pub. L. 105–119, sec. 116; Pub. L. 106–396, sec. 402; Pub. L. 108–156, sec. 4; Pub. L. 112–176, sec. 1; Pub. L. 114–113, sec. 575; Pub. L. 114–53, sec. 131; Pub. L. 107–273

CFR Citation: 8 CFR 204; 8 CFR 216.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) is considering making regulatory changes to the EB–5 Immigrant Investor Regional Center Program. DHS issued an Advance Notice of Proposed Rulemaking (ANPRM) to seek comment from all interested stakeholders on several topics, including: (1) The process for initially designating entities as regional centers, (2) a potential requirement for regional centers to utilize an exemplar filing process, (3) continued participation requirements for maintaining regional center designation, and (4) the process for terminating regional center designation. While DHS has gathered some information related to these topics, the ANPRM sought additional information that can help the Department make operational and security updates to the Regional Center Program while minimizing the impact of such changes on regional center operations and EB–5 investors.

Statement of Need: Based on decades of experience operating the program, DHS has determined that program changes are needed to better reflect business realities for regional centers and EB–5 immigrant investors, to increase predictability and transparency in the adjudication process for stakeholders, to improve operational efficiency for the agency, and to enhance program integrity.

Summary of Legal Basis: The Immigration and Nationality Act (INA) authorizes the Secretary of Homeland Security (Secretary) to administer and enforce the immigration and nationality laws including establishing regulations deemed necessary to carry out his authority, and section 102 of the Homeland Security Act, 6 U.S.C. 112, authorizes the Secretary to issue regulations. 8 U.S.C. 1103(a), INA section 103(a). INA section 203(b)(5), 8 U.S.C. 1153(b)(5), also provides the Secretary with authority to make visas available to immigrants seeking to engage in a new commercial enterprise in which the immigrant has invested and which will benefit the United States economy and create full-time employment for not fewer than 10 U.S. workers. Further, section 610 of Public Law 102–395 (8 U.S.C. 1153 note) created the Immigrant Investor Pilot Program and authorized the Secretary to set aside visas for individuals who invest in regional centers created for the purpose of concentrating pooled investment in defined economic zones, and was last amended by Public Law 107–296.

Alternatives:

Anticipated Cost and Benefits: DHS is still in the process of reviewing potential changes it would propose to the regional center process. DHS may propose to implement an exemplar filing requirement for all designated regional centers that would require regional centers to file exemplar project requests. An exemplar filing requirement could cause some projects to not go forward, but DHS is still in the process of assessing the impacts on the number of projects that may be affected. DHS anticipates that any proposed changes to the regional center program would increase overall program efficiency, transparency, and predictability for both USCIS and EB–5 stakeholders.

Risks:

Timetable:

Action	Date	FR Cite
ANPRM	01/11/17	82 FR 3211
ANPRM Comment Period End.	04/11/17	
NPRM	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Kevin Cummings, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 1200, Washington, DC 20529–2200, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: kevin.j.cummings@uscis.dhs.gov.*

RIN: 1615–AC11

DHS—USCIS

65. Strengthening the H–1B Nonimmigrant Visa Classification Program

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1184

CFR Citation: 8 CFR 214.2(h)(4).

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) will propose to revise the definition of specialty occupation to increase focus on obtaining the best and the brightest foreign nationals via the H–1B program, and revise the definition of employment and employer-employee relationship to better protect U.S. workers and wages. In addition, DHS will propose additional requirements designed to ensure employers pay appropriate wages to H–1B visa holders.

Statement of Need: The purpose of these changes is to ensure that H–1B visas are awarded only to individuals who will be working in a job which meets the statutory definition of specialty occupation. In addition, these changes are intended to ensure that the H–1B program supplements the U.S. workforce and strengthens U.S. worker protections.

Summary of Legal Basis: The Homeland Security Act of 2002, Public Law 107–296, section 102, 116 Stat. 2135 (Nov. 25, 2002), 6 U.S.C. 112, and the Immigration and Nationality Act of 1952 (INA), charge the Secretary of Homeland Security (Secretary) with administration and enforcement of the immigration and nationality laws. See INA section 103, 8 U.S.C. 1103. This rule will significantly enhance the ability of USCIS to effectively manage and monitor the H–1B program.

Alternatives:

Anticipated Cost and Benefits: DHS is still considering the cost and benefit impacts of the proposed provisions.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Kevin Cummings, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 1200, Washington, DC 20529–2200, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: kevin.j.cummings@uscis.dhs.gov.*

RIN: 1615–AC13

DHS—USCIS

66. U.S. Citizenship and Immigration Services Biometrics Collection for Consistent, Efficient, and Effective Operations

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1103(a); 8. U.S.C. 1444 and 1446; 8 U.S.C. 1365a and 1365b; 8 U.S.C. 1304(a); Pub. L. 107–56; Pub. L. 107–173; Pub. L. 109–248, sec. 402(a) and 402(b)

CFR Citation: 8 CFR 103.2(b)(9); 8 CFR 103.7(b)(1)(i)(C); 8 CFR 103.16; 8 CFR 204.2(d)(2)(vi); 8 CFR 204.3(c)(3); 8 CFR 204.5(p)(4); 8 CFR 208.10; 8 CFR 210.2(c)(2)(i); 8 CFR 210.5(b)(2); 8 CFR 214.1(f); 8 CFR 214.11(a); 8 CFR 214.11(m)(2); 8 CFR 236.5; 8 CFR 240.68(b); 8 CFR 245.21(b); 8 CFR 245a.2(d); 8 CFR 245a.4(b)(4); 8 CFR 214.2(w)(15); 8 CFR 215.8; 8 CFR 244.17; 8 CFR 245a.12(d); 8 CFR 264.1(g); 8 CFR 264.2(d); 8 CFR 333.1(a) to (b); 8 CFR 316.4(a).

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) will propose to update its regulations to eliminate multiple references to specific biometric types, and to allow for the expansion of the types of biometrics required to establish and verify an identity. DHS will also propose to modify age restrictions where they exist to detect, deter, or prevent human trafficking of children; establish consistent identity enrollment and verification policies and processes; and align U.S. Citizenship and Immigration Services (USCIS) biometric collection with other immigration operations. The DHS proposal will provide a definition to the public on the term biometric and how biometrics will be used in the immigration process.

Statement of Need: As DHS seeks to better secure the immigration process by confirming the identity of individuals encountered, the use of biometrics needs to be expanded to account for different methods of biometric collection beyond fingerprints and to remove age restrictions.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: DHS is still considering the exact cost and benefit impacts of the proposed provisions. In general, DHS anticipates that stakeholders will incur costs due to the increased collection of biometrics and the expansion of the types of biometrics required to establish and verify an identity. The anticipated costs to individuals submitting biometrics are associated with biometric fees and travel costs, and the opportunity cost of time in completing and filing required forms and the time associated with travel. DHS anticipates benefits of those individuals seeking immigration benefits and to the government.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Lee Bowes, Deputy Associate Director, Immigration Records and Identity Services Directorate, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Email: lee.f.bowes@uscis.dhs.gov.*

RIN: 1615–AC14

DHS—USCIS

67. Removing H–4 Dependent Spouses From the Class of Aliens Eligible for Employment Authorization

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Public Law 104–4.

E.O. 13771 Designation: Other.

Legal Authority: 6 U.S.C. 112; 8 U.S.C. 1103(a); 8 U.S.C. 1184(a)(1); 8 U.S.C. 1324a(H)(3)(B)

CFR Citation: 8 CFR 214; 8 CFR 274a.

Legal Deadline: None.

Abstract: On February 25, 2015, DHS published a final rule extending eligibility for employment authorization to certain H–4 dependent spouses of H–1B nonimmigrants who are seeking employment-based lawful permanent resident (LPR) status. DHS is publishing this notice of proposed rulemaking to amend that 2015 final rule. DHS is proposing to remove from its regulations certain H–4 spouses of H–1B nonimmigrants as a class of aliens eligible for employment authorization.

Statement of Need: DHS is reviewing the 2015 final rule in light of issuance of Executive Order 13788, Buy American and Hire American.

Summary of Legal Basis: The Secretary of Homeland Security (Secretary) has the authority to amend this regulation under section 102 of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, 6 U.S.C. 112, and section 103(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1103(a), which authorize the Secretary to administer and enforce the immigration and nationality laws. In addition, section 214(a)(1) of the INA, 8 U.S.C. 1184(a)(1), provides the Secretary with authority to prescribe the time and conditions of nonimmigrants' admissions to the United States.

Alternatives:

Anticipated Cost and Benefits: DHS anticipates that there would be two primary impacts that DHS can estimate and quantify: The cost-savings accruing to forgone future filings by certain H–4 dependent spouses, and labor turnover costs that employers of H–4 workers could incur when their employees' EADs are terminated. Some U.S. workers would benefit from this proposed rule by having a better chance at obtaining jobs that some of the population of the H–4 workers currently hold, as the proposed rule would no longer allow H–4 workers to enter the labor market early.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: None.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Kevin Cummings, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 1200, Washington, DC 20529–2200,

Phone: 202 272–8377, *Fax:* 202 272–1480, *Email: kevin.j.cummings@uscis.dhs.gov.*

Related RIN: Related to 1615–AB92

RIN: 1615–AC15

DHS—USCIS

68. Electronic Processing of Immigration Benefit Requests

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: U.S.C. 112; 8 U.S.C. 1103; 44 U.S.C. 3504

CFR Citation: 8 CFR 103; 8 CFR 104; 8 CFR 204.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) will propose to: (1) Mandate electronic submission for all immigration benefit requests and explain the requirements associated with electronic processing; and (2) make changes to existing regulations to allow end-to-end digital processing.

Statement of Need: To address the inefficiency of relying on paper, U.S. Citizenship and Immigration Services is fully transitioning to a digital environment for processing immigration benefit requests. Agency experience demonstrates that the electronic processing of benefit requests is more efficient and effective than the traditional paper processes, during the immediate request, throughout the immigration life cycle, and beyond. eProcessing will largely eliminate the enormous cost of paper intake, shipping and storage, strengthen information security, and reduce redundancy and the potential for error in adjudication processes. For applicants, electronic processing will improve the experience of applying for immigration benefits at each stage of the process.

Summary of Legal Basis: Authority for this proposed regulatory amendment can be found in the Homeland Security Act of 2002, Public Law 107–296, section 102, 116 Stat. 2135, 6 U.S.C. 112, and the Immigration and Nationality Act (INA) section 103, 8 U.S.C. 1103, which give the Secretary the authority to administer and enforce the immigration and nationality laws, as well as the Government Paperwork Elimination Act (GPEA), Public Law 105–277, tit. XVII, section 1703, 112 Stat. 2681, 2681–749, 44 U.S.C. 3504, which provides that, when practicable, federal agencies use electronic forms, electronic filing, and electronic submissions to conduct agency business with the public.

Alternatives:

Anticipated Cost and Benefits: DHS is currently considering the specific cost and benefit impacts of the proposed provisions. In general, DHS anticipates that by mandating electronic submission for all immigration benefit requests and making changes to existing regulations to allow end-to-end digital processing, stakeholders will incur some costs associated with transitioning current practices to an electronic process. DHS anticipates there will be benefits and cost savings associated with mandating electronic submission for all immigration benefit requests and end-to-end digital processing.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Michael Mayhew, Chief of Staff, Immigration Records and Identity Services Directorate, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Email: michael.x.mayhew@uscis.dhs.gov.*

RIN: 1615–AC20

DHS—USCIS

69. • Updating Adjustment of Status Procedures for More Efficient Processing and Immigrant Visa Usage

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1153 to 1155; 8 U.S.C. 1255; 8 U.S.C. 1324a

CFR Citation: 8 CFR 204.5; 8 CFR 245.2; 8 CFR 245.18; 8 CFR 245.1; 8 CFR 274a.12; 8 CFR 205.1.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) will propose regulatory provisions designed to: Improve the efficiency in the processing of Application to Register Permanent Residence or Adjust Status (Form I–485), reduce processing times, improve the quality of inventory data provided to partner agencies, reduce the potential for visa retrogression, promote efficient usage of available immigrant visas, and discourage fraudulent or frivolous filings. DHS proposes to eliminate the concurrent filing of visa petitions and Form I–485 for all applicants seeking an immigrant visa in a preference category, and proposes to make further changes to the appropriate dates when applicants can file Form I–485 and for ancillary benefits.

Statement of Need: The purpose of these changes is to reduce Form I–485 processing times, discourage frivolous filings, ensure that ancillary benefits are connected to the potential for visa allocation, provide steady Form I–485 receipts throughout the fiscal year, and improve the quality of USCIS Form I–485 inventory data. Reduced processing times, steady receipts, and better data quality will ensure more efficient usage of the available immigrant visas and reduce visa retrogression.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: DHS is currently considering the specific cost and benefit impacts of the proposed provisions.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Mark Phillips, Chief, Residence and Naturalization Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Email: mark.phillips@uscis.dhs.gov.*

RIN: 1615–AC22

DHS—USCIS

70. • Improvements to the Medical Certification for Disability Exceptions Processing

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1103; 8 U.S.C. 1423; 8 U.S.C. 1443; 8 U.S.C. 1448

CFR Citation: 8 CFR 312.3.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) will propose

updates to regulatory provisions designed to improve the efficiency of U.S. Citizenship and Immigration Service processing of Medical Certification for Disability Exceptions (Form N–648) by improving customer service and responding to concerns of possible fraud and abuse.

Statement of Need: The purpose of these changes is to ensure operational efficiency and integrity by addressing issues of potential fraud and other irregularities in the N–648 process.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: DHS is currently considering the specific cost and benefit impacts of the proposed provisions.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Mark Phillips, Chief, Residence and Naturalization Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Email: mark.phillips@uscis.dhs.gov.*

RIN: 1615–AC23

DHS—USCIS

71. • Credible Fear Reform

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1158(b)(2); 8 U.S.C. 1224(b)(1)(A)(ii); 8 U.S.C. 1224(b)(1)(B)

CFR Citation: 8 CFR 208.2(b); 8 CFR 208.2(c); 8 CFR 208.30(e)(2); 8 CFR 208.30(e)(4); 8 CFR 208.30(e)(5); 8 CFR 208.30(f); 8 CFR 208.30(g); 8 CFR 235.6(a).

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) will propose to amend regulatory provisions to streamline credible fear screening determinations, in response to the Southwest Border crisis. DHS plans to establish various measures, such as applying the mandatory bars to asylum eligibility to certain credible fear screening determinations, and removing provisions related to novel or unique issues that merit consideration in a full hearing before an immigration judge.

Statement of Need: The reforms that will be proposed by DHS aim to respond to the national emergency caused by the influx of inadmissible aliens along the Southwest Border and reduce the threat to U.S. national security and public safety. Additionally, these provisions will make the adjudication of credible fear claims more efficient while upholding U.S. treaty obligations and law that prevent the return of aliens to a country in which they would be persecuted or tortured. In combination with other policy, operational, and legal reforms, the proposed changes will reduce the strain on DHS resources by deterring illegal migration to the United States, thereby addressing the Southwest Border crisis and protecting U.S. national security and public safety.

Summary of Legal Basis: The Immigration and Nationality Act (INA) section 235(b), 8 U.S.C. 1225(b), defines the term credible fear of persecution as a significant possibility, taking into the account the credibility of the statements made by the alien in support of the alien's claim and such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 8 U.S.C. 1158. Currently, U.S.Citizenship and Immigration Services flags any potential bars for the consideration of the immigration judge making a final determination on asylum eligibility. Since eligibility for asylum includes an applicability of any bars at 208(b)(2) or 241(b)(3) of the INA, DHS proposes modifications to the regulation to enable USCIS itself to apply the bars when making a credible fear of persecution determination.

Alternatives: The alternative to this rule would be to continue under the current process without change.

Anticipated Cost and Benefits: DHS is still considering the exact cost and benefit impacts of the proposed provisions. In general, DHS anticipates that there may be some impacts to the adjudication of some credible fear applications.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Agency Contact: John L. Lafferty, Chief, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Washington, DC 20529–2090, *Phone:* 202 272–8377, *Email: john.l.lafferty@uscis.dhs.gov.*

RIN: 1615–AC24

DHS—USCIS

72. • Employment Authorization Documents for Asylum Applicants

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1158(d)(2)

CFR Citation: 8 CFR 208.7; 8 CFR 274a.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) plans to propose regulatory amendments intended to promote greater accountability in the application process for requesting employment authorization and to deter the fraudulent filing of asylum applications for the purpose of obtaining Employment Authorization Documents (EADs).

Statement of Need: This rule aims to make changes that strengthen eligibility and application requirements for asylum applicants who seek employment eligibility in the United States.

Summary of Legal Basis: The Immigration and Nationality Act section 208(d)(2), 8 U.S.C. 1158(d)(2), provides the Attorney General with authority to provide employment authorization to applicants for asylum by establishing regulations. The statute also states such applicants may not be granted asylum application-based employment authorization prior to 180 days after filing of the application for asylum. DHS has created regulations codifying employment authorization application procedures and eligibility, as well as renewal procedures, and is proposing modifications.

Alternatives:

Anticipated Cost and Benefits: DHS is still considering the qualitative and quantitative impacts of the proposed provisions.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Agency Contact: Brandon B. Prelogar, Chief, International and Humanitarian Affairs Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272–8377, *Email: brandon.b.prelogar@uscis.dhs.gov.*

RIN: 1615–AC27

DHS—USCIS

Final Rule Stage

73. EB–5 Immigrant Investor Program Modernization

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1153(b)(5)

CFR Citation: 8 CFR 204.6; 8 CFR 216.6.

Legal Deadline: None.

Abstract: In January 2017, the Department of Homeland Security (DHS) proposed to amend its regulations governing the employment-based, fifth preference (EB–5) immigrant investor classification. In general, under the EB–5 program, individuals are eligible to apply for lawful permanent residence in the United States if they make the necessary investment in a commercial enterprise in the United States and create or, in certain circumstances, preserve 10 permanent full-time jobs for qualified U.S. workers. This rule sought public comment on a number of proposed changes to the EB–5 program regulations. Such proposed changes included: Raising the minimum investment amount; allowing certain EB–5 petitioners to retain their original priority date; changing the designation process for targeted employment areas; and other miscellaneous changes to filing and interview processes.

Statement of Need: The proposed regulatory changes are necessary to reflect statutory changes and codify existing policies, more accurately reflect existing and future economic realities, improve operational efficiencies to provide stakeholders with a higher level of predictability and transparency in the adjudication process, and enhance program integrity by clarifying key eligibility requirements for program participation and further detailing the processes required. Given the complexities involved in adjudicating benefit requests in the EB–5 program, along with continued program integrity concerns and increasing adjudication processing times, DHS has decided to revise the existing regulations to modernize key areas of the program.

Summary of Legal Basis: The Immigration Act (INA) authorizes the Secretary of Homeland Security (Secretary) to administer and enforce the immigration and nationality laws including establishing regulations deemed necessary to carry out her authority, and section 102 of the Homeland Security Act, 6 U.S.C. 112, authorizes the Secretary to issue regulations. 8 U.S.C. 1103(a), INA section 103(a). INA section 203(b)(5), 8 U.S.C. 1153(b)(5), also provides the Secretary with authority to make visas available to immigrants seeking to engage in a new commercial enterprise in which the immigrant has invested and which will benefit the United States economy and create full-time employment for not fewer than 10 U.S. workers. Further, section 610 of Public Law 102–395 (8 U.S.C. 1153 note) created the Immigrant Investor Pilot Program and authorized the Secretary to set aside visas for individuals who invest in regional centers created for the purpose of concentrating pooled investment in defined economic zones, and was last amended by Public Law 107–296.

Alternatives:

Anticipated Cost and Benefits: Due to data limitations and the complexity of EB–5 investment structures, it is difficult to quantify and monetize the costs and benefits of the provisions, with the exception of application costs for dependents who would file the Petition by Entrepreneur to Remove Conditions on Permanent Resident Status (Form I–829) separately from principal investors, and familiarization costs to review the rule.

The raise in the investment amounts and reform of the targeted employment area (TEA) geography could deter some investors from participating in the EB–5 program. The increase in investment could reduce the number of investors as they may be unable or unwilling to invest at the higher proposed levels of investment. On the other hand, raising the investment amounts increases the amount invested by each investor and thereby potentially increases the total economic benefits of U.S. investment under this program. The proposed TEA provision would rule out TEA configurations that rely on a large number of census tracts indirectly linked to the actual project tract by numerous degrees of separation, and may better target investment capital to areas where unemployment rates are the highest.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	01/13/17	82 FR 4738
NPRM Comment Period End.	04/11/17	
Final Rule	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Edie Pearson, Chief of Policy, Immigrant Investor Program Office, Department of Homeland Security, U.S. Citizenship and Immigration Services, 131 M Street NE, Washington, DC 20529–2200, *Phone:* 202 272–8377.

Related RIN: Related to 1205–AB69.

RIN: 1615–AC07

DHS—U.S. COAST GUARD (USCG)

Proposed Rule Stage

74. • Removal of Certain International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as Amended (STCW) Training Requirements

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 46 U.S.C. 7101(c)

CFR Citation: 46 CFR 11.317(a)(3)(iv); 46 CFR 11.321(a)(3)(iv); 46 CFR 12.611(a)(4)(i).

Legal Deadline: None.

Abstract: The Coast Guard proposes to remove three Coast Guard merchant mariner training requirements related to STCW officer and rating endorsements from its regulations in 46 CFR parts 11 and 12. The Coast Guard has determined these training requirements exceed current international certification and training standards of the STCW and cause a misalignment between the training of U.S. mariners and the mariners of other countries. These training requirements are not necessary for the safety of life and property at sea. The rule would remove: Leadership and managerial skills training to qualify as master of vessels of less than 500 gross tons limited to near-coastal waters; bridge resource management training to qualify as officer in charge of a navigational watch on vessels of less than 500 gross tons limited to near-coastal waters; and computer systems and maintenance training to qualify as electro-technical rating on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more.

Statement of Need: The Coast Guard determined the three training requirements exceed current international certification and training standards of the STCW and cause a misalignment between the training of U.S. mariners and the mariners of other countries. These training requirements are not necessary for the safety of life and property at sea.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: The total 10-year discounted cost savings of this proposed rule would be $20,321,360, discounted at 7 percent and 3 percent, respectively. The annualized total cost savings would be $2,032,136, discounted at 7 percent and 3 percent, respectively. Using a perpetual period of analysis, we estimate total annualized discounted cost savings of the rule would be approximately $1,658,828 in 2016 dollars, discounted at 7 percent.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Agency Contact: Cathleen Mauro, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509, *Phone:* 202 372–1449, *Email: cathleen.b.mauro@uscg.mil.*

RIN: 1625–AC48

DHS—USCG

Final Rule Stage

75. TWIC Reader Requirements; Delay of Effective Date

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 46 U.S.C. 70105

CFR Citation: 33 CFR 105.

Legal Deadline: None.

Abstract: This proposed rule would partially delay the effective date for the final rule entitled ''Transportation Worker Identification Credential (TWIC) Reader Requirements,'' published in the **Federal Register** on August 23, 2016. Currently, the final rule is scheduled to be implemented after the Department of Homeland Security submits the report to Congress on the effectiveness of the TWIC program, required by the Transportation Worker Identification Credential Security Card Program Improvements and Assessment Act (Pub. L. 114–278). This proposed rule would further delay the effective date for certain facilities that handle certain dangerous cargoes (CDCs) in bulk or receive vessels carrying CDC in bulk.

Statement of Need: After the publication of the Final Rule, the Coast Guard received inquiries from owners of facilities and vessels concerning the rule's requirements regarding the facilities affected by the final rule and several questions related to how the final rule addressed Certain Dangerous Cargoes. This proposed rule would provide the Coast Guard time to update its security-related databases and consider policy options relating to implementation of TWIC readers while addressing the inquiries.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: The NPRM estimated annualized cost savings to both industry and government as $1.15 million, using a seven percent discount rate and a 10-year period of analysis. Using a perpetual period of analysis, we estimated total annualized discounted cost savings of the rule would be approximately $0.552 million in 2016 dollars, discounted at 7 percent. The benefits for partially delaying the effective date of the final rule for an additional 3 years are that it would allow the Coast Guard time to conduct additional analysis of the potential effects of the rule.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	06/22/18	83 FR 29067
NPRM Comment Period End.	07/23/18	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: LCDR Yamaris Barril, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593, *Phone:* 202 372–1151, *Email: yamaris.d.barril@uscg.mil.*

RIN: 1625–AC47

DHS—U.S. CUSTOMS AND BORDER PROTECTION (USCBP)

Final Rule Stage

76. Collection of Biometric Data From Aliens Upon Entry To and Exit From the United States

Priority: Other Significant.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1365a; 8 U.S.C. 1365b

CFR Citation: 19 CFR 215.8; 19 CFR 235.1.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) is required by statute to develop and implement an integrated, automated entry and exit data system to match records, including biographic data and biometrics of aliens entering and departing the United States. In addition, Executive Order 13780, Protecting the Nation from Foreign Terrorist Entry into the United States, published in the **Federal Register** at 82 FR 13209, states that DHS is to expedite the completion and implementation of a biometric entry-exit tracking system. Although the current regulations provide that DHS may require certain aliens to provide biometrics when entering and departing the United States, they only authorize DHS to collect biometrics from certain aliens upon departure under pilot programs at land ports and at up to 15 airports and seaports. To provide the legal framework for CBP to begin a comprehensive biometric entry-exit system, DHS is amending the regulations to remove the references to pilot programs and the port limitation. In addition, to enable CBP to make the process for verifying the identity of aliens more efficient, accurate, and secure by using facial recognition technology, DHS is amending the regulations to provide that all aliens may be required to be photographed upon entry and/or departure.

Statement of Need: This rule is necessary to provide the legal framework for DHS to begin implementing a comprehensive biometric entry-exit system. Collecting biometrics at departure will allow CBP and DHS to know with better accuracy whether aliens are departing the country when they are required to depart, reduce visa fraud, and improve CBP's ability to identify criminals and known or suspected terrorists before they depart the United States.

Summary of Legal Basis: Numerous Federal statutes require DHS to create an integrated, automated biometric entry and exit system that records the arrival and departure of aliens, compares the biometric data of aliens to verify their identity, and authenticates travel documents presented by such aliens through the comparison of biometric identifiers. See, *e.g.,* Immigration and Naturalization Service Data Management Improvement Act of 2002, the Intelligence Reform and

Terrorism Prevention Act of 2004, and the 2016 Consolidated Appropriations Act. In addition, Executive Order 13780, Protecting the Nation from Foreign Terrorist Entry into the United States, states that DHS is to expedite the completion and implementation of a biometric entry-exit tracking system.

Alternatives:

Anticipated Cost and Benefits: This rule will allow CBP to know with greater certainty whether foreign visa holders depart the country when required. It will also prevent visa fraud and allow CBP to more easily identify criminals or terrorists when they attempt to leave the country. The technology used to implement this rule could also eventually be used to modify entry and exit procedures to reduce processing and wait times. This rule imposes opportunity and technology acquisition and maintenance costs on CBP and opportunity costs on the traveling public.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Michael Hardin, Director, Department of Homeland Security, U.S. Customs and Border Protection, Entry/Exit Policy and Planning, 1300 Pennsylvania Avenue NW, Office of Field Operations, 5th Floor, Washington, DC 20229, *Phone:* 202 325–1053, *Email: michael.hardin@cbp.dhs.gov.*

RIN: 1651–AB12

DHS—USCBP

77. Implementation of the Electronic System for Travel Authorization (ESTA) at U.S. Land Borders—Automation of CBP Form I–94W

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 110–53

CFR Citation: 8 CFR 212.1; 8 CFR 217.2; 8 CFR 217.3; 8 CFR 217.5; 8 CFR 286.9.

Legal Deadline: None.

Abstract: This rule amends Department of Homeland Security (DHS) regulations to implement the Electronic System for Travel Authorization (ESTA) requirements under section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007, for aliens who intend to enter the United States under the Visa Waiver Program (VWP) at land ports of entry. Currently, aliens from VWP countries must provide certain biographic information to U.S. Customs and Border Protection (CBP) officers at land ports of entry on a paper I–94W Nonimmigrant Visa Waiver Arrival/Departure Record (Form I–94W). Under this rule, these VWP travelers will instead provide this information to CBP electronically through ESTA prior to application for admission to the United States. DHS has already implemented the ESTA requirements for aliens who intend to enter the United States under the VWP at air or sea ports of entry.

Statement of Need: This rule is necessary to implement the Electronic System for Travel Authorization (ESTA) under section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007 for aliens who intend to enter the United States under the Visa Waiver Program at land ports of entry. ESTA was implemented at air and sea ports of entry in 2008. At that time, however, CBP did not have the ability to implement the program at land ports of entry. This rule will ensure that ESTA is now implemented at all ports of entry.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: In addition to fulfilling a statutory mandate, the ESTA land rule will strengthen national security through enhanced traveler vetting, streamline entry processing through Form I–94W automation, reduce inadmissible traveler arrivals, and produce a consistent, modern VWP admission policy in all U.S. travel environments, which will benefit VWP travelers, CBP, and the public. The rule will also introduce time and fee costs to VWP travelers required to complete an ESTA application.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Kenneth Sava, Trusted Traveler Programs, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW, Washington, DC 20229, *Phone:* 202 344–2589, *Email: kenneth.c.sava@cbp.dhs.gov.*

RIN: 1651–AB14

DHS—TRANSPORTATION SECURITY ADMINISTRATION (TSA)

Proposed Rule Stage

78. Vetting of Certain Surface Transportation Employees

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 49 U.S.C. 114; Pub. L. 110–53, secs. 1411, 1414, 1512, 1520, 1522, and 1531

CFR Citation: Not Yet Determined.

Legal Deadline: Other, Statutory, August 3, 2008, Background and immigration status check for all public transportation frontline employees is due no later than 12 months after date of enactment.

Other, Statutory, August 3, 2008, Background and immigration status check for all railroad frontline employees is due no later than 12 months after date of enactment.

Sections 1411 and 1520 of Public Law 110–53, Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), (121 Stat. 266, Aug. 3, 2007), require background checks of frontline public transportation and railroad employees not later than one year from the date of enactment. Requirement will be met through regulatory action.

Abstract: The 9/11 Act requires vetting of certain railroad, public transportation, and over-the-road bus employees. Through this rulemaking, the Transportation Security Administration (TSA) intends to propose the mechanisms and procedures to conduct the required vetting. This regulation is related to 1652–AA55, Security Training for Surface Transportation Employees.

Statement of Need: Employee vetting is an important and effective tool for averting or mitigating potential attacks by those with malicious intent who may target surface transportation and plan or perpetrate actions that may cause significant injuries, loss of life, or economic disruption.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: TSA is in the process of determining the costs and benefits of this rulemaking.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	03/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Chandru (Jack) Kalro, Deputy Director, Surface Division, Department of Homeland Security, Transportation Security Administration, Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–1145, *Email: surfacefrontoffice@tsa.dhs.gov.*

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Related RIN: Related to 1652–AA55.

RIN: 1652–AA69

DHS—TSA

79. Amending Vetting Requirements for Employees With Access to a Security Identification Display Area (SIDA)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 114–190, sec. 3405

CFR Citation: 49 CFR 1542.209; 49 CFR 1544.229.

Legal Deadline: Final, Statutory, January 11, 2017, Rule for individuals with unescorted access to any Security Identification Display Area (SIDA) due 180 days after date of enactment.

According to section 3405 of title III of the FAA Extension, Safety, and Security Act of 2016 (FAA Extension Act), Public Law 114–190 (130 Stat. 615, July 15, 2016), a final rule revising the regulations under 49 U.S.C. 44936 is due 180 days after the date of enactment.

Abstract: As required by the FAA Extension Act, the Transportation Security Administration (TSA) will propose a rule to revise its regulations, with current knowledge of insider threat and intelligence, to enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to any SIDA of an airport. Consistent with the statutory mandate, TSA will consider adding to the list of disqualifying criminal offenses and criteria, develop a waiver process for approving the issuance of credentials for unescorted access, and propose an extension of the look back period for disqualifying crimes.

Statement of Need: Employee vetting is an important and effective tool for averting or mitigating potential attacks by those with malicious intent who wish to target aviation and plan or perpetrate actions that may cause significant injuries, loss of life, or economic disruption. Enhancing eligibility standards for airport workers will improve transportation and national security.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: TSA is in the process of determining the costs and benefits of this rulemaking.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	08/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Jason Hull, Aviation Program Manager, Department of Homeland Security, Transportation Security Administration, Intelligence and Analysis, 601 South 12th Street, Arlington, VA 20598–6010, *Phone:* 571 227–1175, *Email: jason.hull@tsa.dhs.gov.*

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Christine Beyer, Senior Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Chief Counsel's Office, TSA–2, HQ, E12–336N, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3653, *Email: christine.beyer@tsa.dhs.gov.*

Related RIN: Related to 1652–AA11

RIN: 1652–AA70

DHS—TSA

Final Rule Stage

80. Protection of Sensitive Security Information

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 114; 49 U.S.C. 40119; 49 U.S.C. 44905; 49 U.S.C. 46105

CFR Citation: 49 CFR 15; 49 CFR 1520.

Legal Deadline: None.

Abstract: In 2004, the Transportation Security Administration (TSA) and Office of the Secretary of Transportation (OST) published an interim final rule (IFR) governing the protection of sensitive security information (SSI). See 49 CFR parts 15 (OST) and 1520 (TSA). Since that time, requirements for the protection of SSI have been modified by a subsequent IFR (2005) and regulations promulgated by the Department of Transportation (DOT), TSA, and Department of Homeland Security. These modifications have resulted in inconsistencies between TSA and OST regulations. TSA and OST are issuing a final rule that will harmonize the regulations and reduce regulatory burden through streamlining certain requirements and eliminating others.

Statement of Need: TSA's SSI regulations were promulgated to meet a statutory requirement to protect information obtained or developed to meet TSA's security requirements. See 49 U.S.C. 114(r). DOT has a corresponding requirement under 49 U.S.C. 40119(b). Due to amendments made since the joint IFR was published in 2004, regulated parties must often consult multiple regulatory provisions to determine their responsibilities. Harmonizing these regulations and creating consistency between them will ease the burden of compliance and ensure consistent application of the SSI regulations by TSA and DOT. Further, TSA, in consultation with OST, is considering aligning the SSI requirements related to the names of persons identified as current, past, or applicants to be Federal Flight Deck Officers (FFDOs) with the handling of Federal Air Marshals (FAMs). The modification to TSA's SSI regulations would protect lists of FFDO names, rather than a single FFDO name, and reduce the overall number of documents that are labeled SSI.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: The final rule does not impose any new requirements. In addition to clarifying and harmonizing requirements, the rule

reduces regulatory burden by providing options for the SSI distribution statement. In addition, should TSA modify the regulations to handle FFDO names consistent with FAM names, it would result in a time savings and corresponding reduction in regulatory burden: Eliminating time that would otherwise be spent marking these documents SSI (industry) and reviewing these documents to ensure they are appropriately marked (TSA).

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments.	05/18/04	69 FR 28066
Interim Final Rule Effective.	06/17/04	
Interim Final Rule; Comment Period End.	07/19/04	
Final Rule; Technical Amendment.	01/07/05	70 FR 1379
Final Rule; Technical Amdt Effective.	01/07/05	
Notice-Information Collection; Emergency Approval.	11/01/06	71 FR 64288
Notice-Information Collection; 60-Day Renewal.	02/04/07	72 FR 7059
Notice-Information Collection; 30-Day Renewal.	06/18/07	72 FR 33511
Notice-Information Collection; 60-Day Renewal.	08/03/10	75 FR 44974
Notice-Information Collection; 30-Day Renewal.	10/15/10	75 FR 63499
Notice-Information Collection; 60-Day Renewal.	08/16/13	78 FR 50076
Notice-Information Collection; 30-Day Renewal.	01/15/14	79 FR 2679
Notice-Information Collection; 60-Day Revision.	11/25/16	81 FR 85243
Notice-Information Collection; 30-Day Revision.	06/16/17	82 FR 27852
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

Additional Information: Joint rulemaking with Department of Transportation, Office of the Secretary (RIN No. 2105–AD59) Transferred from RIN 2110–AA10.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Holly Dickens, Senior Policy Analyst, Sensitive Security Information (SSI) Program, Department of Homeland Security, Transportation Security Administration, Security Services & Assessments, LE/FAMS, 601 South 12th Street, Arlington, VA 20598–6018, *Phone:* 571 227–3723, *Email: ssi@tsa.dhs.gov.*

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Related RIN: Related to 1652–AA05, Related to 1652–AA49

RIN: 1652–AA08

DHS—TSA

81. Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 6 U.S.C. 469(b); 49 U.S.C. 114; 49 U.S.C. 44939; 49 U.S.C. 46105

CFR Citation: 49 CFR 1552.

Legal Deadline: Final, Statutory, February 10, 2004, sec. 612(a) of Vision 100 requires TSA to issue an interim final rule within 60 days of enactment of Vision 100.

Requires the Transportation Security Administration (TSA) to establish a process to implement the requirements of section 612(a) of Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108–176, 117 Stat. 2490, Dec. 12, 2003), including the fee provisions, not later than 60 days after the enactment of the Act.

Abstract: The interim final rule (IFR) was published and effective on September 20, 2004. The IFR created a new part 1552, Flight Schools, in title 49 of the Code of Federal Regulations (CFR). This IFR applies to flight schools and to individuals who apply for or receive flight training. TSA subsequently issued exemptions and interpretations in response to comments on the IFR and questions raised during operation of the program since 2004. TSA also issued a fee notice on April 13, 2009. This regulation requires flight schools to notify TSA when aliens, and other individuals designated by TSA, apply for flight training or recurrent training. TSA is considering a final rule that would change the frequency of security threat assessments from a high-frequency event-based interval to a time-based interval, clarify the definitions and other provisions of the rule, and enable industry to use TSA-provided electronic recordkeeping systems for all documents required to demonstrate compliance with the rule.

Statement of Need: In the years since TSA published the IFR, members of the aviation industry, the public, and Federal oversight organizations have identified areas where the Alien Flight Student Program (AFSP) could be improved. TSA's internal procedures and processes for vetting applicants also have improved and advanced. Publishing a final rule that addresses external recommendations and aligns with modern TSA vetting practices would streamline the AFSP application, vetting, and recordkeeping process for all parties involved.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: TSA is considering revising the requirements of the AFSP to reduce costs and industry burden. One action TSA is considering is an electronic recordkeeping platform where all flight providers would upload certain information to a TSA-managed website. Also at industry's request, TSA is considering changing the interval for a security threat assessment of each alien flight student, eliminating the requirement for a security threat assessment for each separate training event. This change would result in an annual savings, although there may be additional start-up and record retention costs for the agency as a result of these revisions. The benefits of these deregulatory actions would be immediate cost savings to flight schools and alien students without compromising the security profile.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments.	09/20/04	69 FR 56324
Interim Final Rule Effective.	09/20/04	
Interim Final Rule; Comment Period End.	10/20/04	

Action	Date	FR Cite
Notice-Information Collection; 60-Day Renewal.	11/26/04	69 FR 68952
Notice-Information Collection; 30-Day Renewal.	03/30/05	70 FR 16298
Notice-Information Collection; 60-Day Renewal.	06/06/08	73 FR 32346
Notice-Information Collection; 30-Day Renewal.	08/13/08	73 FR 47203
Notice-Alien Flight Student Program Recurrent Training Fees.	04/13/09	74 FR 16880
Notice-Information Collection; 60-Day Renewal.	09/21/11	76 FR 58531
Notice-Information Collection; 30-Day Renewal.	01/31/12	77 FR 4822
Notice-Information Collection; 60-Day Renewal.	03/10/15	80 FR 12647
Notice-Information Collection; 30-Day Renewal.	06/18/15	80 FR 34927
IFR; Comment Period Reopened.	05/18/18	83 FR 23238
IFR; Comment Period Reopened End.	06/18/18	
Notice-Information Collection; 60-Day Renewal.	07/06/18	83 FR 31561
Final Rule	02/00/19	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

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Related RIN: Related to 1652–AA61

RIN: 1652–AA35

DHS—TSA

82. Security Training for Surface Transportation Employees

Priority: Other Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Other.

Legal Authority: 49 U.S.C. 114; Pub. L. 110–53, secs. 1405, 1408, 1501, 1512, 1517, 1531, and 1534.

CFR Citation: 49 CFR 1500; 49 CFR 1520; 49 CFR 1570; 49 CFR 1580; 49 CFR 1582 (new); 49 CFR 1584 (new).

Legal Deadline: Final, Statutory, November 1, 2007, Interim Rule for public transportation agencies is due 90 days after date of enactment.

Final, Statutory, August 3, 2008, Rule for public transportation agencies is due one year after date of enactment.

Final, Statutory, February 3, 2008, Rule for railroads and over-the-road buses is due 6 months after date of enactment.

According to sec. 1408 of Public Law 110–53, Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), (121 Stat. 266, Aug. 3, 2007), interim final regulations for public transportation agencies are due 90 days after the date of enactment (Nov. 1, 2007), and final regulations are due one year after the date of enactment. According to sec. 1517 of the 9/11 Act, final regulations for railroads and over-the-road buses are due no later than 6 months after the date of enactment.

Abstract: The 9/11 Act requires security training for employees of higher-risk freight railroad carriers, public transportation agencies (including rail mass transit and bus systems), passenger railroad carriers, and over-the-road bus (OTRB) companies. This final rule implements the regulatory mandate. Owner/operators of these higher-risk railroads, systems, and companies will be required to train employees performing security-sensitive functions, using a curriculum addressing preparedness and how to observe, assess, and respond to terrorist-related threats and/or incidents. As part of this rulemaking, the Transportation Security Administration (TSA) is expanding its current requirements for rail security coordinators and reporting of significant security concerns (currently limited to freight railroads, passenger railroads, and the rail operations of public transportation systems) to include the bus components of higher-risk public transportation systems and higher-risk OTRB companies. TSA is also adding a definition for Transportation Security-Sensitive Materials (TSSM). Other provisions are being amended or added, as necessary, to implement these additional requirements.

Statement of Need: Employee training is an important and effective tool for averting or mitigating potential attacks by those with malicious intent who may target surface transportation and plan or perpetrate actions that may cause significant injuries, loss of life, or economic disruption.

Summary of Legal Basis: 49 U.S.C. 114; sections 1402, 1408, 1501, 1517, 1531, and 1534 of Public Law 110–53, Implementing Recommendations of the 9/11 Commission Act of 2007 (121 Stat. 266, Aug. 3, 2007).

Alternatives: TSA is required by statute to publish regulations requiring security training programs for these owner/operators. As part of its notice of proposed rulemaking, TSA sought public comment on alternatives in which the final rule could carry out the requirements of the statute.

Anticipated Cost and Benefits: Owner/operators will incur costs for training their employees, developing a training plan, maintaining training records, and participating in inspections for compliance. Some owner/operators will also incur additional costs associated with assigning security coordinators and reporting significant security incidents to TSA. TSA will incur costs associated with reviewing owner/operators' training plans, registering owner/operators' security coordinators, responding to owner/operators' reported significant security incidents, and conducting inspections for compliance with this rule. In the NPRM, TSA estimated the annualized cost from this regulation to be approximately $22 million, discounted at 7 percent. As part of TSA's risk-based security, benefits include mitigating potential attacks by heightening awareness of employees on the frontline. In addition, by designating security coordinators and reporting significant security concerns to TSA, TSA has a direct line for communicating threats and receiving information necessary to analyze trends and potential threats across all modes of transportation.

Risks: The Department of Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability of the United States to terrorism. By providing for security training for personnel, TSA intends in

this rulemaking to reduce the risk of a terrorist attack on this transportation sector.

Timetable:

Action	Date	FR Cite
Notice; Request for Comment.	06/14/13	78 FR 35945
Notice; Comment Period End.	07/15/13	
NPRM	12/16/16	81 FR 91336
NPRM Comment Period End.	03/16/17	
Final Rule	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Local.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Chandru (Jack) Kalro, Deputy Director, Surface Division, Department of Homeland Security, Transportation Security Administration, Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–1145, *Email: surfacefrontoffice@tsa.dhs.gov.*

Alex Moscoso, Chief Economist, Economic Analysis Branch—Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone*: 571 227–5839, *Email: alex.moscoso@tsa.dhs.gov.*

Traci Klemm, Assistant Chief Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Chief Counsel's Office, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3596, *Email: traci.klemm@tsa.dhs.gov.*

Related RIN: Related to 1652–AA56, Merged with 1652–AA57, Merged with 1652–AA59

RIN: 1652–AA55

DHS—U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (USICE)

Proposed Rule Stage

83. Apprehension, Processing, Care and Custody of Alien Minors and Unaccompanied Alien Children

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1103; 8 U.S.C. 1182; 8 U.S.C. 1225 to 1227; 8 U.S.C. 1362

CFR Citation: 8 CFR 236; 8 CFR 208.

Legal Deadline: None.

Abstract: In 1985, a class-action suit challenged the policies of the former Immigration and Naturalization Service (INS) relating to the detention, processing, and release of alien children; the case eventually reached the U.S. Supreme Court. The Court upheld the constitutionality of the challenged INS regulations on their face and remanded the case for further proceedings consistent with its opinion. In January 1997, the parties reached a comprehensive settlement agreement, referred to as the Flores Settlement Agreement (FSA). The FSA was to terminate five years after the date of final court approval; however, the termination provisions were modified in 2001, such that the FSA does not terminate until 45 days after publication of regulations implementing the agreement.

Since 1997, intervening statutory changes, including passage of the Homeland Security Act (HSA) and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), have significantly changed the applicability of certain provisions of the FSA. The rule would codify the relevant and substantive terms of the FSA and enable the U.S. Government to seek termination of the FSA and litigation concerning its enforcement. Through this rule, DHS, HHS, and DOJ will create a pathway to ensure the humane detention of family units while satisfying the goals of the FSA. The rule will also implement related provisions of the TVPRA.

Statement of Need: In 1985, a class-action suit challenged the policies of the former INS relating to the detention, processing, and release of alien children; the case eventually reached the U.S. Supreme Court. The Court upheld the constitutionality of the challenged INS regulations on their face and remanded the case for further proceedings consistent with its opinion. In January 1997, the parties reached a comprehensive settlement agreement, referred to as the FSA. The FSA was to terminate 5 years after the date of final court approval; however, the termination provisions were modified in 2001, such that the FSA does not terminate until 45 days after publication of regulations implementing the agreement.

Since 1997, intervening legal changes including passage of the HSA and TVPRA have significantly changed the applicability of certain provisions of the FSA. The rule will codify the relevant and substantive terms of the FSA and enable the U.S. Government to seek termination of the FSA and litigation concerning its enforcement. Through this rule, DHS, HHS, and DOJ will create a pathway to ensure the humane detention of family units while satisfying the goals of the FSA. The rule will also implement related provisions of the TVPRA.

Summary of Legal Basis:

Alternatives: Prior to proposing this rule, DHS considered the alternative to publishing this rule, which was not to promulgate regulations. This has required the Government to adhere to the terms of the FSA, as interpreted by the courts, which also rejected the Government's efforts to amend the FSA to help it better conform to existing legal and operational realities.

The primary source of new costs for the proposed rule would be a result of the proposed alternative licensing process, which ICE expects to extend detention of some minors and their accompanying parent or legal guardian in FRCs. This may increase variable annual FRC costs paid by ICE. The primary benefit of the proposed rule would be to ensure that applicable regulations reflect the Departments' current operations with respect to minors and UACs in accordance with the relevant and substantive terms of the FSA and the TVPRA. Further, by departing from the FSA in limited cases to reflect the intervening statutory and operational changes, ICE will ensure that it retains discretion to detain families, as appropriate, to meet its enforcement needs.

Anticipated Cost and Benefits: The primary source of new costs for the proposed rule would be a result of the proposed alternative licensing process which ICE expects to extend detention of some minors and their accompanying parent or legal guardian in Family Residential Centers (FRCs). This may increase variable annual FRC costs paid by ICE. The primary benefit of the rule would be to ensure that applicable regulations reflect the Department's current operations with respect to minors and Unaccompanied Minor Children (UACs) in accordance with the relevant and substantive terms of the Flores Settlement Agreement (FSA) and the Trafficking Victims Protection Reauthorization Act (TVPRA). Further, by departing from the FSA in limited cases to reflect the intervening statutory and operational changes, ICE will ensure that it retains discretion to detain families, as appropriate, to meet its enforcement needs.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	09/07/18	83 FR 45486
NPRM Comment Period End.	11/06/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: None.

Agency Contact: Mark Lawyer, Chief, Regulations, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Mail Stop 5006, Washington, DC 20536, *Phone:* 202 732–5683, *Email: mark.lawyer@ice.dhs.gov*.

Related RIN: Related to 0970–AC42.

RIN: 1653–AA75

DHS—USICE

84. • Establishing a Maximum Period of Authorized Stay for F–1 and Other Nonimmigrants

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1182; 8 U.S.C. 1184

CFR Citation: 8 CFR 214; 8 CFR 274a.

Legal Deadline: None.

Abstract: U.S. Immigration and Customs Enforcement (ICE) will propose to modify the period of authorized stay for certain categories of nonimmigrants traveling to the United States from ''duration of status'' (D/S) and to replace such with a maximum period of authorized stay, and options for extensions, for each applicable visa category.

Statement of Need: The failure to provide certain categories of nonimmigrants with specific dates for their authorized periods of stay can cause confusion over how long they may lawfully remain in the United States and has complicated the efforts to reduce overstay rates for nonimmigrant students. The clarity created by date-certain admissions will help reduce the overstay rate.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: ICE is in the process of assessing the costs and benefits that would be incurred by regulated entities and individuals, as well as the costs and benefits to the public at large. ICE, SEVP certified schools, nonimmigrant students, and the employers of nonimmigrant students who participate in practical training would incur costs for increased requirements. This rule is intended to decrease the incidence of nonimmigrant student overstays and improve the integrity of the nonimmigrant student visa.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Agency Contact: Mark Lawyer, Chief, Regulations, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Mail Stop 5006, Washington, DC 20536, *Phone:* 202 732–5683, *Email: mark.lawyer@ice.dhs.gov*.

RIN: 1653–AA78

DHS—USICE

Final Rule Stage

85. Adjusting Program Fees for the Student and Exchange Visitor Program

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1372; 8 U.S.C. 1762; 8 U.S.C. 1101; 8 U.S.C. 1356; 31 U.S.C 901 to 903; 31 U.S.C. 902

CFR Citation: 8 CFR 214.

Legal Deadline: None.

Abstract: ICE will publish a final rule to adjust fees that the Student and Exchange Visitor Program (SEVP) charges individuals and organizations. In 2017, SEVP conducted a comprehensive fee study and determined that current fees do not recover the full costs of the services provided. ICE has determined that adjusting fees is necessary to fully recover the increased costs of SEVP operations, program requirements, and to provide the necessary funding to sustain initiatives critical to supporting national security. The final rule will adjust fees for individuals and organizations. The SEVP fee schedule was last adjusted in a rule published on September 26, 2008.

Statement of Need: The Student and Exchange Visitor Program (SEVP) conducted a comprehensive fee study in 2017 and determined that current fees, most recently adjusted in 2008, do not recover the full costs of the services provided. ICE has determined that adjusting fees is necessary to fully recover the increased costs of SEVP operations, program requirements, and to provide the necessary funding to implement and sustain initiatives critical to supporting national security. ICE will publish a final rule to adjust its fees for individuals and organizations.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: To recover the full cost of its budget for the services it provides, SEVP has proposed to increase the amounts of its fees for SEVP certified schools and for those schools that will seek SEVP certification, for F and M nonimmigrant students, and for J nonimmigrant exchange visitors. The fee adjustment would allow SEVP to continue to maintain and improve SEVIS in order to uphold the integrity of the U.S. immigration laws regarding student and exchange visitors.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	07/17/18	83 FR 33762
NPRM Comment Period End.	09/17/18	
Final Rule	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: None.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Sharon Snyder, Unit Chief, Policy and Response Unit, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Potomac Center North STOP 5600, 500 12th Street SW, Washington, DC 20536–5600, *Phone:* 703 603–5600.

RIN: 1653–AA74

DHS—FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Final Rule Stage

86. Factors Considered When Evaluating a Governor's Request for Individual Assistance for a Major Disaster

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 5121 to 5207

CFR Citation: 44 CFR 206.48(b).

Legal Deadline: Final, Statutory, January 29, 2014, sec. 1109 of the Sandy Recovery Improvement Act of 2013, Public Law 113–2.

The Sandy Recovery Improvement Act of 2013 (SRIA) requires the Administrator of the Federal Emergency Management Agency (FEMA), in cooperation with representatives of

State, Tribal, and local emergency management agencies, to review, update, and revise through rulemaking the individual assistance factors FEMA uses to measure the severity, magnitude, and impact of a disaster (not later than 1 year after enactment).

Abstract: FEMA is issuing a final rule to revise its regulations to comply with section 1109 of SRIA. SRIA requires FEMA, in cooperation with State, local, and Tribal emergency management agencies, to review, update, and revise through rulemaking the Individual Assistance (IA) factors FEMA uses to measure the severity, magnitude, and impact of a disaster. FEMA published a Notice of Proposed Rulemaking on the matter on November 12, 2015.

Statement of Need: On January 29, 2013, SRIA was enacted into law (Pub. L. 113–2). Section 1109 of SRIA requires FEMA, in cooperation with State, local, and Tribal emergency management agencies, to review, update, and revise through rulemaking the factors found at 44 CFR 206.48 that FEMA uses to determine whether to recommend provision of Individual Assistance (IA) during a major disaster. These factors help FEMA measure the severity, magnitude, and impact of a disaster, as well as the capabilities of the affected jurisdictions.

FEMA is issuing this final rule to comply with SRIA and to provide clarity on the IA factors that FEMA currently considers in support of its recommendation to the President on whether a major disaster declaration authorizing IA is warranted. The additional clarity may reduce delays in the declaration process by decreasing the back and forth between States and FEMA during the declaration process.

Summary of Legal Basis: FEMA has authority for this final rule pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). 42 U.S.C. 5121 *et seq.* Section 401 of the Stafford Act lays out the procedures for a declaration for FEMA's major disaster assistance programs when a catastrophe occurs in a State. The specific changes in this final rule comply with section 1109 of SRIA, Public Law 113–2.

Alternatives:

Anticipated Cost and Benefits: The 2015 NPRM proposed to codify current declaration considerations and introduced new factors that FEMA would use when reviewing and recommending a major disaster declaration request that includes IA. Codifying the factors that capture FEMA's current declaration practice and considerations would not result in additional costs. However, the new factors would have small burden increases associated with obtaining the additional information. FEMA does not anticipate the rule would impact the number of major disaster declaration requests received that include IA or the amount of IA assistance provided, and therefore there would be no impact to transfer payments.

FEMA estimated the 10-year present value total cost of the proposed rule would be $15,806 and $13,302 if discounted at 3 and 7 percent, respectively. The annualized cost of the proposed rule would be $1,853 at 3 percent and $1,894 at 7 percent. (All amounts in the NPRM are presented in 2013 dollars.) Benefits of the proposed rule include clarifying FEMA's existing practices, reducing processing time for requests due to clarifications, and providing States with notice of the new information FEMA is proposing to consider as part of the IA declarations process.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	11/12/15	80 FR 70116
NPRM Comment Period End.	01/11/16	
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State, Tribal.

Additional Information: Docket ID FEMA–2014–0005.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Mark Millican, Individual Assistance Division, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472–3100, *Phone:* 202 212–3221, *Email: fema-ia-regulations@fema.dhs.gov.*

RIN: 1660–AA83

DHS—FEMA

87. Update to FEMA's Regulations on Rulemaking Procedures

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 5 U.S.C. 553

CFR Citation: 44 CFR 1.

Legal Deadline: None.

Abstract: The Federal Emergency Management Agency (FEMA) proposed to revise its regulations pertaining to rulemaking. It removes sections that are outdated or do not affect the public, and it updates provisions that affect the public's participation in the rulemaking process, such as the submission of public comments, hearings, ex parte communications, the public rulemaking docket, and petitions for rulemaking. FEMA also modifies its waiver of the Administrative Procedure Act exemption for matters relating to public property, loans, grants, benefits, and contracts.

Statement of Need: This final rule removes sections of FEMA's rulemaking provisions that are outdated or that do not affect the public, and updates provisions that affect the public's participation in the rulemaking process.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: This rule does not impose additional direct costs on the public or government.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	06/07/17	82 FR 26411
NPRM Comment Period End.	08/07/17	
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Docket ID FEMA–2017–0016.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Liza Davis, Associate Chief Counsel, Regulatory Affairs, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW, 8th Floor, Washington, DC 20472, *Phone:* 202 646–4046, *Email: liza.davis@fema.dhs.gov.*

RIN: 1660–AA91

BILLING CODE: 9110–9B–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Fall 2018 Statement of Regulatory Priorities for Fiscal Year 2019

Introduction

The Regulatory Plan for the Department of Housing and Urban Development (HUD) for Fiscal Year (FY) 2019 highlights the most significant regulations and policy initiatives that HUD seeks to complete during the upcoming fiscal year. As the Federal

agency that serves as the nation's housing agency, HUD is committed to addressing the housing needs of all Americans by creating strong, sustainable, inclusive communities, and quality affordable homes. As a result, HUD plays a significant role in the lives of families and in communities throughout America.

HUD is currently working to develop an innovative approach that anticipates the housing needs of the future while addressing current needs. HUD's 2018–2022 strategic plan focuses on rethinking American communities by refocusing on HUD's core mission and modernizing HUD's approach, leveraging private-sector partnerships, supporting sustainable homeownership, encouraging affordable housing investments, and redesigning HUD's internal processes. HUD's regulatory plan for FY2019 reflects Secretary Carson's strategic plan and HUD's mission.

In addition to the highlighted rule in this plan, Secretary Carson directed HUD, consistent with Executive Order 13771, entitled ''Reducing Regulation and Controlling Regulatory Costs,'' to identify and eliminate or streamline regulations that are wasteful, inefficient or unnecessary. The Secretary has also led HUD's implementation of Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda.'' Executive Order 13777 supplements and reaffirms the rulemaking principles of Executive Order 13771 by directing each agency to establish a Regulatory Reform Task Force to evaluate existing regulations to identify those that merit repeal, replacement, or modification; are outdated, unnecessary, or ineffective; eliminate or inhibit job creation; impose costs that exceed benefits; or derive from or implement Executive Orders that have been rescinded or significantly modified. As a result of Secretary's Carson's direction, HUD's Fall 2019 Unified Agenda of Regulatory and Deregulatory Actions lists two anticipated regulatory actions and twelve deregulatory actions.

The rules highlighted in HUD's regulatory plan for FY2019 reflects HUD's efforts to develop innovative approaches that anticipate the housing needs of the future, including the removal or revision of regulations that HUD has determined are outdated, unnecessary, or ineffective.

Streamlining the ''Section 3'' Requirements for Creating Economic Opportunities for Low- and Very Low-Income Persons and Eligible Businesses: Deregulation

The purpose of Section 3 is to ensure that employment, training, contracting, and other economic opportunities generated by certain HUD financial assistance are directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons. HUD's current regulations for Section 3 have not been updated in over 20 years. HUD's experience in administering Section 3 over time has provided insight as to how HUD could improve the effectiveness of its Section 3 regulations. Additionally, HUD has heard from the public that there is a need for regulatory changes to clarify and simplify the existing requirements. HUD concluded that regulatory changes are needed to streamline Section 3 and more effectively help recipients of HUD funds achieve the purposes of the Section 3 statute. HUD's proposed rule would update the regulations implementing Section 3 by aligning the reporting with standard business practice; amending the applicability section; updating reporting and adding new outcome benchmarks; and integrating Section 3 into program enforcement.

The new rule generally proposes the tracking and reporting of labor hours, rather than new hires. HUD believes that this is more consistent with the business practices of most HUD recipients, which already track labor hours in their payroll systems because they are subject to prevailing wage rates under the Davis-Bacon Act of 1931, or HUD prevailing wage requirements. A labor-hours frame-work focuses on the outcome that Section 3 requirements are intended to promote, *i.e.*, increasing the amount of paid employment and work experience for low-income persons. Tracking labor hours creates incentives for employers to retain and invest in their low-income workers by removing the opportunity for employers to manipulate HUD's current regulations by hiring the same employee for several short, temporary jobs over the course of a reporting period.

This proposed rule would maintain the statutory scope of applicability while providing separate subparts relating to the different types of funding sources that have associated Section 3 requirements: (1) Public housing financial assistance, which covers development assistance provided pursuant to section 5 of the U.S. Housing Act of 1937 (1937 Act) and operating and capital fund assistance provided pursuant to section 9 of the 1937 Act; and (2) Section 3 projects, which covers (a) housing rehabilitation, housing construction and other public construction projects funded with HUD program assistance, when such cumulative assistance to a jurisdiction exceeds a $200,000 threshold; and (b) housing rehabilitation or construction projects that include multiple funding sources, one or more of which is associated with Section 3 requirements. HUD would also update the $200,000 cumulative assistance threshold for Section 3 projects applicability to encompass a narrower scope. HUD believes that this change would reduce the burden on smaller projects.

In addition, HUD's proposed rule would change the process for meeting a safe harbor for compliance with the Section 3 requirements and reporting of Section 3 data. HUD's current regulations provide for a safe harbor where recipients demonstrate compliance with Section 3 by meeting numerical goals for the percentage of their new hires that qualify as Section 3 residents. In addition to hiring Section 3 workers generally, the Section 3 statute directs for recipients of Section 3 covered assistance to target their efforts to provide employment and economic opportunities to specific groups of low-income individuals. HUD's proposed rule would create two ''Targeted Section 3 Worker'' definitions that would track, according to the type of funding source, the numbers of Section 3 workers who are (a) reported by Section 3 business concerns, or (b) represent the priority categories included in the statute and selected by HUD, *i.e.*, housing project residents. The proposed new rule would also require that recipients report the labor hours performed by Section 3 Workers as a percentage of the total labor hours, and labor hours performed by Targeted Section 3 Workers as a percentage of the total labor hours.

Using the new reporting metrics, HUD would set benchmarks for the safe harbor through **Federal Register** notice, so HUD can update the metrics in response to additional data. It would also ensure that recipients hire workers from the priority groups, consistent with the statute. As HUD gathers data under the new rule, HUD can more easily revise benchmark figures or tailor different benchmarks for different geographies and different funding types. If a recipient is complying with the statutory priorities and meeting the

outcome benchmarks, HUD would presume they are exerting the statutorily prescribed level of effort. Otherwise, the recipients would be required to submit qualitative reports on their efforts, as they are required to do under the current rule when they do not meet the safe harbor, and HUD may do more in-depth compliance reviews. PHAs with fewer than 250 units would only be required to report on Section 3 qualitative efforts and would not be required to report on whether they have met the reporting benchmarks.

Lastly, HUD's proposal would provide that program staff would incorporate Section 3 compliance and oversight into regular program oversight and make Section 3 a more integral part of the program office's work. As a result, this proposed rule would streamline the extensive complaint and compliance review procedures in the current rule. Relatedly, it would remove the delegation of authority in the current regulations, as Section 3 requirements, reporting, and compliance activities would be aligned with those of the applicable HUD program office or offices.

HUD envisions this rule being completed in FY 2019.

Aggregate Costs and Benefits

Executive Order 12866, as amended, requires the agency to provide its best estimate of the combined aggregate costs and benefits of all regulations included in the agency's Regulatory Plan that will be pursued in FY 2019. HUD expects that the neither the total economic costs nor the total efficiency gains will exceed $100 million.

Project Approval for Single-Family Condominiums

This rule would codify HUD's program to approve condominium projects for FHA insurance pursuant to 12 U.S.C. 1707(a), as amended by section 2117 of the Housing and Economic Recovery Act of 2008 (HERA), which defines a mortgage eligible for FHA insurance as a first lien on a one-family unit along with an undivided interest in the common areas and facilities which serve the project. This codification would make current requirements for the program less strict and prescriptive, giving the condominium industry greater flexibility.

The FHA Condominium program is currently administered under the Condominium Approval and Processing Guide (the Guide). The Guide has a number of ''bright line'' requirements. This final rule would, on the other hand, establish more flexible and less costly requirements. The rule retains those requirements that are necessary to fulfill HUD's duty to avoid excessive risk to the insurance fund but does so in a less prescriptive way. This should result in increasing FHA participation in the condominium market and make condominiums more widely available. Condominium units are a valuable source of homeownership for moderate and lower-income families.

To provide for flexibility the rule would remove strict numeric requirements in favor of provisions that permit HUD to act within ranges. Specifically, where the Guide currently has strict numerical requirements regarding the allowable percentage of FHA-insured projects, the percentage of owner occupants, and the amount of space that can be used for commercial or nonresidential purposes, the final rule would make these percentages flexible and efficient to change, so that HUD can adjust to changing market conditions. HUD anticipates providing for the ability to change these threshold percentages by notice, rather than regulation, the rule would allow HUD to quickly adjust these percentages to be responsive to the market. There is also a provision for HUD to grant exceptions to these percentages on a case-by-case basis, considering factors relating to the economy for the locality in which the project is located or specific to the project. The percentage range limits themselves may be changed by publishing a notice for a brief period of public comment.

The final rule would also allow for single units to be approved for mortgage insurance outside of the project approval process. Unlike the Guide that does not provide a provision for insuring mortgages on units other than in an approved project, this rule recognizes that there may be situations where a project may not be approved, not because of any significant inherent problem with the project that creates risk to the insurance fund (*e.g.,* the Homeowners' Association does not want to go to the expense of applying for approval). In such cases, the rule would allow for a percentage of single units to be approved for mortgage insurance outside of the project approval process, under certain guidelines designed to reduce unacceptable risk to the insurance fund.

The rule would institute front-end standards for mortgagees to qualify to participate as Direct Endorsement lenders in the DELRAP, or Direct Endorsement Review and Approval Program. Once qualified, these lenders have the ability to review and approve condominium loans, with HUD having the authority to intervene in the case of misconduct or unacceptable performance. Ensuring that Direct Endorsement mortgagees have staff members with relevant condominium experience helps to mitigate risks to the insurance fund.

Aggregate Costs and Benefits

Executive Order 12866, as amended, requires the agency to provide its best estimate of the combined aggregate costs and benefits of all regulations included in the agency's Regulatory Plan that will be pursued in FY 2018. HUD expects that the neither the total economic costs nor the total efficiency gains will exceed $100 million.

Affirmatively Furthering Fair Housing: Streamlining and Enhancements

On July 16, 2015, HUD published in the **Federal Register** its Affirmatively Furthering Fair Housing (AFFH) final rule. The goal of the regulation was to provide HUD program participants with a revised planning approach to assist them in meeting their statutory obligation to affirmatively further the purposes and policies of the Fair Housing Act. The principal AFFH regulations are codified in 24 CFR part 5, subpart A, with other AFFH related regulations codified in 24 CFR parts 91, 92, 570, 574, 576, and 903. HUD is committed to its mission of achieving fair housing opportunity for all, regardless of race, color, religion, national origin, sex, disability, or familial status. However, HUD's experience over the three years since the newly-specified approach was promulgated demonstrates that the rule is not fulfilling its purpose to be an efficient means for guiding meaningful action by program participants.

Under the AFFH rule, HUD program participants are required to use an Assessment Tool to conduct and submit an Assessment of Fair Housing (AFH) to HUD. Because of the variations in the HUD program participants subject to the AFFH rule, HUD went through a process to develop three separate assessment tools: one for local governments, one for public housing agencies, and one for States and Insular Areas. Due to varying technical and other issues, only the Assessment Tool for local governments was ever made available for use. However, HUD withdrew the Local Government Assessment Tool in a **Federal Register** notice published on May 23, 2018 as a result of its review of the initial round of AFH submissions that were developed using the tool. This review led HUD to conclude that the tool was unworkable based upon: (1) The high failure rate from the initial

round of submissions; and (2) the level of technical assistance HUD provided to this initial round of 49 AFHs, which cannot be scaled up to accommodate the increase in the number of local government program participants with AFH submission deadlines in 2018 and 2019.

On May 15, 2017, HUD published a **Federal Register** notice consistent with Executive Orders 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' and 13777, ''Enforcing the Regulatory Reform Agenda,'' inviting public comments to assist HUD in identifying existing regulations that may be outdated, ineffective, or excessively burdensome. HUD received 299 comments in response to the Notice, and 136 (45% of the total) discussed the AFFH rule. Most of these comments were critical of the AFFH rule and cited its complexity and the costs associated with completing an AFH.

As HUD begins the process of developing a new proposed rule, HUD issued an advance notice of proposed rulemaking (ANPR) on August 16, 2018, at 83 FR 40713, which invites public comment on amendments to the AFFH regulations. HUD is also reviewing comments submitted in response to the withdrawal of the Local Government Assessment Tool and will consider those comments during HUD's consideration of potential changes to the AFFH regulations. HUD will use these sets of comments in drafting future rulemaking.

Aggregate Costs and Benefits

Executive Order 12866, as amended, requires the agency to provide its best estimate of the combined aggregate costs and benefits of all regulations included in the agency's Regulatory Plan that will be pursued in FY 2018. At this pre-rule stage, HUD expects that the neither the total economic costs nor the total efficiency gains will exceed $100 million.

HUD—OFFICE OF THE SECRETARY (HUDSEC)

Proposed Rule Stage

88. Enhancing and Streamlining the Implementation of ''Section 3'' Requirements for Creating Economic Opportunities for Low- and Very Low-Income Persons and Eligible Businesses

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 12 U.S.C. 1701u; 42 U.S.C. 1450; 42 U.S.C. 3301; 42 U.S.C. 3535(d)

CFR Citation: 24 CFR 5, 14, 75, 91, 92, 93, 135, 266,; 570, 576, 578, 905, 964, 983, and 1000.

Legal Deadline: None.

Abstract: This rule revises HUD's regulations for Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1992 (Section 3), which ensures that employment, training, and contracting opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of Government assistance for housing and to business concerns that provide economic opportunities to these persons. HUD's regulations implementing the requirements of Section 3 have not been updated since 1994 and are not as effective at promoting economic opportunity for low-income persons as HUD believes they could be. This proposed rule would update HUD's Section 3 regulations to streamline reporting requirements by aligning the reporting with standard business practice; amending the applicability section; updating reporting and adding new outcome benchmarks; and integrating Section 3 into program enforcement. The purpose of these changes is to reduce regulatory burden, increase compliance with Section 3 requirements, and increase Section 3 opportunities for low-income persons.

Statement of Need: Over 24 years ago, HUD's Section 3 regulations were promulgated through an interim rule published on June 30, 1994, at 59 FR 33880. Since HUD promulgated the current set of Section 3 regulations, significant legislation has been enacted that affects HUD programs that are subject to the requirements of Section 3. HUD has also heard from the public that there is a need for regulatory changes to clarify and simplify the existing requirements. HUD concluded that regulatory changes are needed to streamline Section 3 and more effectively help recipients of HUD funds achieve the purposes of the Section 3 statute.

Summary of Legal Basis: 12 U.S.C. 1701u; 42 U.S.C. 1450; 42 U.S.C. 3301; 42 U.S.C. 3535(d).

Alternatives: None.

Anticipated Cost and Benefits: The purpose of Section 3 is to provide jobs, including apprenticeship opportunities, to public housing residents and other specific low- and very low-income residents of a local area, and contracting opportunities for businesses that substantially employ these persons. However, the Section 3 requirement itself does not create additional jobs or contracts. Instead, Section 3 redirects local jobs and contracts created as a result of the expenditure of HUD funds to Section 3 residents and businesses residing and operating in the area in which the HUD funds are expended. Currently, Section 3 rules require that a certain percent of new hires are Section 3 residents. HUD has determined that this measure has led to churning, where employers create a series of short-term jobs and hire and fire an employee in order to meet their Section 3 numeric goals. The proposed rule will curb these practices by changing the metric to a percentage of hours worked. HUD anticipates that the change will incentivize employers to create long-term employment opportunities as employers shift their focus to reporting hours worked, a factor that aligns with business practices, rather than on providing employment for a specific number of new hires. HUD also anticipates that the rule's streamlined reporting requirements will contribute to an increase in the number of employment opportunities provided to Section 3 residents and more funds for Section 3 businesses. HUD estimates that proposed rule would result in an estimated reporting and recordkeeping burden reduction of 25,910 hours or $1.2 million a year. These figures are preliminary estimates and may be updated pending OMB review.

Initial compliance costs are expected to be minimal and one-time as recipients shift their practices to meet the new requirements. For example, some recipients may have difficulty determining whether employees live in a Qualified Census Tract, or whether they live within a certain distance of a worksite. However, HUD plans to create tools to assist recipients in making these determinations. HUD will pay attention to public comment on this issue to ensure that compliance costs are indeed reduced by this rule change.

Benefits to low-income and very low-income persons are difficult to quantify. As described below, the change from measuring new hires to measuring labor hours could not only reduce churn but, depending on the initial benchmarks established, could also result in employers not needing to add new Section 3 workers in the short-term. However, tracking the amount of work performed by Targeted Section 3 workers would help ensure that the priorities of Section 3 are being considered, consistent with the statutory requirement, when recipients hire and distribute hours to low-income

workers. As HUD tracks the new data reported by recipients, HUD expects to move the benchmarks to ensure that recipients are driven to increase their Section 3 opportunities, consistent with the Section 3 statutory intent that Federal financial assistance is, to the greatest extent feasible, directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing. The goal is that those recipients of government assistance for housing will find Section 3 employment and a path to financial security that removes the need for long-term government assistance.

The initial benefit of this rule is the reduction in administrative costs to both HUD and recipients of HUD financing, which results from aligning the Section 3 requirements with what businesses already track. HUD believes this change would improve compliance by recipients.

Risks: A potential risk in switching from reporting and tracking new hires to labor hours is that the number of Section 3 workers being hired might decrease or remain flat. However, this would be because employers have a financial incentive to retain current Section 3 workers rather than hire new Section 3 workers under this rule. This would be due, in part, to employers losing the existing incentive to churn workers in order to count new hires. Additionally, if data shows that this rule is not increasing employment opportunities for Section 3 workers over time, HUD can adjust the new Section 3 benchmarks to increase the number of labor hours performed by Section 3 workers that employers would need to meet in order to demonstrate compliance with this requirement.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Undetermined.

Agency Contact: Merrie Nichols-Dixon, Deputy Director, Office of Policy, Programs and Legislative Initiatives, Department of Housing and Urban Development, Office of the Secretary, 451 Seventh Street SW, Washington, DC 20410, *Phone:* 202 402–4673.

Thomas R. Davis, Director, Office of Recapitalization, Office of Housing, Department of Housing and Urban Development, Office of the Secretary, 451 Seventh Street SW, Washington, DC 20410, *Phone:* 202 708–0001.

Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, Office of the Secretary, 451 Seventh Street SW, Washington, DC 20410, *Phone:* 202 708–2684.

RIN: 2501–AD87

HUD—OFFICE OF HOUSING (OH)

Final Rule Stage

89. Project Approval for Single Family Condominium (FR–5715)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 12 U.S.C. 1707, 1709 and 1710; 12 U.S.C. 1715b; 12 U.S.C. 1715y; 12 U.S.C. 1715z–16; 12 U.S.C. 1715u; 42 U.S.C. 3535(d)

CFR Citation: 24 CFR 203.

Legal Deadline: None.

Abstract: This final rule implements HUD's authority under the single-family mortgage insurance provisions of the National Housing Act to insure one-family units in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project. The rule provides for requirements for lenders to obtain approval under the Direct Endorsement Lender Review and Approval Process (DELRAP) authority for condominiums, and for standards that projects must meet to be approved for mortgage insurance on individual units. The rule provides for flexibility with respect to the concentration of FHA-insured units, owner-occupied units, and the amount that can be set aside for commercial and non-residential space. This will enable HUD to vary these standards, within parameters, to meet market needs.

Statement of Need: The Housing Opportunities through Modernization Act of 2016 requires HUD to issue regulations on the commercial space requirements for condominium projects; these regulations would be codified in HUD's Code of Federal Regulations (CFR) volume. Having one portion of the basic program rules codified in the CFR and others not codified would be confusing and unfriendly to the public. Additionally, the current program rules are overly rigid. The rule will add needed flexibility and logically codify the basic rules of the program, similar to HUD's other single-family programs.

Summary of Legal Basis: The legal basis (in addition to HUD's general rulemaking authority under 42 U.S.C. 3535(d)) is the definition of mortgage in section 201 of the Act (12 U.S.C. 1707), which definition also applies to section 203 of the Act (12 U.S.C. 1709). The definition was revised by the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289, approved July 30, 2008) to include a mortgages on a one-family unit in a multifamily project, and an undivided interest in the common areas and facilities which serve the project (this is the arrangement that characterizes the large majority of condo projects). More recently, the Housing Opportunity Through Modernization Act (Pub. L. 114–201, approved July 29, 2016), requires HUD to: Streamline the condominium recertification process; issue regulations to amend the limitations on commercial space to allow such requests to be processed under either HUD or lender review; and to consider factors relating to the economy for the locality in which such project is located or specific to project, including the total number of family units in the project. HUD will be addressing these issues through the regulation.

Alternatives: None.

Anticipated Cost and Benefits: The rule will produce cost savings of $1 million per year by reducing the paperwork required for recertification of an approved project. There are some costs associated with qualifying to participate in the Direct Endorsement Lender Review and Approval Process (DELRAP). However, HUD anticipates that many provisions of the rule, such as single-unit approvals, and flexible standards, would reduce or eliminate the compliance costs of the rule.

Risks: The DELRAP process (which gives underwriting responsibility to qualified lenders) and single unit approvals (which allow HUD to insure mortgages in unapproved condominium projects) could increase the risk of defaults. However, the rule would add safeguards to fully mitigate these risks. The participating DELRAP lenders would have to meet qualification standards, and HUD would monitor their performance on an ongoing basis, and would have authority to take corrective actions if a lender's performance is deficient. In addition, single unit approvals would require that HUD not insure mortgages in an unapproved project if the percentage of such mortgages exceeds an amount determined by the Commissioner to be necessary for the protection of the insurance fund.

Timetable:

Action	Date	FR Cite
NPRM	09/28/16	81 FR 66565
NPRM Comment Period End.	11/28/16	
Final Action	01/00/19	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

URL For Public Comments: www.regulations.gov/searchResults?rpp=25&po=0&s=FR-5715&fp=true&ns=true.

Agency Contact: Elissa Saunders, Director, Office of Single Family Program Development, Office of Housing, Department of Housing and Urban Development, Office of Housing, 451 Seventh Street SW, Washington, DC 20410, *Phone:* 202 708–2121.

RIN: 2502–AJ30

HUD—OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY (FHEO)

Prerule Stage

90. • Affirmatively Furthering Fair Housing Streamlining and Enhancement (FR–6123)

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 3535(d) and 3601 to 3619

CFR Citation: 24 CFR 5, 91, 92, 570, 574, 576, and 903.

Legal Deadline: None.

Abstract: This advance notice of proposed rulemaking invites public comment on amendments to HUD's affirmatively furthering fair housing (AFFH) regulations. The goal of the regulations is to provide HUD program participants with a specific planning approach to assist them in meeting their statutory obligation to affirmatively further the purposes and policies of the Fair Housing Act. HUD is committed to its mission of achieving fair housing opportunity for all, regardless of race, color, religion, national origin, sex, disability, or familial status. fair housing. However, HUD's experience over the three years since the newly-specified approach was promulgated demonstrates that it is not fulfilling its purpose to be an efficient means for guiding meaningful action by program participants. As HUD begins the process of developing a proposed rule to amend the existing AFFH regulations, it is soliciting public comment on changes that will: (1) Minimize regulatory burden while more effectively aiding program participants to plan for fulfilling their obligation to affirmatively further the purposes and policies of the Fair Housing Act; (2) create a process that is focused primarily on accomplishing positive results, rather than on performing analysis of community characteristics; (3) provide for greater local control and innovation; (4) seek to encourage actions that increase housing choice, including through greater housing supply; and (5) more efficiently utilize HUD resources. HUD is also reviewing comments submitted in response to the withdrawal of the Local Government Assessment Tool and will consider those comments during HUD's consideration of potential changes to the AFFH regulations.

Statement of Need: The stated purpose of the AFFH regulations is to provide HUD program participants with a planning approach to assist them in meeting their legal obligation to affirmatively further the purposes and policies of the Fair Housing Act. However, HUD has concluded that the current regulations are ineffective. The highly prescriptive regulations give participants inadequate autonomy in developing fair housing goals as suggested by principles of federalism. Additionally, the current regulations do not address the lack of adequate housing supply, which has a particular adverse impact on protected classes under the Fair Housing Act. Finally, some peer-reviewed literature indicates that outcomes of policies focused on deconcentrating poverty may vary across different ages and demographic groups, and suggests that such policies are difficult to implement at scale and without disrupting local decision making.

Summary of Legal Basis:

Alternatives: None.

Anticipated Cost and Benefits: At this pre-rule stage, HUD expects that the neither the total economic costs nor the total efficiency gains will exceed $100 million.

Risks: Program participants are reminded that the legal obligation to affirmatively further fair housing remains in effect. The withdrawal of the Local Government Assessment Tool means that a program participant that has not yet submitted an AFH using that device that has been accepted by HUD must continue to carry out its duty to affirmatively further fair housing by, inter alia, continuing to assess fair housing issues as part of planning for use of housing and community development block grants in accordance with pre-existing requirements. The pre-existing requirements referred to the fair housing assessment as an analysis of impediments to fair housing choice (AI). HUD places a high priority upon the responsibility of program participants to ensure that their AIs serve as effective fair housing planning tools.

Timetable:

Action	Date	FR Cite
ANPRM	08/16/18	83 FR 40713
Comment Period End.	10/15/18	
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Krista Mills, Deputy Assistant Secretary, Office of Policy, Legislative Initiatives, and Outreach, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 451 Seventh Street SW, Washington, DC 20410, *Phone:* 202 402–6577.

RIN: 2529–AA97

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Regulatory Plan Fall 2018

Introduction

The U.S. Department of the Interior (''Interior'' or ''the Department'') serves the American public by managing the Nation's natural resources for the benefit and enjoyment of the American people, and it honors the United States' trust responsibilities or special commitments to Federally recognized tribes, American Indians, Alaska Natives, and affiliated insular areas. This includes managing approximately 500 million surface acres of Federal land or about twenty percent of the Nation's land area, approximately 700 million subsurface acres of Federal mineral estate, and over a billion acres of submerged lands on the Outer Continental Shelf.

Hundreds of millions of people visit Interior-managed lands each year in order to engage in camping, hiking, hunting, fishing and various other forms of outdoor recreation, which supports local communities and their economies. Interior provides access to Federal lands and offshore areas for the development of energy, minerals and other natural resources, which generates revenue for all levels of government, creates jobs and supports the Nation's energy and mineral security by promoting the identification and development of domestic sources of energy, minerals and the associated infrastructure needs. Interior manages these resources under a legal framework that includes

regulations that ultimately affect the lives and livelihoods of many Americans.

America's lands and natural resources hold tremendous job-creating assets. As the steward for a substantial portion of this public trust, Interior manages the Nation's lands and natural resources for multiple uses. Through this balanced stewardship of public resources, which recognizes the value of both conservation and development, Interior helps drive job opportunities and economic growth. Interior supports $254 billion in estimated economic benefit, while direct grants and payments to states, tribes, and local communities provide an estimated $10 billion in economic benefit. In 2017, Interior collected approximately $9.6 billion from energy, mineral, grazing, and forestry activities on behalf of the American people. Interior also supports the economy by eliminating unnecessary and burdensome Federal regulatory requirements.

Regulatory Reform

President Trump has made it a priority of his administration to reform regulatory requirements that negatively impact our economy while maintaining environmental standards. Since day one, Secretary Zinke has been committed to regulatory reform. Interior is playing a key role in regulatory reform and, pursuant to Executive Order (E.O.) 13777, ''Enforcing the Regulatory Reform Agenda'' (signed Feb. 24, 2017), has established a Regulatory Reform Task Force to help make Interior's regulations work better for the American people. In accordance with E.O. 13777, as well as E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (signed Jan. 30, 2017), Interior will continue its efforts to identify and repeal, replace or modify regulations that are unnecessary, ineffective or that impose costs, which are not adequately justified by benefits. Interior will also continue to encourage and seek public input on these regulatory reform efforts. *See 82 FR 28429 (June 22, 2017) and https://www.doi.gov/regulatory-reform.*

In fiscal year 2019, Interior's regulatory agenda will continue to reflect a strong commitment to a conservation ethic that also recognizes that unnecessary regulations create harmful economic consequences on the U.S. economy. In doing this, the Department will continue to protect human health and the environment in a responsible and cost-effective manner, but in a way that avoids imposing undue process or unnecessary economic burdens on the American public.

Regulatory and Deregulatory Priorities

Interior's regulatory and deregulatory priorities focus on:

- Promoting American energy and critical mineral development
- Improving the effectiveness, transparency and timeliness of environmental review and permitting processes for infrastructure projects
- Expanding outdoor recreation opportunities for all Americans
- Enhancing conservation stewardship
- Improving management of species and their habitats
- Upholding trust responsibilities to the Federally recognized American Indian and Alaska Native tribes and addressing the challenges of economic development

Promoting American Energy and Critical Mineral Development

On March 28, 2017, President Trump signed E.O. 13783, ''Promoting Energy Independence and Economic Growth,'' which states that ''[i]t is in the national interest to promote clean and safe development of our Nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.'' In accordance with E.O. 13783, Interior strives to promote the responsible development of Federal and Indian energy resources, while seeking to identify and eliminate regulatory requirements that unnecessarily burden the development or use of domestic sources of energy beyond the degree necessary to protect the public interest or otherwise comply with the law. In addition to reducing unnecessary regulatory burdens, Interior is committed to improving its management of Federal and Indian energy resources by developing more efficient and streamlined permitting and review procedures.

The Department also recognizes that the public lands under its stewardship are an important source of the Nation's non-energy mineral resources, some of which are critical and strategic, and it is committed to ensuring appropriate access to public lands for the orderly and efficient development of important mineral resources. On December 20, 2017, President Trump signed E.O. 13817, ''A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals,'' which prioritizes the need to reduce America's dependence on foreign sources for critical mineral supplies, which the U.S. relies upon to manufacture everything from batteries and computer chips to the equipment used by our military. Within this framework, on December 21, 2017, Secretary Zinke signed Secretary's Order (S.O.) No. 3351, ''Critical Mineral Independence and Security,'' which directed Interior bureaus to identify a list of critical minerals and streamline permitting to encourage domestic production of those critical minerals.

In furtherance of these goals, Interior completed the following regulatory actions during fiscal year 2018:

- BLM published the final rule entitled, ''Oil and Gas: Hydraulic Fracturing on Federal and Indian Lands; Rescission of a 2015 Rule'' (82 FR 61924, Dec. 29, 2017);
- BLM publish the final rule entitled, ''Waste Prevention, Production Subject to Royalties, and Resource Conservation: Rescission or Revision of Certain Requirements'' (83 FR 49184, Sept. 28, 2018); and
- BSEE published the final rule entitled, ''Oil and Gas and Sulphur Operations on the Outer Continental Shelf—Oil and Gas Production Safety Systems'' (83 FR 49216, Sept. 28, 2018).

In fiscal year 2019, Interior will continue to pursue a regulatory agenda that seeks to eliminate or minimize regulatory burdens that unnecessarily encumber energy and mineral development, and that promotes efficient, effective and timely processing of energy and mineral permits and other authorizations on Interior-administered lands and waters. Some of the regulatory actions that Interior is planning to prioritize in fiscal year 2019 include the following:

- BSEE is considering a potential regulatory action to revise the final rule entitled, ''Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Blowout Preventer Systems and Well Control'' (81 FR 25887, Apr. 29, 2016);
- BOEM is reviewing and considering a potential regulatory action related to its Notice to Lessees No. 2016–N01, ''Notice to Lessees and Operators of Federal Oil and Gas, and Sulfur Leases, and Holders of Pipeline Right-of-Way and Right-of-Use and Easement Grants in the Outer Continental Shelf'' (Sep. 12, 2016);
- BOEM is reconsidering the provisions of the proposed rule entitled, ''Air Quality Control, Reporting, and Compliance,'' (81 FR 19718, Apr. 5, 2016);
- BSEE and BOEM are reviewing and considering a potential regulatory action related to the final rule entitled, ''Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf'' (81 FR 46478, Jul. 15, 2016); and

• BLM is reviewing and considering a potential regulatory action related to the final rules entitled, ''Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Site Security'' (81 FR 81356, Nov. 17, 2016), ''Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Measurement of Oil'' (81 FR 81462, Nov. 17, 2016), and ''Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Measurement of Gas'' (81 FR 81516, Nov. 17, 2016).

Improving the Efficiency, Transparency and Timeliness of Environmental Review and Permitting Processes for Infrastructure Projects

As outlined in E.O. 13807, ''Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects'' (signed Aug. 15, 2017), inefficiencies in permitting processes, including environmental review processes, can delay or prevent infrastructure investments, increase project costs, and prevent the American people from experiencing infrastructure improvements that would benefit our economy, society and environment. With this in mind, E.O. 13807 directs Federal agencies to undertake actions in order to improve the effectiveness, efficiency, transparency and accountability of their environmental review and permitting processes for infrastructure projects.

The Department is responsible for reviewing and approving permits and other authorizations for various public and private infrastructure projects on and across Interior-managed lands nationwide, including various forms of surface transportation, such as roadways and railroads, pipelines, transmission lines, water resource projects, and energy production and generation. As such, Interior has an important role in the overall objective of improving the Nation's infrastructure.

In recognition of the important role that it plays in the overall efforts to improve and strengthen the Nation's infrastructure, Interior has initiated actions in order to identify and address potential impediments to its efficient and effective review of infrastructure projects. For example, on August 31, 2017, Interior issued S.O. 3355, ''Streamlining the National Environmental Policy Act Reviews and Implementation of Executive Order 13807, 'Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,' '' in order to enhance, modernize and improve the efficiencies of the Department's National Environmental Policy Act (NEPA) review processes.

In order to ensure that the objectives of E.O. 13807 and S.O. 3355 are effectively implemented, the Department has issued numerous guidance documents, including Environmental Review Memorandum No. ERM 10–11, ''Determining the Applicable Environmental Review Framework for Infrastructure Projects'' (August 9, 2018), and the following memoranda from the Deputy Secretary of the Interior:

• ''Additional Direction for Implementing Secretary's Order 3355'' (April 27, 2018);
• ''NEPA Document Clearance Process'' (April 27, 2018);
• ''Compiling Contemporaneous Decision Files'' (April 27, 2018);
• ''Standardized Intra-Department Procedures Replacing Individual Memoranda of Understanding for Bureaus Working as Cooperating Agencies'' (June 11, 2018);
• ''Questions and Answers Related to Deputy Secretary Memorandums (Memos) dated April 27, 2018'' (June 22, 2018);
• ''Reporting Costs Associated with Developing Environmental Impact Statements'' (July 23, 2018); and
• ''Additional Direction for Implementing Secretary's Order 3355 Regarding Environmental Assessments'' (August 6, 2018).

In addition, pursuant to S.O. 3358, ''Executive Committee for Expedited Permitting'' (signed Oct. 25, 2017), Interior established an Executive Committee for Expedited Permitting to help improve the Department's permitting processes for energy projects. This will involve improving the permitting processes for energy-related projects, as well as the harmonization of appurtenant environmental reviews.

In fiscal year 2019, Interior will pursue a regulatory agenda that continues its efforts to improve the Department's permitting processes, including interagency coordination and environmental review processes, for various types of infrastructure projects. Some of the regulatory actions planned for 2019 that will help to support those objectives include:

• A Departmental rule that is being developed to update and streamline Interior's NEPA processes—''Implementation of the National Environmental Policy Act of 1969''; and
• The following U.S. Fish and Wildlife Service regulatory actions:
○ ''Conservation of Endangered and Threatened Species; Revision of Regulations to Address Interagency Cooperation'';
○ ''Endangered and Threatened Species of Wildlife and Plants; Revision of the Regulations for Listing Species and Designating Critical Habitat'';
○ ''Endangered and Threatened Wildlife and Plants; Regulations for Prohibitions to Threatened Wildlife and Plants; Removal of Blanket Section 4(d) Rule''; and
○ ''Endangered Species Act Section 10 Regulations; Exceptions Regarding the Conservation of Endangered and Threatened Species of Wildlife and Plants.''

Increasing Outdoor Recreation for All Americans, Enhancing Conservation Stewardship, and Improving Management of Species and Their Habitat

On March 2, 2017, Secretary Zinke signed S.O. 3347, ''Conservation Stewardship and Outdoor Recreation,'' which established a goal to enhance conservation stewardship, increase outdoor recreation, and improve the management of game species and their habitat.

With S.O. 3356, ''Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories,'' which was signed on September 15, 2017, Interior announced continued efforts to enhance conservation stewardship; increase outdoor recreation opportunities for all Americans, including opportunities to hunt and fish; and improve the management of game species and their habitats for this generation and beyond.

On April 18, 2018, Secretary Zinke signed S.O. 3365, ''Establishment of a Senior National Adviser for Recreation,'' and S.O. 3366, ''Increasing Recreational Opportunities on Lands and Waters Managed by the U.S. Department of the Interior.'' Those Secretary's Orders provide additional support for Interior's continuing efforts to increase access to outdoor recreation on public lands for all American.

In fiscal year 2019, Interior will pursue a regulatory agenda that will help to achieve its goals of expanding opportunities for outdoor recreation, including hunting and fishing, for all Americans; enhancing conservation stewardship; and improving the management of species and their habitat. The regulatory actions that Interior is planning to pursue in accordance with the aforementioned goals include:

• A regulatory action that would align Federal regulations regarding sport hunting and trapping in national preserves in Alaska with State of Alaska laws and regulations; and

• Regulatory actions that would authorize certain recreational activities, such as off-road vehicle use, snowmobiling and bicycling, within designated areas of certain National Park System units.

Upholding Trust Responsibilities to the Federally Recognized American Indian and Alaska Native Tribes and Addressing the Challenges of Economic Development

The Department of the Interior and the Bureau of Indian Affairs (BIA) are committed to identifying opportunities to promote economic growth and the welfare of the people BIA serves by removing barriers to the development of energy and other resources in Indian country. In fiscal year 2019, Interior will continue to pursue a regulatory agenda that supports that commitment.

Aggregate Deregulatory and Significant Regulatory Actions

Interior made substantial progress in reducing regulatory burdens upon the American public. Since the issuance of E.O. 13771 in January 2017, Interior has finalized deregulatory actions that provide a total of over $200 million in annualized costs savings. In fiscal year 2019, Interior expects to complete deregulatory actions that will provide approximately $50 million in annualized costs savings. Interior does not currently expect to publish any significant regulatory actions during the next year that will be subject to the offset requirements of E.O. 13771. Throughout this document, the terms ''deregulatory action'' and ''significant regulatory action'' refer to actions that are subject to E.O. 13771.

Bureaus and Offices Within the Department of the Interior

The following sections give an overview of some of the major deregulatory and regulatory priorities of Interior bureaus and offices.

Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) enhances the quality of life, promotes economic opportunity, and protects and improves the trust assets of approximately 1.9 million American Indians, Indian tribes, and Alaska Natives. BIA also provides quality education opportunities to students in Indian schools. BIA maintains a government-to-government relationship with the 573 federally recognized Indian tribes. The Bureau also administers and manages 55 million acres of surface land and 57 million acres of subsurface minerals held in trust by the United States for American Indians and Indian tribes.

Deregulatory and Regulatory Actions

In the coming year, BIA's regulatory agenda will continue to focus on priorities that ease regulatory burdens on tribes, American Indians and Alaska Natives, and others subject to BIA regulations, in accordance with E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' and E.O. 13777, ''Enforcing the Regulatory Reform Agenda.'' In accordance with this focus, BIA has identified a provision in the Tribal Transportation Program regulation that may be appropriate for revision because it imposes data collection and reporting requirements that are potentially unnecessary under current law. BIA also plans to finalize a regulation that would streamline the right-of-way process for governmental entities seeking a waiver of the requirement to obtain a bond in certain cases. To reduce documentary burden, BIA is planning to finalize a rule that would allow for the recording in land title records of a memorandum of lease, rather than requiring recording of all the lease documents.

Because many of its existing regulations require compliance with the NEPA, BIA is also working on parallel efforts to streamline NEPA implementation, in accordance with E.O. 13807, ''Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,'' and S.O. 3355, ''Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807.''

The BIA has one potentially significant regulatory action on its agenda that would revise the existing regulations governing off-reservation trust acquisitions to establish new items that must be included in an application and threshold criteria that must be met for off-reservation acquisitions before NEPA compliance will be required. The rule would also reinstate the 30-day delay for taking land into trust following a decision by the Secretary or Assistant Secretary. This rule is expected to have de minimis economic impacts and therefore likely exempt from the offset requirements under E.O. 13771.

Bureau of Land Management

The Bureau of Land Management (BLM) manages more than 245 million acres of public land, known as the National System of Public Lands, primarily located in 12 Western states, including Alaska. The Bureau also administers 700 million acres of sub-surface mineral estate throughout the nation. As stewards, the BLM pursues its multiple-use mission, providing opportunities for economic growth through uses such as energy development, ranching, mining and logging, as well as outdoor recreation activities such as camping, hunting and fishing, while also supporting conservation efforts. Public lands provide valuable, tangible goods and materials that we use every day to heat our homes, build our roads, and feed our families. The BLM strives to be a good neighbor in the communities it serves, and is committed to keeping public landscapes healthy and productive.

Deregulatory and Regulatory Actions

BLM has identified the following deregulatory actions for the coming year:

• Non-Energy Solid Leasable Minerals Royalty Rate Reductions (RIN 1004–AE58); and

• Revisions to Oil and Gas Site Security, Oil Measurement, and Gas Measurement Regulations (RIN 1004–AE59).

BLM has no significant regulatory actions subject to E.O. 13771 planned in 2019.

Non-Energy Solid Leasable Minerals Royalty Rate Reductions

The BLM is considering a proposed rule to streamline the royalty rate reduction process for non-energy solid leasable minerals. The proposed rule would address shortcomings with the existing royalty rate reduction regulations for non-energy solid leasable minerals at 43 CFR subpart 3513—Waiver, Suspension or Reduction of Rental and Minimum Royalties.

The current regulations establish the royalty rate reduction process. However, that process is believed to be unnecessarily burdensome and the standards are higher than the applicable statute requires for approval of a royalty rate reduction. The proposed rule would streamline the royalty rate reduction process and align the BLM regulations more closely with the standards of the Mineral Leasing Act of 1920.

Revisions to Oil and Gas Site Security, Oil Measurement, and Gas Measurement Regulations

On November 17, 2016, the BLM issued three final rules that updated and replaced the BLM's existing Onshore Oil and Gas Orders (Onshore Orders) for site security (Onshore Order 3), measurement of oil (Onshore Order 4), and measurement of gas (Onshore Order 5). The three rules were codified in Title

43 of the Code of Federal Regulations at subparts 3170 (Onshore Oil and Gas Production: General), 3173 (Requirements for Site Security and Production Handling), 3174 (Measurement of Oil), and 3175 (Measurement of Gas). These rules were prompted by external and internal oversight reviews, which found that many of the BLM's production measurement and accountability policies were outdated and inconsistently applied. The rules addressed some of the Government Accountability Office's concerns for areas of high risk with regard to the Department's production accountability. The rulemakings also provide a process for approving new measurement technology that meets defined performance goals.

In accordance with E.O. 13783, ''Promoting Energy Independence and Economic Growth'' (March 28, 2017), and S.O. 3349, ''American Energy Independence'' (March 29, 2017), the BLM has undertaken a review of the rules to determine if certain provisions may have added regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. As a result of this review, the BLM is considering a proposed rulemaking action that will propose to modify certain provisions of 43 CFR subparts 3170, 3173, 3174, and 3175 in order to reduce unnecessary and overly burdensome regulatory requirements.

Bureau of Ocean Energy Management

The Bureau of Ocean Energy Management (BOEM) is committed to the Administration proposition that ''A brighter future depends on energy policies that stimulate our economy, ensure our security, and protect our health.'' In accordance with E.O. 13783, ''Promoting Energy Independence and Economic Growth,'' BOEM is committed to the safe and orderly development of our offshore energy and mineral resources, with the goal of avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. BOEM is committed to identifying regulatory and deregulatory opportunities and policies that lower costs and stimulate development. BOEM continues to strengthen U.S. energy security and energy independence. BOEM creates jobs, benefits local communities, and strengthens the economy by offering opportunities to develop the conventional and renewable energy and mineral resources of the Outer Continental Shelf (OCS).

Deregulatory and Regulatory Actions

E.O. 13795, ''Implementing an America-First Offshore Energy Strategy,'' specifically addressed certain Interior rules related to offshore energy. To implement E.O. 13795, Interior issued S.O. 3350, ''America-First Offshore Energy Strategy,'' which enhances opportunities for energy exploration, leasing, and development on the OCS; establishes regulatory certainty for OCS activities; and enhances conservation stewardship, thereby providing jobs, energy security, and revenue for the American people. In accordance with S.O. 3350, BOEM has:

- Reconsidered its financial assurance policies expressed in Notice to Lessees No. 2016–N01 related to offshore oil and gas activities. BOEM is currently working on a proposed rule to protect taxpayers from unnecessary liabilities while minimizing unnecessary regulatory burdens on industry.
- Ceased activities to promulgate the ''Offshore Air Quality Control, Reporting, and Compliance'' proposed rule, which was published on April 5, 2016 (81 FR 19717). Following extensive review, BOEM is now completing a more limited final rule that will implement BOEM's statutory responsibility to ensure that OCS operations conducted under a BOEM approved plan are in compliance with statutory mandates.
- Reviewed, in consultation with the Bureau of Safety and Environmental Enforcement (BSEE), the final rule ''Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf,'' which was published on July 15, 2016 (81 FR 46478), for consistency with the policy set forth in section 2 of E.O. 13795. As a result of that review, BOEM and BSEE are considering deregulatory options for the rule.

BOEM has no economically significant regulatory actions planned for fiscal year 2019.

Streamlining Renewable Energy Regulations

BOEM's renewable energy program has matured over the past 8 years as it has conducted 7 auctions and issued 13 commercial leases for offshore wind. Through that experience and stakeholder engagement, BOEM has identified deregulatory opportunities for reforming, streamlining, and clarifying its renewable energy regulations. This proposed rulemaking contains reforms that are intended to facilitate offshore renewable energy development, while not decreasing environmental safeguards. The rulemaking advances, and is consistent with, the Administration's deregulatory and energy security policies.

Compliance With Executive and Secretary's Orders, and Statutory Mandates

BOEM will continue to be responsive to the various regulatory reform initiatives, including identifying and acting upon any regulations, orders, guidance, policies or any similar actions that could potentially burden the development or utilization of domestically produced energy sources.

Bureau of Safety and Environmental Enforcement

The Bureau of Safety and Environmental Enforcement's (BSEE) mission is to promote offshore conservation, development and production of offshore energy resources while ensuring that offshore operations are safe and environmentally responsible. BSEE's priorities in fulfillment of its mission are to: (1) Promote and regulate offshore energy development using the full range of authorities, policies, and tools to ensure safety and environmental responsibility; and (2) build and sustain the organizational, technical, and intellectual capacity within and across BSEE's key functions in order to keep pace with offshore industry technology improvements, innovate in economically sound regulation and enforcement, and reduce risk through appropriate risk assessment and regulatory and enforcement actions.

Consistent with the direction in E.O. 13783, ''Promoting Energy Independence and Economic Growth,'' E.O. 13795, ''Implementing an America-First Offshore Energy Strategy,'' as well as E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' BSEE has reviewed and will continue to review its existing regulations to determine whether they may unnecessarily burden the development or use of domestically produced energy resources, constrain economic growth, or prevent job creation. BSEE is a well-positioned partner ready to help all stakeholders maintain the Nation's position as a global energy leader and foster energy independence for the benefit of the American people, while ensuring that offshore oil and gas activity in the Outer Continental Shelf is performed in a safe and environmentally responsible manner.

In the coming year, BSEE plans to finalize two deregulatory actions and three regulatory actions. BSEE has no

significant regulatory actions that are expected to be subject to E.O. 13771 planned for the coming year.

Deregulatory Actions

BSEE has identified the following deregulatory actions under E.O. 13771 as high priorities for fiscal year 2019:

Well Control and Blowout Prevention Systems Rule Revision

In the immediate aftermath of the *Deepwater Horizon* incident in 2010, 14 external organizations made a total of 424 recommendations, which were expressed through 26 separate reports, in order to improve the safety of offshore oil and gas operations. BSEE subsequently issued four rules that addressed those recommendations, which included the April 2016 final rule entitled, ''Oil and Gas and Sulfur Operations on the Outer Continental Shelf-Blowout Preventer Systems and Well Control'' (81 FR 25888) (''2016 Well Control Rule'' or ''2016 rule''). The 2016 Well Control Rule consolidated the equipment and operational requirements for well control into one part of BSEE's regulations; enhanced blowout preventer (BOP), well design, and modified well-control requirements; and incorporated certain industry technical standards.

Consistent with the policy direction of E.O.s 13771 and 13795 and S.O. 3350, BSEE undertook a review of the 2016 Well Control Rule with a view toward encouraging energy exploration and production and reducing unnecessary regulatory burdens while ensuring that any such activity is safe and environmentally responsible. After thoroughly reexamining the 2016 Well Control Rule, on May 11, 2018, BSEE published a proposed rule entitled, ''Oil and Gas and Sulfur Operations on the Outer Continental Shelf-Blowout Preventer Systems and Well Control Revisions'' (83 FR 22128) (''proposed rule''), to reduce regulatory burdens and encourage job-creating development, while still ensuring safe and environmentally responsible offshore oil and gas operations.

In developing the proposed rule, BSEE carefully analyzed all 342 provisions of the 2016 Well Control Rule, and identified 59 of those provisions—or less than 18% of the 2016 Rule—as appropriate for revision or deletion.[1] During this process, BSEE also compared each of the proposed changes to the 424 recommendations arising from the 26 separate reports developed in the wake of and in response to the *Deepwater Horizon* incident, and determined that none of the proposed changes contradicts or ignores any of those recommendations, or would alter any provision of the 2016 Well Control Rule in a way that would make the result inconsistent with any of the recommendations. Among the potential changes included in the proposed rule are:

- Revising the accumulator system requirements and accumulator bottle requirements for Blowout Preventers (BOPs) to better align with industry standards, particularly API Standard 53—Blowout Prevention Equipment Systems for Drilling Wells;
- Revising the requirement to shut in platforms when a lift boat approaches;
- Revising the BOP control station and pod testing schedules to ensure component functionality without inadvertently requiring duplicative testing;
- Removing certain prescriptive requirements for real-time monitoring; and
- Replacing the required use of a BSEE-approved verification of organization (BAVO) with the use of an independent third-party for certain certifications and verifications of BOP systems and components, and removing the requirement to have a BAVO submit a Mechanical Integrity Assessment report for the BOP stack and system.

Exploratory Drilling on the Arctic Outer Continental Shelf Rule

BSEE has reviewed, in consultation with BOEM, the final rule ''Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf,'' published on July 15, 2016 (81 FR 46478), for consistency with the policy set forth in section 2 of E.O. 13795. As a result of that review, BSEE and BOEM are considering deregulatory options for the rule.

In addition to the deregulatory actions previously identified, BSEE will continue to review the remainder of its regulations to identify other requirements that could be modified to increase efficiency, streamline processes, reduce industry burden, and maximize energy resources while ensuring offshore operations are performed in a safe and environmentally sustainable manner.

Regulatory Actions

BSEE has no significant regulatory actions subject to E.O. 13771 planned for fiscal year 2019. However, BSEE plans to complete the following three, non-significant rulemakings before the end of that fiscal year that are either statutorily required or are minor in nature:

Outer Continental Shelf Lands Act; 2019 Inflation Adjustments for Civil Penalties

This rulemaking would adjust the level of civil monetary penalties contained in BSEE's regulations that are pursuant to the Outer Continental Shelf Lands Act. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (FCPIA) requires Federal agencies to make annual adjustments for inflation to civil penalties contained in its regulations.

Federal Oil and Gas Royalty Management Act; 2019 Inflation Adjustments for Civil Penalties

To provide for a more cohesive and streamlined approach for making annual inflation adjustments to BSEE's FOGRMA-related civil penalties under the FCPIA, this rulemaking would remove the civil monetary amounts contained in BSEE's regulations and replace them with a cross-reference to the Office of Natural Resource Revenue's (ONRR) FOGRMA civil penalty regulations. Pursuant to the FCPIA, ONRR makes inflation adjustments to its FOGRMA civil penalties on an annual basis pursuant to the FCPIA.

Privacy Act Regulations; Exemption for the Investigations Case Management System

Interior will amend its regulations to exempt certain records from particular provisions of the Privacy Act, which BSEE maintains to conduct and document incident investigations related to operations on the Outer Continental Shelf (OCS).

Office of Natural Resources Revenue

The Office of Natural Resources Revenue (ONRR) will continue to collect, account for, and disburse revenues from Federal offshore energy and mineral leases and from onshore mineral leases on Federal and Indian lands. The program operates nationwide and is primarily responsible for timely and accurate collection, distribution, and accounting for revenues associated with mineral and energy production. ONRR's regulatory plan for October 1, 2018 through September 30, 2019 is as follows:

By January 15, 2019, ONRR will draft and publish in the **Federal Register** a final rule (1012–AA24) to adjust for inflation ONRR's daily maximum civil penalty rates, to be effective for calendar year 2019. This adjustment is required

[1] A provision represents a requirement of the operator that may be comprised of a single citation or multiple citations.

by law (28 U.S.C. 2461) and OMB Guidance.

Office of Surface Mining Reclamation and Enforcement

The Office of Surface Mining Reclamation and Enforcement (OSMRE) was created by the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Under SMCRA, OSMRE has two principal functions—the regulation of surface coal mining and reclamation operations, and the reclamation and restoration of abandoned coal mine lands. In enacting SMCRA, Congress directed OSMRE to ''strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy.'' OSMRE seeks to develop and maintain a regulatory program that provides a safe, cost-effective, and environmentally sound supply of coal to help support the Nation's economy and local communities.

Deregulatory and Regulatory Actions

OSMRE is continuing to review additional actions to reduce burdens on energy production, including, for example, reviewing the state program amendment process to reduce the time it takes to formally amend an approved regulatory program.

OSMRE has no significant regulatory actions planned for fiscal year 2019.

U.S. Fish and Wildlife Service

The mission of the U.S. Fish and Wildlife Service (FWS) is to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. The FWS also provides opportunities for Americans to enjoy the outdoors and our shared natural heritage.

The FWS fulfills its responsibilities through a diverse array of programs that:

- Protect and recover endangered and threatened species;
- Monitor and manage migratory birds;
- Enforce Federal wildlife laws and regulate international trade;
- Conserve and restore wildlife habitat such as wetlands;
- Help foreign governments conserve wildlife through international conservation efforts;
- Distribute Federal funds to States, territories, and tribes for fish and wildlife conservation projects; and
- Manage the more than 150 million acres of land and water from the Caribbean to the remote Pacific in the National Wildlife Refuge System, which protects and conserves fish and wildlife and their habitats, and allows the public to engage in outdoor recreational activities.

Deregulatory and Regulatory Actions

During the next year, the regulatory priorities of FWS will include:

Regulations Under the Endangered Species Act (ESA)

The FWS, jointly with the National Marine Fisheries Service (NMFS), will propose regulatory actions to improve the administration of the ESA, and reduce unnecessary administrative burdens. The FWS and NMFS are developing regulatory reforms that will create efficiencies and streamline the ESA consultation process, as well as the processes for listing and delisting threatened and endangered species. In addition, FWS is developing a regulatory action that would remove the blanket section 4(d) rule applying to species listed as threatened. This change will align FWS's process with NMFS and result in regulations and prohibitions tailored to the conservation needs of specific species.

The FWS is also considering a rulemaking action that would improve and clarify its regulations that implement section 10 of the ESA and pertain to the issuance of permits for the take of threatened and endangered species.

The FWS also plans to take multiple regulatory actions under the ESA in order to prevent the extinction and facilitate the recovery of both domestic and foreign animal and plant species. Accordingly, FWS will add species to, remove species from, and reclassify species on the Lists of Endangered and Threatened Wildlife and Plants, and designate critical habitat, in accordance with the National Listing Workplan and 3-Year Downlisting and Delisting Workplan. These Workplans enable FWS to prioritize its workload based on the needs of species, while providing greater clarity and predictability about the timing of ESA classification determinations to State wildlife agencies, nonprofit organizations, and various other diverse stakeholders and partners. The goals of the Workplans are to encourage proactive conservation so that Federal protections are not needed in the first place and to remove regulatory burdens once a listed species' status is improved or the species is recovered.

Regulations Under the Migratory Bird Treaty Act (MBTA)

In carrying out its responsibility to manage migratory bird populations, FWS plans to issue annual migratory bird hunting regulations, which establish the frameworks (outside limits) for States to establish season lengths, bag limits, and areas for migratory game bird hunting. FWS is considering and plans to propose a regulatory action to revise and improve the administration of the MBTA.

Regulations To Administer the National Wildlife Refuge System (NWRS)

In carrying out its statutory responsibility to provide wildlife-dependent recreational opportunities on NWRS lands, FWS issues an annual rule to update the hunting and fishing regulations on specific refuges.

Regulations To Carry Out the Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Acts (Acts)

Under the Acts, FWS distributes annual apportionments to States from trust funds derived from excise tax revenues and fuel taxes. FWS continues to work closely with State fish and wildlife agencies on how to use these funds to implement conservation projects. To strengthen its partnership with State conservation organizations, FWS is working on several rules to update and clarify its regulations. Planned regulatory revisions will help to reflect several new decisions agreed upon by State conservation organizations.

Regulations To Carry Out the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Lacey Act

In accordance with section 3(a) of E.O. 13609, ''Promoting International Regulatory Cooperation,'' FWS will update its CITES regulations to incorporate provisions resulting from the 16th and 17th Conference of the Parties to CITES. The revisions will help FWS more effectively promote species conservation and help U.S. importers and exporters of wildlife products understand how to conduct lawful international trade.

The FWS has no significant regulatory actions that are subject to E.O. 13771 planned for fiscal year 2019.

National Park Service

The National Park Service (NPS) preserves the natural and cultural resources and values within 417 units of the National Park System encompassing nearly 84 million acres of lands and waters for the enjoyment, education, and inspiration of this and future generations. The NPS also cooperates with partners to extend the benefits of resource conservation and outdoor

recreation throughout the United States and the world.

The NPS intends to issue a number of deregulatory actions and no significant regulatory actions during the upcoming year.

Deregulatory Actions

The NPS will undertake deregulatory actions under E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' that will reduce regulatory costs. Several of these actions also comply with section 6 of E.O. 13563, ''Improving Regulation and Regulatory Review,'' because they will remove or modify outdated, unnecessarily complicated and burdensome regulations.

The NPS intends to:

• Issue a final rule to align sport hunting regulations in national preserves in Alaska with State of Alaska regulations and to enhance consistency with harvest regulations on surrounding non-federal lands and waters.

• Issue a proposed rule that would revise existing regulations implementing the Native American Graves Protection and Repatriation Act (NAGPRA) to streamline requirements for museums and Federal agencies. The rule would describe the NAGPRA process in accessible language with clear time parameters, eliminate ambiguity, clarify terms, and improve efficiency.

NPS Response to Secretarial Order 3366: Increasing Recreational Opportunities on Lands and Waters Managed by the U.S. Department of the Interior

Enabling regulations are considered deregulatory under guidance to E.O. 13771. The NPS will undertake several enabling regulatory actions in the coming year that will provide new opportunities for the public to enjoy and experience certain areas within the National Park System. These include regulations authorizing:

• Off-road vehicle use at Cape Lookout National Seashore (final rule), Glen Canyon National Recreation Area (final rule), Big Cypress National Preserve (proposed rule), and Fire Island National Seashore (proposed rule);

• Bicycling at Pea Ridge National Military Park (final rule), Hot Springs National Park (proposed rule), Buffalo National River (proposed rule), and Whiskeytown National Recreation Area (proposed rule);

• Launching of non-motorized vessels from Colonial National Historic Park (proposed rule);

• Snowmobiles within Pictured Rocks National Lakeshore (proposed rule);

• Personal watercraft within Gulf Islands National Seashore (proposed rule); and

• Recreational flying within Death Valley National Park (proposed rule).

These actions will allow the public to use NPS-administered lands and waters in a manner that protects the resources and values of the National Park System. As outdoor recreation technology, uses, and patterns evolve, the NPS regulations and management policies will also need to evolve. The NPS is working to address emerging forms of recreation such as electric bicycles (e-bikes).

Other Priority Rulemakings of Particular Interest to Small Business

The NPS intends to issue a proposed rule to implement the Visitor Experience Improvements Authority (VEIA) given to the NPS by Congress in Title VII of the National Park Service Centennial Act. This authority allows the NPS to award and administer commercial services contracts (and related professional services contracts) for the operation and expansion of commercial visitor facilities and visitor services programs in units of the National Park System.

Bureau of Reclamation

The Bureau of Reclamation's mission is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public. To accomplish this mission, we employ management, engineering, and science to achieve effective and environmentally sensitive solutions. Reclamation projects provide: Irrigation water service, municipal and industrial water supply, hydroelectric power generation, water quality improvement, groundwater management, fish and wildlife enhancement, outdoor recreation, flood control, navigation, river regulation and control, system optimization, and related uses. In addition, we continue to provide increased security at our facilities.

Deregulatory and Regulatory Actions

The Bureau of Reclamation intends to publish no deregulatory or significant regulatory actions in fiscal year 2019.

Other Regulatory Actions of the Department of the Interior

Natural Resource Damages and Restoration—Hazardous Substances (RIN: 1090–AB17)

The existing regulation (43 CFR 11) provides procedures that Natural Resource Trustees may use to evaluate the need for and means of restoring, replacing, or acquiring the equivalent of public natural resources that are injured or destroyed as a result of releases of hazardous substances. The Department is considering a potential rulemaking action that would provide an opportunity for others (Federal agencies, States, Indian Tribes, and interested public) to provide input on areas of the existing regulations that could be revised to increase effectiveness, efficiency, and restoration of the injured resources.

Implementation of the National Environmental Policy Act of 1969 (RIN: 1090–AB18)

The Department is developing regulations to streamline its National Environmental Policy Act (NEPA) process by increasing the number of categorical exclusions and updating its NEPA regulations.

DOI—ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT (ASLM)

Proposed Rule Stage

91. Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 43 U.S.C. 1331 to 1356a; 33 U.S.C. 2701

CFR Citation: 30 CFR 250; 30 CFR 254; 30 CFR 550.

Legal Deadline: None.

Abstract: This proposed rule would revise specific provisions of the regulations published in the final Arctic Exploratory Drilling Rule, 81 FR 46478 (July 15, 2016), which established a regulatory framework for exploratory drilling and related operations within the Beaufort Sea and Chukchi Sea Planning Areas on the Outer Continental Shelf of Alaska. The rulemaking for this RIN replaces the Bureau of Safety and Environmental Enforcement's RIN 1014–AA40.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

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RIN: 1082–AA01

BILLING CODE: 4334–63–P

DEPARTMENT OF JUSTICE (DOJ)—FALL 2018

Statement of Regulatory Priorities

The solemn duty of the Department of Justice is to uphold the Constitution and laws of the United States so that all Americans can live in peace and security. As the chief law enforcement agency of the United States government, the Department of Justice's fundamental mission is to protect people by enforcing the rule of law. To fulfill this mission, the Department is devoting resources and utilizing the legal authorities available to combat violent crime and terrorism, prosecute drug traffickers, and enforce immigration laws. Because the Department of Justice is primarily a law enforcement agency and not a regulatory agency, it carries out its principal investigative, prosecutorial, and other enforcement activities through means other than the regulatory process.

This year, the Department of Justice continues to revise and improve its procedures for evaluating new regulatory actions and analyzing the costs that would be imposed. Executive Order 13771 (E.O. 13771), titled ''Reducing Regulation and Controlling Regulatory Costs,'' 82 FR 9339 (Feb. 3, 2017), requires an agency, unless prohibited by law, that for every one new regulation issued, at least two prior regulations be identified for elimination. In furtherance of this requirement, section 2(c) of E.O. 13771 requires the new incremental costs associated with new regulations, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations. Section 3(a) states that starting with fiscal year 2018, ''the head of each agency shall identify, for each regulation that increases incremental cost, the offsetting regulations described in section 2(c) of [E.O. 13771], and provide the agency's best approximation of the totals costs or savings associated with each new regulation or repealed regulation.''

In addition to the new cost analyses being conducted pursuant to E.O. 13771, the Department is actively carrying out the provisions of E.O. 13777, ''Enforcing the Regulatory Reform Agenda,'' 82 FR 12285 (Mar. 1, 2017). The Department's Regulatory Reform Task Force continues actively working to evaluate existing Department regulatory actions and to make recommendations regarding their repeal, replacement, or modification in order to reduce unnecessary burdens.

The regulatory priorities of the Department include initiatives in the areas of federal grant programs, criminal law enforcement, immigration, and civil rights. These initiatives are summarized below. In addition, several other components of the Department carry out important responsibilities through the regulatory process. Although their regulatory efforts are not separately discussed in this overview of the regulatory priorities, those components have key roles in implementing the Department's anti-terrorism and law enforcement priorities.

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

ATF issues regulations to enforce the Federal laws relating to the manufacture and commerce of firearms and explosives. ATF's mission and regulations are designed, among other objectives, (1) to curb illegal traffic in, and criminal use of, firearms and explosives, and (2) to assist State, local, and other Federal law enforcement agencies in reducing crime and violence. ATF will continue, as a priority during fiscal year 2019, to seek modifications to its regulations governing commerce in firearms and explosives to fulfill these objectives.

As its key regulatory initiative, ATF plans to amend its regulations to clarify that ''bump fire'' stocks, slide-fire devices, and devices with certain similar characteristics (bump-stock-type devices) are ''machineguns'' as defined by the National Firearms Act of 1934, and the Gun Control Act of 1968, because such devices allow a shooter of a semiautomatic firearm to initiate a continuous firing cycle with a single pull of the trigger. This is one of the Department's Regulatory Plan entries.

In addition, ATF plans to update its regulations requiring notification of stored explosive materials to require annual reporting (RIN 1140–AA51). This regulatory action is intended to increase safety for emergency first responders and the public.

ATF also plans to issue regulations to finalize the current interim rules implementing the provisions of the Safe Explosives Act (RIN 1140–AA00). The Department is also planning to finalize a proposed rule to codify regulations (27 CFR part 771) governing the procedure and practice for proposed denial of applications for explosives licenses or permits and proposed revocation of such licenses and permits (RIN 1140–AA38). As proposed, this rule is a regulatory action that clarifies the administrative hearing processes for explosives licenses and permits. This rule promotes open government and disclosure of ATF's procedures and practices for administrative actions involving explosive licensees or permittees.

ATF also has begun a rulemaking process that amends 27 CFR part 447 to update the terminology in the ATF regulations based on similar terminology amendments made by the Department of State on the U.S. Munitions List in the International Traffic in Arms Regulations, and the Department of Commerce on the Commerce Control List in the Export Administration Regulations (RIN 1140–AA49).

Drug Enforcement Administration (DEA)

DEA is the primary agency responsible for coordinating the drug law enforcement activities of the United States and also assists in the implementation of the President's National Drug Control Strategy. DEA implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the Controlled Substances Import and Export Act (21 U.S.C. 801–971), as amended, collectively referred to as the Controlled Substances Act (CSA). DEA's mission is to enforce the CSA and its regulations and bring to the criminal and civil justice system those organizations and individuals involved in the growing, manufacture, or distribution of controlled substances and listed chemicals appearing in or destined for illicit traffic in the United States. The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while providing for the legitimate medical,

scientific, research, and industrial needs of the United States.

Pursuant to its statutory authority, DEA plans to update its regulations to implement provisions of the Comprehensive Addiction and Recovery Act of 2016 (RIN 1117–AB45) relating to the partial filling of prescriptions for Schedule II controlled substances. This is one of the Department's Regulatory Plan initiatives.

In fiscal year 2019, DEA anticipates issuing a rulemaking action addressing suspicious orders of controlled substances (RIN 1117–AB47) . This proposed rule would remedy the inadequacies of the existing reporting requirements by defining the term ''suspicious order'' and specifying the procedures registrants must follow upon receiving such orders. In addition, DEA plans to publish six deregulatory actions (RINs 1117–AB37, 1117–AB40, 1117–AB43, 1117–AB44, 1117–AB45, and 1117–AB46). Consistent with E.O. 13771 and E.O. 13777, DEA is continuing to review existing regulations to identify those that are outdated, unnecessary, or ineffective. DEA will solicit public comments during such reviews, as appropriate, to engage with the affected DEA registrant community and members of the public.

Executive Office for Immigration Review (EOIR)

EOIR's primary mission is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings. The immigration judges adjudicate approximately 150,000 cases each year to determine whether aliens should be ordered removed from the United States or should be granted some form of protection or relief from removal. The Board of Immigration Appeals (BIA) has jurisdiction over appeals from the decisions of immigration judges, as well as other matters. Accordingly, the Attorney General has a continued role in the conduct of immigration proceedings, including removal proceedings and custody determinations regarding the detention of aliens pending completion of removal proceedings. The Attorney General also is responsible for civil litigation and criminal prosecutions relating to the immigration laws.

In particular, EOIR intends to propose revisions to the existing asylum regulations, pursuant to the Attorney General's statutory authority, to ensure the faithful and efficient execution of asylum processes (RIN 1125–AA87). This is one of the Department's Regulatory Plan initiatives.

In other pending rulemaking actions, the Department is working to revise and update the regulations relating to immigration proceedings to increase efficiencies and productivity, while also safeguarding due process. In particular, EOIR is working to expand upon its Public Notice of June 25, 2018, by publishing a proposed rule regarding its new EOIR Case and Appeals System, which provides for greatly expanded electronic filing and calendaring for cases before EOIR's immigration courts and BIA (RIN 1125–AA81).

In addition, EOIR is planning to publish a regulation to finalize an interim final rule from 2005 regarding background and security investigation checks (RIN 1125–AA44), and is working to finalize a jurisdiction and venue rule that will provide clarification regarding an immigration judge's authority to conduct proceedings, how venue is determined, and what circuit court law EOIR adjudicators will apply (RIN 1125–AA52). In particular, EOIR is developing mechanisms in this rule intended to streamline certain venue changes to achieve cost savings to the agency and increase due process to the parties. In addition, in response to Executive Order 13563, the Department is retrospectively reviewing EOIR's regulations to eliminate regulations that unnecessarily duplicate Department of Homeland Security regulations and update outdated references to the pre-2003 immigration system (RIN 1125–AA71). The Department also continues to work toward rulemaking that will assist in identifying and sanctioning those defraud the system itself and the individuals who appear before EOIR (RIN 1125–AA82).

Civil Rights (CRT)

CRT regulations implement Federal laws relating to discrimination in employment-related immigration practices, the coordination of enforcement of non-discrimination in federally assisted programs, and Federal laws relating to disability discrimination.

Pursuant to the regulatory reform provisions of Executive Orders 13771 and 13777, CRT is undertaking a review of its guidance documents to determine whether any of those documents may be outdated, inconsistent, or duplicative, and to ensure compliance with the Attorney General's November 16, 2017 Memorandum entitled Prohibition on Improper Guidance Documents.

Office of Justice Programs (OJP)

OJP provides innovative leadership to federal, state, local, and tribal justice systems by disseminating state-of-the-art knowledge and practices and providing financial assistance for the implementation of crime fighting strategies. OJP will continue to review its existing regulations to streamline them, where possible.

OJP published a notice of proposed rulemaking for the OJJDP Formula Grant Program on August 8, 2016, and in early 2017 published a final rule addressing some of those provisions. OJP anticipates publishing a second final OJJDP Formula Grant Program rule to remove certain provisions of the regulations that are no longer legally supported (deleting text that unnecessarily repeats statutory provisions or has been rendered obsolete by statutory changes) and to make technical corrections. After publishing the second final rule, OJJDP anticipates publishing a third final rule to finalize the remaining substantive aspects of the proposed rule, and to further streamline and improve the existing regulation by providing or revising definitions for clarity, and by deleting text that addresses matters already (or better) addressed in other places (*e.g.,* other rules or the program solicitation).

Bureau of Prisons (BOP)

BOP issues regulations to enforce the Federal laws relating to its mission of protecting society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. During the next 12 months, BOP will continue its ongoing efforts to develop regulatory actions aimed at: (1) Streamlining regulations, eliminating unnecessary language and improving readability; (2) improving inmate disciplinary procedures and sanctions, improving safety in facilities through the use of less-than-lethal force instead of traditional weapons; and (3) providing effective literacy programming which serves both general and specialized inmate needs.

Federal Bureau of Investigation (FBI)

The Federal Bureau of Investigation is responsible for protecting and defending the United States against terrorist and foreign intelligence threats, upholding and enforcing the criminal laws of the

United States, and providing leadership and criminal justice services to Federal, state, municipal, and international agencies and partners. Only in limited contexts does the FBI rely on rulemaking. For example, the FBI is currently drafting a rule that establishes the criteria for use by a designated entity(ies) in making a determination of fitness as described under the Child Protection Improvements Act (CPIA), 34 United States Code § 40102, Public Law 115–141. The CPIA requires that the Attorney General shall, by rule, establish the criteria for use by designated entities in making a determination of fitness described in subsection (b)(4) of the Act concerning whether the provider has been convicted of, or is under pending indictment for, a crime that bears upon the provider's fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities and shall convey that determination to the qualified entity. Such criteria shall be based on the criteria established pursuant to section 108(a)(3)(G)(i) of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (34 U.S.C. 40102 note) and section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f).

DOJ—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (ATF)

Final Rule Stage

92. Bump-Stock-Type Devices

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Regulatory.

Legal Authority: 18 U.S.C. 921 *et seq.;* 26 U.S.C. 5841 *et seq.*

CFR Citation: 27 CFR 478; 27 CFR 479.

Legal Deadline: None.

Abstract: The Department of Justice is issuing a rulemaking that would interpret the statutory definition of machinegun in the National Firearms Act of 1934 and Gun Control Act of 1968 to clarify whether certain devices, commonly known as bump-fire stocks, fall within that definition.

Statement of Need: This rule is intended to clarify that the statutory definition of machinegun includes certain devices (*i.e.,* bump-stock-type devices) that, when affixed to a firearm, allow that firearm to fire automatically with a single function of the trigger, such that they are subject to regulation under the National Firearms Act (NFA) and the Gun Control Act (GCA). The rule will amend 27 CFR 447.11, 478.11, and 479.11 to clarify that bump-stock-type devices are machineguns as defined by the NFA and GCA because such devices allow a shooter of a semiautomatic firearm to initiate a continuous firing cycle with a single pull of the trigger. Specifically, these devices convert an otherwise semiautomatic firearm into a machinegun by functioning as a self-acting or self-regulating mechanism that harnesses the recoil energy of the semiautomatic firearm in a manner that allows the trigger to reset and continue firing without additional physical manipulation of the trigger by the shooter.

Summary of Legal Basis: The Attorney General has express authority pursuant to 18 U.S.C. 926 to prescribe rules and regulations necessary to carry out the provisions of Chapter 44, Title 18, United States Code. The detailed legal analysis supporting the definition of machinegun proposed for adoption in this rule is expressed in the abstract for the rule itself.

Alternatives: There are no feasible alternatives to the proposed rule that would allow ATF to regulate bump-stock-type devices. Absent congressional action, the only feasible alternative is to maintain the *status quo.*

Anticipated Cost and Benefits: The rule will be ''economically significant,'' that is, the rule will have an annual effect on the economy of $100 million, or adversely affect in a material way the economy, a sector of the economy, the environment, public health or safety or State, local or tribal governments or communities. ATF estimates the total cost of this rule at $320.9 million over 10 years. The total 7% discount cost is estimated at $234.1 million, and the discounted costs would be $39.6 million and $39.2 million annualized at 3% and 7% respectively. The estimate includes costs to the public for loss of property ($102,470,977); costs of forgone future production and sales ($213,031,753); and costs for disposal ($5,448,330). Unquantified costs include lost employment, notification to bump-stock-type device owners of the need to destroy the bump-stock-type devices, and loss of future usage by the owners of bump-stock-type devices. ATF did not calculate any cost savings for this final rule. It is anticipated that the rule will cost $129,222,483 million in the first year (the year with the highest costs). This cost includes the first-year cost to destroy or modify all existing bump-stock-type devices, including unsellable inventory and opportunity cost of time.

This rule provides significant non-quantifiable benefits to public safety. Among other things, it clarifies that a bump-stock-type device is a machinegun and limits access to them; prevents usage of bump-stock-type devices for criminal purposes; reduces casualties in mass shootings, such as the Las Vegas shooting; and helps protect first responders by preventing shooters from using a device that allows them to shoot a semiautomatic firearm automatically.

Risks: Without this rule, public safety will continue to be threatened by the widespread availability to the public of bump-stock-devices.

Timetable:

Action	Date	FR Cite
ANPRM	12/26/17	82 FR 60929
ANPRM Comment Period End.	01/25/18	
NPRM	03/29/18	83 FR 13442
NPRM Comment Period End.	06/27/18	
Final Action	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Vivian Chu, Regulations Attorney, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 99 New York Avenue NE, Washington, DC 20226, *Phone:* 202 648–7070.

RIN: 1140–AA52

DOJ—DRUG ENFORCEMENT ADMINISTRATION (DEA)

Proposed Rule Stage

93. Implementation of the Provision of the Comprehensive Addiction and Recovery Act of 2016 Relating to the Partial Filling of Prescriptions for Schedule II Controlled Substances

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 821; 21 U.S.C. 829; 21 U.S.C. 831; 21 U.S.C. 871; Pub. L. 114–198, sec. 702

CFR Citation: 21 CFR 1306.

Legal Deadline: None.

Abstract: On July 22, 2016, the Comprehensive Addiction and Recovery Act (CARA) of 2016 became law. One section of the CARA amended the Controlled Substances Act to allow a pharmacist, if certain conditions are met, to partially fill a prescription for a schedule II controlled substance when requested by the prescribing practitioner or the patient. The Drug Enforcement Administration is proposing to amend

its regulations to implement this statutory change.

Statement of Need: This rule is needed to implement the partial fill provisions of the CARA. The CARA amended the CSA to allow for the partial filling of prescriptions for schedule II controlled substances under certain conditions. Specifically, the CARA amended 21 U.S.C. 829 by adding new subsection (f), which allows a pharmacist to partially fill a prescription for a schedule II controlled substance where requested by the prescribing practitioner or the patient. However, the CARA does not state how the prescribing practitioner should indicate that a prescription for a schedule II controlled substance be partially filled, nor how a pharmacist should record the partial filling of such a prescription. This rule proposes prescribing and recordkeeping requirements to provide clear direction to practitioners and patients.

The changes in this rule are also important in helping address the ongoing opioid epidemic, by allowing practitioners and patients to limit the amount of schedule II opioids left unused after a course of treatment.

Summary of Legal Basis: While the CARA laid out the framework for partial filling of prescriptions for schedule II controlled substances, there were a number of issues left unresolved. Congress granted the DEA authority to fill in any gaps in the regulatory scheme not addressed by the statute itself; the CARA provides that partial filling of schedule II prescriptions is permitted if the prescription is written and filled in accordance with, among other things, regulations issued by DEA.

Additionally, under 21 U.S.C. 871(b), the Attorney General may promulgate and enforce any rules, regulations, and procedures deemed necessary for the efficient execution of the Attorney General's functions, including general enforcement of the CSA. Consistent with 21 U.S.C. 871(a), the Attorney General has delegated that authority to the DEA.

Alternatives: This rule would only amend the DEA's regulations to the extent necessary to fully implement the partial fill provisions of the CARA, and would be in addition to the existing regulations of 21 CFR 1306.13. Consistent with 21 U.S.C. 829(f)(3), any circumstances allowing a lawful partial fill prior to the implementation of the statute would still be allowed under the new rules.

The proposed rule will include provisions aimed at giving patients and practitioners a simple and low-cost way to request and record partial fills that also ensures accountability and prevents diversion of controlled substances. The DEA will request comment on the proposed rule and will consider all alternatives. Special consideration will be given to flexible approaches that reduce burdens and maintain freedom of choice for the public.

Some of the provisions in this proposed rule merely restate the general requirements of the CARA for partial filling of prescriptions for schedule II controlled substances. Since these provisions are mandated by Congress, the DEA is obligated to incorporate them into its regulations, and has no discretion to consider alternatives.

Anticipated Cost and Benefits: In order to ensure accountability and maintain the closed system of distribution, the proposed rule will likely impose certain costs on DEA registrants. Current projections indicate the primary cost would be the additional time needed to be spent by pharmacies to fill the remaining portions of partially filled prescriptions. Whereas before the CARA, a pharmacy would fill all of a schedule II prescription during a single visit by a patient, if the practitioner or the patient requests a partial fill, the pharmacy will only fill part of the prescription on the patient's first visit, and will need to fill the remainder of the prescription if the patient returns for a second visit. The DEA currently estimates the total cost of the proposed rule to be approximately $12 million annually.

The provisions of this rule may also require prescribers to take additional time writing prescriptions, since they would need to include partial fill instructions on the prescriptions, and pharmacists to take additional time tracking the status of partially filled prescriptions, in order to ensure that the proper amount of medication is dispensed if a patient returns to fill the remainder of a prescription, but the DEA believes this additional time required would be minimal, and that the cost of such additional time would be minimal.

There is also the potential for benefits to patients and society as a result of this proposed rule. Patients could request a partial fill of a prescription if they are unlikely to use the full amount, and save money by not paying for pills they would not use. Furthermore, reducing the quantity of leftover schedule II controlled substances would reduce the risk of diversion and the risk of improper disposal and associated environmental impact. This is an enabling rule because it allows for partial fills of prescriptions for schedule II controlled substances, which was previously prohibited.

Risks: If the DEA did not promulgate this rule, patients and practitioners would face uncertainty in complying with the requirements for partial fills of prescriptions for schedule II controlled substances. While the statute does directly address many aspects of the partial fill process, there are a number of details left out, which must be supplied by regulation. Without such clarifying regulations, few practitioners would take advantage of the partial fill provisions for fear of violating federal law, thus frustrating the original purposes of the CARA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For Public Comments: *www.regulations.gov/*.

Agency Contact: Kathy L. Federico, Acting Section Chief, Regulatory Drafting and Support Section/Diversion Control Division, Department of Justice, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152, *Phone:* 202 598–2596, *Fax:* 202 307–9536, *Email:* *www.deadiversion.usdoj.gov*.

RIN: 1117–AB45

DOJ—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR)

Proposed Rule Stage

94. • Procedures for Asylum

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1158(b)(2)(C); 8 U.S.C. 1229a(c)(4)

CFR Citation: 8 CFR 1208.3; 8 CFR 1208.13; 8 CFR 1208.16.

Legal Deadline: None.

Abstract: This rule will amend the regulations related to asylum, including bars to asylum eligibility, the form of an alien's application for asylum, and the reconsideration of discretionary denials of such applications.

Statement of Need: The rule seeks to better promote the Attorney General's application of law through his discretionary authorities that statute and existing regulation provide. The Attorney General seeks to clarify and expand upon certain provisions related to asylum.

Summary of Legal Basis: The Immigration and Nationality Act

provides the Attorney General with the broad and general authority to establish, by regulation, bases for findings of ineligibility for asylum INA 208(b)(2)(C); 8 U.S.C. 1158(b)(2)(C).

Alternatives: The alternative to this rulemaking would be to continue to leave immigration court and BIA adjudicators without clear rules by which they should evaluate applications for asylum and to further burden the backlogged immigration courts with incomplete applications.

Anticipated Cost and Benefits: There are no anticipated costs associated with the DOJ portion of the rule. EOIR will benefit from the rule's promulgation by reducing resources spent processing incomplete or invalid asylum claims.

Risks: EOIR does not anticipate any risks associated with the DOJ portion of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	
NPRM Comment Period End.	02/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

Agency Contact: Lauren Alder Reid, Assistant Director, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2616, Falls Church, VA 20530, *Phone:* 703 305–0289, *Email: pao.eoir@usdoj.gov*.

RIN: 1125–AA87

BILLING CODE 4410–BP–P

DEPARTMENT OF LABOR

2018 Regulatory Plan

Executive Summary: Safe and Family-Sustaining Jobs

The Department of Labor's mission is to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights. The Department works to hold employers accountable for their legal obligations to their employees, while recognizing that the Department also has a duty to help employers understand and comply with the many laws and regulations affecting their workplaces.

The Secretary of Labor has made protecting America's employees and promoting job creation his top priorities. Under his leadership, the Department is committed to fully and fairly enforcing the laws under its jurisdiction. The vast majority of employers work hard to keep their workplaces safe and to comply with wage and pension laws. Acknowledging this, the Department is working to provide compliance assistance, to give employers the knowledge and tools they need to comply with their obligations in these areas. Compliance with the law is, however, mandatory. Employers that do not comply with the law will continue to be subject to enforcement.

During the past year, the Department took action to help millions employed by small businesses gain access to quality, affordable health coverage through its Association Health Plan reform. This reform allows employers, including small businesses, and working owners—many of whom are facing much higher premiums and fewer coverage options as a result of Obamacare—a greater ability to join together and gain many of the regulatory advantages enjoyed by large employers, and thereby offer better health coverage options to their employees.

In the coming year, the Department will build upon its previous work in providing for workforce protections, protecting the jobs of American workers, and helping the workforce add more family-sustaining jobs.

The Secretary of Labor's Regulatory Plan for Accomplishing These Objectives

In general, the Department will work to assist employees and employers to meet their needs in a helpful manner, with a minimum of rulemaking.

The Department will roll back regulations that harm American workers and families—but we will do so while respecting the principles and institutions that make us who we are as Americans.

Where regulatory actions are necessary, they will be accomplished in a thoughtful and careful manner. The Department seeks to achieve needed employee protections while limiting the burdens regulations place on employers.

The Department's regulatory actions will provide American employers with certainty about workforce rules. The Department's regulatory plan will make employers' obligations under current law clear, while respecting the rule of law. Where Congress is silent, the Department does not have the authority to write the law.

The proposals that follow are common-sense approaches in areas needing regulatory attention, presenting a balanced plan for protecting employees, aiding them in the acquisition of needed skills, and helping the regulated community to do its part.

The Department's Regulatory Agenda is consistent with the requirements of Section 1 of Executive Order (E.O.) 13771 ''Reducing Regulation and Controlling Regulatory Costs,'' 82 FR 9339 (January 30, 2017) recognizes that ''it is essential to manage costs associated with the governmental imposition of private expenditures required to comply with Federal Regulations.''

The Department's Regulatory Priorities

The Department's Employee Benefits Security Administration (EBSA) works to protect the benefit plans of workers, retirees, and their families.

On August 31, 2018, President Trump issued an executive order establishing the policy of the Federal Government to expand access to workplace retirement plans. Pursuant to the executive order, EBSA will consider ways to permit employees at different businesses to participate in a single workplace plan. EBSA intends to consider ways to allow small businesses to sponsor Association Retirement Plans for their employees. EBSA also intends to consider ways to expand access to workplace plans for sole proprietors, sometimes called working owners. To implement these steps, EBSA is considering issuing a notice of proposed rulemaking that would clarify when separate businesses can elect to jointly sponsor an Association Retirement Plan.

EBSA, in conjunction with the Department of the Treasury and the Department of Health and Human Services will, consistent with Executive Order 13813, consider proposing regulations or revising guidance consistent with law and sound policy to increase the usability of health reimbursement arrangements (HRAs), to expand employers' ability to offer HRAs to their employees, and to allow HRAs to be used in conjunction with nongroup coverage.

The Wage and Hour Division (WHD) administers numerous laws that establish the minimum standards for wages and working conditions in the United States. WHD will propose an updated salary level for the exemption of executive, administrative, and professional employees for overtime purposes. In developing the NPRM, the Department has been informed by the comments previously received in response to its Request for Information.

WHD will also propose an update to its regulations concerning joint employment, *i.e.,* those situations in which a worker is considered an

employee of two or more employers jointly.

Under the Fair Labor Standards Act (FLSA), employers must pay covered employees at least one and one half times their regular rate of pay for hours worked in excess of 40 hours per workweek. WHD will propose to amend its regulations to clarify, update, and define regular rate requirements under the FLSA.

The Office of Federal Contract Compliance Programs (OFCCP) ensures that federal contractors and subcontractors take affirmative action and do not, among other things, discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran. OFCCP plans to update its regulations to comply with current law regarding protections for religious organizations.

The Occupational Safety and Health Administration (OSHA) oversee a wide range of standards that are designed to reduce occupational deaths, injuries, and illnesses. OSHA is committed to the establishment of clear, common-sense standards to help accomplish this. The OSHA items discussed below are deregulatory in nature, in that they reduce burden, while maintaining needed worker protections.

OSHA continues its work to protect workers from occupational exposures to beryllium. Following the publication of a revised beryllium standard in January 2017, OSHA received evidence that exposure in the shipyards and construction is limited to a few operations and that requiring the ancillary provisions broadly may not improve worker protection and may be redundant with overlapping protections in other standards. Accordingly, OSHA sought comment on, among other things, whether existing standards covering abrasive blasting in construction, abrasive blasting in shipyards, and welding in shipyards provide adequate protection for workers engaged in these operations. The agency is reviewing the public comments and formulating a final rule.

OSHA issued a proposal on July 30, 2018, to revise provisions of the May 12, 2016, Improve Tracking of Workplace Injuries and Illnesses final rule. OSHA reviewed the May 2016 final rule as part of its regulatory reform efforts and proposed changes intended to reduce unnecessary burdens while maintaining worker protections. In particular, the proposed rule addresses concerns about the release of private information in the electronic submission of injury and illness reports by employers. Although OSHA stated its intention not to publish personally identifiable information (PII) included on Forms 300 and 301 in the May 2016 final rule, OSHA has now determined that it cannot guarantee the non-release of private information. It has now proposed requiring submission of only the Form 300A summary data, which does not include any private information, not the individual, case-specific data recorded in Forms 300 and 301. If finalized, the rule would allow OSHA to continue to use the summary data to make targeted inspections, while better protecting worker privacy.

OSHA also continues work on its Standards Improvements Projects (SIPs), with the plan to finalize SIP IV next. These actions are intended to remove or revise duplicative, unnecessary, and inconsistent safety and health standards. OSHA published three earlier final standards to remove unnecessary provisions, reducing costs or paperwork burden on affected employers, while maintaining needed worker protections.

Finally, the Employment and Training Administration (ETA) administers federal job training and worker dislocation adjustment programs, federal grants to states for public employment service programs, and unemployment insurance benefits. ETA and WHD are amending regulations regarding the H–2A non-immigrant visa program. This action will include necessary technical improvements to the existing H–2A regulations, modernizing and streamlining the functionality of the program.

DOL—WAGE AND HOUR DIVISION (WHD)

Proposed Rule Stage

95. Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Not Yet Determined

CFR Citation: 29 CFR 541.

Legal Deadline: None.

Abstract: The Department intends to issue a Notice of Proposed Rulemaking (NPRM) to determine the appropriate salary level for exemption of executive, administrative and professional employees. In developing the NPRM, the Department will be informed by the comments received in response to its Request for Information.

Statement of Need: WHD is reviewing the regulations at 29 CFR 541, which implement the exemption of bona fide executive, administrative, and professional employees from the Fair Labor Standards Act's minimum wage and overtime requirements. The Department's NPRM will propose an updated salary level for exemption and seek the public's view on the salary level and related issues.

Summary of Legal Basis: These regulations are authorized by section 13(a)(1) of the Fair Labor Standards Act, 29 U.S.C. 213(a)(1).

Alternatives: Alternatives will be developed in considering any proposed revisions to the current regulations. The public will be invited to provide comments on any proposed revisions and possible alternatives.

Anticipated Cost and Benefits: The Department will prepare estimates of the anticipated costs and benefits associated with the proposed rule.

Risks: This action does not affect public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	07/26/17	82 FR 34616
RFI Comment Period End.	09/25/17	
NPRM	03/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Agency Contact: Melissa Smith, Director, Regulations, Legislation and Interpretations, Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, Room S–3502, Washington, DC 20210, *Phone:* 202 693–0406, *Fax:* 202 693–1387.

RIN: 1235–AA20

DOL—WHD

96. Regular and Basic Rates Under the Fair Labor Standards Act

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 29 U.S.C. 201 *et seq.*

CFR Citation: 29 CFR 548; 29 CFR 778.

Legal Deadline: None.

Abstract: In this Notice of Proposed Rulemaking, the Department will propose to amend 29 CFR parts 548 and 778, to clarify, update, and define basic rate and regular rate requirements under sections 7(e) and 7(g)(3) of the Fair Labor Standards Act.

Statement of Need: The majority of 29 CFR part 778 was promulgated more

than sixty years ago. The Department believes that changes in the 21st century workplace are not reflected in its current regulatory framework. While the Department has periodically updated various sections of part 778 over the past several decades, they have not addressed the changes in compensation practices and relevant laws. The Department is interested in ensuring that its regulations provide appropriate guidance to employers offering these more modern forms of compensation and benefits regarding their inclusion in, or exclusion from, the regular rate. Clarifying this issue will ensure that employers have the flexibility to provide such compensation and benefits to their employees, thereby providing employers more flexibility in the compensation and benefits packages they offer to employees. Similarly, the Department believes that the proposed changes will facilitate compliance with the FLSA and lessen litigation regarding the regular rate. Additionally, the Department has not updated part 548 since 1967.

Summary of Legal Basis: Part 778 constitutes the official interpretation of the Department with respect to the meaning and application of the maximum hours and overtime compensation requirements contained in section 7 of the FLSA, 29 U.S.C. 207, including calculation of the regular rate. Additionally, part 548 sets out the requirements for authorized basic rates under section 7(g)(3) of the FLSA, 29 U.S.C. 207(g).

Alternatives: Alternatives will be developed in considering any proposed revisions to the current regulations. The public will be invited to provide comments on any proposed revisions and possible alternatives.

Anticipated Cost and Benefits: The Department will prepare estimates of the anticipated costs and benefits associated with the proposed rule.

Risks: This action does not affect public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State, Tribal.

Agency Contact: Melissa Smith, Director, Regulations, Legislation and Interpretations, Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, Room S–3502, Washington, DC 20210, *Phone:* 202 693–0406, *Fax:* 202 693–1387.

RIN: 1235–AA24

DOL—WHD

97. • Joint Employment Under the Fair Labor Standards Act

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Fair Labor Standards Act, 29 U.S.C. 201 *et seq.*

CFR Citation: 29 CFR 791.

Legal Deadline: None.

Abstract: In this Notice of Proposed Rulemaking, the Department will propose to clarify the contours of the joint employment relationship to assist the regulated community in complying with the Fair Labor Standards Act.

Statement of Need: The majority of 29 CFR part 791 was promulgated sixty years ago. The Department believes that changes in the 21st century workplace are not reflected in its current regulatory framework. Consistent with the Administration's priorities to enact administrative reforms and provide clarity to enhance compliance, the Department is considering changes to its regulations concerning joint employment under the Fair Labor Standards Act. These proposed changes are intended to provide clarity to the regulated community and thereby enhance compliance. The Department believes the proposed changes will help to provide more uniform standards nationwide.

Summary of Legal Basis: This regulation is authorized by sections 3(d), (e), and (g) of the Fair Labor Standards Act, 29 U.S.C. 203(d), (e), and (g). Part 791 constitutes the official interpretation of the Department with respect to joint employment.

Alternatives: Alternatives will be developed in considering any proposed revisions to the current regulations. The public will be invited to provide comments on any proposed revisions and possible alternatives.

Anticipated Cost and Benefits: The Department will prepare estimates of the anticipated costs and benefits associated with the proposed rule.

Risks: This action does not affect public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses.

Government Levels Affected: Local, State, Tribal.

Agency Contact: Melissa Smith, Director, Regulations, Legislation and Interpretations, Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, Room S–3502, Washington, DC 20210, *Phone:* 202 693–0406, *Fax:* 202 693–1387.

RIN: 1235–AA26

DOL—EMPLOYMENT AND TRAINING ADMINISTRATION (ETA)

Proposed Rule Stage

98. • Labor Certification Process for Temporary Agricultural Employment in the United States (H–2A Workers)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 8 U.S.C. 1188

CFR Citation: 20 CFR 655, subpart B; 29 CFR 501.

Legal Deadline: None.

Abstract: The United States Department of Labor's (DOL) Employment and Training Administration and Wage and Hour Division are amending regulations regarding the H–2A non-immigrant visa program at 20 CFR part 655, subpart B. The Notice of Proposed Rulemaking (NPRM) will include necessary technical improvements to the existing H–2A regulations which will modernize and streamline the overall function of the program. The NPRM will also make necessary legal changes to modernize the regulation that have arisen since the current H–2A regulation was published in 2010.

Statement of Need: DOL has identified necessary areas of the regulation that should be modernized and streamlined so that the agency can more effectively carry out its mandate to protect the wages and working conditions of U.S. workers while also allowing the program to operate efficiently. DOL has also identified legal issues with the current regulation that must be addressed.

Summary of Legal Basis: ETA is undertaking this rulemaking pursuant to its authority under section 218 of the Immigration and Nationality Act. In addition, courts have issued decisions since the publication of the current regulation that have presented legal issues with the regulation that must be addressed.

Alternatives: Alternatives will be provided and open to public comment in the NPRM.

Anticipated Cost and Benefits: The estimates of the costs and benefits are still under development.

Risks: This action does not affect the public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: William W. Thompson, II, Administrator, Office of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Box #12–200, Washington, DC 20210, *Phone:* 202 513–7350.

RIN: 1205–AB89

DOL—EMPLOYEE BENEFITS SECURITY ADMINISTRATION (EBSA)

Proposed Rule Stage

99. • Health Reimbursement Arrangements and Other Account-Based Group Health Plans

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Public Law 111–148

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: This regulatory action is being proposed in response to Executive Order 13813, Promoting Healthcare Choice and Competition Across the United States, and would increase the usability of HRAs, to expand employers' ability to offer HRAs to their employees, and to allow HRAs to be used in conjunction with nongroup coverage.

Statement of Need: This regulatory action is being proposed in response to Executive Order 13813, ''Promoting Healthcare Choice and Competition Across the United States.'' The Executive Order directs the Departments of Labor, Health and Human Services, and the Treasury (collectively, the Departments) to consider proposing regulations or revising guidance consistent with law and sound policy to increase the usability of health-reimbursement arrangements (HRAs), to expand employers' ability to offer HRAs to their employees, and to allow HRAs to be used in conjunction with nongroup coverage.

Summary of Legal Basis: Current joint final regulation issued by the Departments prohibited HRA integration with individual market policies. See 26 CFR 54.9815.2711, 29 CFR 2590.715–2711, and 45 CFR 147.126. The Departments are considering proposing regulations that would permit integration and expand usability of HRAs in certain circumstances.

Alternatives: To be determined.

Anticipated Cost and Benefits: To be determined.

Risks: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Amy J. Turner, Director, Office of Health Plan Standards and Compliance Assistance, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW, FP Building, Room N–5653, Washington, DC 20210, *Phone:* 202 693–8335, *Fax:* 202 219–1942.

RIN: 1210–AB87

DOL—EBSA

100. • Definition of an ''Employer'' Under Section 3(5) of ERISA—Association Retirement Plans and Other Multiple Employer Plans

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 29 U.S.C. 1002(2), 1002(5) and 1135

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: This regulatory action would establish criteria under section 3(5) of the Employee Retirement Income Security Act (ERISA) for purposes of being an ''employer'' able to establish and maintain an employee pension benefit plan (as defined in section 3(2) of ERISA) that is a multiple employer retirement savings plan (other than a multiemployer plan defined in section 3(37) of ERISA).

Statement of Need: Many Americans do not have access to workplace retirement plans, including 401(k)s. Small businesses are particularly unlikely to offer workplace retirement plans because of high costs and regulatory burdens. Regulatory changes are needed to make it easier and less expensive for small businesses to offer workplace retirement plans to their employees. Executive Order 13847, 83 FR 45321, directed the Secretary of Labor to examine policies that would clarify and expand the circumstances under which U.S. employers, especially small and mid-sized businesses, may sponsor or participate in a multiple employer plan or MEP as a workplace retirement savings option offered to their employees, subject to appropriate safeguards.

Summary of Legal Basis: The proposal would clarify the statutory definition of employer in section 3(5) of the Employee Retirement Income Security Act (ERISA), 29 U.S.C. 1002. This definition includes direct employers and any other person acting indirectly in the interest of the employer in relation to an employee benefit plan, including a group or association of employers acting for an employer in such capacity. Section 505 of ERISA, 29 U.S.C. 1135, provides that the Secretary of Labor may prescribe such regulations as he finds necessary or appropriate to carry out the provisions of this title.

Alternatives: The Department intends to conduct an assessment of costs and benefits of potentially effective and reasonably feasible alternatives to the planned regulation, which are identified by the public, in order to conclude why the planned regulatory action is preferable to the identified potential alternatives.

Anticipated Cost and Benefits: The Department intends to conduct an assessment of costs and benefits anticipated from the regulatory action together with, to the extent feasible, a quantification of those costs and benefits.

Risks: This regulatory action is intended to reduce the risk that America's workers will enter retirement with inadequate financial resources. Too many American workers, including one-third of those in the private-sector, have no access to workplace retirement plans, burdening them with concerns about their financial futures. Polling shows that nearly half of all Americans are concerned they will not have enough money to live on during retirement.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Jeffrey J. Turner, Deputy Director, Office of Regulations and Interpretations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW, FP Building, Room N–5655, Washington, DC 20210, *Phone:* 202 693–8500, *Email: turner.jeffrey@dol.gov*.

RIN: 1210–AB88

DOL—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

Final Rule Stage

101. Standards Improvement Project IV

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 29 U.S.C. 655(b)

CFR Citation: 29 CFR 1926.

Legal Deadline: None.

Abstract: OSHA's Standards Improvement Projects (SIPs) are intended to remove or revise duplicative, unnecessary, and inconsistent safety and health standards. The Agency has published three earlier final standards to remove unnecessary provisions (63 FR 33450, 70 FR 1111 and 76 FR 33590), thus reducing costs or paperwork burden on affected employers. This latest project identified revisions to existing standards in OSHA's recordkeeping, general industry, maritime, and construction standards, with most of the revisions to its construction standards. OSHA also proposed to remove from its standards the requirements that employers include an employee's social security number (SSN) on exposure monitoring, medical surveillance, and other records in order to protect employee privacy and prevent identity fraud.

Statement of Need: The Agency has proposed a fourth rule that identified unnecessary or duplicative provisions or paperwork requirements.

Summary of Legal Basis: OSHA is conducting Phase IV of the Standards Improvement Project (SIP–IV) in response to the President's Executive Order 13563, Improving Regulations and Regulatory Review (76 FR 38210).

Alternatives: The main alternative OSHA considered for all of the proposed changes contained in the SIP–IV rulemaking was retaining the existing regulatory language, *i.e.,* retaining the status quo. In each instance, OSHA has concluded that the benefits of the proposed regulatory change outweigh the costs of those changes. In a few of the items, such as the proposed changes to the decompression requirements applicable to employees working in compressed air environments, OSHA has requested public comment on feasible alternatives to the Agency's proposal.

Anticipated Cost and Benefits: OSHA has estimated that, at 3 percent discount rate over 10 years, there are net annual cost savings of $6.1 million per year for this final rule; at a discount rate of 7 percent there are net annual cost savings at $6.1 million per year. When the Department uses a perpetual time horizon, the annualized cost savings of the final rule is $6.1 million with 7 percent discounting.

Risks: SIP rulemakings do not address new significant risks or estimate benefits and economic impacts of reducing such risks. Overall, SIP rulemakings are reasonably necessary under the OSH Act because they provide cost savings, or eliminate unnecessary requirements.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	12/06/12	77 FR 72781
RFI Comment Period End.	02/04/13	
NPRM	10/04/16	81 FR 68504
NPRM Comment Period Extended.	12/02/16	81 FR 86987
NPRM Comment Period Extended End.	01/04/17	
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Agency Contact: Dean McKenzie, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3468, Washington, DC 20210, *Phone:* 202 693–2020, *Fax:* 202 693–1689, *Email: mckenzie.dean@dol.gov*.

RIN: 1218–AC67

DOL—OSHA

102. Tracking of Workplace Injuries and Illnesses

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 29 U.S.C. 657; 29 U.S.C. 673

CFR Citation: 29 CFR 1904.

Legal Deadline: None.

Abstract: OSHA published a proposed rule on July 30, 2018, to remove provisions to the Improve Tracking of Workplace Injuries and Illnesses final rule, 81 FR 29624 (May 12, 2016). OSHA proposed to amend its recordkeeping regulation to remove the requirement to electronically submit to OSHA information from the OSHA Form 300 (Log of Work-Related Injuries and Illnesses) and OSHA Form 301 (Injury and Illness Incident Report) for establishments with 250 or more employees which are required to routinely keep injury and illness records. Under the proposed rule, these establishments would be required to electronically submit only information from the OSHA Form 300A (Summary of Work-Related Injuries and Illnesses). OSHA also proposed to add the Employer Identification Number (EIN) to the data collection to increase the likelihood that the Bureau of Labor Statistics (BLS) would be able to match OSHA-collected data to BLS Survey of Occupational Injury and Illness (SOII) data and potentially reduce the burden on employers who are required to report injury and illness data both to OSHA (for the electronic recordkeeping requirement) and to BLS (for SOII). OSHA is reviewing comments and will publish a final rule in June 2019.

Statement of Need: The preamble to the May 2016 final rule pointed to publication of the collected data as a method to improve workplace safety and health through the rule's requirements. OSHA has preliminarily determined that the risk of disclosure of the personally identifiable information (PII) on the OSHA Form 300 and 301, the cost to OSHA of collection and using the information, and the reporting burden on employers are unjustified given the uncertain benefits of collecting the information.

Summary of Legal Basis: OSHA is issuing this proposed rule pursuant to authority expressly granted by sections 8 and 24 of the Occupational Safety and Health Act (the OSH Act or Act) (29 U.S.C. 657 and 673).

Alternatives: The alternative for the proposed changes contained in the NPRM is to retain the existing regulatory language, *i.e.,* retaining the status quo. OSHA has proposed that the benefits of the proposed regulatory change outweigh the costs of those changes. OSHA has requested public comment on feasible alternatives to the Agency's proposal.

Anticipated Cost and Benefits: The removal of the case specific requirement reduces costs. OSHA estimates that the rule will have net economic cost savings of $8.75 million per year. The Agency believes that the loss in annual benefits, while unquantified, are significantly less than the annual cost savings, hence there are positive net benefits to this proposed rule.

Risks: This rulemaking does not address new significant risks or estimate benefits and economic impacts of reducing such risks. Overall, this rulemaking is reasonably necessary under the OSH Act because it provides cost savings, or eliminates unnecessary requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/03/18	83 FR 36494
NPRM Comment Period End.	09/28/18	
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: State.

Agency Contact: Amanda Edens, Director, Directorate of Technical Support and Emergency Management, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3653, Washington, DC 20210, *Phone:* 202 693–2300, *Fax:* 202 693–1644, *Email: edens.mandy@dol.gov*.

RIN: 1218–AD17

DOL—OSHA

103. • Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: Not Yet Determined

CFR Citation: None.

Legal Deadline: None.

Abstract: On January 9, 2017, OSHA published its final rule Occupational Exposure to Beryllium and Beryllium Compounds in the **Federal Register** (82 FR 2470). OSHA concluded that employees exposed to beryllium and beryllium compounds at the preceding permissible exposure limits (PELs) were at significant risk of material impairment of health, specifically chronic beryllium disease and lung cancer. OSHA also concluded that the new 8-hour time-weighted average (TWA) PEL of μg/m³ reduced this significant risk to the maximum extent feasible. After a review of the comments received and a review of the applicability of existing OSHA standards, OSHA proposed to revoke ancillary provisions applicable to the construction and shipyard sectors on June 28, 2018 (82 FR 29182), but to retain the new lower PEL of 0.2 μg/m³ and the STEL of 2.0 μg/m³ for those sectors. OSHA has evidence that beryllium exposure in these sectors is limited to the following operations: Abrasive blasting in construction, abrasive blasting in shipyards, and welding in shipyards. OSHA has a number of standards already specifically applicable to these operations, including ventilation (29 CFR 1926.57) and mechanical paint removers (29 CFR 1915.34). Because OSHA determined that there is significant risk of material impairment of health at the new lower PEL of 0.2 μg/m³, the Agency continues to believe that it is necessary to protect workers exposed at this level. However, OSHA is now reconsidering the need for ancillary provisions in the construction and shipyards sectors, and is currently reviewing comments received in response to the proposal to finalize the rulemaking.

Statement of Need: The Occupational Safety and Health Administration (OSHA) proposed to revoke the ancillary provisions for the construction and the shipyard sectors, which OSHA adopted on January 9, 2017 (82 FR 2470), but retain the new lower permissible exposure limit (PEL) of 0.2 μg/m³ and the short term exposure limit (STEL) of 2.0 μg/m³ for each sector. OSHA will not enforce the January 9, 2017, shipyard and construction standards without further notice while this new rulemaking is underway.

OSHA has determined that there is significant risk of material impairment of health at the new lower PEL of 0.2 μg/m³, the Agency continues to believe that it is necessary to protect workers exposed at this level. However, OSHA has evidence that beryllium exposure in these sectors is limited to the following operations: Abrasive blasting in construction, abrasive blasting in shipyards, and welding in shipyards. OSHA has a number of standards already applicable to these operations. Based on a review of the comments received and a review of the applicability of existing OSHA standards, OSHA is now reconsidering the need for ancillary provisions in the construction and shipyards sectors, and is currently reviewing comments received in response to the proposal to finalize the rulemaking.

Summary of Legal Basis: 29 U.S.C. 655(b); 29 U.S.C. 657.

Alternatives: OSHA has several potential options. The first is to retain the original standards promulgated in 2017 for construction and shipyards, including all ancillary provisions. Alternatively, OSHA is evaluating whether there is benefit to retaining certain ancillary provisions that were proposed for rescission.

Anticipated Cost and Benefits: OSHA preliminarily estimated that rescinding the ancillary provisions will result in cost savings to shipyard and construction establishments. For construction, cost savings are $8.8 million (7% discounting) and $8.6 million (3% discounting). For shipyards, cost savings are $3.5 million (7% discounting) and $3.4 million (3% discounting). OSHA has preliminarily concluded that there are limited to no foregone benefits (*i.e.,* reduced number of cases of Chronic Beryllium Disease) as a result of revoking the ancillary provisions of the beryllium final standards for construction and shipyards.

Risks:

Timetable:

Action	Date	FR Cite
NPRM (Construction in Shipyards) Published as 1218–AB76.	06/27/17	82 FR 29182
NPRM (Construction in Shipyards) Comment Period End.	08/28/17	
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov*.

Related RIN: Related to 1218–AB76

RIN: 1218–AD21

BILLING CODE 4510–04–P

DEPARTMENT OF TRANSPORTATION (DOT)

Introduction: Department Overview

DOT has statutory responsibility for a wide range of regulations. For example, DOT regulates safety in the aviation, motor carrier, railroad, motor vehicle, commercial space, transit, and pipeline transportation areas. The Department also regulates aviation consumer and economic issues, and provides financial assistance and writes the necessary implementing rules for programs involving highways, airports, mass transit, the maritime industry, railroads, and motor transportation and vehicle safety. Finally, DOT has responsibility for developing policies that implement a wide range of regulations that govern programs such as acquisition and grants management, access for people with disabilities, environmental protection, energy conservation, information technology, occupational safety and health, property asset management, seismic safety, security, and the use of aircraft and vehicles. The Department carries out its responsibilities through the Office of the Secretary (OST) and the following operating administrations (OAs): Federal Aviation Administration (FAA); Federal Highway Administration (FHWA); Federal Motor Carrier Safety Administration (FMCSA); Federal Railroad Administration (FRA); Federal Transit Administration (FTA); Maritime Administration (MARAD); National Highway Traffic Safety Administration (NHTSA); Pipeline and Hazardous Materials Safety Administration; (PHMSA); and St. Lawrence Seaway Development Corporation (SLSDC).

The Department's Regulatory Philosophy and Initiatives

The Department's highest priority is safety. To achieve our safety goals responsibly and in accordance with principles of good governance, we embrace a regulatory philosophy that emphasizes transparency, stakeholder engagement, and regulatory restraint. Our goal is to allow the public to understand how we make decisions, which necessarily includes being transparent in the way we measure the risks, costs, and benefits of engaging in—or deciding not to engage in—a particular regulatory action. It is our policy to provide an opportunity for public comment on such actions to all interested stakeholders. Above all, transparency and meaningful engagement mandate that regulations should be straightforward, clear, and accessible to any interested stakeholder.

- At DOT, transparency and stakeholder engagement take a number of different forms. For example, we publish a monthly report on our website that provides a summary and the status for all significant rulemakings that DOT currently has pending or has issued recently (*https://www.transportation.gov/regulations/report-on-significant-rulemakings*). This report provides the public with easy access to information about the Department's regulatory activities that can be used to locate other publicly-available information in the Department's regulatory docket at *www.regulations.gov*, or in the **Federal Register**.
- We also seek public input through direct engagement. For example, we published a request asking the public to help us identify obstacles to infrastructure projects, *Transportation Infrastructure: Notice of Review of Policy, Guidance, and Regulation,* 82 FR 26734 (June 8, 2017). In response, we received more than 200 comments proposing more than 1,000 ideas. We have reviewed these comments and are working to implement ideas that streamline approval processes and guide investment in infrastructure. We also published another notice requesting the public to help us identify rules that are good candidates for repeal, replacement, suspension, or modification, or other deregulatory action, 82 FR 45750 (October 2, 2017). We received over 2,800 comments in response and are currently undertaking a comprehensive review of these comments. Finally, DOT has a long history of partnering with stakeholders to develop recommendations and consensus standards through advisory committees. Some committees meet regularly to provide advice, while others are convened on an *ad hoc* basis to address specific needs. Each OA, as well as OST, has at least one standing advisory committee.

The Department's regulatory philosophy also embraces the notion that there should be no more regulations than necessary. We emphasize consideration of non-regulatory solutions and have rigorous processes in place for continual reassessment of existing regulations. These processes provide that regulations and other agency actions are periodically reviewed and, if appropriate, are revised to ensure that they continue to meet the needs for which they were originally designed, and that they remain cost-effective and cost-justified.

For example, DOT regularly makes a conscientious effort to review its rules in accordance with the Department's 1979 Regulatory Policies and Procedures (44 FR 11034, Feb. 26, 1979), Executive Order (E.O.) 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and section 610 of the Regulatory Flexibility Act. The Department follows a repeating 10-year plan for the review of existing regulations. Information on the results of these reviews is included in the Unified Agenda.

In addition, through three new Executive Orders, President Trump directed agencies to further scrutinize their regulations and other agency actions. On January 30, 2017, President Trump signed Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs. Under section 2(a) of the Executive Order, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it must identify at least two existing regulations to be repealed. On February 24, 2017, President Trump signed Executive Order 13777, enforcing the Regulatory Reform Agenda. Under this Executive Order, each agency must establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations, and make recommendations for their repeal, replacement, or modification. On March 28, 2017, President Trump signed Executive Order 13783, Promoting Energy Independence and Economic Growth, requiring agencies to review all existing regulations, orders, guidance documents, policies, and other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

In response to the mandate in Executive Order 13777, the Department formed an RRTF consisting of senior career and non-career leaders, which has already conducted extensive reviews of existing regulations, and identified a number of rules to be repealed, replaced, or modified. As a result of the RRTF's work, since January 2017, the Department has issued deregulatory actions that reduce regulatory costs on the public by at least $882 million (in net present value cost savings). Even when the costs of significant regulatory actions are factored in, the Department's deregulatory actions in FY2018 will still result in over $500 million in net cost savings (in net present value). With the RRTF's assistance, the Department has achieved these cost savings in a manner that is fully consistent with enhancing safety. For example, in March 2018, the FAA promulgated a rule titled Rotorcraft Pilot Compartment View,

which will reduce the number of tests for nighttime operations, after the Agency carefully considered the safety data and determined the tests were unnecessary.

The Department has also significantly increased the number of deregulatory actions it is pursuing. Today, DOT is pursuing over 120 deregulatory rulemakings, up from just 16 in the fall of 2016.

The RRTF continues to conduct monthly reviews across all OAs to identify appropriate deregulatory actions. The RRTF also works to ensure that any new regulatory action is rigorously vetted and non-regulatory alternatives are considered. Further information on the RRTF can be found online at: *https://www.transportation.gov/regulations/regulatory-reform-task-force-report*. The priorities identified below reflect the RRTF's work to implement the Department's focus on reducing burdens and improving the effectiveness of all regulations.

The Department's Regulatory Priorities

Four fundamental principles—safety, innovation, enabling investment in infrastructure, and reducing unnecessary regulatory burdens—are our top priorities. These priorities are grounded in our national interest in maintaining U.S. global leadership in safety, innovation, and economic growth. To accomplish our regulatory goals, we must create a regulatory environment that fosters growth in new and innovative industries without burdening them with unnecessary restrictions. At the same time, safety remains our highest priority; we must remain focused on managing safety risks and be sure that we do not regress from the successes already achieved. Accordingly, the regulatory plan laid out below reflects a careful balance that emphasizes the Department's priority in fostering innovation while at the same time meeting the challenges of maintaining a safe and reliable, transportation system.

Safety. The success of our national transportation system requires us to remain focused on safety as our highest priority. Our regulatory plan reflects our commitment to safety through a balanced regulatory approach. Our goals are to deliver safety more efficiently and at a lower cost to the public by looking to market-driven solutions first.

Innovation. Every mode of transportation is affected by transformative technology. Whether we are talking about automation, unmanned vehicles, or other emerging technologies, we are looking forward to new and promising frontiers that will change the way we move on the ground, in water, through the air, and into space. Our regulatory plan reflects the Administration's commitment to fostering innovation by lifting barriers to entry and enabling innovative and exciting new uses of transportation technology.

Enabling investment in infrastructure. The safe and efficient movement of goods and passengers requires us not just to maintain, but to improve our national transportation infrastructure. But that cannot happen without changes to the way we plan, fund, and approve projects. Accordingly, our Regulatory Plan prioritizes regulatory action that streamlines the approval process and facilitates more efficient investment in infrastructure. To maintain global leadership and foster economic growth, this must be one of our highest priorities.

Reducing unnecessary regulatory burdens. Finally, our Regulatory Plan reflects our commitment to reducing unnecessary regulatory burdens. Our priority rules include some deregulatory actions that we identified after a comprehensive review of all of the Department's regulations. The Plan also reflects our policy of thoroughly considering non-regulatory solutions before taking regulatory action. When regulatory intervention is necessary, however, it is our policy to rely data-driven and risk-based analysis to craft the most effective and least burdensome solution to the problem.

This Regulatory Plan identifies the 10 pending rulemakings that reflect the Department's commitment to safety, innovation, infrastructure, and reducing burdens. For example:

- FAA will focus on regulatory activity to enable, safely and efficiently, the integration of unmanned aircraft systems (UAS) into the National Airspace System (NAS), and to enable expanded commercial space activities.
- NHTSA will focus on maintaining and advancing safety while reducing regulatory barriers to technology innovation, including the development of autonomous vehicles, and updating regulations on fuel efficiency.
- FRA will continue to focus on providing industry members regulatory relief through a rulemaking that allows for alternative compliance with FRA's Passenger Equipment Safety Standards for the operation of Tier III passenger equipment.
- FTA will continue to focus on its statutorily-mandated efforts to establish a comprehensive Public Transportation Safety Program to improve the safety of public transportation systems.
- PHMSA will focus on pipeline safety as well as the movement of hazardous materials across multiple modes of transportation.

At the same time, all OAs are prioritizing their regulatory and deregulatory actions accordance with Executive Orders 13771 and 13563, to make sure they are providing the highest level of safety while eliminating outmoded and ineffective regulations and streamlining other existing regulations in an effort to promote economic growth, innovation, competitiveness, and job creation. Since each OA has its own area of focus, we summarize the regulatory priorities of each below.

Office of the Secretary of Transportation

OST oversees the regulatory process for the Department. OST implements the Department's regulatory policies and procedures and is responsible for ensuring the involvement of senior officials in regulatory decision making. Through the Office of the General Counsel, OST is also responsible for ensuring that the Department complies with the Administrative Procedure Act, Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs), Executive Order 13777 (Enforcing the Regulatory Reform Agenda), Executive Order 13873 (Promoting Energy Independence and Economic Growth), DOT's Regulatory Policies and Procedures, and other legal and policy requirements affecting rulemaking. In addition, OST has the lead role in matters concerning aviation economic rules, the Americans with Disabilities Act, and rules that affect multiple elements of the Department.

OST provides guidance and training regarding compliance with regulatory requirements and process for personnel throughout the Department. OST also plays an instrumental role in the Department's efforts to improve our economic analyses; risk assessments; regulatory flexibility analyses; other related analyses; retrospective reviews of rules; and data quality, including peer reviews. The Office of the General Counsel is the lead office that works with the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) to get Administration approval to move forward with significant rules.

OST also leads and coordinates the Department's response to OMB's intergovernmental review of other agencies' significant rulemaking

documents and to Administration and congressional proposals that concern the regulatory process. The Office of the General Counsel works closely with representatives of other agencies, OMB, the White House, and congressional staff to provide information on how various proposals would affect the ability of the Department to perform its safety, infrastructure, and other missions.

• In Fiscal Year 2019, the Department will issue an NPRM proposing to establish the applicable regulatory standard for waivers from the Buy America requirement on the basis that a product or item is not manufactured in the United States meeting the applicable Buy America requirement. This rulemaking will streamline and coordinate aspects of the Buy America process across the Department.

In addition, OST will continue its efforts to help coordinate the activities of several OAs that advance various departmental efforts that support the Administration's initiatives on promoting safety, enabling innovation, investing in infrastructure, and reducing regulatory burdens. OST will also continue to provide significant support to the RRTF's efforts to implement the Department's regulatory reform policies.

Federal Aviation Administration

FAA is charged with safely and efficiently operating and maintaining the most complex aviation system in the world. Destination 2025, an FAA initiative that captures the agency's vision of transforming the Nation's aviation system by 2025, has proven to be an effective tool for pushing the agency to think about longer-term aspirations; FAA has established a vision that defines the agency's priorities for the next five years.

During Fiscal Year 2019, FAA's regulatory priorities will be to enable transformative UAS and commercial space technologies by publishing two notices of proposed rulemaking (Updates to Clarify and Streamline Commercial Space Transportation Regulations, 2120–AL17 and Remote Identification of Unmanned Aircraft Systems, 2120–AL31), publishing an interim final rule on UAS marking (External Marking Requirement for Small UAS, 2120–AL32), and advancing the Small Unmanned Aircraft Over People (2120–AK85) rule. The Updates to Clarify and Streamline Commercial Space Transportation Regulations proposal would update and consolidate current regulations contained in four separate parts into a single regulatory part which will provide safety objectives to be achieved for the launch of suborbital and orbital expendable and reusable vehicles, and the reentry of vehicles. This proposal will significantly streamline and simplify licensing of launch and reentry operations and will enable novel operations.

• FAA's top deregulatory priorities will be to issue three final rules. Use of ADS–B in support of Reduced Vertical Separation Minimum (RVSM), (2120–AK87) would revise the requirement for an application to operate in RVSM airspace. Recognition of Pilot in Command (PIC) Experience in the Military and in part 121 operations, (2120–AL–03) would allow pilots with 121 PIC experience prior to July 31, 2013, but who were not serving as a PIC on that date, to count that time toward the 1000 hour experience required to serve as a PIC in part 121 today. Severe Weather Detection Equipment Requirement for Helicopter Air Ambulance (HAA) Operations, (2120–AK94) would allow HAA operator to conduct instrument flight rules (IFR) departures and approaches procedures at airports and heliports that do not have an approved weather reporting source, in HAA aircraft without functioning severe weather detection equipment, when there is no reasonable expectation of severe weather at the destination, the alternate, or along the route of flight.

• More information about these rules can be found in the DOT Unified Agenda.

Federal Highway Administration

FHWA carries out the Federal highway program in partnership with State and local agencies to meet the Nation's transportation needs. FHWA's mission is to improve continually the quality and performance of our Nation's highway system and its intermodal connectors.

Consistent with this mission, in Fiscal Year 2019, the FHWA will continue with ongoing regulatory initiatives in support of its surface transportation programs. It will also work to implement legislation in the most cost-effective way possible. Finally, it will pursue regulatory reform in areas where project development can be streamlined or accelerated, duplicative requirements can be consolidated, recordkeeping requirements can be reduced or simplified, and the decision-making authority of our State and local partners can be increased.

Federal Motor Carrier Safety Administration

The mission of FMCSA is to reduce crashes, injuries, and fatalities involving commercial trucks and buses. A strong regulatory program is a cornerstone of FMCSA's compliance and enforcement efforts to advance this safety mission. In addition to Agency-directed regulations, FMCSA develops regulations mandated by Congress, through legislation such as the Moving Ahead for Progress in the 21st Century (MAP–21) and the Fixing America's Surface Transportation (FAST) Acts. FMCSA regulations establish minimum safety standards for motor carriers, commercial drivers, commercial motor vehicles, and State agencies receiving certain motor carrier safety grants and issuing commercial drivers' licenses.

FMCSA's regulatory efforts for FY 2019 will focus on removing regulatory burdens and streamlining the grants program. The Agency will consider changes to the hours of service regulations that would improve operational flexibilities for motor carriers consistent with safety. In addition, FMCSA will continue to coordinate efforts on the development of autonomous vehicle technologies and review existing regulations to identify changes that might be needed.

National Highway Traffic Safety Administration

• The mission of NHTSA is to save lives, prevent injuries, and reduce economic costs due to roadway crashes. The statutory responsibilities of NHTSA relating to motor vehicles include reducing the number, and mitigating the effects of motor vehicle crashes and related fatalities and injuries; providing safety performance information to aid prospective purchasers of vehicles, child restraints, and tires; and improving automotive fuel efficiency requirements. NHTSA pursues policies that enable safety technologies and encourages the development of non-regulatory approaches when feasible in meeting its statutory mandates. NHTSA issues new standards and regulations or amendments to existing standards and regulations when appropriate. It ensures that regulatory alternatives reflect a careful assessment of the problem and a comprehensive analysis of the benefits, costs, and other impacts associated with the proposed regulatory action. Finally, NHTSA considers alternatives consistent with principles in applicable executive orders.

NHTSA's regulatory priorities for Fiscal Year 2019 include continuing to coordinate efforts on the development of autonomous vehicles and reducing regulatory barriers to technology innovation. NHTSA also plans to issue several rulemakings and other actions that increase safety and reduce

economic burden. Most prominently, NHTSA plans to seek comments on amendments to existing regulations to address barriers to the deployment of automated vehicles, particularly those that affect vehicles that may have innovative designs. In addition, working with the Environmental Protection Agency, NHTSA plans to finalize fuel efficiency standards for light vehicles model years (MYs) 2021 thru 2026 (The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks, RIN 2127–AL76). More information about these rules can be found in the DOT Unified Agenda.

Federal Railroad Administration

FRA exercises regulatory authority over all areas of railroad safety and, where feasible, incorporates flexible performance standards. To foster an environment for collaborative rulemaking, FRA established the Railroad Safety Advisory Committee (RSAC). The purpose of RSAC is to develop consensus recommendations for regulatory action on issues FRA brings to it. Even in situations where RSAC consensus is not achieved, FRA benefits from receiving input from RSAC. In situations where RSAC participation would not be useful (*e.g.,* a statutory mandate that leaves FRA with no discretion), FRA fulfils its regulatory role without RSAC's input. The RSAC consultation process results in regulations that are likely to be better understood, more widely accepted, more cost-beneficial, and more correctly applied, because of stakeholder participation.

FRA's current regulatory program continues to reflect a number of pending proceedings to satisfy mandates resulting from the Rail Safety Improvement Act of 2008 (RSIA08), the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), and the FAST Act. These actions support a safe, high-performing passenger rail network, address the safe and effective movement of energy products, and encourage innovation and the adoption of new technology in the rail industry to improve safety and efficiencies. FRA's regulatory priority for Fiscal Year 2019 will be to continue its work on a final rule that will advance high-performing passenger rail by providing alternative ways to comply with passenger rail equipment standards (Passenger Equipment Safety Standards for the operation of Tier III passenger equipment, RIN 2130–AC46). This rule would ease regulatory burdens on certain passenger rail operations, allowing the development of advanced technology and increasing safety benefits. More information about this rule is in the DOT Unified Agenda.

Federal Transit Administration

The mission of FTA is to improve public transportation for America's communities. To further that end, FTA provides financial and technical assistance to local public transit systems, including buses, subways, light rail, commuter rail, trolleys and ferries, oversees safety measures, and helps develop next-generation technology research. FTA's regulatory activities implement the laws that apply to recipients' uses of Federal funding and the terms and conditions of FTA grant awards.

In addition to the Department-wide goals described above, FTA policy regarding regulations is to:

- Ensure the safety of public transportation systems;
- Provide maximum benefit to the Nation's mobility through the connectivity of transportation infrastructure;
- Provide maximum local discretion;
- Ensure the most productive use of limited Federal resources;
- Protect taxpayer investments in public transportation; and
- Incorporate principles of sound management into the grant management process.

In furtherance of its mission and consistent with statutory changes, in Fiscal Year 2019, FTA will focus on deregulatory actions. Specifically, FTA will streamline the environmental review process for transit projects, update its Project Management Oversight regulation, and remove duplicative or outdated rules, such as the Capital Leases regulation. More information about these rules can be found in the DOT Unified Agenda.

Maritime Administration

MARAD administers Federal laws and programs to improve and strengthen the maritime transportation system to meet the economic, environmental, and security needs of the Nation. To that end, MARAD's efforts are focused upon ensuring a strong American presence in the domestic and international trades and to expanding maritime opportunities for American businesses and workers.

MARAD's regulatory objectives and priorities reflect the agency's responsibility for ensuring the availability of water transportation services for American shippers and consumers and, in times of war or national emergency, for the U.S. armed forces. Major program areas include the following: Maritime Security, Voluntary Intermodal Sealift Agreement, National Defense Reserve Fleet and the Ready Reserve Force, Cargo Preference, Maritime Guaranteed Loan Financing, United States Merchant Marine Academy, Mariner Education and Training Support, Deepwater Port Licensing, and Port and Intermodal Development. Additionally, MARAD administers the Small Shipyard Grants Program through which equipment and technical skills training are provided to America's maritime workforce, with the aim of helping businesses to compete in the global marketplace while creating well-paying jobs at home.

MARAD's regulatory priorities for Fiscal Year 2019 will be to continue to support the objectives and priorities described above in addition to identifying new opportunities for deregulatory action.

Pipeline and Hazardous Materials Safety Administration

PHMSA has responsibility for rulemaking under two programs. Through the Associate Administrator for the Office of Hazardous Materials Safety (OHMS), PHMSA administers regulatory programs under Federal hazardous materials transportation law. Through the Associate Administrator for the Office of Pipeline Safety (OPS), PHMSA administers regulatory programs under the Federal pipeline safety laws. In addition, both offices administer programs under the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990.

PHMSA will continue to work toward improving safety related to transportation of hazardous materials by all transportation modes, including pipeline, while promoting economic growth, innovation, competitiveness, and job creation. PHMSA will concentrate on the prevention of high-risk incidents identified through PHMSA's evaluation of transportation incident data. PHMSA will use all available Agency tools to assess data; evaluate alternative safety strategies, including regulatory strategies as necessary and appropriate; target enforcement efforts; and enhance outreach, public education, and training to promote safety outcomes.

Further, PHMSA will continue to focus on streamlining its regulatory system and reducing regulatory burdens. PHMSA will evaluate existing rules to examine whether they remain justified; should be modified to account for changing circumstances and technologies; or should be streamlined or even repealed. PHMSA will continue to evaluate, analyze, and be responsive

to petitions for rulemaking. PHMSA will review regulations, letters of interpretation, and petitions for rulemaking, special permits, enforcement actions, approvals, international standards, and industry standards to identify inconsistencies, outdated provisions, and barriers to regulatory compliance.

In Fiscal Year 2019, OHMS will focus on two priority rulemakings. The first is designed to reduce risks related to the transportation of hazardous materials by rail. PHMSA aims to publish the final rule ''Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains'' (2137–AF08), that expands the applicability of comprehensive oil spill response plans for crude oil trains and requires railroads to share information about high-hazard flammable train operations with State and tribal emergency response commissions to improve community preparedness. The second rulemaking is designed to reduce the risk of transporting lithium batteries by air by addressing the unique challenges they pose. Specifically, ''Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft'' (2137–AF20) contains three amendments: (1) A prohibition on the transport of lithium ion cells and batteries as cargo on passenger aircraft; (2) a requirement that lithium ion cells and batteries be shipped at not more than a 30 percent state of charge aboard cargo-only aircraft; and (3) a limitation on the use of alternative provisions for small lithium cell or battery shipments to one package per consignment or overpack.

OPS will focus on three pipeline rules. The first rulemaking will finalize a proposal to change the regulations covering hazardous liquid onshore pipelines related to High Consequence Areas for integrity management protections, repair timeframes, and reporting for all hazardous liquid gathering lines (Pipeline Safety: Safety of Hazardous Liquid Pipelines, 2137–AE66). The second rulemaking will finalize the testing and pressure reconfirmation of certain previously untested gas transmission pipelines and certain gas transmission pipelines with inadequate records, require operators incorporate seismicity into their risk analysis and data integration, require the reporting of maximum allowable operating pressure exceedances, allow a 6-month extension of integrity management reassessment intervals with notice, and expand integrity assessments outside of high consequence areas to other populated areas (Pipeline Safety: Safety of Gas Transmission Pipelines, 2137–AE72). PHMSA is considering issuing a notice of proposed rulemaking that would provide regulatory relief to certain pipeline operators that experience a reduction in allowable operating pressure due to construction that has occurred in the area (Pipeline Safety: Class Location Requirements, 2137–AF29).

DOT—OFFICE OF THE SECRETARY (OST)

Proposed Rule Stage

104. • +Processing Buy America Waivers Based on Non Availability (Section 610 Review)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Regulatory.

Legal Authority: 23 U.S.C. 313; 49 U.S.C. 5323(j); 49 U.S.C. 24405(a); 49 U.S.C. 50101; Consolidated Appropriations Act, 2018, div. L, tit. IV sec. 410; 41 U.S.C. 8301 to 8305; E.O. 13788, Buy American and Hire American (Apr. 18, 2017)

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: This rule will establish the applicable regulatory standard for waivers from the Buy America requirement on the basis that a product or item is not manufactured in the United States meeting the applicable Buy America requirement. This standard will require the use of items and products with the maximum known amount of domestic content. The rule will also establish the required information the applicants must provide in applying for such waivers.

Statement of Need: Pursuant to Executive Order 13788–Buy American and Hire American, which establishes as a policy of the executive branch to ''maximize, consistent with law . . . the use of goods, products, and materials produced in the United States,'' DOT will be requiring that applicants for non-availability waivers select products that maximize domestic content. In addition, this rule will streamline the Buy America non-availability waiver process, and improve coordination across the Department of Transportation.

Summary of Legal Basis: 23 U.S.C. 313; 49 U.S.C. 5323(j); 49 U.S.C. 24405(a); 49 U.S.C. 50101; Consolidated Appropriations Act, 2018, div. L, tit. IV 410; 41 U.S.C. 83018305; Executive Order 13788, Buy American and Hire American (Apr. 18, 2017).

Alternatives: TBD.

Anticipated Cost and Benefits: TBD.

Risks: TBD.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Local, State, Tribal.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Analiese Marchesseault, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–1675, *Email: analiese.marchesseault@dot.gov.*

RIN: 2105–AE79

DOT—FEDERAL AVIATION ADMINISTRATION (FAA)

Final Rule Stage

105. +Registration and Marking Requirements for Small Unmanned Aircraft

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(f), 49 U.S.C. 41703, 44101 to 44106, 44110 to 44113, and 44701

CFR Citation: 14 CFR 1; 14 CFR 375; 14 CFR 45; 14 CFR 47; 14 CFR 48; 14 CFR 91.

Legal Deadline: None.

Abstract: This rulemaking would provide an alternative, streamlined and simple, web-based aircraft registration process for the registration of small unmanned aircraft, including small unmanned aircraft operated as model aircraft, to facilitate compliance with the statutory requirement that all aircraft register prior to operation. It would also provide a simpler method for marking small unmanned aircraft that is more appropriate for these aircraft. This action responds to public comments received regarding the proposed registration process in the Operation and Certification of Small Unmanned Aircraft notice of proposed rulemaking, the request for information regarding unmanned aircraft system registration, and the recommendations from the Unmanned Aircraft System Registration Task Force.

Statement of Need: This interim final rule (IFR) provides an alternative

process that small unmanned aircraft owners may use to comply with the statutory requirements for aircraft operations. As provided in the clarification of these statutory requirements and request for further information issued October 19, 2015, 49 U.S.C. 44102 requires aircraft to be registered prior to operation. See 80 FR 63912 (October 22, 2015). Currently, the only registration and aircraft identification process available to comply with the statutory aircraft registration requirement for all aircraft owners, including small unmanned aircraft, is the paper-based system set forth in 14 CFR parts 45 and 47. As the Secretary and the Administrator noted in the clarification issued October 19, 2015, and further analyzed in the regulatory evaluation accompanying this rulemaking, the Department and the FAA have determined that this process is too onerous for small unmanned aircraft owners and the FAA. Thus, after considering public comments and the recommendations from the Unmanned Aircraft System (UAS) Registration Task Force, the Department and the FAA have developed an alternative process, provided by this IFR (14 CFR part 48), for registration and marking available only to small unmanned aircraft owners. Small unmanned aircraft owners may use this process to comply with the statutory requirement to register their aircraft prior to operating in the National Airspace System (NAS).

Summary of Legal Basis: The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in 49 U.S.C. 106(f), which establishes the authority of the Administrator to promulgate regulations and rules; and 49 U.S.C. 44701(a)(5), which requires the Administrator to promote safe flight of civil aircraft in air commerce by prescribing regulations and setting minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security. This rule is also promulgated pursuant to 49 U.S.C. 44101 to 44106 and 44110 to 44113 which require aircraft to be registered as a condition of operation and establish the requirements for registration and the registration processes. Additionally, this rulemaking is promulgated pursuant to the Secretary's authority in 49 U.S.C. 41703 to permit the operation of foreign civil aircraft in the United States.

Alternatives: Currently, the only registration and aircraft identification process available to comply with the statutory aircraft registration requirement for all aircraft owners, including small unmanned aircraft, is the paper-based system set forth in 14 CFR parts 45 and 47. As the Secretary and the Administrator noted in the clarification issued October 19, 2015, and further analyzed in the regulatory evaluation accompanying this rulemaking, the Department and the FAA have determined that this process is too onerous for small unmanned aircraft owners and the FAA.

Anticipated Cost and Benefits: In order to implement the new streamlined, web-based system described in this interim final rule (IFR), the FAA will incur costs to develop, implement, and maintain the system. Small UAS owners will require time to register and mark their aircraft, and that time has a cost. The total of government and registrant resource cost for small unmanned aircraft registration and marking under this new system is $56 million ($46 million present value at 7 percent) through 2020. In evaluating the impact of this interim final rule, we compare the costs and benefits of the IFR to a baseline consistent with existing practices: For modelers, the exercise of discretion by FAA (not requiring registration) and continued broad public outreach and educational campaign, and for non-modelers, registration via part 47 in the paper-based system. Given the time to register aircraft under the paper-based system and the projected number of sUAS aircraft, the FAA estimates the cost to the government and non-modelers would be about $383 million. The resulting cost savings to society from this IFR equals the cost of this baseline policy ($383 million) minus the cost of this IFR ($56 million), or about $327 million ($259 million in present value at a 7 percent discount rate). These cost savings are the net quantified benefits of this IFR.

Risks: Many of the owners of these new sUAS may have no prior aviation experience and have little or no understanding of the NAS, let alone knowledge of the safe operating requirements and additional authorizations required to conduct certain operations. Aircraft registration provides an immediate and direct opportunity for the agency to engage and educate these new users prior to operating their unmanned aircraft and to hold them accountable for noncompliance with safe operating requirements, thereby mitigating the risk associated with the influx of operations. In light of the increasing reports and incidents of unsafe incidents, rapid proliferation of both commercial and model aircraft operators, and the resulting increased risk, the Department has determined it is contrary to the public interest to proceed with further notice and comment rulemaking regarding aircraft registration for small unmanned aircraft. To minimize risk to other users of the NAS and people and property on the ground, it is critical that the Department be able to link the expected number of new unmanned aircraft to their owners and educate these new owners prior to commencing operations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/15	80 FR 78593
Interim Final Rule Effective.	12/21/15	
OMB Approval of Information Collection.	12/21/15	80 FR 79255
Interim Final Rule Comment Period End.	01/15/16	
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Sara Mikolop, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–7776, *Email:* *sara.mikolop@faa.gov.*

RIN: 2120–AK82

DOT—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA)

Prerule Stage

106. +Removing Regulatory Barriers for Automated Driving Systems

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: delegation of authority at 49 CFR 1.95

CFR Citation: 49 CFR 571.

Legal Deadline: None.

Abstract: This notice seeks comment on existing motor vehicle regulatory

barriers to the introduction and certification of automated driving systems. NHTSA is developing the appropriate analysis of requirements that are necessary to maintain existing levels of safety while enabling innovative vehicle designs and removing or modifying those requirements that would no longer be appropriate if a human driver will not be operating the vehicle. NHTSA previously published a **Federal Register** notice requesting public comment on January 18, 2018.

Statement of Need: This notice seeks comment on existing motor vehicle regulatory barriers to the introduction and certification of automated driving systems.

Summary of Legal Basis: Delegation of authority at 49 CFR 1.95.

Alternatives: NHTSA will seek regulatory alternatives in the upcoming proposal.

Anticipated Cost and Benefits: NHTSA will seek cost and benefit estimates in the upcoming proposal.

Risks: The agency believes there are no substantial risks to this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: David Hines, General Engineer Office of Crash Avoidance Standards, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–2720, *Email:* *dhines@nhtsa.dot.gov*.

RIN: 2127–AM00.

DOT—NHTSA

Proposed Rule Stage

107. +The Safer Affordable Fuel-Efficient (Safe) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 32902; delegation of authority at 49 CFR 1.95

CFR Citation: 49 CFR 531; 49 CFR 533.

Legal Deadline: Final, Statutory, April 1, 2020, Publish Final Rule.

Abstract: The Department of Transportation's National Highway Traffic Safety Administration (NHTSA) and the U.S. Environmental Protection Agency (EPA) proposed a rule to adjust the corporate average fuel economy (CAFE) and greenhouse gas (GHG) emissions standards for model years (MYs) 2021 through 2026 light-duty vehicles. EPA established national GHG emissions standards under the Clean Air Act that extend through 2025, and NHTSA established augural CAFE standards for MY 2022–2025 vehicles under the Energy Policy and Conservation Act, as amended by the Energy Independence and Security Act (EISA). This joint rulemaking proposes adjustments to those standards, following conclusion of the Mid-Term Evaluation (MTE) process and EPA's Final Determination that it is appropriate to adjust the MY 2022–2025 GHG emission standards.

Statement of Need: Setting Corporate Average Fuel Economy standards for passenger cars, light trucks and medium-duty passenger vehicles will reduce fuel consumption, and will thereby improve U.S. energy independence and energy security, which has been a national objective since the first oil price shocks in the 1970s. Transportation accounts for about 70 percent of U.S. petroleum consumption, and light-duty vehicles account for about 60 percent of oil use in the U.S. transportation sector.

Summary of Legal Basis: This rulemaking responds to requirements of the Energy Independence and Security Act of 2007 (EISA), title 1, subtitle A, section 102, as it amends 49 U.S.C. 32902, which was signed into law December 19, 2007. The statute requires that corporate average fuel economy standards be prescribed separately for passenger automobiles and non-passenger automobiles. For model years 2021 to 2030, the average fuel economy required to be attained by each fleet of passenger and non-passenger automobiles shall be the maximum feasible for each model year. The law requires the standards be set at least 18 months prior to the start of the model year.

Alternatives: See the accompanying Regulatory Impact Analysis for the discussion of alternatives.

Anticipated Cost and Benefits: See the accompanying Regulatory Impact Analysis for the discussion of estimated costs and benefits.

Risks: The agency believes there are no substantial risks to this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	08/24/18	83 FR 42986
NPRM Comment Period Extended.	09/26/18	83 FR 48578
NPRM Comment Period End.	10/23/18	
NPRM Comment Period Extended End.	10/26/18	
Analyzing Comments.	11/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: James Tamm, Fuel Economy Division Chief, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Ave SE, Washington, DC 20590, *Phone:* 202–493–0515, *Email:* *james.tamm@dot.gov*.

RIN: 2127–AL76

DOT—FEDERAL RAILROAD ADMINISTRATION (FRA)

Final Rule Stage

108. +Passenger Equipment Safety Standards Amendments

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 20103

CFR Citation: 49 CFR 238.

Legal Deadline: None.

Abstract: This rulemaking would update existing safety standards for passenger rail equipment. Specifically, the rulemaking would add a new tier of passenger equipment safety standards (Tier III) to facilitate the safe implementation of nation-wide, interoperable, high-speed passenger rail service at speeds up to 220 mph. The Tier III standards require operations at speeds above 125 mph to be in an exclusive right-of-way without grade crossings. This rule would also establish crashworthiness and occupant protection performance requirements as an alternative to those currently specified for Tier I passenger train sets. Additionally, the rule would increase from 150 to 160 mph the maximum

speed for passenger equipment that complies with FRA's Tier II standards. The rule is expected to ease regulatory burdens, allow the development of advanced technology, and increase safety benefits.

Statement of Need: This rulemaking would update existing safety standards for passenger rail equipment. Specifically, the rulemaking would add a new tier of passenger equipment safety standards (Tier III) to facilitate the safe implementation of nation-wide, interoperable, high-speed passenger rail service at speeds up to 220 mph. The Tier III standards require operations at speeds above 125 mph to be in an exclusive right-of-way without grade crossings. This rule would also establish crashworthiness and occupant protection performance requirements as an alternative to those currently specified for Tier I passenger train sets. Additionally, the rule would increase from 150 to 160 mph the maximum speed for passenger equipment that complies with FRA's Tier II standards. The rule is expected to ease regulatory burdens, allow the development of advanced technology, and increase safety benefits.

Summary of Legal Basis: 49 U.S.C. 20103, 20107, 20133, 20141, 20302 and 20303, 20306, 20701 and 20702, 21301 and 21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

Alternatives: The alternatives FRA considered in establishing the proposed safety requirements for Tier III train sets are the European and Japanese industry standards. However, as neither of those standards adequately address the safety concerns presented in the U.S. rail environment, FRA rejected adopting either of them as a regulatory alternative suitable for interoperable equipment.

Anticipated Cost and Benefits: This rule would amend passenger equipment safety regulations. It adds a new equipment tier (''Tier III'') to facilitate the safe implementation of high-speed rail (up to 220 mph on dedicated rail lines) and establishes alternative crashworthiness performance standards to qualify passenger rail equipment for Tier I operations. This rule is deregulatory in nature. At the proposed rule stage, FRA estimated the total cost of the proposed rule to be between $4.59 and $4.62 billion, discounted to between $3.13 and $3.16 billion at a 3% discount rate, and between $1.94 and $1.96 billion at a 7% discount rate. The annualized costs were estimated to be $64.6 to 65.1 million at a 7% discount rate and $101.9 to 102.6 million at a 3% discount rate. FRA estimated the total benefits to be between $8.66 and $16.75 billion, discounted to between $6.05 and $11.27 billion at a 3% discount rate, and between $3.85 and $7.06 billion at a 7% discount rate. The annualized benefits were estimated to be $121.8 to 235.8 million at a 7% discount rate and $192 to 371.7 million at a 3% discount rate. The benefits are derived by calculating the difference between the estimated equipment and infrastructure costs without the rule and the estimated costs of pursuing the same projects with the new rule in effect. The majority of the benefits are due to a rule modification that provides Tier III train sets the ability to operate on shared track rather than build new, independent infrastructure into urban areas. FRA is currently evaluating the core assumptions that lead to such large benefits to ensure their accuracy.

Risks: The risk is regulatory uncertainty for potential Tier III and Tier I alternative operations. Tier III operations could still be conducted, but would require a series of waivers, which are not as permanent as regulatory approval (and not as certain). Also, Tier I alternative train sets would still require waivers for operation (same regulatory uncertainty as for Tier III).

Timetable:

Action	Date	FR Cite
NPRM	12/06/16	81 FR 88006
NPRM Comment Period End.	02/06/17	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: State.

URL For More Information: *www.regulations.gov*.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Elliott Gillooly, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Ave. SE, Washington, DC 20590, *Phone:* 202–366–4000, *Email:* *elliott.gillooly@dot.gov*.

RIN: 2130–AC46

DOT—PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)

Prerule Stage

109. +Pipeline Safety: Class Location Requirements

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

CFR Citation: 49 CFR 192.

Legal Deadline: None.

Abstract: This rulemaking regards existing class location requirements, specifically as they pertain to actions operators are required to take following class location changes. Operators have suggested that performing integrity management measures on pipelines where class locations have changed due to population increases would be an equally safe but less costly alternative to the current requirements of either reducing pressure, pressure testing, or replacing pipe.

Statement of Need: Section 5 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 required the Secretary of Transportation to evaluate and issue a report on whether integrity management requirements should be expanded beyond high-consequence areas and whether such expansion would mitigate the need for class location requirements. PHMSA issued a Notice of Inquiry on this topic on August 1, 2013, and issued a report to Congress on its evaluation of this issue in April 2016. In that report, PHMSA decided to retain the existing class location requirements but noted it would further examine issues related to pipe replacement requirements when class locations change due to population growth. PHMSA noted that it would further evaluate the feasibility and appropriateness of alternatives to address this issue following publication of the final rule titled ''Pipeline Safety: Safety of Gas Transmission Pipelines'' (Docket No. PHMSA–2011–0023; RIN 2137–AE72). In line with that intent, section 4 of the Protecting Our Infrastructure of Pipelines and Enhancing Safety Act of 2016 requires PHMSA to provide a report to Congress no later than 18 months after the publication of the Gas Transmission final rule that reviews the types of benefits, including safety benefits, and estimated costs of the legacy class location regulations. Therefore, PHMSA is initiating this rulemaking to determine whether the performance on integrity management measures, or other safety measures, on pipelines where class locations have changed due to population increases would be an equally safe but less costly alternative to the current class location change requirements.

Summary of Legal Basis: Congress established the current framework for regulating the safety of natural gas pipelines in the Natural Gas Pipeline Safety Act of 1968 (NGPSA). The NGPSA provided the Secretary of Transportation the authority to prescribe minimum Federal safety

standards for natural gas pipeline facilities. That authority, as amended in subsequent reauthorizations, is currently codified in the Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*).

Alternatives: In this rulemaking, PHMSA will identify possible alternatives to the current class location requirements, specifically those requirements causing operators to reduce pressure, pressure test, or replace pipe when class locations change in areas due to population increases. One such alternative, as suggested by certain members of the industry, could include the performance of integrity management measures on affected pipelines.

Anticipated Cost and Benefits: PHMSA believes there is no cost to this rulemaking action, but we will solicit further information on the costs and benefits of the current class location requirements as they pertain to class location changes, as well as the costs and benefits of any alternatives.

Risks: PHMSA is evaluating whether the performance of integrity management, or other alternatives, in lieu of the current regulatory requirements for reducing pressure, pressure testing, or replacing pipe when class locations change due to population growth, will increase, decrease, or maintain the current level of risk. PHMSA notes that while certain alternatives to the current regulations might allow for an equivalent level of risk, there is a potential for greater consequences in an area where a class location has changed due to population increases along the pipeline.

Timetable:

Action	Date	FR Cite
ANPRM	07/31/18	83 FR 36861
ANPRM Comment Period End.	10/01/18	
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Cameron H. Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–8553, *Email:* *cameron.satterthwaite@dot.gov.*

RIN: 2137–AF29

DOT—PHMSA

Proposed Rule Stage

110. +Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 44701; 49 U.S.C. 5103(b); 49 U.S.C. 5120(b)

CFR Citation: 49 CFR 172; 49 CFR 173.

Legal Deadline: None.

Abstract: This rulemaking action would amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171 to 180) applicable to the transport of lithium cells and batteries by aircraft. The rulemaking contains three amendments: (1) A prohibition on the transport of lithium ion cells and batteries as cargo on passenger aircraft; (2) a requirement that lithium ion cells and batteries be shipped at not more than a 30 percent state of charge aboard cargo-only aircraft; and (3) a limitation on the use of alternative provisions for small lithium cell or battery shipments to one package per consignment or overpack. These amendments are consistent with three emergency amendments to the 2015–2016 International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions). The amendments in this rulemaking do not restrict passengers or crew members from bringing personal items or electronic devices containing lithium batteries aboard aircraft in carry-on or checked baggage, or restrict cargo-only aircraft from transporting lithium ion batteries at a state of charge exceeding 30 percent when packed with or contained in equipment. PHMSA is providing limited relief from the passenger aircraft prohibition and the state of charge restriction for small lithium ion batteries transported entirely within Alaska, Hawaii, and U.S. territories.

Statement of Need: This rule is necessary to address an immediate safety hazard and harmonize the US HMR with emergency amendments to the 2015–2016 edition of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions). FAA research has shown that air transportation of lithium ion batteries poses a safety risk. We are issuing this rulemaking to (1) prohibit the transport of lithium ion cells and batteries as cargo on passenger aircraft; (2) require all lithium ion cells and batteries to be shipped at not more than a 30 percent state of charge on cargo-only aircraft; and (3) limit the use of alternative provisions for small lithium cell or battery shipments under 49 CFR 173.185(c).

Summary of Legal Basis: This rule is published under the authority of the Federal Hazardous Materials Transportation Law, 49 U.S.C. 5101 *et seq.* Section 5103(b) authorizes the Secretary of Transportation to prescribe regulations for the safe transportation, including security, of hazardous material in intrastate, interstate, and foreign commerce. This rule revises regulations for the safe transport of lithium batteries by air and the protection of aircraft operators and the flying public.

Alternatives: In this rulemaking, PHMSA considered the following three alternatives: (1) PHMSA adopts all of the amendments presented in the rule; (2) a No Action alternative; and (3) a Partial Harmonization alternative.

Anticipated Cost and Benefits: PHMSA estimates the present value costs about $46.6 million over 10 years and about $6.6 million annualized at a 7 percent discount rate and $56.3 million over 10 years and about $6.6 million annualized at a 3 percent discount rate. Based on the estimated mean 10-year undiscounted cost of $65.84 million and the estimated economic consequences of $34.9 million for a cargo-only flight incident, the rulemaking would need to prevent 1.9 incidents over the next 10 years for the benefits to exceed the quantified costs, or approximately one every 5 years.

Risks: PHMSA expects the rule will improve safety for flight crews, air cargo operators, and the public as a result of the state of charge requirement and the consignment and overpack restriction by reducing the possibility of fire on cargo-only aircraft. Additionally, the rule will harmonize the prohibition of lithium ion batteries as cargo on passenger aircraft and eliminate the possibility of a package of lithium ion batteries causing or contributing to a fire in the cargo hold of a passenger aircraft.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: HM–224I.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Kevin Leary, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–8553, *Email: kevin.leary@dot.gov.*

RIN: 2137–AF20

DOT—PHMSA

Final Rule Stage

111. +Pipeline Safety: Safety of Hazardous Liquid Pipelines

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

CFR Citation: 49 CFR 195.

Legal Deadline: None.

Abstract: This rulemaking would amend the Pipeline Safety Regulations to improve protection of the public, property, and the environment by closing regulatory gaps where appropriate, and ensuring that operators are increasing the detection and remediation of unsafe conditions, and mitigating the adverse effects of hazardous liquid pipeline failures.

Statement of Need: This rulemaking addresses Congressional mandates in the 2011 Pipeline Reauthorization Act (sections 5, 8, 21, 29, 14) and 2016 PIPES Act (sections 14 and 25); NTSB recommendations P–12–03 and P–12–04; and GAO recommendation 12–388. These statutory mandates and recommendations follow a number of high profile and high consequence accidents (*e.g.,* the 2010 Marshall, MI spill of almost one million gallons of crude oil into the Kalamazoo River). PHMSA is amending the hazardous liquid pipeline safety regulations to: (1) Extend reporting requirements to gravity lines that do not meet certain exceptions; (2) extend certain reporting requirements to all hazardous liquid gathering lines; (3) require inspections of pipelines in areas affected by extreme weather, natural disasters, and other similar events; (4) require periodic assessments of onshore transmission pipelines that are not already covered under the integrity management (IM) program requirements; (5) expand the use of leak detection systems on onshore hazardous liquid transmission pipelines to mitigate the effects of failures that occur outside of high consequence areas; (6) modify the IM repair criteria, both by expanding the list of conditions that require immediate remediation and consolidating the time frames for re-mediating all other conditions; (7) increase the use of inline inspection tools by requiring that any pipeline that could affect a high consequence area be capable of accommodating these devices within 20 years, unless its basic construction will not permit that accommodation; and (8) clarify other regulations to improve compliance and enforcement. The rule also requires safety data sheets and inspection of pipelines located at depths greater than 150 feet under the surface of the water.

Summary of Legal Basis: Congress established the current framework for regulating the safety of hazardous liquid pipelines in the Hazardous Liquid Pipeline Safety Act (HLPSA) of 1979 (Pub. L. 96–129). The HLPSA provided the Secretary of Transportation the authority to prescribe minimum Federal safety standards for hazardous liquid pipeline facilities. That authority, as amended in subsequent reauthorizations, is currently codified in the Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*).

Alternatives: PHMSA proposed alternatives to include offshore and gathering lines in the scope of provisions requiring assessments outside of HCAs and leak detection systems, and revise the repair criteria for pipelines outside HCAs, and evaluated additional regulatory alternatives including no action.

Anticipated Cost and Benefits: Estimated annualized costs are $18 million. Benefits are presented qualitatively and in terms of breakeven analysis based on reported consequences from past incidents.

Risks: These changes will provide PHMSA additional data on pipelines to inform risk evaluation and reduce the probability and consequences of failures through increased inspections, leak detection, and other changes to managing pipeline risks.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/10	75 FR 63774
Comment Period Extended.	01/04/11	76 FR 303
ANPRM Comment Period End.	01/18/11	
Extended Comment Period End.	02/18/11	
NPRM	10/13/15	80 FR 61610
NPRM Comment Period End.	01/08/16	
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Cameron H. Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–8553, *Email: cameron.satterthwaite@dot.gov.*

RIN: 2137–AE66

DOT—PHMSA

112. +Pipeline Safety: Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments

Priority: Other Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

CFR Citation: 49 CFR 192

Legal Deadline: None.

Abstract: This rulemaking would amend the pipeline safety regulations to address the testing and pressure reconfirmation of certain previously untested gas transmission pipelines and certain gas transmission pipelines with inadequate records, require operators incorporate seismicity into their risk analysis and data integration, require the reporting of maximum allowable operating pressure exceedances, allow a 6-month extension of integrity management reassessment intervals with notice, and expand integrity assessments outside of high consequence areas to other populated areas.

Statement of Need: This rulemaking is in direct response to Congressional mandates in the 2011 Pipeline reauthorization act, specifically; section 4(e) (Gas IM plus 6 months), section 5 (IM), 8 (leak detection), 23(b)(2)(exceedance of MAOP); and section 29 (seismicity). These statutory mandates and recommendations stem from a number of high profile and high consequence gas transmission and gathering pipeline incidents and changes in the industry since the establishment of existing regulatory requirements (*e.g.,* the San Bruno, CA explosion that killed eight people).

Summary of Legal Basis: Congress has authorized Federal regulation of the transportation of gas by pipeline under the Commerce Clause of the U.S. Constitution. Authorization is codified in the Pipeline Safety Laws (49 U.S.C.

60101 *et seq.*), a series of statutes that are administered by the DOT, PHMSA. PHMSA has used that authority to promulgate comprehensive minimum safety standards for the transportation of gas by pipeline.

Alternatives: PHMSA considered alternatives to establishing a newly defined moderate consequence area and evaluated requiring assessments for all pipelines outside HCAs.

Anticipated Cost and Benefits: Preliminary estimates of annualized costs are in the range of $40 million; annualized benefits, including cost savings, are over $200 million.

Risks: This rule addresses known risks to gas transmission and gathering including the ''grandfather clause'' (exemption for testing to establish maximum operating pressure for transmission lines) and new unregulated gathering lines that resemble transmission lines.

Timetable:

Action	Date	FR Cite
ANPRM	08/25/11	76 FR 53086
ANPRM Comment Period Extended.	11/16/11	76 FR 70953
ANPRM Comment Period End.	12/02/11	
End of Extended Comment Period.	01/20/12	
NPRM	04/08/16	81 FR 20721
NPRM Comment Period End.	06/08/16	
Final Rule	03/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: SB–Y IC–N SLT–N.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

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RIN: 2137–AE72

DOT—PHMSA

113. +Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains (FAST Act)

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 33 U.S.C. 1321; 49 U.S.C. 5101 *et seq.*

CFR Citation: 49 CFR 130; 49 CFR 174; 49 CFR 171; 49 CFR 172; 49 CFR 173.

Legal Deadline: None.

Abstract: This rulemaking would expand the applicability of comprehensive oil spill response plans (OSRP) based on thresholds of liquid petroleum oil that apply to an entire train. The rulemaking would also require railroads to share information about high-hazard flammable train operations with State and Tribal emergency response commissions to improve community preparedness in accordance with the Fixing America's Surface Transportation Act of 2015 (FAST Act). Finally, the rulemaking would incorporate by reference an initial boiling point test for flammable liquids for better consistency with the American National Standards Institute/American Petroleum Institute Recommended Practices 3000, ''Classifying and Loading of Crude Oil into Rail Tank Cars,'' First Edition, September 2014.

Statement of Need: This rulemaking is important to mitigate the effects of potential train accidents involving the release of flammable liquid energy products by increasing planning and preparedness. The proposals in this rulemaking are shaped by mandates in Fixing America's Surface Transportation (FAST) Act of 2015, public comments, National Transportation Safety Board (NTSB) Safety Recommendations, analysis of recent accidents, and input from stakeholder outreach efforts (including first responders). To this end, PHMSA will consider expanding the applicability of comprehensive oil spill response plans; clarifying the requirements for comprehensive oil spill response plans; requiring railroads to share additional information; and providing an alternative test method for determining the initial boiling point of a flammable liquid.

Summary of Legal Basis: The authority of 49 U.S.C. 5103(b), which authorizes the Secretary of Transportation to ''prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce.'' The Fixing America's Surface Transportation (FAST) Act of 2015 also includes mandates for the information sharing notification requirements. The authority of 33 U.S.C. 1321, the Federal Water Pollution Control Act (FWPCA), which directs the President to issue regulations requiring owners and operators of certain vessels and onshore and offshore oil facilities to develop, submit, update and in some cases obtain approval of oil spill response plans. Executive Order 12777 delegated responsibility to the Secretary of Transportation for certain transportation-related facilities. The Secretary of Transportation delegated the authority to promulgate regulations to PHMSA and provides FRA the approval authority for railroad OSRPs.

Alternatives: This rulemaking analyzes five alternative proposals, including no change and changing the applicability threshold to analyze the impact to affected entities. Under the no change alternative, PHMSA would not proceed with any rulemaking on this subject and the current regulatory standards would remain in effect.

Anticipated Cost and Benefits: In the rulemaking, PHMSA performed a breakeven analysis by identifying the number of gallons of oil that the rulemaking would need to prevent from being spilled in order for its benefits to at least equal its estimated costs. Additional benefits may also be conferred due to ecological and human health improvements that may not be captured in the value of the avoided cost of spilled oil. PHMSA currently estimates the rulemaking will be cost-effective if the requirements reduce the consequences of oil spills by 7.68% with ten year costs estimated at $25.2 million and annualized costs of $3.6 million (using a 7% discount rate).

Risks: PHMSA expects this rulemaking to mitigate the effects of potential train accidents involving the release of flammable liquid energy products by increasing planning and preparedness.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/14	79 FR 45079
ANPRM Comment Period End.	09/30/14	
NPRM	07/29/16	81 FR 50067
NPRM Comment Period End.	09/27/16	
Final Rule	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: HM–251B; SB–N, IC–N, SLT–N.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

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Related RIN: Related to 2137–AE91, Related to 2137–AF07

RIN: 2137–AF08

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Statement of Regulatory Priorities

The primary mission of the Department of the Treasury is to maintain a strong economy and create economic and job opportunities by promoting the conditions that enable economic growth and stability at home and abroad, strengthen national security by combatting threats and protecting the integrity of the financial system, and manage the U.S. Government's finances and resources effectively.

Consistent with this mission, regulations of the Department and its constituent bureaus are promulgated to interpret and implement the laws as enacted by Congress and signed by the President. It is the policy of the Department to comply with applicable requirements to issue a notice of proposed rulemaking and carefully consider public comments before adopting a final rule. Also, the Department invites interested parties to submit views on rulemaking projects while a proposed rule is being developed.

To the extent permitted by law, it is the policy of the Department to adhere to the regulatory philosophy and principles set forth in Executive Orders 12866, 13563, 13609, and 13771 and to develop regulations that maximize aggregate net benefits to society while minimizing the economic and paperwork burdens imposed on persons and businesses subject to those regulations.

I. Alcohol and Tobacco Tax and Trade Bureau

The Alcohol and Tobacco Tax and Trade Bureau (TTB) issues regulations to implement and enforce Federal laws relating to alcohol, tobacco, firearms, and ammunition excise taxes and certain non-tax laws relating to alcohol. TTB's mission and regulations are designed to:

(1) Collect the taxes on alcohol, tobacco products, firearms, and ammunition;

(2) Protect the consumer by ensuring the integrity of alcohol products; and

(3) Prevent unfair and unlawful market activity for alcohol and tobacco products.

In FY 2019, TTB will continue its multi-year Regulations Modernization effort by prioritizing projects that reduce regulatory burdens, provide greater industry flexibility, and streamline the regulatory system, consistent with Executive Orders 13771 and 13777. TTB rulemaking priorities also include proposing regulatory changes in response to petitions from industry members and other interested parties, and requesting comments on ways TTB may further reduce burden and support a level playing field for the regulated industry. Specifically, during the fiscal year, TTB plans to publish a deregulatory final rule, following a notice published in FY 2017, which reduces the number of reports submitted by certain regulated industry members. TTB also plans to publish for public comment proposed deregulatory changes in connection with permit applications and to expand industry flexibility with regard to alcohol beverage container sizes (standards of fill). Priority projects also include continuing the rulemaking issued in FY 2017 in response to industry member petitions to authorize new wine treating materials and processes, new grape varietal names for use on labels of wine, and new American Viticultural Areas (AVAs). None of the TTB rulemaking documents issued in FY 2019 are expected to be ''regulatory actions'' under Executive Order 13771 and subsequent OMB guidance.

This fiscal year TTB plans to give priority to the following deregulatory and regulatory measures:

• *Proposal To Streamline and Modernize Permit Application Process (RINs: 1513–AC46, 1513–AC47, 1513–AC48, and 1513–AC49, Modernization of Permit and Registration Application Requirements for Distilled Spirits Plants, Permit Applications for Wineries, Qualification Requirements for Brewers, and Permit Application Requirements for Manufacturers of Tobacco Products or Processed Tobacco, respectively). (Deregulatory)*

Consistent with E.O. 13771 and 13777, in FY 2017, TTB engaged in a review of its regulations to identify any regulatory requirements that could potentially be eliminated, modified, or streamlined in order to reduce burdens on industry. In FY 2018, TTB worked to remove requirements where possible without the need for rulemaking. This included the elimination of certain information collected on TTB permit-related forms. In FY 2019, TTB intends to propose amending its regulations to eliminate or streamline various additional requirements for application or qualification of distilled spirits plants, wineries, breweries, and manufacturers of tobacco products or processed tobacco. In addition, through these regulatory amendments, TTB intends to address a number of comments it received from the interested public, including industry members, through the Treasury Department's Request for Information on deregulatory ideas (Docket No. TREAS–DO–2017–0012, published in the **Federal Register** on June 14, 2017).

• *Proposed Revisions to the Regulations To Provide Greater Flexibility in the Use of Wine and Distilled Spirits Containers (RIN: 1513–AB56, Standards of Fill for Wine, and RIN: 1513–AC45, Standards of Fill for Distilled Spirits). (Deregulatory)*

In these two notices, TTB will address petitions requesting that it amend regulations governing wine and distilled spirits containers to provide for additional authorized ''standards of fill.'' (The term ''standard of fill'' generally relates to the size of containers, although the specific regulatory meaning is the authorized amount of liquid in the container, rather than the size or capacity of the container itself.) If implemented, this proposal would provide industry members greater flexibility in producing and sourcing containers and meeting consumer demand. This deregulatory action would also eliminate restrictions that inhibit competition and the movement of goods in domestic and international commerce.

• *Revisions to the Regulations To Reduce Report Filing Frequency (RIN: 1513–AC30, Changes to Certain Alcohol-Related Regulations Governing Bond Requirements and Tax Return Filing Periods). (Deregulatory)*

On December 18, 2015, President Obama signed into law the Protecting Americans from Tax Hikes Act (PATH Act), which is Division Q of the Consolidated Appropriations Act, 2016. The PATH Act contains changes to certain statutory provisions that TTB administers in the Internal Revenue Code regarding excise tax return due dates and bond requirements for certain smaller excise taxpayers. These amendments took effect beginning in January 2017, and TTB published a temporary rule amending its regulations to implement these provisions. At the same time, TTB published in the **Federal Register** (82 FR 780) a notice of proposed rulemaking requesting comments on the amendments made in the temporary rule and proposing further amendments to the regulations governing reporting requirements for distilled spirits plants (DSPs) and breweries to reduce the regulatory burden on industry members who pay taxes and file tax returns annually or

quarterly. Under the proposal, those industry members would also submit reports annually or quarterly, aligned with their filing of the tax return, rather than monthly as generally provided under current regulations. To be eligible for annual or quarterly filing, the DSP or brewery must reasonably expect to be liable for not more than $1,000 in excise taxes (in the case of annual filing) or $50,000 in excise taxes (in the case of quarterly filing) for the calendar year and must have been liable for not more than these respective amounts in the preceding calendar year. The reduced reporting frequency will reduce regulatory burdens on these smaller industry members.

• *Revisions to the Regulations to Reflect Statutory Changes to the Definition of Hard Cider under the Internal Revenue Code (RIN: 1513–AC31). (Not yet determined)*

The PATH Act also contained changes to the Internal Revenue Code amending the definition of hard cider for excise tax classification purposes. The amended definition broadened the range of products to which the hard cider tax rate applies. In FY 2017, TTB published a temporary rule amending its regulations to implement these provisions. At the same time, TTB published in the **Federal Register** (82 FR 7753) a notice of proposed rulemaking requesting comments on the amendments made in the temporary rule, including labeling requirements to identify products to which the hard cider tax rate applies. In 2018, TTB reopened the comment period for the notice, as requested by industry members and, after consideration of the comments, intends to issue a final rule in FY 2019.

• *Proposal to Modernize the Alcohol Beverage Labeling and Advertising Requirements (RIN: 1513–AB54). (Deregulatory)*

The Federal Alcohol Administration Act requires that alcohol beverages introduced in interstate commerce have a label issued and approved under regulations prescribed by the Secretary of the Treasury. In accordance with the mandate of Executive Order 13563 of January 18, 2011, regarding improving regulation and regulatory review, TTB conducted an analysis of its alcohol beverage labeling regulations to identify any that might be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with that analysis. These regulations were also reviewed to assess their applicability to the modern alcohol beverage marketplace. As a result of this review, and further review in FY 2017 and FY 2018 consistent with Executive Orders 13771 and 13777 regarding reducing regulatory burdens, in FY 2019, TTB plans to propose revisions to consolidate and modernize the regulations concerning the labeling requirements for wine, distilled spirits, and malt beverages. TTB anticipates that these regulatory changes will assist industry in voluntary compliance, decrease industry burden, and result in the regulated industries being able to bring products to market without undue delay. TTB also anticipates that this notice for public comment will give industry members another opportunity to provide comments and suggestions on any additional deregulatory measures in these areas.

In FY 2019, TTB intends to bring to completion a number of rulemaking projects published as notices of proposed rulemaking in FY 2017 in response to industry member petitions to amend the TTB regulations and reopened for public comment in FY 2018:

• *Proposal to Amend the Regulations to Authorize the Use of Additional Wine Treating Materials (RIN: 1513–AB61). (Not yet determined)*

In FY 2017, TTB proposed to amend its regulations pertaining to the production of wine to authorize additional treatments that may be applied to wine and to juice from which wine is made. These proposed amendments were made in response to requests from wine industry members to authorize certain wine treating materials and processes not currently authorized by TTB regulations. Although TTB may administratively approve such treatments, rulemaking facilitates the acceptance of exported wine made using those treatments in foreign markets. In FY 2018 TTB reopened the comment period for the notice, as requested by industry members and, after consideration of the comments, intends to issue a final rule in FY 2019.

• *Proposal to Amend the Regulations to Add New Grape Variety Names for American Wines (RIN: 1513–AC24). (Not significant)*

In FY 2017, TTB proposed to amend its wine labeling regulations by adding a number of new names to the list of grape variety names approved for use in designating American wines. The proposed deregulatory amendments would allow wine bottlers to use these additional approved grape variety names on wine labels and in wine advertisements. In 2018, TTB reopened the comment period for the notice, as requested by industry members and, after consideration of the comments, intends to issue a final rule in FY 2019.

II. Customs Revenue Functions

The Homeland Security Act of 2002 (the Act) provides that, although many functions of the former United States Customs Service were transferred to the Department of Homeland Security, the Secretary of the Treasury retains sole legal authority over customs revenue functions. The Act also authorizes the Secretary of the Treasury to delegate any of the retained authority over customs revenue functions to the Secretary of Homeland Security. By Treasury Department Order No. 100–16, the Secretary of the Treasury delegated to the Secretary of Homeland Security authority to prescribe regulations pertaining to the customs revenue functions subject to certain exceptions, but further provided that the Secretary of the Treasury retained the sole authority to approve such regulations.

During fiscal year 2019, CBP and Treasury plan to give priority to regulatory matters involving the customs revenue functions which streamline CBP procedures, protect the public, or are required by either statute or Executive Order. The examples of these efforts described below are exempt from Executive Order 13771 as they are non-significant rules as defined by Executive Order. Examples of these efforts are described below.

• *Investigation of Claims of Evasion of Antidumping and Countervailing Duties. (Not significant)*

Treasury and CBP plan to finalize interim regulations (81 FR 56477) which amended CBP regulations implementing section 421 of the Trade Facilitation and Trade Enforcement Act of 2015, which set forth procedures to investigate claims of evasion of antidumping and countervailing duty orders.

• *Modernized Drawback. (Economically significant)*

Treasury and CBP plan to amend CBP regulations to implement changes to the drawback law contained in section 906 of the Trade Facilitation and Trade Enforcement Act of 2015. These proposed changes to the regulations will liberalize the standard for substituting merchandise, simplify recordkeeping requirements, extend and standardize timelines for filing drawback claims, and require the electronic filing of drawback claims.

• *Enforcement of Copyrights and the Digital Millennium Copyright Act. (Significance not yet determined)*

Treasury and CBP plan to propose amendments to the CBP regulations pertaining to importations of merchandise that violate or are suspected of violating the copyright laws, including the Digital Millennium

Copyright Act (DMCA), in accordance with Title III of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) and Executive Order 13785, ''Establishing Enhanced Collection and Enforcement of Anti-dumping and Countervailing Duties and Violations of Trade and Customs Laws.'' The proposed amendments are intended to enhance CBP's enforcement efforts against increasingly sophisticated piratical goods, clarify the definition of piracy, simplify the detention process relative to goods suspected of violating the copyright laws, and prescribe new regulations enforcing the DMCA.

• *Inter Partes Proceedings Concerning Exclusion Orders Based on Unfair Practices in Import Trade. (Deregulatory)*

Treasury and CBP plans to publish a proposal to amend its regulations with respect to administrative rulings related to the importation of articles in light of exclusion orders issued by the United States International Trade Commission (''Commission'') under section 337 of the Tariff Act of 1930, as amended. The proposed amendments seek to promote the speed, accuracy, and transparency of such rulings through the creation of an *inter partes* proceeding to replace the current *ex parte* process.

III. Financial Crimes Enforcement Network

As administrator of the Bank Secrecy Act (BSA), the Financial Crimes Enforcement Network (FinCEN) is responsible for developing and implementing regulations that are the core of the Department's anti-money laundering (AML) and counter-terrorism financing efforts. FinCEN's responsibilities and objectives are linked to, and flow from, that role. In fulfilling this role, FinCEN seeks to enhance U.S. national security by making the financial system increasingly resistant to abuse by money launderers, terrorists and their financial supporters, and other perpetrators of crime.

The Secretary of the Treasury, through FinCEN, is authorized by the BSA to issue regulations requiring financial institutions to file reports and keep records that are determined to have a high degree of usefulness in criminal, tax, or regulatory matters or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism. The BSA also authorizes requiring designated financial institutions to establish AML programs and compliance procedures. To implement and realize its mission, FinCEN has established regulatory objectives and priorities to safeguard the financial system from the abuses of financial crime, including terrorist financing, money laundering, and other illicit activity.

These objectives and priorities include: (1) Issuing, interpreting, and enforcing compliance with regulations implementing the BSA; (2) supporting, working with, and as appropriate, overseeing compliance examination functions delegated to other Federal regulators; (3) managing the collection, processing, storage, and dissemination of data related to the BSA; (4) maintaining a government-wide access service to that same data and for network users with overlapping interests; (5) conducting analysis in support of policymakers, law enforcement, regulatory and intelligence agencies, and the financial sector; and (6) coordinating with and collaborating on anti-terrorism and AML initiatives with domestic law enforcement and intelligence agencies, as well as foreign financial intelligence units.

FinCEN's regulatory priorities for fiscal year 2018 include:

• *Report of Foreign Bank and Financial Accounts. (Deregulatory)*

On March 10, 2016, FinCEN issued a Notice of Proposed Rulemaking to address requests from filers for clarification of certain requirements regarding the Report of Foreign Bank and Financial Accounts, including requirements with respect to employees who have signature authority over, but no financial interest in, the foreign financial accounts of their employers. FinCEN is considering public comments and preparing a Final Rule.

• *Amendments to the Definitions of Broker or Dealer in Securities. (Regulatory)*

On April 4, 2016, FinCEN issued a Notice of Proposed Rulemaking proposing amendments to the regulatory definitions of broker or dealer in securities under the BSA's regulations. The proposed changes would expand the current scope of the definitions to include funding portals and would require them to implement policies and procedures reasonably designed to achieve compliance with all of the BSA's requirements that are currently applicable to brokers or dealers in securities. FinCEN is considering public comments and preparing a Final Rule.

• *Anti-Money Laundering Program Requirements for Banks Lacking a Federal Functional Regulator. (Not yet determined)*

On August 25, 2016, FinCEN issued a Notice of Proposed Rulemaking to remove the AML program exemption for banks that lack a Federal functional regulator, including, but not limited to, private banks, non-federally insured credit unions, and certain trust companies. The proposed rule would prescribe minimum standards for AML programs and would ensure that all banks, regardless of whether they are subject to Federal regulation and oversight, are required to establish and implement AML programs. FinCEN is considering public comments and preparing a Final Rule.

• *Anti-Money Laundering Program and SAR Requirements for Investment Advisers. (Regulatory)*

On September 1, 2015, FinCEN published in the **Federal Register** a Notice of Proposed Rulemaking to solicit public comment on proposed rules under the BSA that would prescribe minimum standards for anti-money laundering programs to be established by certain investment advisers and to require such investment advisers to report suspicious activity to FinCEN. FinCEN is considering those comments and preparing a Final Rule.

• *Anti-Money Laundering Program Requirements for Persons Involved in Real Estate Closings and Settlements. (Regulatory)*

FinCEN intends to issue an ANPRM to initiate a rulemaking that would establish BSA requirements for ''persons involved in real estate closings and settlements,'' 31 U.S.C. 5312(a)(2)(U). The new rules may cover various types of businesses and professions involved in real estate transactions, including real estate agents and brokers, settlement attorneys, and title companies. The data from a series of geographical targeting orders issued by FinCEN is being evaluated to support this rulemaking to address money laundering through real estate transactions, especially acquisitions made via currency transmittals. Real estate transactions involving mortgages are already covered by BSA rules for banks and FinCEN rules for residential mortgage lenders and originators.

• *Registration Requirements of Money Services Businesses. (Regulatory)*

FinCEN is considering issuing a Notice of Proposed Rulemaking amending the registration requirements for money services businesses.

• *Reporting of Cross-Border Electronic Transmittals of Funds. (Regulatory)*

FinCEN is considering requiring certain depository institutions and money services businesses (MSBs) to affirmatively provide records to FinCEN of certain cross-border electronic transmittals of funds (CBETF). Current regulations already require that these financial institutions maintain and make available, but not affirmatively

report, essentially the same CBETF information. FinCEN issued this proposal to meet the requirements of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA).

• *Changes to the Currency and Monetary Instrument Report (CMIR) Reporting Requirements. (Significance not yet determined)*

FinCEN will research, obtain, and analyze relevant data to validate the need for changes aimed at updating and improving the CMIR and ancillary reporting requirements. Possible areas of study to be examined could include current trends in cash transportation across international borders, transparency levels of physical transportation of currency, the feasibility of harmonizing data fields with bordering countries, and information derived from FinCEN's experience with Geographic Targeting Orders.

• *Other Requirements.*

FinCEN also will continue to issue proposed and final rules pursuant to section 311 of the USA PATRIOT Act, as appropriate. Finally, FinCEN expects that it may propose various technical and other regulatory amendments in conjunction with ongoing efforts with respect to a comprehensive review of existing regulations to enhance regulatory efficiency.

VI. Internal Revenue Service

During fiscal year 2019, the IRS and Treasury's Office of Tax Policy have the following regulatory priorities. The first priority is to provide guidance regarding initial implementation of key provisions of the Tax Cuts and Jobs Act (TCJA), Public Law 115–97. Initial implementation priorities include:

• Guidance under sections 101 and 1016 and new section 6050Y regarding reportable policy sales of life insurance contracts.

• Guidance under section 162(f) and new section 6050X.

• Computational, definitional, and other guidance under new section 163(j).

• Guidance on new section 168(k).

• Computational, definitional, and anti-avoidance guidance under new section 199A.

• Definitional and other guidance under new section 451(b) and (c).

• Guidance on computation of unrelated business taxable income for separate trades or businesses under new section 512(a)(6).

• Guidance implementing changes to section 529.

• Guidance implementing new section 965 and other international sections of the TCJA.

• Guidance implementing changes to section 1361 regarding electing small business trusts.

• Guidance regarding Opportunity Zones under sections 1400Z–1 and 1400Z–2.

• Guidance under new section 1446(f) for dispositions of certain partnership interests.

• Guidance on computation of estate and gift taxes to reflect changes in the basic exclusion amount.

• Guidance regarding withholding under sections 3402 and 3405 and optional flat rate withholding.

• Guidance on certain issues relating to the excise tax on excess remuneration paid by ''applicable tax-exempt organizations'' under section 4960.

• Guidance regarding new section 1061.

• Guidance regarding new section 6695(g).

In addition, the IRS and Treasury's Office of Tax Policy will continue to pursue the actions recommended in the Second Report pursuant to Executive Order 13789 to eliminate, or in other cases reduce, the burdens imposed on taxpayers by eight regulations that the Treasury has identified for review under Executive Order 13789. The remaining deregulatory actions include:

1. Finalize amendment of regulations under section 7602 regarding the participation of attorneys described in section 6103(n) in a summons interview. Proposed amendments were published on March 28, 2018.

2. Finalize removal of temporary regulations under section 707 concerning treatment of liabilities for disguised sale purposes. Proposed regulations that proposed the removal of the temporary regulations under section 707 and the reinstatement of the prior section 707 regulations were published on June 19, 2018.

3. Proposed removal of documentation regulations under section 385 and review of other regulations under section 385. A notice delaying the application of the documentation regulations was published on August 14, 2017.

4. Proposed modification of regulations under section 367 regarding the treatment of certain transfers of property to foreign corporations.

5. Proposed modification of regulations under section 337(d) regarding certain transfers of property to regulated investment companies (RICs) and real estate investment trusts (REITs).

6. Proposed modification of regulations under section 987 on income and currency gain or loss with respect to a section 987 qualified business unit.

The IRS and Treasury are also prioritizing implementation of the President's Executive Order 13813, Promoting Healthcare Choice and Competition Across the United States. The Executive Order, among other things, directs Treasury and the Departments of Labor and Health and Human Services to consider proposing or revising regulations or guidance to increase the usability of health reimbursement arrangements.

Finally, it is a priority of the IRS to publish regulations under section 1101 of the Bipartisan Budget Act of 2015 (BBA) that are necessary to implement the new centralized partnership audit regime enacted in November 2015. Section 1101(g)(1) of the BBA provides that the new regime is generally effective for partnership tax years beginning after December 31, 2017. Final regulations regarding the election out of the centralized partnership audit regime were published January 2, 2018. Final regulations regarding the partnership representative and the election to apply the centralized partnership audit regime were published August 9, 2018. Proposed regulations implementing the centralized partnership audit regime were published August 17, 2018.

V. Bureau of the Fiscal Service

The Bureau of the Fiscal Service (Fiscal Service) administers regulations pertaining to the Government's financial activities, including: (1) Implementing Treasury's borrowing authority, including regulating the sale and issue of Treasury securities; (2) administering Government revenue and debt collection; (3) administering government-wide accounting programs; (4) managing certain Federal investments; (5) disbursing the majority of Government electronic and check payments; (6) assisting Federal agencies in reducing the number of improper payments; and (7) providing administrative and operational support to Federal agencies through franchise shared services.

During fiscal year 2019, the Fiscal Service will accord priority to the following regulatory projects:

• *Management of Federal Agency Receipts. (Not yet determined)*

The Fiscal Service plans to publish a notice of proposed rulemaking to amend 31 CFR part 206 governing the collection of public money, along with a request for public comments. This notice will propose implementing statutory authority which mandates that some or all nontax payments made to

the Government, and accompanying remittance information, be submitted electronically. Receipt of such items electronically offers significant efficiencies and cost-savings to the government, compared to the receipt of cash, check or money order payments.

• *Amendment of Electronic Payment Regulation. (Deregulatory)*

The Fiscal Service is proposing to amend its electronic payment regulation at 31 CFR part 208. The amendment would eliminate obsolete references in the rule, including references to the Electronic Transfer Account (ETA[sm]). In addition, the proposed rule would provide for the disbursement of non-benefit payments through Treasury-sponsored accounts, such as the U.S. Debit Card.

• *Government Participation in the Automated Clearing House. (Not yet determined)*

The Fiscal Service is proposing to amend its regulation at 31 CFR part 210 governing the government's participation in the Automated Clearing House (ACH). The proposed amendment would address changes to the National Automated Clearing House Association's (NACHA) private-sector ACH rules since those rules were last incorporated by reference in Part 210. Among other things, the amendment would address the expansion of Same-Day ACH.

VI. Office of the Comptroller of the Currency

The Office of the Comptroller of the Currency (OCC) charters, regulates, and supervises all national banks and Federal savings associations (FSAs). The agency also supervises the Federal branches and agencies of foreign banks. The OCC's mission is to ensure that national banks and FSAs operate in a safe and sound manner, provide fair access to financial services, treat customers fairly, and comply with applicable laws and regulations.

Regulatory priorities for fiscal year 2019 include the following regulatory actions, which include rules implementing various provisions of the Economic Growth, Regulatory Relief, and Consumer Protection Act (Pub. L. 115–174) (EGRRCPA):

• *Capital Simplification (12 CFR part 3).*

The banking agencies [2] are planning to issue rulemakings to simplify the generally applicable capital framework with the goal of meaningfully reducing regulatory burden on community banking organizations while at the same time maintaining safety and soundness and the quality and quantity of regulatory capital in the banking system. These rulemakings will incorporate the new requirements set forth in section 201 of EGRRCPA, the community bank leverage ratio, and section 214 of EGRRCPA, requiring a revised approach to defining which acquisition, development, and construction loans should be deemed high volatility commercial real estate exposures. A notice of proposed rulemaking proposing various capital simplifications was issued on October 27, 2017, 82 FR 49984. A notice of proposed rulemaking concerning high volatility commercial real estate exposures was published on September 28, 2018, 83 FR 48990.

• *Capital: Standardized Approach for Counterparty Credit Risk (12 CFR part 3).*

The banking agencies are planning to issue a notice of proposed rulemaking to implement a risk sensitive approach to counterparty credit risk using a risk adjusted notational amount of derivatives, allowing for better recognition of netting, and distinguishing margined trades from un-margined trades.

• *Reforming the Community Reinvestment Act (CRA) Regulatory Framework (12 CFR parts 25 and 195).*

The OCC issued an advance notice of proposed rulemaking setting forth a new approach to CRA to bring clarity, transparency, flexibility, and less burden for regulated financial institutions and consumers. The advance notice of proposed rulemaking was published on September 5, 2018, 83 FR 45053.

• *Employment Contracts (12 CFR part 163).*

The OCC plans to issue a notice of proposed rulemaking to remove the requirement that the board of directors of an FSA approve employment contracts with all employees and limit the approval requirement only to contracts with senior executives.

• *Supplementary Leverage Ratio Standards (SLR) for Bank Holding Companies and Subsidiary Insured Depository Institutions (12 CFR part 3).*

The OCC and FRB issued a proposed rule that would modify the enhanced supplementary leverage ratio standards for U.S. top-tier bank holding companies identified as global systemically important bank holding companies, or GSIBs, and certain of their insured depository institution subsidiaries. In light of section 402 of EGRRCPA, which requires the Federal banking agencies to propose changes to the supplementary leverage ratio denominator for custody banks, the agencies intend to publish a new rulemaking to implement section 402. The notice of proposed rulemaking was published on April 19, 2018, 83 FR 17317.

• *Exception from Appraisals of Real Property Located in Rural Areas (12 CFR part 34).*

The banking agencies plan to issue a notice of proposed rulemaking to implement section 103 of EGRRCPA. Section 103 amended Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 to exclude loans made by a financial institution from the requirement to obtain a Title XI appraisal if certain conditions are met.

• *Expanded Examination Cycle for Certain Small Insured Depository Institutions (12 CFR part 4).*

To implement section 210 of EGRRCPA, the banking agencies issued an interim final rule expanding the 18-month examination schedule to qualifying well-capitalized and well-managed institutions with less than $3 billion in total assets. The interim final rule was published on August 29, 2018, 83 FR 43961.

• *Heightened Capital Requirements for Investments in Long-Term Debt Instruments Issued by Global Systemically Important Bank Holding Companies and Intermediate Holding Companies (12 CFR part 3).*

The banking agencies issued a notice of proposed rulemaking that would specify capital requirements applicable to an advanced approaches banking organization that invests in long-term debt instruments issued pursuant to the FRB's total loss absorbing capacity regulations, either by a bank holding company or an intermediate holding company.

• *Implementation of the Current Expected Credit Losses Standard for Allowances and Related Adjustments (12 CFR parts 1, 3, 5, 23, 24, 32, 34, and 46).*

The banking agencies plan to issue a final rule to reflect the upcoming adoption by banking organizations of FASB's Accounting Standards Update 2016–13, which introduces the current expected credit losses methodology (CECL) for estimating allowances for credit losses. The notice of proposed rulemaking was issued on May 14, 2018, 83 FR 22312.

• *Incentive-Based Compensation Arrangements (12 CFR part 42).*

Section 956 of the Dodd–Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203, July 21, 2010) (Dodd-Frank Act) requires the banking agencies, National Credit Union

[2] The OCC, the Board of Governors of the Federal Reserve System (FRB), and the Federal Deposit Insurance Corporation (FDIC).

Administration (NCUA), Securities and Exchange Commission (SEC), and the Federal Housing Finance Agency (FHFA) to jointly prescribe regulations or guidance prohibiting any type of incentive-based payment arrangement, or any feature of any such arrangement, that the regulators determine encourages inappropriate risks by covered financial institutions by providing an executive officer, employee, director, or principal shareholder with excessive compensation, fees, or benefits, or that could lead to material financial loss to the covered financial institution. The Dodd-Frank Act also requires such agencies jointly to prescribe regulations or guidelines requiring each covered financial institution to disclose to its regulator the structure of all incentive-based compensation arrangements offered by such institution sufficient to determine whether the compensation structure provides any executive officer, employee, director, or principal shareholder with excessive compensation or could lead to material financial loss to the institution. The notice of proposed rulemaking was published on June 10, 2016, 81 FR 37669.

• *Liquidity Coverage Ratio Rule: Treatment of Certain Municipal Obligations as Level 2B High-Quality Liquid Assets (12 CFR part 50).*

To implement section 403 of EGRRCPA, the banking agencies issued an interim final rule that would add investment-grade municipal obligations to the list of permitted assets for high-quality liquid assets (HQLA), as defined in the agencies' Liquidity Coverage Ratio (LCR) rules. The interim final rule was published on August 31, 2018, 83 FR 44451.

• *Loans in Areas Having Special Flood Hazards-Private Flood Insurance (12 CFR part 22).*

The banking agencies, the Farm Credit Administration (FCA), and the NCUA plan to issue a final rule to amend their regulations regarding loans in areas having special flood hazards to implement the private flood insurance provisions of the Biggert-Waters Flood Insurance Reform Act of 2012. The notice of proposed rulemaking was published on November 7, 2016, 81 FR 78063.

• *Management Official Interlocks Asset Thresholds (12 CFR part 26).*

The banking agencies plan to issue a notice of proposed rulemaking that would amend agency regulations interpreting the Depository Institution Management Interlocks Act (DIMIA) to increase the asset thresholds based on inflation or market changes. The current asset thresholds are set at $2.5 billion and $1.5 billion.

• *Margin and Capital Requirements for Covered Swap Entities (12 CFR part 45).*

The banking agencies, FHFA, and FCA issued a final rule to amend the minimum margin requirements for registered swap dealers, major swap participants, security-based swap dealers, and major security-based swap participants for which one of the agencies is the prudential regulator (Swap Margin Rule). The notice of proposed rulemaking was issued on February 21, 2018, 83 FR 7413, requesting comment on the agencies' plan to revise one definition in the current rule to match the definition used for the same purpose in the agencies' capital regulations. The final rule was published on October 10, 2018, 83 FR 50805.

• *Net Stable Funding Ratio (12 CFR part 50).*

The banking agencies plan to issue a final rule to implement the Basel net stable funding ratio standards. These standards would require large, internationally active banking organizations to maintain sufficient stable funding to support their assets generally over a one-year time horizon. The notice of proposed rulemaking was published on June 1, 2016, 81 FR 35123.

• *Other Real Estate Owned (12 CFR part 34).*

The OCC plans to issue a notice of proposed rulemaking on other real estate owned (OREO). The proposed rule would update and clarify provisions relating to OREO for national banks and establish a framework to assist Federal savings associations with managing and disposing of OREO in a safe and sound manner.

• *Proposed Revisions to Prohibitions and Restrictions on Proprietary Trading and Certain Interests in, and Relationships With, Hedge Funds and Private Equity Funds (12 CFR part 44).*

The banking agencies are planning to issue a final rule that would amend the regulations implementing section 13 of the Bank Holding Company Act. Section 13 contains certain restrictions on the ability of banking entities to engage in proprietary trading and acquire or retain certain interests in, or enter into certain relationships with, a hedge fund or private equity fund. The amendments are intended to provide banking entities with clarity about what activities are prohibited and to improve supervision and implementation of section 13.

The banking agencies intend to address sections 203 and 204 of EGRRCPA through a separate rulemaking process.

Pursuant to section 203 of EGRRCPA, OCC-supervised institutions with total consolidated assets of $10 billion or less are not ''banking entities'' within the scope of section 13 of the BHCA, if their trading assets and trading liabilities do not exceed 5 percent of their total consolidated assets, and they are not controlled by a company that has total consolidated assets over $10 billion or total trading assets and trading liabilities that exceed 5 percent of total consolidated assets. In addition, section 204 of EGRRCPA revises the statutory provisions related to the naming of covered funds. The notice of proposed rulemaking was issued on July 17, 2018, 83 FR 33432.

• *Receiverships for Uninsured Federal Branches and Agencies (12 CFR chapter I).*

The OCC plans to issue an advance notice of proposed rulemaking setting forth key issues to be addressed prior to the development of a framework for receiverships of uninsured Federal branches and agencies.

• *Rules of Practice and Procedure (12 CFR part 19).*

The banking agencies plan to issue a proposed rule to amend their rules of practice and procedure to reflect modern filing and communication methods and improve or clarify other procedures.

• *Short-Form Consolidated Reports of Condition and Income (12 CFR part 3).*

The banking agencies plan to issue a notice of proposed rulemaking to provide criteria for banks and savings associations eligible to file a short-form report in the first and second quarters pursuant to section 205 of the EGRRCPA.

• *Stress Testing (12 CFR part 46).*

The OCC is planning to issue a notice of proposed rulemaking to amend the annual stress test rule for national banks and Federal savings associations (FSAs) required under section 165(i) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203, July 21, 2010) (12 U.S.C. 5365(i)) (Dodd-Frank Act). These changes are required by section 401 of the EGRRCPA, which amended the Dodd-Frank Act to raise the threshold for national banks and FSAs subject to DFAST from $10 billion to $250 billion in total consolidated assets, reduce the number of stress test scenarios, and revise the annual stress test requirement to a periodic requirement.

• *Covered Savings Associations (12 CFR part 101).*

The OCC issued a notice of proposed rulemaking to implement section 206 of the EGRRCPA, which adds a new section 5A of the Home Owners' Loan

Act. Section 5A allows Federal savings associations with assets of $20 billion or less to elect to operate as ''covered savings associations.'' Covered savings associations operate with the same rights and are subject to the same restrictions as a national bank in the same location. As required by section 5A, the NPRM will propose standards and procedures for making the election. It will also address nonconforming assets and clarify requirements for the treatment of covered savings associations. The notice of proposed rulemaking was published on September 18, 2018, 83 FR 47101.

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS (VA)

Statement of Regulatory Priorities

The Department of Veterans Affairs (VA) administers benefit programs that recognize the important public obligations to those who served this Nation. VA's regulatory responsibility is almost solely confined to carrying out mandates of the laws enacted by Congress relating to programs for veterans and their families. VA's major regulatory objective is to implement these laws with fairness, justice, and efficiency.

Most of the regulations issued by VA involve at least one of three VA components: The Veterans Benefits Administration, the Veterans Health Administration, and the National Cemetery Administration. The primary mission of the Veterans Benefits Administration is to provide high-quality and timely nonmedical benefits to eligible veterans and their dependents. The primary mission of the Veterans Health Administration is to provide high-quality health care on a timely basis to eligible veterans through its system of medical centers, nursing homes, domiciliaries, and outpatient medical and dental facilities. The primary mission of the National Cemetery Administration is to bury eligible veterans, members of the Reserve components, and their dependents in VA National Cemeteries and to maintain those cemeteries as national shrines in perpetuity as a final tribute of a grateful Nation to commemorate their service and sacrifice to our Nation.

VA's regulatory priority plan consists of five high priority regulations with statutory deadlines. Four of the five are Veterans Health Administration (VHA) regulations and the fifth one is a Veterans Benefits Administration (VBA) Loan Guaranty regulation.

Three of the VHA regulations intend to codify the VA Mission Act of 2018, in accordance with section 101, 102 and 105 of Public Law 115–182 (hereafter referred to as the ''Mission Act''). VA is required to implement the Veterans Community Care Program by June 6, 2019, under which VA will provide care to eligible Veterans through non-VA providers in the community. Under the Mission Act VA is also required to establish procedures to ensure eligible Veterans are able to access walk-in care from certain community providers by June 6, 2019.

The other VHA regulation intends to implement provisions from the Veterans Appeals Improvement and Modernization Act of 2017, Public Law 115–55. This act allows VA to revise and enhance VA's rules for processing claims and appeals and is effective February 19, 2019.

The remaining VBA regulation is required to promulgate regulations governing cash-out home loans in accordance with the Economic Growth, Regulatory Relief, and Consumer Protection Act by November 20, 2018. This rule defines the parameters of when VA will permit cash-out home loans, to include defining net tangible benefit, recoupment, and seasoning requirements.

VA

Proposed Rule Stage

114. • Veterans Community Walk–In Care

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Other.

Legal Authority: 38 U.S.C. 1725A; Pub. L. 115–182, sec. 105

CFR Citation: 38 CFR 17.4200; 38 CFR 17.4225; . . .

Legal Deadline: Other, Statutory, June 6, 2018, Public Law 115–182, section 105.

By June 6, 2019, VA is required to develop procedures to ensure eligible Veterans are able to access walk–in care from certain community providers.

Abstract: The Department of Veterans Affairs (VA) intends to add new regulations to title 38 Code of Federal Regulations to implement section 105 of Public Law 115–182 (hereafter referred to as the ''Mission Act''), to establish procedures to ensure eligible Veterans are able to access walk-in care from certain community providers by June 6, 2019.

Statement of Need: By June 6, 2019, VA is required to develop procedures to ensure eligible Veterans are able to access walk-in care from certain community providers.

Summary of Legal Basis: Pub. L. 115–182, section 105.

Alternatives: If VA does not add these new regulations, it will not be able to implement the required Community Walk-in Care Program by the statutory deadline of June 6, 2019. VA would risk not meeting the statutory deadline, and Veterans would not be able to receive walk-in care as required by law.

Anticipated Cost and Benefits: TBD

Risks:

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	
NPRM Comment Period End.	04/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov*.

Agency Contact: Andrea Sperr, Regulation Specialist, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, *Phone:* 202 461–6725, *Email: andrea.sperr@va.gov*.

RIN: 2900–AQ47

VA

Final Rule Stage

115. • Economic Growth, Regulatory Relief, and Consumer Protection Act (The Act), Public Law 115–174, 132 Stat. 1296

Priority: Other Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Other.

Legal Authority: Public Law 115–174, sec. 309; 38 U.S.C. 3703 and 3710

CFR Citation: 38 CFR 36.

Legal Deadline: Final, Statutory, November 20, 2018.

This law has a statutory deadline and requires the SECVA to publish a regulation in the **Federal Register** not later than 180 days after the date of the enactment of this law.

Abstract: The Economic Growth, Regulatory Relief, and Consumer Protection Act requires VA to promulgate regulations governing cash-out home loans. The Department of Veterans Affairs (VA) is amending its rules on VA-guaranteed or insured cash-out home loans. The This rule defines the parameters of VA cash-out home

loans, to include defining net tangible benefits, recoupment, and seasoning requirements.

Statement of Need: Section 309 of this law, the SECVA shall promulgate a Loan Guarantee rulemaking (regulation) to ensure that such refinancing is in the financial interest of the borrower, including rules relating to recoupment, seasoning, and net tangible benefits.

Summary of Legal Basis: Public Law 115–174, sec. 309 requires VA to publish these regulations.

Alternatives: Section 309 of this law requires that SECVA shall promulgate a Loan Guarantee rulemaking (regulation) to ensure that such refinancing is in the financial interest of the borrower, including rules relating to recoupment, seasoning, and net tangible benefits. There are no other alternatives to promulgate such regulation. However, VA did consider alternatives when developing new cash-out refinance policies, the guaranty and insurance of Type I and Type II case outs and different alternatives for establishing provisions regarding seasoning, recoupment and interest rate reduction that apply to Type I Cash-Outs.

Anticipated Cost and Benefits: VA's Office of Financial Management (OFM) scored the rulemaking as a loss in funding revenue of $33.1 million in FY2019 and $91.3 million over a three-year period (FY2019 through FY2021), using the 2019 President's budget (PB) baseline. There are no FTE or GOE costs associated with this rulemaking. The impact is due to reduced funding fees generated related to the decrease in total cash-out refinance loan amount.

Risks: If VA decided not to regulate, mortgage lenders may seek to find loopholes in the Act and continue to aggressively market and offer refinance loans to veterans that may not be in their financial interest. This regulation is necessary to inform all parties of the requirements to originate future loans for VA loan guaranty. It is urgent and compelling to issue this rule to provide clarity so that market disruption is minimized. While VA is required to issue this rule by statute, by not promulgating a rule industry uncertainty may lead to less access to mortgage capital for veterans.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For More Information: www.regulations.gov.

Agency Contact: Greg Nelms, Supervisor, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, *Phone:* 202 632–8978, *Email: gregory.nelms@va.gov.*

RIN: 2900–AQ42

VA

116. • Veterans Health Administration Benefits Claims, Appeals, and Due Process

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: Public Law 115–55; 38 U.S.C. 501(a); 38 U.S.C. 501, 1721 and 7105

CFR Citation: 38 CFR 17.132; 38 CFR 17.133; . . .

Legal Deadline: Other, Statutory, February 14, 2019, IFR to be published in time to coincide with effective date of law.

Public Law 115–55, section 2(x), provides generally that the new review system will apply to all claims for which a notice of decision is provided by the agency of original jurisdiction on or after the later of (a) 540 days from the date of enactment, which falls on February 14, 2019, or (b) 30 days after the date on which the Secretary certifies to Congress that VA is ready to carry out the new appeals system.

Abstract: The Department of Veterans Affairs (VA) revises its regulations concerning its claims and appeals process governing various programs administrated by the Veterans Health Administration. In preparation for the launch of modernized claims and appeals processes mandated by the Veterans Appeals Improvement and Modernization Act of 2017, VA has reviewed the regulations governing various programs administered by its Veterans Health Administration and determined that certain sections are inconsistent with statutory requirements. This rulemaking amends those sections to ensure that they are no longer inconsistent with requirements contained in the law.

Statement of Need: The Veterans Appeals Improvement and Modernization Act of 2017, Public Law 115–55, overhauled VA's rules for processing claims and appeals, effective February 19, 2019. To successfully implement changes in the context of healthcare benefits administered by VA's Veterans Health Administration (VHA), VA must make minor revisions to multiple sections of title 38 regulations applicable to healthcare benefits and appeals processing, and VA must enact delimiting dates to end certain processes, such as claim reconsideration, that are no longer permissible under the revised law.

Summary of Legal Basis: Public Law 115–55 requires VA to publish the regulations to coincide with the effective date of this law.

Alternatives: VA initially determined that a subsequent regulation to VA's 2900–AQ26 regulation was not necessary, because VHA adopted VBA's part 3 procedural rules some time ago through our own internal guidance, and those rules remain in effect until we publish rulemaking to the contrary. In practical terms, this means that in the absence of VHA-specific Appeals Modernization Act (AMA) notice and comment rulemaking, applicable provisions of 2900–AQ26, and other 38 CFR part 3 processes apply to VHA as they do to VBA. However, VA intends to publish this rulemaking to provide additional regulatory clarity.

Anticipated Cost and Benefits: TBD.

Risks: If VA does not make minor revisions and add necessary delimiting dates, there is a risk that the Court of Appeals for Veterans Claims, which reviews VA benefit appeals, could determine that healthcare claimants have rights that are inconsistent with (essentially in addition to) revised statutory authorities. This would place VHA claimants in the enviable position of enjoying rights that do not extend to claimants whose benefits are administered by VA's other administrations Veterans Benefits Administration (VBA) and National Cemetery Administration (NCA) and other adjudication activities, such as VA's Office of General Counsel (OGC).

Timetable:

Action	Date	FR Cite
Final Rule	01/00/19	
Final Rule Effective.	02/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For More Information: www.regulations.gov.

Agency Contact: Ethan Kalett, Director, VHA Regulations, Department of Veterans Affairs, 810 Vermont Avenue NW, Room 675Q, Washington, DC 20420, *Phone:* 202 461–7633, *Email: ethan.kalett@va.gov.*

RIN: 2900–AQ44

VA

117. • Veterans Care Agreements

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Other.

Legal Authority: 38 U.S.C. 1703A; Public Law 115–182, sec. 102

CFR Citation: 38 CFR 17.4100; 38 CFR 17.4150; . . .

Legal Deadline: Other, Statutory, June 6, 2019, Public Law 115–182, section 102.

VA is required to establish the permanent Community Care program under 38 U.S.C. 1703 by June 6, 2019. By June 6, 2019, VA's current ability to use provider agreements and individual authorizations to purchase community care will also lapse. The procurement agreements established in this interim final rule, and authorized by 38 U.S.C. 1703A, are required to implement the program required under 38 U.S.C. 1703.

Abstract: The Department of Veterans Affairs (VA) intends to add new regulations to title 38 Code of Federal Regulations to implement section 102 of Public Law 115–182 (hereafter referred to as the ''Mission Act''), to establish the use of Veterans Care Agreements (VCAs) to procure care in the community for eligible Veterans.

Statement of Need: In accordance with section 101 of the Mission Act, VA is required to implement the Veterans Community Care Program by June 6, 2019, under which VA will provide care to eligible Veterans through non-VA providers in the community. Also under the Mission Act, the current Veterans Choice Program to provide community care will lapse on June 6, 2019, as will two of VA's current methods of procuring community care (Veterans Choice Program provider agreements, and individual authorizations). The VCAs under section 102 of the Mission Act will essentially replace these two current methods of VA procurement of community care, and the VCAs are required to be in place six months prior to implementation of the Veterans Community Care Program to provide lead time for VA to establish new procurement relationships with community providers.

Summary of Legal Basis: Public Law 115182, section 102 requires VA to establish the permanent Community Care program under 38 U.S.C. 1703 by June 6, 2019. The procurement agreements established in this interim final rule, and authorized by 38 U.S.C. 1703A, are required to implement the program required under 38 U.S.C. 1703.

Alternatives: TBD.

Anticipated Cost and Benefits: TBD.

Risks: If VA does not publish new regulations, it will not be able to implement the required Veterans Community Care Program and legally procure care for our Nations Veterans, which is a tremendous health and safety risk.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/19	
Interim Final Rule Comment Period End.	06/00/19	
Interim Final Rule Effective.	06/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For More Information: *www.regulations.gov.*

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RIN: 2900–AQ45

VA

118. • Veterans Community Care Program

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Other.

Legal Authority: 38 U.S.C. 1703; Public Law 115–182, sec. 101

CFR Citation: 38 CFR 17.4000; . . .

Legal Deadline: Other, Statutory, June 6, 2019, Public Law 115–182, section 101.

VA is required to establish the permanent Community Care program under 38 U.S.C. 1703 by June 6, 2019.

Abstract: The Department of Veterans Affairs (VA) intends to add new regulations to title 38 Code of Federal Regulations to implement section 101 of Public Law 115–182 (hereafter referred to as the ''Mission Act''), to establish the Veterans Community Care Program by June 6, 2019, under which VA will provide care to eligible Veterans through non-VA providers in the community. Also under the Mission Act, the current Veterans Choice Program to provide community care will lapse on June 6, 2019. To ensure this transition to the new Veterans Community Care Program occurs without a significant disruption in Veterans' care, implementation must occur through an interim final rule to establish criteria for receipt of care or services upon VA's authorization and the election of eligible veterans, primarily: (1) Whether VA offers the care or service required; (2) whether VA operates a full-service medical facility in the State in which the Veteran resides; (3) whether the Veteran meets certain conditions related to eligibility under the 40 mile criterion in the Veterans Choice Program; (4) whether VA is able to furnish care or services in a manner that complies with designated access standards developed by the Secretary; and (5) whether the Veteran and the Veteran's referring clinician agree that furnishing care and services through a community entity or provider is in the best medical interest of the Veteran based upon criteria developed by VA. This interim final rule will also establish criteria by which covered Veterans could receive care if VA determined a medical services line was not meeting VA's standards for quality, with certain limitations. An interim final rule is necessary because VA requires additional time to develop the policy decisions necessary to interpret the legal criteria stated above (*e.g.,* interpreting or defining the phrase does not offer the care or services, defining a full service medical facility, and developing the required access and quality standards), to implement the Veterans Community Care Program by June 6, 2019.

Statement of Need: An interim final rule is necessary because VA requires additional time to develop the policy decisions necessary to interpret the legal criteria stated above (*e.g.,* interpreting or defining the phrase does not offer the care or services, defining a full service medical facility, and developing the required access and quality standards), to implement the Veterans Community Care Program by June 6, 2019. Also under the Mission Act, the current Veterans Choice Program to provide community care will lapse on June 6, 2019. To ensure this transition to the new Veterans Community Care Program occurs without a significant disruption in Veterans' care, implementation must occur through an interim final rule to establish criteria for receipt of care or services upon VA's authorization and the election of eligible veterans.

Summary of Legal Basis: Implement section 101 of Public Law 115–182 (hereafter referred to as the Mission Act).

Alternatives: TBD.

Anticipated Cost and Benefits: TBD.

Risks: The Veterans Choice Program to provide community care will lapse on June 6, 2019. If VA does not publish new regulations, it will not be able to implement the required Veterans

Community Care Program, which would significantly disrupt Veterans' healthcare. More specifically, specialty care for veterans with chronic illnesses would not be readily available, critical maternity services would not be available and emergency care services would be negatively impacted and overwhelmed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/19	
Interim Final Rule Comment Period End.	06/00/19	
Interim Final Rule Effective.	06/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL For More Information: www.regulations.gov.

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RIN: 2900–AQ46

BILLING CODE: 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Statement of Priorities

Overview

The U.S. Environmental Protection Agency (EPA) administers the laws enacted by Congress and signed by the President to protect people's health and the environment. In carrying out these statutory mandates, the EPA works to ensure that all Americans are protected from significant risks to human health and the environment where they live, learn and work; that national efforts to reduce environmental risk are based on the best available scientific information; that Federal laws protecting human health and the environment are enforced fairly and effectively; that environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy; that all parts of society—communities, individuals, businesses, and State, local and tribal governments—have access to accurate information sufficient to effectively participate in managing human health and environmental risks; that environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive; and, that the United States plays a leadership role in working with other nations to protect the global environment.

To accomplish its goals in the coming year, the EPA will use regulatory authorities, along with grant- and incentive-based programs, technical and compliance assistance and tools, and research and educational initiatives to address its statutory responsibilities. All of this work will be undertaken with a strong commitment to science, law and transparency.

Highlights of EPA's Regulatory Plan

The EPA's more than forty years of protecting public health and the environment demonstrates our nation's commitment to reducing pollution that can threaten the air we breathe, the water we use, and the communities we live in. Our nation has made great progress in making rivers and lakes safer for swimming and boating, reducing the smog that clouded city skies, cleaning up lands that were once used as hidden chemical dumps and providing Americans greater access to information on chemical safety. To achieve continued positive environmental results, we must foster and maintain a sense of shared accountability between states, tribes and the federal government. This Regulatory Plan contains information on some of our most important upcoming regulatory and deregulatory actions. As always, our Semiannual Regulatory Agenda contains information on a broader spectrum of the EPA's upcoming regulatory actions.

Improve Air Quality

As part of its mission to protect human health and the environment, the EPA is dedicated to improving the quality of the nation's air. From 1970 to 2017, aggregate national emissions of the six criteria air pollutants were reduced over 70 percent, while gross domestic product grew by over 260 percent. The EPA's work to control emissions of air pollutants is critical to continued progress in reducing public health risks and improving the quality of the environment. The Agency will continue to deploy existing regulatory tools where appropriate and warranted. Using the Clean Air Act, the EPA will work with States and tribes to accurately measure air quality and ensure that more Americans are living and working in areas that meet air quality standards. The EPA will continue to develop standards, as directed by the Clean Air Act, for both mobile and stationary sources, to reduce emissions of sulfur dioxide, particulate matter, nitrogen oxides, toxics, and other pollutants.

Electric Utility Sector Greenhouse Gas Rules. The EPA will continue its review of the Clean Power Plan suite of actions issued by the previous administration affecting fossil fuel-fired electric generating units (EGUs). On October 23, 2015, the EPA issued a final rule that established first-ever standards for States to follow in developing plans to reduce carbon dioxide (CO_2) emissions from existing fossil fuel-fired EGUs. On the same day, the EPA issued a final rule establishing CO_2 emissions standards for newly constructed, modified, and reconstructed fossil fuel fired EGUs. The Agency has proposed an alternative approach that is appropriately grounded in the EPA's statutory authority and consistent with the rule of law. This alternative approach would appropriately promote cooperative federalism and respect the authority and powers that are reserved to the States; promote the Administration's dual goals of protecting public health and the environment, while also supporting economic growth and job creation; and appropriately maintain the diversity of reliable energy resources and encourage the production of domestic energy sources to achieve energy independence and security.

Safer Affordable Fuel-Efficient Vehicles Rule. On August 1, 2018, the National Highway Traffic Safety Administration (NHTSA) and the Environmental Protection Agency (EPA) proposed to amend certain existing Corporate Average Fuel Economy (CAFE) and greenhouse gas emissions standards for passenger cars and light trucks and establish new standards, covering model years 2021 through 2026. The proposed rule published in the **Federal Register** on August 24, 2018 (83 FR 42986), and the EPA docket is currently open for submittal of public comments. NHTSA and EPA will jointly hold three public hearings on this proposal, which were announced in a supplemental **Federal Register** notice also published on August 24, 2018 (83 FR 42817).

New Source Review and Title V Permitting Programs Reform. The CAA establishes a number of permitting programs designed to carry out the goals of the Act. The EPA directly implements some of these programs through its regional offices, but most are carried out by States, local agencies, and approved tribes. New Source Review (NSR) is a preconstruction permitting program that ensures that the addition of new and

modified sources does not significantly degrade air quality. NSR permits are legal documents that the facility owners/operators must abide by. The permit specifies what construction is allowed, what emission limits must be met, and often how the emissions source may be operated. There are three types of NSR permits: (1) Prevention of Significant Deterioration (PSD) (CAA part C) permits, which are required for new major sources or a major source making a major modification in an attainment area; (2) Nonattainment NSR (NNSR) (CAA part D) permits, which are required for new major sources or major sources making a major modification in a nonattainment area; and (3) Minor source permits.

CAA title V requires major sources of air pollutants, and certain other sources, to obtain and operate in compliance with an operating permit. Sources with these ''title V permits'' are required by the CAA to certify compliance with the applicable requirements of their permits at least annually.

In accordance with the President's goal to streamline permitting regulations for manufacturing facilities, the EPA has initiated an effort to issue a series of targeted improvements, including guidance memos and, as necessary, associated rulemakings, to simplify the New Source Review (NSR) process in manner consistent with the Clean Air Act.

We have recently highlighted flexibilities in the implementation of NSR regulations available to manufacturing facilities for the permitting of new projects. Two recent memos, for example, clarified that project emissions accounting can take place in the first step of the NSR applicability process for all project categories and that the EPA will not ''second guess'' preconstruction analysis that complies with procedural requirements. In FY19, the EPA intends to follow-up these memos with rulemaking to codify these policies. Based on the recommendations of a number of state environmental agencies as well as small businesses under the air toxics program, the EPA has also rescinded its ''once-in, always-in'' policy. A major source which takes enforceable limitations on its potential to emit (PTE) hazardous air pollutants (HAP) emissions below the applicable thresholds becomes an area source (strike '','') and is no longer subject to maximum achievable control technology (MACT) standards, no matter when the source may choose to take measures to limit its PTE. In early 2019, EPA anticipates that it will publish a **Federal Register** notice to take comment on adding regulatory text to reflect EPA's plain language reading of the statute.

Oil and Gas. The EPA is reviewing the Agency's Oil and Gas New Source Performance Standards. In June 2017, the EPA granted reconsideration of some specific requirements under the 2016 New Source Performance Standards, and indicated that the Agency would also look broadly at the entire rule, including the regulation of greenhouse gases through an emission limitation on methane. The EPA is issuing a proposal for public review and comment in the fall of 2018.

Provide for Clean and Safe Water

The nation's water resources are the lifeblood of our communities, supporting our economy and way of life. Across the country we depend upon reliable sources of clean and safe water. Just a few decades ago, many of the nation's rivers, lakes, and estuaries were grossly polluted, wastewater sources received little or no treatment, and drinking water systems provided very limited treatment to water coming through the tap. Since the enactment of the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA), tremendous progress has been made toward ensuring that Americans have safe water to drink and generally improving the quality of the Nation's waters. While progress has been made, numerous challenges remain in such areas as nutrient loadings, storm water runoff, invasive species and drinking water contaminants. These challenges can only be addressed by working with our State and tribal partners to develop new and innovative strategies in addition to the more traditional regulatory approaches. The EPA plans to address the following challenging issues, in part, in rulemakings.

Waters of the U.S. In 2015, the Environmental Protection Agency and the Department of the Army (the agencies) published the ''Clean Water Rule: Definition of 'Waters of the United States' '' (2015 Rule) (80 FR 37054, June 29, 2015). On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 Rule nationwide pending further action of the court. On February 28, 2017, the President signed Executive Order 13778, ''Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule'' which instructed the agencies to review the 2015 Rule and rescind or replace it as appropriate and consistent with law. The agencies have determined to address the Executive Order in a comprehensive two-step process. On July 27, 2017, the agencies published a **Federal Register** notice proposing to repeal (Step 1) the 2015 Rule and recodify the pre-existing regulations; the initial 30-day comment period was extended an additional 30 days to September 28, 2017. The agencies signed a supplemental notice of proposed rulemaking on June 29, 2018 clarifying and seeking additional comment on the Step 1 proposal.

In Step 2 (Revised Definition of 'Waters of the United States'), the agencies plan to pursue a public notice-and-comment rulemaking in which the agencies would conduct a substantive reevaluation of the definition of ''waters of the United States.'' As part of this reevaluation, the agencies are considering defining ''navigable waters'' in a manner consistent with the plurality opinion of Justice Scalia in the Rapanos decision, as instructed by Executive Order 13778.

On February 6, 2018, the agencies issued a final rule adding an applicability date to the 2015 Rule of February 6, 2020, to provide continuity and certainty for regulated entities, the States and Tribes, and the public while the agencies conduct Step 2 of the rulemaking. Until the new definition is finalized, the agencies will continue to implement the regulatory definition in place prior to the 2015 Rule consistent with Supreme Court decisions and practice, and as informed by applicable agency guidance documents.

Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category. On November 3, 2015, under the authority of the CWA, the EPA issued a final rule amending the Effluent Limitations Guidelines (ELG) and Standards for the Steam Electric Power Generating Point Source Category (*i.e.,* 2015 Steam Electric ELG). The amendments addressed and contained limitations and standards on various waste streams at steam electric power plants: Fly ash transport water, bottom ash transport water, flue gas mercury control wastewater, flue gas desulfurization (FGD) wastewater, gasification wastewater, and combustion residual leachate. In early 2017, the EPA received two petitions for reconsideration of the Steam Electric ELG rule, one from the Utility Water Act Group and one from the Small Business Administration Office of Advocacy. On August 11, 2017, the Administrator announced his decision to conduct a rulemaking to potentially revise the Best Available Technology Economically Achievable (BAT) effluent limitations and pretreatment standards for existing sources in the 2015 rule that apply to bottom ash transport water and FGD

wastewater. In light of the reconsideration, the EPA views that it is appropriate to postpone impending deadlines as a temporary, stopgap measure to prevent the unnecessary expenditure of resources until it completes reconsideration of the 2015 rule. Thus, the Administrator signed a final rule on September 9, 2017, postponing the earliest compliance dates for the BAT effluent limitations and PSES for bottom ash transport water and FGD wastewater in the 2015 Rule, from November 1, 2018 to November 1, 2020. The EPA expects to publish a notice of proposed rulemaking for the Steam Electric reconsideration in March 2019.

National Primary Drinking Water Regulations for Lead and Copper—Long Term Revisions. The Lead and Copper Rule (LCR) reduces risks to drinking water consumers from lead and copper that can enter drinking water as a result of corrosion of plumbing materials. The LCR requires water systems to sample at taps in homes with leaded plumbing materials. Depending upon the sampling results, water systems must take actions to reduce exposure to lead and copper including corrosion control treatment, public education, and lead service line replacement. The LCR was promulgated in 1991 and, overall, has been effective in reducing the levels of lead and copper in drinking water systems across the country. However, lead crises in Washington, DC, and in Flint, Michigan, and the subsequent national attention focused on lead in drinking water in other communities, have underscored significant challenges in the implementation of the current rule, including a rule structure that, for many systems, only compels protective actions after public health threats have been identified. Key challenges include the rule's complexity; the degree of flexibility and discretion it affords systems and primacy states with regard to optimization of corrosion control treatment; compliance sampling practices, which in some cases, may not adequately protect from lead exposure; and limited specific focus on key areas of concern such as schools. There is a compelling need to modernize and clarify implementation of the rule to strengthen its public health protections and to make it more effective and more readily enforceable. The EPA is evaluating the costs and benefits of the potential revisions and assessing whether the benefits justify the costs.

National Primary Drinking Water Regulations for Perchlorate. Perchlorate is an inorganic chemical produced for use in rocket propellants, fireworks, road flares, and explosives. Perchlorate is also formed naturally in the environment, particularly in arid climates, and may be present as an impurity in hypochlorite solutions (bleach). In February 2011, the EPA announced its decision to regulate perchlorate under SDWA. The EPA determined that perchlorate meets SDWA's three criteria for regulating a contaminant: (1) Perchlorate may have adverse health effects because scientific research indicates that perchlorate can disrupt the thyroid's ability to produce the hormones needed for normal growth and development; (2) there is a substantial likelihood that perchlorate occurs with frequency at levels of health concern in public water systems because monitoring data show over four percent of public water systems have detected perchlorate; and (3) there is a meaningful opportunity for health risk reduction since between 5.1 and 16.6 million people may be provided with drinking water containing perchlorate. In 2013, the Science Advisory Board recommended that the EPA use models, rather than the traditional approach to establish the health based Maximum Contaminant Level Goal (MCLG) for a perchlorate regulation. The EPA and FDA scientists worked collaboratively to develop biological models in accordance with SAB recommendations. The EPA will utilize the best available peer reviewed science to inform regulatory decision making for perchlorate.

Peak Flows Management. Wet weather events (*e.g.,* rain, snowmelt) can impact publicly owned treatment works (POTWs) operations when excess water enters the wastewater collection system. The increased wet weather flows can exceed the POTW treatment plant's capacity to provide the same type of treatment for all of the incoming wastewater. The treatment plant's secondary treatment units are the most likely to be adversely affected by wet weather because the biological systems can be damaged when too much water flows through them. POTWs employ a variety of operational practices to ensure the integrity of their secondary treatment units during wet weather, and the EPA plans to propose updates to the regulations which will seek to clarify permitting procedures for POTWs with separate sanitary sewer systems under wet weather operational conditions. The goal of these updates will be to ensure a consistent national approach for permitting POTWs that provides for efficient treatment plant operation while protecting the public from potential adverse health effects of inadequately treated wastewater.

Clean Water Act Section 404(c) Regulatory Revision. Section 404(c) of the Clean Water Act authorizes the Administrator ''to prohibit the specification (including withdrawal of the specification) of any defined area as a disposal site'' as well as to ''deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site . . . whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas.'' In June 2018, the EPA announced that it would initiate an update to the regulations governing the EPA's role in permitting discharges of dredged or fill material under section 404 of the CWA. The EPA's current regulations on the implementation of section 404(c) of the CWA allow the Agency to veto—at any time—a permit issued by the U.S. Army Corps of Engineers (USACE) or an approved state that allows for the discharge of dredged or fill material at specified disposal sites. The goal of this effort would be to increase predictability and regulatory certainty for landowners, investors, businesses, and other stakeholders. This rulemaking will consider, at minimum, changes to the EPA's 404(c) review process that would govern the future use of the EPA's section 404(c) authority.

Revitalize Land and Prevent Contamination

The EPA works to improve the health and livelihood of all Americans by cleaning up and returning land to productive use, preventing contamination, and responding to emergencies. The EPA collaborates with other federal agencies, industry, states, tribes, and local communities to enhance the livability and economic vitality of neighborhoods. Challenging and complex environmental problems persist at many contaminated properties, including contaminated soil, sediment, surface water, and groundwater that can cause human health concerns. The EPA's regulatory program recognizes the progress made in cleaning up and returning land to productive use, preventing contamination, and responding to emergencies, and works to incorporate new technologies and approaches that allow us to provide for an environmentally sustainable future more efficiently and effectively.

Reconsideration of the Accidental Release Prevention Regulations Under

Clean Air Act. Both the EPA and the Occupational Safety & Health Administration (OSHA) issued regulations, as required by the Clean Air Act Amendments of 1990, in response to a number of catastrophic chemical accidents occurring worldwide that had resulted in public and worker fatalities and injuries, environmental damage, and other community impacts. OSHA published the Process Safety Management standard in 1992, and the EPA modeled the Risk Management Program (RMP) regulation after it. The EPA published the RMP rule in two stages: (1) A list of regulated substances and threshold quantities in 1994, and (2) the RMP final regulation with risk management requirements in 1996. Both the OSHA standard and the EPA RMP regulation aim to prevent, or minimize the consequences of, accidental chemical releases to workers and the community.

On January 13, 2017, the EPA amended the RMP regulations in order to (1) reduce the likelihood and severity of accidental releases, (2) improve emergency response when those releases occur, and (3) enhance state and local emergency preparedness and response in an effort to mitigate the effects of accidents.

Prior to the effective date of the RMP Amendments rule, the EPA received petitions for reconsideration under Clean Air Act Section 307(d)(7)(B). Petitioners sought reconsideration of the RMP Amendments based on what they view as either EPA's failure to coordinate with OSHA and DOT as required by paragraph (D) of CAA section 112(r)(7) or at least inadequate coordination. Furthermore, petitioners indicated that the arson findings from the Bureau of Alcohol, Tobacco and Firearms and Explosives regarding the West Fertilizer 2013 explosion undercut EPA's basis for the proposed rule. Petitioners also raised security concerns related to sharing information with local emergency planning and response organizations and concerns about EPA's economic analysis and the economic burden associated with certain rule provisions. Having considered the concerns regarding the RMP Amendments rule raised in these petitions, the EPA subsequently delayed the effective date of the RMP Amendments rule to February 19, 2019, in order to give the EPA time to reconsider it. On May 30, 2018, the EPA published proposed changes to the rule and sought public comment on the proposed revisions and other related issues.

Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities. Remand Rules. The EPA is planning to modify the final rule on the disposal of Coal Combustion Residuals (CCR) as solid waste under subtitle D of the Resource Conservation and Recovery Act issued in 2015. As a result of a settlement agreement on this final rule, the EPA is addressing specific technical issues remanded by the court. Further, the Water Infrastructure Improvements for the Nation Act of 2016 established new statutory provisions applicable to CCR units, including authorizing states to implement the CCR rule through an EPA-approved permit program and authorizing the EPA to enforce the rule. Therefore the EPA is proposing to amend certain performance standards in the CCR rule through several rulemaking efforts to offer additional flexibility to state permitting authorities with an approved program. The EPA proposed the first of these rulemaking efforts, the Phase One rule, in March 2018. The EPA then finalized a small number of the proposed Phase one rule provisions in the July 2018 Phase One Part One rule.

Designation of Per- and Polyfluoroalkyl Substances as Hazardous Substances. On May 22, 2018, the EPA held a two-day National Leadership Summit on per- and polyfluoroalkyl substances (PFAS). The Administrator announced that the EPA will begin the process to propose designating perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) as ''hazardous substances'' through one of the available statutory mechanisms, including section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act. The EPA is currently evaluating the various statutory mechanisms, such as the. Clean Water Act Section 307(a) and Section 311. However, the Agency has not yet made a final decision on which mechanism is most appropriate.

Ensure Safety of Chemicals in the Marketplace

Chemicals and pesticides released into the environment as a result of their manufacture, processing, use, or disposal can threaten human health and the environment. The EPA gathers and assesses information about the risks associated with chemicals and pesticides and acts to minimize risks and prevent unreasonable risks to individuals, families, and the environment. The EPA acts under several different statutory authorities, including the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Federal Food, Drug and Cosmetic Act (FFDCA), the Toxic Substances Control Act (TSCA), the Emergency Planning and Community Right-to-Know-Act (EPCRA), and the Pollution Prevention Act (PPA). Using best available science, the Agency will continue to satisfy its overall directives under these authorities and highlights the following efforts underway in FY 2019:

Implementing TSCA Amendments To Enhance Public Health and Chemical Safety. The amendments to TSCA that were enacted in June 2016 now require the EPA to evaluate existing chemicals on the basis of the health risks they pose-including risks to vulnerable groups and to workers who may use chemicals daily as part of their jobs. If unreasonable risks are found, the EPA must then take steps to eliminate these risks. However, during the risk management phase, EPA must balance the risk management decision with potential disruption based on compliance to the national economy, national security, or critical infrastructure.

The 2016 amendments to TSCA also require the EPA to take expedited regulatory action without a risk evaluation for persistent, bioaccumulative, and toxic (PBT) chemicals from the 2014 update of the TSCA Work Plan for Chemical Assessments that meet a specific set of criteria. Under the conditions of use for each PBT chemical, the EPA will characterize likely exposures to humans and the environment; this information is undergoing peer review and public comment. The exposure assessments will then be used to develop regulatory actions that address the risks of injury to health or the environment that the EPA determines are presented by the chemical substances and that reduce exposure to the chemical substances to the extent practicable. TSCA requires the EPA to issue proposed rules no later than June 22, 2019, and final rules no more than 18 months later.

The 2016 amendments to TSCA also authorize the EPA to cover a portion of its annual costs for the TSCA program by collecting user fees from chemical manufacturers and processors when they submit test data for the EPA review; submit a premanufacture notice for a new chemical or a notice of new use; manufacture or process a chemical substance that is the subject of a risk evaluation; or request that the EPA conduct a chemical risk evaluation. In Fiscal Year 2019, the EPA expects to take final action on the 2018 proposed fees rule.

Review of Lead Dust Hazard Standards Under TSCA. In June 2018,

EPA proposed strengthening the dust-lead hazard standards on floors and window sills. These standards apply to most pre-1978 housing and child-occupied facilities, such as day care centers and kindergarten facilities. Per a court order deadline, EPA intends on taking final action in June 2019.

Reconsideration of Pesticide Safety Requirements. In Fiscal Year 2019, the EPA expects to take a final action on amendments to pesticide safety regulations that address requirements for the certification of pesticide applicators and established agricultural worker protection standards, which EPA intends on proposing in 2018. Specifically, the EPA is considering amending changes to the Certification of Pesticide Applicators regulations that EPA issued in 2017, and changes to the agricultural Worker Protection Standard regulations that EPA issued in 2015.

Annual Regulatory Costs

Section 3 of Executive Order 13771 (82 FR 9339, February 3, 2017) calls on agencies to ''identify for each regulation that increases incremental cost, the offsetting regulations . . . and provide the agency's best approximation of the total costs or savings associated with each new regulation or repealed regulation.'' Each action in the EPA's fall 2017 Regulatory Plan and Semiannual Regulatory Agenda contains information about whether an action is anticipated to be ''regulatory'' or ''deregulatory'' in fulfilling this executive directive. Based on current schedules and expectations regarding whether or not regulatory actions are subject to Executive Order 12866 and hence Executive Order 13771, in fiscal year 2019, the EPA is planning on finalizing approximately 30 deregulatory actions and fewer than ten regulatory actions.

Rules Expected To Affect Small Entities

By better coordinating small business activities, the EPA aims to improve its technical assistance and outreach efforts, minimize burdens to small businesses in its regulations, and simplify small businesses' participation in its voluntary programs. Actions that may affect small entities can be tracked on the EPA's Regulatory Flexibility website (*https://www.epa.gov/reg-flex*) at any time.

EPA—OFFICE OF AIR AND RADIATION (OAR)

Proposed Rule Stage

119. Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

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

CFR Citation: 40 CFR 63.1.

Legal Deadline: None.

Abstract: These amendments would address when a major source can become an area source, and, thus, become not subject to national emission standards for hazardous air pollutants (NESHAP) for major sources under Clean Air Act (CAA) section 112. The amendments will implement the EPA's plain language reading of the CAA section 112 definitions of ''major'' and ''area'' sources as discussed in the January 2018 William Wehrum memorandum titled ''Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act.'' (See notice in 83 FR 5543, February 8, 2018.) This action will provide an opportunity for interested persons to provide comment on many of the same issues covered in the 2007 NESHAP: General Provision Amendments (72 FR 69, January 3, 2017).

Statement of Need: The EPA will issue a proposed rule to add regulatory text that reflects EPA's plain language reading of the statute as discussed in the January 25, 2018, William Wehrum Memorandum (see notice in 83 FR 5543, February 8, 2018).

Summary of Legal Basis: The January 25, 2018, William Wehrum Memorandum withdrew the Once In, Always In (OIAI) policy that required facilities that are major sources for HAP on the first substantive compliance date of a NESHAP maximum achievable control technology (MACT) standard to comply permanently with the MACT standard. The EPA will issue a proposal to add regulatory text that reflects EPA's plain language reading of the statute as discussed in the January 25, 2018, William Wehrum Memorandum.

Alternatives: Not yet determined.

Anticipated Cost and Benefits: Adding regulatory text to be consistent with the plain language reading will allow sources classified as major to become area sources. This could lead to regulatory burden reduction for sources that have reclassified to area source status by not having to comply with previously applicable CAA section 112 major source requirements. An analysis to determine cost savings and benefits is underway to support issuance of a proposed rule.

Risks: Not yet determined.

Timetable:

Action	Date	FR Cite
NPRM	01/03/07	72 FR 69
NPRM Comment Period Extended.	03/05/07	72 FR 9718
Notice	02/08/18	83 FR 5543
Second NPRM	02/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Additional Information: EPA Docket information: EPA–HQ–OAR–2004–0094.

Agency Contact: Elineth Torres, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code D205–02, Research Triangle Park, NC 27709, *Phone:* 919 541–4347, *Email: torres.elineth@epa.gov.*

RIN: 2060–AM75

EPA—OAR

120. Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Revisions to New Source Review Program

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Public Law 104–4.

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 7411, Clean Air Act

CFR Citation: 40 CFR 60.

Legal Deadline: None.

Abstract: On April 4, 2017, the EPA announced it is reviewing the Clean Power Plan (CPP), found at 40 CFR part 60, subpart UUUU via Executive Order 13771. The EPA has, in a separate action, proposed to repeal the CPP. The EPA solicited input on a CPP replacement rule through an Advanced Notice of Proposed Rule Making (ANPRM) published on December 28, 2017. On August 31, 2018, the EPA published the proposed Affordable Clean Energy (ACE) rule in the **Federal Register** as a replacement for the CPP.

Statement of Need: The EPA has conducted its initial review of the CPP, as directed by Executive Order 13783,

and has concluded that suspension, revision, or rescission of [the CPP] may be appropriate on the basis of the agency's proposed reinterpretation of the statutory provisions underlying the CPP. In light of the EPA's proposed repeal of the CPP and issued ANPRM, the agency has signed the Affordable Clean Energy (ACE) rule as a replacement to the CPP. The proposed ACE rule is intended to reduce carbon dioxide emissions from existing fossil-fueled electric generating units. The proposal solicits information on the development of such a regulation with the intention of promulgating a final replacement.

Summary of Legal Basis: Clean Air Act, section 111, 42 U.S.C. 7411, provides the legal framework and basis for a potential replacement rule that the Agency is considering developing.

Alternatives: Not yet determined.

Anticipated Cost and Benefits: Not yet determined. In the intended proposed replacement to the CPP, the Agency will assess the costs and benefits.

Risks: Not yet determined. In the intended proposed replacement to the CPP, the Agency will assess the risks to the extent feasible.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/17	82 FR 61507
NPRM	08/31/18	83 FR 44746
NPRM Comment Period End.	10/30/18	
Final Rule	03/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State, Tribal.

Federalism: This action may have federalism implications as defined in E.O. 13132.

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

Agency Contact: Nicholas Swanson, Environmental Protection Agency, Office of Air and Radiation, E143–03, Research Triangle Park, NC 27711, *Phone:* 919 541–4080, *Email: swanson.nicholas@epa.gov.*

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RIN: 2060–AT67

EPA—OAR

121. Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting

Priority: Other Significant.

E.O. 13771 Designation: Other.

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

CFR Citation: Undetermined.

Legal Deadline: None.

Abstract: Under the New Source Review (NSR) pre-construction permitting program, sources undergoing modifications need to determine whether their modification is considered a major modification and thus subject to NSR pre-construction permitting. A source owner determines if its source is undergoing a major modification under NSR using a two-step applicability test. The first step is to determine if there is a ''significant emission increase'' of a regulated NSR pollutant from the proposed modification (Step 1) and the second step is to determine if there is a ''significant net emission increase'' of that pollutant (Step 2). In this action, we are proposing the consideration of emissions increases and decreases from a modification in Step 1 of the NSR major modification applicability test for all unit types (*i.e.,* new, existing, and hybrid units).

Statement of Need: In March 2018, the Agency issued an interpretative memorandum to clarify that we interpret our current NSR regulations to allow Project Emissions Accounting for hybrid units as well as for new and existing units. This regulation would further clarify the concept of Project Emissions Accounting for all types of emissions units.

Summary of Legal Basis: 40 CFR 52.21.

Alternatives: Alternatives will be analyzed as the proposal is developed.

Anticipated Cost and Benefits: Costs and benefits will be analyzed as the proposal is developed.

Risks: Risks will be analyzed as the proposal is developed.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State.

Additional Information: Docket #: EPA–HQ–OAR–2018–0048.

Agency Contact: Jessica Montanez, Environmental Protection Agency, Office of Air and Radiation, C504–03, Research Triangle Park, NC 27711, *Phone:* 919 541–3407, *Fax:* 919 541–5509, *Email: montanez.jessica@epa.gov.*

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RIN: 2060–AT89

EPA—OAR

122. Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 7401 *et seq.,* Clean Air Act

CFR Citation: 40 CFR 60.

Legal Deadline: None.

Abstract: On June 3, 2016, the Environmental Protection Agency (EPA) published a final rule titled ''Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Final Rule.'' Following promulgation of the final rule, the Administrator received petitions for reconsideration of several provisions of the rule. The EPA is addressing those specific reconsideration issues in a separate proposal. A number of states and industry associations sought judicial review of the rule, and the litigation is currently being held in abeyance. On March 28, 2017, newly elected President Donald Trump issued Executive Order 13783 titled ''Promoting Energy Independence and Economic Growth,'' which directs agencies to review existing regulations that potentially burden the development of domestic energy resources, and appropriately suspend, revise or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law. In 2017, the EPA provided notice to initiate the review of the 2016 rule and stated that, if appropriate, it will initiate proceedings to suspend, revise or rescind the rule. Subsequently, in a notice dated June 5, 2017, the EPA further committed to look broadly at the entire 2016 rule. The purpose of this action is to propose amendments to address key policy issues, such as the regulation of greenhouse gases, in this sector.

Statement of Need: On June 3, 2016, the EPA published a final rule titled ''Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and

Modified Sources; Final Rule.'' On March 28, 2017, newly elected President Donald Trump issued Executive Order 13783 titled ''Promoting Energy Independence and Economic Growth,'' which directs agencies to review existing regulations that potentially burden the development of domestic energy resources, and appropriately suspend, revise or rescind regulations that unduly burden the development of U.S. energy resources beyond what is necessary to protect the public interest or otherwise comply with the law. In 2017, the EPA provided notice to initiate the review of the 2016 rule and stated that, if appropriate, it will initiate proceedings to suspend, revise or rescind the rule. Subsequently, in a notice dated June 5, 2017, the EPA further committed to look broadly at the entire 2016 rule. The purpose of this action is to propose amendments to address key policy issues, such as the regulation of greenhouse gases, in this sector. This proposal will solicit comments and/or information from the public regarding the Agency's proposed requirements and options under consideration. These amendments are anticipated to remove regulatory duplication in an effort to reduce burden.

Summary of Legal Basis: The review of the 2016 OOOOa rule is an exercise of the EPA's authority under section 111(b)(1)(B), section 307(d)(7)(B) and section 301(a) of the Clean Air Act.

Alternatives: For the 2016 OOOOa review proposal, we anticipate soliciting comment on a lead policy option for the regulation of greenhouse gases and the sector regulatory structure and an alternative policy option under consideration.

Anticipated Cost and Benefits: These values are estimates that are likely to change. Note all values at 7 percent discount rate in 2016 dollars. Total Present Value of Cost (2019 through 2025): $101 million Costs Annually: $18 million Forgone Benefits (2019 through 2025); $13 million Forgone Benefits Annually: $2.3 million.

Risks: We do not anticipate any risks to health related to this action.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Docket #: EPA–HQ–OAR–2017–0757.

Sectors Affected: 211111 Crude Petroleum and Natural Gas Extraction; 221210 Natural Gas Distribution; 211112 Natural Gas Liquid Extraction; 486110 Pipeline Transportation of Crude Oil; 486210 Pipeline Transportation of Natural Gas.

URL For More Information: https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-standards-and-guidelines-oil-and-natural-gas-industry

Agency Contact: Amy Hambrick, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143–05, Research Triangle Park, NC 27711, *Phone:* 919 541–0964, *Fax:* 919 541–0516, *Email: hambrick.amy@epa.gov.*

RIN: 2060–AT90

EPA—OAR

123. Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 7412, Clean Air Act

CFR Citation: 40 CFR 63.

Legal Deadline: None.

Abstract: This action will address the Agency's residual risk and technology review (RTR) of the National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units (commonly referred to as the Mercury and Air Toxics Standards (MATS)), 40 CFR 63, subpart UUUUU, promulgated pursuant to section 112(d) of the Clean Air Act (CAA) on February 16, 2012 (67 FR 9464), and address other issues associated with the 2012 rule.

Statement of Need: The EPA has completed its initial review of the MATS Supplemental Cost Finding (81 FR 24420, April 25, 2016) to determine if the finding will be reconsidered. The EPA will issue the results of the review in a notice of proposed rulemaking and will solicit comment on the resulting finding. The EPA will also, in the same action, propose the results of the RTR for MATS.

Summary of Legal Basis: CAA section 112, 42 U.S.C. 7412, provides the legal framework and basis for regulatory actions addressing emissions of hazardous air pollutants from stationary sources. CAA section 112(f)(2) requires EPA, within 8 years of the promulgation of standards under CAA section 112(d), to determine whether additional standards are needed to provide an ample margin of safety to protect public health or to prevent an adverse environmental effect. CAA section 112(d)(6) requires EPA to review, and revise as necessary, emission standards promulgated under CAA section 112(d) at least every 8 years, taking into account developments in practices, processes and control technologies.

Alternatives: Not yet determined. The EPA will consider whether alternative options are warranted once the Agency has completed the review of the Supplemental Cost Finding and the RTR.

Anticipated Cost and Benefits: Not yet determined. Costs and benefits will depend upon the results of the review of the Supplemental Cost Finding and on the results of the RTR.

Risks: Not yet determined. Risks will depend upon the results of the review of the Supplemental Cost Finding and on the results of the RTR.

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.

Additional Information: Docket #: EPA–HQ–OAR–2009–0234.

Sectors Affected: 921150 American Indian and Alaska Native Tribal Governments; 221122 Electric Power Distribution; 221112 Fossil Fuel Electric Power Generation.

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RIN: 2060–AT99

EPA—OAR

124. The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 7411, Clean Air Act

CFR Citation: 40 CFR 80.

Legal Deadline: None.

Abstract: The National Highway Traffic Safety Administration (NHTSA) and the Environmental Protection Agency (EPA) proposed the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks'' (SAFE Vehicles Rule). The SAFE Vehicles Rule, if finalized, would amend certain existing Corporate Average Fuel Economy (CAFE) and tailpipe carbon dioxide emissions standards for passenger cars and light trucks and establish new standards, all covering model years 2021 through 2026. More specifically, EPA proposed to amend its carbon dioxide emissions standards for model years 2021 through 2025 because they are no longer appropriate and reasonable in addition to establishing new standards for model year 2026. The preferred alternative is to retain the model year 2020 standards (specifically, the footprint target curves for passenger cars and light trucks) for both programs through model year 2026, but comment is sought on a range of alternatives.

Statement of Need: Since finalizing the agencies' previous joint rulemaking in 2012 titled Final Rule for Model Year 2017 and Later Light-Duty Vehicle Greenhouse Gas Emission and Corporate Average Fuel Economy Standards, and even since EPA's 2016 and early 2017 mid-term evaluation process, the agencies have gathered new information, and have performed new analysis. That new information and analysis has led the agencies to the tentative conclusion that holding standards constant at MY 2020 levels through MY 2026 is appropriate.

Summary of Legal Basis: 42 U.S.C. 7411, Clean Air Act.

Alternatives: The preferred alternative is to retain the model year 2020 standards (specifically, the footprint target curves for passenger cars and light trucks) through model year 2026, but comment is sought on a wide range of alternatives, including eight alternatives ranging in stringency from the preferred alternative to the standards currently in place. Those eight alternatives are: (1) The no action alternative, which leaves the standards as they are and were announced in 2012 for MYs 2021–2025; (2) Alternative 2 increases the stringency of targets annually during MYs 2021–2026 by 0.5% for passenger cars and 0.5% for light trucks; (3) Alternative 3 phases out A/C efficiency and off-cycle adjustments and increases the stringency of targets annually during MYs 2021–2026 by 0.5% for passenger cars and 0.5% for light trucks; (4) Alternative 4 increases the stringency of targets annually during MYs 2021–2026 by 1.0% for passenger cars and 2.0% for light trucks; (5) Alternative 5 increases the stringency of targets annually during MYs 2022–2026 by 1.0% for passenger cars and 2.0% for light trucks; (6) Alternative 6 increases the stringency of targets annually during MYs 2021–2026 by 2.0% for passenger cars and 3.0% for light trucks; (7) Alternative 7 phases out A/C efficiency and off-cycle adjustments and increases the stringency of targets annually during MYs 2021–2026 by 1.0% for passenger cars and 2.0% for light trucks; and (8) Alternative 8 increases the stringency of targets annually during MYs 2022–2026 by 2.0% for passenger cars and 3.0% for light trucks. In addition, EPA is requesting comment on a variety of enhanced flexibilities whereby EPA would make adjustments to current incentives and credits provisions and potentially add new flexibility opportunities to broaden the pathways manufacturers would have to meet standards. Such an approach would support the increased application of technologies that the automotive industry is developing and deploying that could potentially lead to further long-term emissions reductions and allow manufacturers to comply with standards while reducing costs.

Anticipated Cost and Benefits: Compared to maintaining the post-2020 standards set forth in 2012, NHTSA's analysis estimates that this proposal would result in $176 billion in societal net benefits, and reduce highway fatalities by 12,700 lives (over the lifetimes of vehicles through MY 2029). U.S. fuel consumption would increase by about half a million barrels per day (2–3 percent of total daily consumption, according to the Energy Information Administration), emissions would increase by 7,400 million metric tons of carbon dioxide by 2100, and would impact the global climate by 3/1000th of one degree Celsius by 2100, also when compared to the standards set forth in 2012.

Risks: The proposed rule analyzes a range of public health and environmental risks, including the risks of increased greenhouse gas emission reductions on climate change, risks of increases of criteria pollutants and air toxics emissions on public health and air quality, and the risks of increased mobile source air emissions and climate impacts on children's health. The proposal discusses risks associated with increased petroleum consumption and the need for the U.S. to conserve oil, as well as risks associated with vehicle safety and travel demand. The proposal also examines economic risks including impacts on employment, vehicle sales, and U.S. industry competitiveness.

Timetable:

Action	Date	FR Cite
NPRM	08/24/18	83 FR 42986
NPRM Comment Period End.	10/23/18	
Final Rule	03/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Agency Contact: Christopher Lieske, Environmental Protection Agency, Office of Air and Radiation, ASD, Ann Arbor, MI 48105, *Phone:* 734 214–4584, *Email: lieske.christopher@epa.gov.*

RIN: 2060–AU09

EPA—OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION (OCSPP)

Proposed Rule Stage

125. Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(H)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 2605, TSCA 6

CFR Citation: Not Yet Determined.

Legal Deadline: NPRM, Statutory, June 21, 2019, Statutory: TSCA section 6(h).

Final, Statutory, December 22, 2020, Statutory: TSCA section 6(h).

Abstract: As part of EPA's continuing efforts to implement the Frank R. Lautenberg Chemical Safety for the 21st Century Act, which amended the Toxic Substance Control Act (TSCA) with immediate effect upon its enactment on June 22, 2016, EPA is developing a proposed rule to implement TSCA section 6(h). TSCA section 6(h) directs EPA to issue regulations under section 6(a) for certain persistent, bioaccumulative, and toxic chemical substances that were identified in the 2014 update of the TSCA Work Plan. These regulations must be proposed by June 22, 2019, and issued in final form no later than eighteen months after proposal. Section 6(h) further directs EPA, in selecting among the available prohibitions and other restrictions in TSCA section 6(a), to address risks of injury to health or the environment that

the Administrator determines are presented by the chemical substances and reduce exposure to the chemical substances to the extent practicable. EPA must develop an exposure and use assessment, but the statute explicitly states that a risk evaluation is not required for these chemical substances. EPA has identified five chemical substances for proposed action under TSCA section 6(h). These chemical substances are: Decabromodiphenyl ether; hexachlorobutadiene; pentachlorothiophenol; phenol, isopropylated phosphate (3:1), also known as tris(4-isopropylphenyl) phosphate; and 2,4,6-tris(tert-butyl)phenol. Decabromodiphenyl ether is a flame retardant that has been widely used in textiles, plastics, adhesives and polyurethane foam. Hexachlorobutadiene is produced as a byproduct in the production of chlorinated solvents and has also been used as an absorbent for gas impurity removal and as an intermediate in the manufacture of rubber compounds. Pentachlorothiophenol is also used in the manufacture of rubber compounds. Phenol, isopropylated phosphate (3:1) is a flame retardant and is also used in lubricants and hydraulic fluids and in the manufacture of other compounds. 2,4,6-Tris(tert-butyl)phenol is an antioxidant that can be used as a fuel or lubricant and as an intermediate in the manufacture of other compounds.

Statement of Need: Decisions and related analysis are still in process and not available for this rule.

Summary of Legal Basis: Decisions and related analysis are still in process and not available for this rule.

Alternatives: Decisions and related analysis are still in process and not available for this rule.

Anticipated Cost and Benefits: Decisions and related analysis are still in process and not available for this rule.

Risks: Decisions and related analysis are still in process and not available for this rule.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL For More Information: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act-0#pbt.

Agency Contact: Cindy Wheeler, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 566–0484, *Email: wheeler.cindy@epa.gov.*

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RIN: 2070–AK34

EPA—OCSPP

126. Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 136 *et seq.,* Federal Insecticide Fungicide and Rodenticide Act

CFR Citation: 40 CFR 171.

Legal Deadline: None.

Abstract: EPA promulgated a final rule to amend the Certification of Pesticide Applicators regulations at 40 CFR 171 on January 4, 2017 (82 FR 952). The rule went into effect on March 6, 2017. In accordance with Executive Order 13777, EPA solicited comments in the spring of 2017 on regulations that may be appropriate for repeal, replacement or modification as part of the Regulatory Reform Agenda efforts. EPA received comments specific to the certification rule. Based on concerns raised through the Regulatory Reform process, EPA announced in December 2017 that it was beginning a process to reconsider the minimum age provision for the Certification rule. EPA plans to issue a Notice of Proposed Rulemaking for this action.

Statement of Need: Based on input received from stakeholders in part on Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Agency is proposing to amend the Certification of Pesticide Applicators rule (''Certification rule''), 40 CFR part 171, as revised January 4, 2017 (82 FR 952), by revising the minimum age requirements for applicators certified to use RUPs and for persons who use RUPs under the supervision of a certified applicator. EPA is proposing to defer to state or tribal minimum age requirements for commercial applicators, private applicators and noncertified applicators who use RUPs under the supervision of a certified applicator and to establish a federal minimum age of 16 years for all three types of applicators if states or tribes do not establish enforceable minimum age requirements.

Summary of Legal Basis: This proposal would amend the Certification of Pesticide Applicators rule (''Certification rule''), 40 CFR part 171, as revised January 4, 2017 (82 FR 952).

Alternatives: Not to propose the rule with the potential to reduce costs and potentially streamline regulatory burden.

Anticipated Cost and Benefits: To be determined.

Risks: By law, some states have minimum age of 18 years of age for workers and would probably not change the state laws to reap the additional cost benefit of this rule.

Timetable:

Action	Date	FR Cite
Notice	12/19/17	82 FR 60195
NPRM	01/00/19	
Final Rule	09/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State, Tribal.

Federalism: Undetermined.

Sectors Affected: 924110 Administration of Air and Water Resource and Solid Waste Management Programs; 111 Crop Production; 561710 Exterminating and Pest Control Services; 424910 Farm Supplies Merchant Wholesalers; 561730 Landscaping Services; 111421 Nursery and Tree Production; 444220 Nursery, Garden Center, and Farm Supply Stores; 424690 Other Chemical and Allied Products Merchant Wholesalers; 541690 Other Scientific and Technical Consulting Services; 325320 Pesticide and Other Agricultural Chemical Manufacturing; 926140 Regulation of Agricultural Marketing and Commodities; 541712 Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology); 115112 Soil Preparation, Planting, and Cultivating; 115210 Support Activities for Animal Production; 115310 Support Activities for Forestry; 321114 Wood Preservation.

URL For More Information: https://www.epa.gov/pesticide-worker-safety.

URL For Public Comments: TBD.

Agency Contact: Jeanne Kasai, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue

NW, Mail Code PYS1162, Washington, DC 20460, *Phone:* 703 308–3240, *Fax:* 703 308–3259, *Email: kasai.jeanne@epa.gov.*

Ryne Yarger, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Washington, DC 20460, *Phone:* 703 605–1193, *Email: yarger.ryne@epa.gov.*

Related RIN: Related to 2070–AJ20

RIN: 2070–AK37

EPA—OCSPP

127. Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 136 to 136y, Federal Insecticide Fungicide and Rodenticide Act

CFR Citation: 40 CFR 170.

Legal Deadline: None.

Abstract: EPA published a final rule to amend the Worker Protection Standard (WPS) regulations at 40 CFR 170 on November 2, 2015 (80 FR 67496). Per Executive Order 13777, EPA solicited comments in the spring of 2017 on regulations that may be appropriate for repeal, replacement or modification as part of the Regulatory Reform Agenda efforts. EPA received comments suggesting specific changes to the 2015-revised WPS requirements which are being considered within the Regulatory Agenda efforts. Based on concerns raised through the Regulatory Reform agenda process, EPA intends to publish a Notice of Proposed Rulemaking (NPRM) for this action.

Statement of Need: This action provides a response to comments received from the regulated community expressed through the Regulatory Reform Agenda. EPA is proposing changes to the requirements in the Agricultural Worker Protection Standard (WPS) related to minimum age, designated representative, application exclusion zone (AEZ), and entry restrictions for enclosed space production. EPA is also proposing a number of minor revisions to correct language and unintentional errors in the 2015 version of the rule.

Summary of Legal Basis: This action is issued under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 to 136y, particularly sections 136a(d), 136i, and 136w.

Alternatives: Not to implement the NPRM.

Anticipated Cost and Benefits: To be determined.

Risks: By law, some states have minimum age of 18 years of age for workers and would probably not change the state laws to reap the additional cost benefit of this rule.

Timetable:

Action	Date	FR Cite
Notice	12/21/17	82 FR 60576
NPRM	01/00/19	
Final Rule	09/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: State, Tribal.

Sectors Affected: 111 Crop Production; 813312 Environment, Conservation and Wildlife Organizations; 115115 Farm Labor Contractors and Crew Leaders; 113210 Forest Nurseries and Gathering of Forest Products; 813311 Human Rights Organizations; 813930 Labor Unions and Similar Labor Organizations; 111421 Nursery and Tree Production; 541690 Other Scientific and Technical Consulting Services; 813319 Other Social Advocacy Organizations; 325320 Pesticide and Other Agricultural Chemical Manufacturing; 115114 Postharvest Crop Activities (except Cotton Ginning); 541712 Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology); 115112 Soil Preparation, Planting, and Cultivating; 11511 Support Activities for Crop Production; 115310 Support Activities for Forestry; 113110 Timber Tract Operations.

URL For More Information: https://www.epa.gov/pesticide-worker-safety.

URL For Public Comments: TBD.

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RIN: 2070–AK43

EPA—OFFICE OF POLICY (OP)

Proposed Rule Stage

128. Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Other.

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: EPA is considering developing implementing regulations that would increase consistency across EPA divisions and offices, increase reliability to affected stakeholders, and increase transparency during the development of regulatory actions. Many EPA statutes, including the Clean Air Act and the Clean Water Act, provide language on the consideration of benefits and costs, but these have historically been interpreted differently by the EPA depending on the office promulgating the regulatory action. This has led to EPA choosing different standards under the same provision of the statute, the regulatory community not being able to rely on consistent application of the statute, and EPA developing internal policies on the consideration of benefits and costs through non-transparent actions. EPA issued an Advance Notice of Proposed Rulemaking in June 2018. The Agency is now reviewing comments received to determine if developing implementing regulations through a notice-and-comment rulemaking process or other action could provide the public with a better understanding on how EPA weighs benefits and costs when developing a regulatory action and allow the public to provide better feedback to EPA on potential future proposed rules.

Statement of Need: EPA implements many environmental statutes, including the Clean Air Act, Clean Water Act, the Safe Drinking Water Act, the Resource Conservation Recovery Act, etc. All these laws provide statutory direction for making regulatory decisions. EPA has applied varied and sometimes inconsistent interpretations of these statutory directions with respect to the consideration of costs and benefits in regulatory decision making. In doing so, EPA has created regulatory uncertainty, making planning decisions difficult and clouded the transparency of EPA decision making.

Summary of Legal Basis: EPA is considering developing a foundational rule (or series of rules) to better clarify EPA's interpretation of costs and benefit

considerations discussed in existing statutes. The rule would be proposed using the existing authority provided in each of the statutes providing regulatory authority to EPA (*e.g.,* Clean Air Act).

Alternatives: Alternatives have not yet been developed for this action. Alternatives will be developed following review of public comments received on the Advanced Notice of Proposed Rulemaking.

Anticipated Cost and Benefits: This rule is fundamentally different than regulations that place limits on pollution or otherwise clean the environment. It will not directly lead to changes in environmental quality. However, by improving the transparency and clarity of EPA's interpretation of when and how benefits and costs are considered in decision making, EPA will provide greater regulatory certainty that will allow regulated entities to better plan for future regulatory requirements. It may also enhance the utilization of benefit-cost analysis in decision making. EPA plans to provide a full discussion and exposition of anticipated benefits and costs of regulatory approaches if the rule(s) go forward.

Risks: In this action, EPA is examining the role of benefits, costs and other economic analytic concepts play in decision making, not the instructions on how to conduct economic analysis as contained in OMB Circular A–4 or EPA's Guidelines on Performing Economic Analysis. Consequently, assessment of costs and benefits will be addressed under subsequent rulemakings developed to tackle specific pollutants.

Timetable:

Action	Date	FR Cite
ANPRM	06/13/18	83 FR 27524
Comment Period Extended.	07/03/18	83 FR 31098
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Undetermined.

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RIN: 2010–AA12

EPA—OFFICE OF LAND AND EMERGENCY MANAGEMENT (OLEM)

Proposed Rule Stage

129. Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 2)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 6906; 42 U.S.C. 6907; 42 U.S.C. 6912(a); 42 U.S.C. 6944; 42 U.S.C. 6945(c)

CFR Citation: 40 CFR 257.

Legal Deadline: None.

Abstract: The EPA is publishing three rules (Phase One Rule Part One, Phase One Rule Part Two, and Phase Two Rule) to modify the final Coal Combustion Residuals (CCR) Disposal Rule, published April 17, 2015. The EPA proposed Phase One in March 2018. The Agency then finalized a small number of the provisions from the Phase One proposal in the final rule, Phase One Part One rule, in July 2018. This rule is the second set of potential revisions to EPA's 2015 CCR Disposal Rule. In this proposed rulemaking, EPA plans to complete its review of all of the remaining matters raised in litigation and the petitions for reconsideration that were not included in the Phase One proposed rules, propose any revisions to those provisions determined to be warranted, and propose regulations for a federal CCR permit program.

Statement of Need: On April 17, 2015, EPA finalized national regulations to regulate the disposal of Coal Combustion Residuals (CCR) as solid waste under subtitle D of the Resource Conservation and Recovery Act (RCRA) (2015 CCR final rule). The rule was challenged by several different parties, including a coalition of regulated entities and a coalition of public interest environmental organizations. Several of the claims, a subset of the provisions challenged by the industry and environmental petitioners, were settled on April 18, 2016. As part of that settlement, on April 18, 2016, EPA requested the court to remand these claims back to the Agency. On June 16, 2016, the United States Court of Appeals for the District of Columbia Circuit granted EPA's motion. One claim was the subject of a rulemaking completed on August 5, 2016 (81 FR 51802). This proposed rule addresses some of the claims that were remanded back to EPA.

In addition, in December 2016, the Water Infrastructure Improvements for the Nation (WIIN) Act established new statutory provisions applicable to CCR units, including authorizing States to implement the CCR rule through an EPA-approved permit program and authorizing EPA to enforce the rule. In light of the legislation, EPA is proposing amendments for certain performance standards to provide flexibility to the State programs, which would be consistent with the WIIN Act's standard for approval of State programs. Under the WIIN Act, State programs require each CCR unit located in the State to achieve compliance with either the federal CCR rule or State criteria that EPA determines to be as protective as the existing federal CCR requirements.

Summary of Legal Basis: As part of the settlement agreement discussed above, EPA committed to make best efforts to take final action on the remaining claims by December 2019.

Alternatives: According to the terms of the settlement agreement discussed above, the Agency must provide public notice and opportunity for comment on these issues. Each of these settlement-related amendments is fairly narrow in scope and EPA has not identified any significant alternatives for analysis. Regarding the WIIN Act implementation amendments, one alternative would be not to include these additional issues in the CCR Remand proposal since they are not subject to a deadline.

Anticipated Cost and Benefits: EPA will provide estimates of costs and benefits resulting from this proposed rule once they are fully developed and have received Agency clearance.

Risks: As compared with the risks to human health and the environment that were presented in the 2015 CCR final rule, the proposed amendments discussed in this action are expected to produce human health and environmental benefits, which will likely be described qualitatively.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	
Final Rule	12/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State.

Federalism: Undetermined.

Sectors Affected: 221112 Fossil Fuel Electric Power Generation

URL For More Information: https://www.epa.gov/coalash.

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RIN: 2050–AG98

EPA—OFFICE OF WATER (OW)

Proposed Rule Stage

130. National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 300f *et seq.,* Safe Drinking Water Act

CFR Citation: 40 CFR 141; 40 CFR 142.

Legal Deadline: None.

Abstract: The Lead and Copper Rule (LCR) reduces risks to drinking water consumers from lead and copper that can enter drinking water as a result of corrosion of plumbing materials. The LCR requires water systems to sample at taps in homes with leaded plumbing materials. Depending upon the sampling results, water systems must take actions to reduce exposure to lead and copper including corrosion control treatment, public education and lead service line replacement. The LCR was promulgated in 1991 and, overall, has been effective in reducing the levels of lead and copper in drinking water systems across the country. However, lead crises in Washington, DC, and Flint, Michigan, and the subsequent national attention focused on lead in drinking water in other communities, have underscored significant challenges in the implementation of the current rule, including a rule structure that, for many systems, only compels protective actions after public health threats have been identified. Key challenges include the rule's complexity; the degree of flexibility and discretion it affords systems and primacy states with regard to optimization of corrosion control treatment; compliance sampling practices, which in some cases may not adequately protect from lead exposure; and limited specific focus on key areas of concern such as schools. There is a compelling need to modernize and strengthen implementation of the rule—to strengthen its public health protections and to clarify its implementation requirements to make it more effective and more readily enforceable.

Statement of Need: The Lead and Copper Rule (LCR) reduces risks to drinking water consumers from lead and copper that can enter drinking water as a result of corrosion of plumbing materials. The LCR requires water systems to sample at taps in homes with leaded plumbing materials. Depending upon the sampling results, water systems must take actions to reduce exposure to lead and copper including corrosion control treatment, public education and lead service line replacement. The LCR was promulgated in 1991 and, overall, has been effective in reducing the levels of lead and copper in drinking water systems across the country. However, lead crises in Washington, DC, and Flint, Michigan, and the subsequent national attention focused on lead in drinking water in other communities, have underscored significant challenges in the implementation of the current rule, including a rule structure that, for many systems, only compels protective actions after public health threats have been identified. Key challenges include the rule's complexity; the degree of flexibility and discretion it affords systems and primacy states with regard to optimization of corrosion control treatment; compliance sampling practices, which in some cases may not adequately protect from lead exposure; and limited specific focus on key areas of concern such as schools. There is a compelling need to modernize and strengthen implementation of the rule—to strengthen its public health protections and to clarify its implementation requirements to make it more effective and more readily enforceable.

Summary of Legal Basis: Section 1412(b) of the Safe Drinking Water Act (SDWA) (42 U.S.C. 300f *et seq.*) includes a general authority for EPA to establish maximum contaminant level goals (MCLGs) and national primary drinking water regulations (NPDWRs). The first NPDWR for Lead and Copper was issued in 1991 (56 FR 26460, June 7, 1991). Section 1412(b)(9) of the SDWA (42 U.S.C. 300f *et seq.*) requires EPA, at least every six years, to review and revise, as appropriate, each national primary drinking water regulation. Any revision of a national primary drinking water regulation must be promulgated in accordance with Section 1412, except that each revision must maintain or provide for greater protection of the health of persons. This rulemaking will revise EPA's existing Lead and Copper Rule pursuant to Section 1412(b)(9). EPA's goal for the LCR revisions is to improve the effectiveness of public health protections while maintaining a rule that can be implemented by the 68,000 drinking water systems that are covered by the rule.

Alternatives: The alternatives are to be determined.

Anticipated Cost and Benefits: The costs and benefits are to be determined.

Risks: Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: This action may have federalism implications as defined in E.O. 13132.

Sectors Affected: 924110 Administration of Air and Water Resource and Solid Waste Management Programs; 221310 Water Supply and Irrigation Systems.

URL For More Information: https://www.epa.gov/dwreginfo/lead-and-copper-rule.

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RIN: 2040–AF15

EPA—OW

131. National Primary Drinking Water Regulations: Regulation of Perchlorate

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 300f *et seq.,* Safe Drinking Water Act

CFR Citation: 40 CFR 141; 40 CFR 142.

Legal Deadline: NPRM, Judicial, October 31, 2018, Consent Decree, *NRDC* v. *EPA* (No. 16 Civ. 1251, S.D.N.Y., October 18, 2016).

Final, Judicial, December 19, 2019, Consent Decree, *NRDC* v. *EPA* (No. 16 Civ. 1251, S.D.N.Y., October 18, 2016).

Abstract: A consent decree entered by the U.S. District Court for the Southern District of New York states that EPA shall propose a national primary drinking water regulation (NPDWR) with a proposed Maximum Contaminant Level Goal (MCLG) for perchlorate in drinking water no later than 10/31/18 and finalize a MCLG and NPDWR for perchlorate in drinking water no later than 12/19/19. The EPA has begun the process for developing a NPDWR for perchlorate. The Safe Drinking Water Act describes the EPA's requirements for regulating contaminants. In accordance with these requirements, the EPA will consider the Science Advisory Board's guidance on how to best interpret perchlorate health information to derive a MCLG for perchlorate. The agency is also evaluating the feasibility and affordability of treatment technologies to remove perchlorate from drinking water and will examine the costs and benefits of a Maximum Contaminant Level (MCL) and alternative MCLs. The EPA is also seeking input through informal and formal processes from the National Drinking Water Advisory Council, the Department of Health and Human Services, State and Tribal drinking water programs, the regulated community (public water systems), public health organizations, academia, environmental and public interest groups, and other interested stakeholders on a number of issues relating to the regulation of perchlorate.

Statement of Need: The EPA issued a final determination to regulate perchlorate on February 11, 2011. The EPA's 2011 determination was based upon the three criteria for regulation under the Safe Drinking Water Act: (1) The EPA determined that perchlorate may have adverse effects on the health of persons based upon the National Research Council's study that found perchlorate inhibits the thyroid's ability to uptake iodide needed to produce hormones. (2) The EPA concluded that perchlorate occurs with frequency at levels of health concern in public water systems based upon data collected under the first Unregulated Contaminant Monitoring Rule (UCMR 1) from 2001 to 2005. Monitoring results reported to the EPA under UCMR 1 show that perchlorate was measured in over four percent of water systems. (3) The EPA concluded that there was a meaningful opportunity to protect public health through a drinking water regulation by reducing perchlorate exposure for the 5 to 17 million people who may be served perchlorate in their drinking water. In 2013, the Science Advisory Board (SAB) recommended that the EPA use models, rather than the traditional approach to establish the health-based maximum contaminant level goal for a perchlorate regulation. The EPA and FDA scientists worked collaboratively to develop biological models in accordance with SAB recommendations. The EPA completed peer review of this analysis in March 2018. The EPA will utilize the best available, peer-reviewed science to inform regulatory decisionmaking for perchlorate.

Summary of Legal Basis: On October 18, 2016, the U.S. District Court for the Southern District of New York entered a consent decree, which requires the EPA to sign, for publication in the **Federal Register**, a proposed MCLG and NPDWR for perchlorate by October 30, 2018 and issue a final MCLG and NPDWR by December 19, 2019. See *NRDC* v. *EPA,* No. 16 Civ. 1251 (S.D.N.Y.). The Safe Drinking Water Act (SDWA), section 1412(b)(1)(A), requires the EPA to make a determination whether to regulate at least five contaminants from its Contaminant Candidate List every 5 years. Once the EPA makes a determination to regulate a contaminant in drinking water, SDWA section 1412(b)(1)(E) requires the EPA to issue a proposed maximum contaminant level goal (MCLG) and national primary drinking water regulation (NPDWR) within 24 months and a final MCLG and NPDWR within 18 months of proposal (with an opportunity for one 9-month extension). The EPA made a determination to regulate perchlorate in drinking water on February 11, 2011.

Alternatives: The alternatives will be determined.

Anticipated Cost and Benefits: The anticipated costs and benefits will be determined.

Risks: Perchlorate competes with iodide for transport into the thyroid gland, which is a necessary step in the production of thyroid hormones. Therefore, perchlorate may lead to decreases in levels of these hormones. Thyroid hormones are essential to the growth and development of fetuses, infants, and young children, as well as to metabolism and energy regulation throughout the life span. Primary pathways for human exposure to perchlorate are ingestion of contaminated food and drinking water.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	
Final Rule	12/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Additional Information: Docket #: EPA–HQ–OW–2009–0297.

Sectors Affected: 924110 Administration of Air and Water Resource and Solid Waste Management Programs; 221310 Water Supply and Irrigation Systems.

URL For More Information: https://www.epa.gov/dwstandardsregulations/perchlorate-drinking-water.

Agency Contact:

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RIN: 2040–AF28

EPA—OW

132. Revised Definition of ''Waters of the United States''

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 33 U.S.C. 1251 *et seq.*

CFR Citation: 40 CFR 110; 40 CFR 112; 40 CFR 116; 40 CFR 117; 40 CFR 122; 40 CFR 230; 40 CFR 232; 40 CFR 300; 40 CFR 302; 40 CFR 401.

Legal Deadline: None.

Abstract: In 2015, the Environmental Protection Agency and the Department of the Army (the agencies) published the Clean Water Rule: ''Definition of Waters of the United States (2015 Rule) (80 FR 37054, June 29, 2015).'' On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 Rule nationwide pending further action of

the court. On February 28, 2017, the President signed Executive Order 13778, Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule,'','' which instructed the agencies to review the 2015 rule and rescind or replace it as appropriate and consistent with law. The agencies are publishing this proposed rule to follow the first step, which sought to recodify the definition of ''waters of the United States'' that existed prior to the 2015 rule. In this second step, the agencies are conducting a substantive reevaluation and revision of the definition of waters of the United States'' in accordance with the Executive Order.

Statement of Need: This rulemaking action responds to the February 28, 2017, Presidential Executive Order: Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ''Waters of the United States'' Rule. To meet the objectives of the Executive order, the EPA and Department of the Army (Agencies) are engaged in an comprehensive, two-step rulemaking process. This action follows the first step to recodify the pre-existing definition of ''waters of the United States.'' In this second step, the Agencies are conducting a reconsideration of the definition of ''waters of the United States'' consistent with the E.O.

Summary of Legal Basis: The rule is proposed under the Clean Water Act, 33 U.S.C. 1251 *et seq.*

Alternatives: Alternatives have not yet been developed at this time.

Anticipated Cost and Benefits: An economic analysis analyzing anticipated costs and benefits will be developed for the rulemaking at the time of proposal.

Risks: This action does not establish an environmental standard intended to address environmental or health risks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	
Final Rule	09/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.

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RIN: 2040–AF75

EPA—OW

133. Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category

Priority: Other Significant.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Other.

Legal Authority: 33 U.S.C. 1361; 33 U.S.C. 1342; 33 U.S.C. 1318; 33 U.S.C. 1317; 33 U.S.C. 1316; 33 U.S.C. 1311; 33 U.S.C. 1314

CFR Citation: 40 CFR 423.

Legal Deadline: None.

Abstract: EPA received petitions from the Utility Water Act Group and the U.S. Small Business Administration requesting reconsideration and an administrative stay of provisions of EPA's final rule titled ''Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category,'' (80 FR 67838; November 3, 2015). After considering the petitions, the Administrator decided that it is appropriate and in the public interest to conduct a rulemaking that may result in revisions to the new, more stringent Best Available Technology Economically Achievable effluent limitations and pretreatment standards for existing sources in the 2015 rule that apply to bottom ash transport water and flue gas desulfurization wastewater. EPA does not intend in this rulemaking to revise the BAT effluent limitations or pretreatment standards in the 2015 rule for fly ash transport water, flue gas mercury control wastewater, gasification wastewater, or any of the other requirements in the 2015 rule. As part of the rulemaking process, EPA will provide notice and an opportunity for public comment on any proposed revisions to the 2015 final rule.

Statement of Need: Under the Clean Water Act (CWA), EPA intends to undertake a rulemaking that may result in revisions to certain Best Available Technology Economically Achievable (BAT) effluent limitations and pretreatment standards for existing sources (PSES) for the steam electric power generating point source category, which were published in the **Federal Register** on November 3, 2015.

Summary of Legal Basis: EPA intends to propose this rule under the authority of sections 101, 301, 304, 306, 307, 308, 402, and 501 of the CWA, 33 U.S.C. 1251, 1311, 1314, 1316, 1317, 1318, 1342, and 1361.

Alternatives: The alternatives are to be determined.

Anticipated Cost and Benefits: The associated costs and benefits for the regulatory options are to be determined.

Risks: The associated risks are to be determined.

Timetable:

Action	Date	FR Cite
NPRM	03/00/19	
Final Rule	12/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State.

Federalism: Undetermined.

Additional Information: Docket #: EPA–HQ–OW–2009–0819. *https://www.epa.gov/eg/steam-electric-power-generating-effluent-guidelines*.

Agency Contact: Richard Benware, Environmental Protection Agency, Office of Water, Mail Code 4303T, Washington, DC 20460, *Phone:* 202 566–1369, *Email: benware.richard@epa.gov*.

Related RIN: Related to 2040–AF14, Related to 2040–AF76

RIN: 2040–AF77

EPA—OW

134. Peak Flows Management

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 33 U.S.C. 1311; 33 U.S.C. 1314

CFR Citation: 40 CFR 122.

Legal Deadline: None.

Abstract: Wet weather events (*e.g.,* rain, snowmelt) can affect publicly owned treatment works (POTWs) operations when excess water enters the wastewater collection system. The increased wet weather flows can exceed the POTW treatment plant's capacity to provide the same type of treatment for all of the incoming wastewater. The treatment plant's secondary treatment units are the most likely to be adversely affected by wet weather because the biological systems can be damaged when too much water flows through them. POTWs employ a variety of operational practices to ensure the integrity of their secondary treatment units during wet weather. This update to the regulations will seek to clarify permitting procedures so as to provide POTWs with separate sanitary sewer systems flexibility in how they manage and treat peak flows under wet weather conditions. These updates will also seek to ensure a consistent national approach for permitting POTWs that allows efficient treatment plant operation while

protecting the public from potential adverse health effects of inadequately treated wastewater.

Statement of Need: This update to the regulations will seek to clarify permitting procedures for POTW treatment plants with separate storm sewer systems under wet weather operational conditions. These updates will also seek to ensure a consistent national approach for permitting POTWs that provides for efficient treatment plant operation while protecting the public from potential adverse health effects of inadequately treated wastewater.

Summary of Legal Basis: The rule will be proposed under the Clean Water Act, 33 U.S.C. 1311 and 33 U.S.C. 1314.

Alternatives: Alternatives have not yet been developed at this time.

Anticipated Cost and Benefits: A cost analysis analyzing anticipated costs and benefits will be developed for the rulemaking at the time of proposal.

Risks: The agencies will be able to analyze the risks of the proposed rulemaking once policy decisions have been made.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	
Final Rule	07/00/20	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Local, State, Tribal.

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RIN: 2040–AF81

EPA—OW

135. • Clean Water Act Section 404(C) Regulatory Revision

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: ''Not Yet Determined''

CFR Citation: 40 CFR 230.

Legal Deadline: None.

Abstract: Section 404(c) of the Clean Water Act authorizes the Administrator ''to prohibit the specification (including withdrawal of the specification) of any defined area as a disposal site'' as well as to ''deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site . . . whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas.'' This rulemaking will consider, at minimum, changes to EPA's 404(c) review process that would govern the future use of EPA's section 404(c) authority.

Statement of Need: The EPA's regulations governing CWA Section 404(c) are being revisited to reflect today's permitting process and modern-day methods and protections, including the robust ex siting processes under the National Environmental Policy Act that requires federal agencies to consider the environmental and related social and economic effects of their proposed actions while providing opportunities for public review and comment on those evaluations. The updated regulations have the opportunity for increasing certainty for landowners, investors, businesses and entrepreneurs to make investment decisions while preserving the EPA's authority to restrict discharges of dredge or fill material that will have an unacceptable adverse effect on water supplies, recreation, fisheries and wildlife.

Summary of Legal Basis: Clean Water Act (CWA) 404(c).

Alternatives: The alternatives will be determined.

Anticipated Cost and Benefits: The anticipated costs and benefits will be determined.

Risks: The associated risks will be determined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

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RIN: 2040–AF88

EPA—OFFICE OF AIR AND RADIATION (OAR)

Final Rule Stage

136. Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Other.

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

CFR Citation: 40 CFR 50.

Legal Deadline: NPRM, Judicial, May 25, 2018, Signed by 5/25/2018. Final, Judicial, January 28, 2019, Signed by 1/28/2019.

Abstract: Under the Clean Air Act Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria and national ambient air quality standards (NAAQS) every 5 years. On June 22, 2010, EPA published a final rule to revise the primary (health-based) NAAQS for Sulfur Oxides to provide increased protection for public health. This review of the 2010 NAAQS includes the preparation by EPA of an Integrated Review Plan, an Integrated Science Assessment, a Risk/Exposure Assessment, and also a Policy Assessment Document, with opportunities for review by EPA's Clean Air Scientific Advisory Committee (CASAC) and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the current standard. This proposed decision was published in the **Federal Register** with opportunity provided for public comment. The Administrator's final decisions will take into consideration these documents, CASAC advice, and public comment on the proposed decision.

Statement of Need: Under the Clean Air Act Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria and national ambient air quality standards (NAAQS) every 5 years. On June 22, 2010, EPA published a final rule to revise the primary (health-based) NAAQS for sulfur oxides to provide increased protection for public health.

Summary of Legal Basis: Under the Clean Air Act Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria and the primary (health-based) national ambient air quality standards (NAAQS) every 5 years.

Alternatives: The main alternative for the Administrator's decision on the review of the primary (health-based) national ambient air quality standard for sulfur oxides (SO_X) is whether to retain or revise the existing standard.

Anticipated Cost and Benefits: The Clean Air Act makes clear that the economic and technical feasibility of attaining standards is not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of State plans to implement the standards. Accordingly, when the Agency proposes revisions to the standards, the Agency prepares cost and benefit information in order to provide States information that may be useful in considering different implementation strategies for meeting proposed or final standards. In those instances, cost and benefit information is generally included in the regulatory analysis accompanying the final rule. Because this action does not propose to change the existing primary NAAQS for SO_X, it does not impose costs or benefits relative to the baseline of continuing with the current NAAQS in effect. EPA has thus not prepared a Regulatory Impact Analysis for this action.

Risks: As part of this review, the EPA prepared an Integrated Review Plan, an Integrated Science Assessment, a Risk/Exposure Assessment, and also a Policy Assessment document, with opportunities for review by the EPA's Clean Air Scientific Advisory Committee and the public. These documents will inform the Administrator's decision as to whether to retain or revise the standards. The proposed decision was published in the **Federal Register** with opportunity provided for public comment. The Administrator's final decisions will take into consideration these documents and public comment on the proposed decision.

Timetable:

Action	Date	FR Cite
NPRM	06/08/18	83 FR 26752
NPRM Comment Period Extended.	06/21/18	83 FR 28843
Final Rule	01/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

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RIN: 2060–AT68

EPA—OAR

137. Renewable Fuel Volume Standards for 2019 and Biomass-Based Diesel (BBD) Volume for 2020

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 7401 *et seq.,* Clean Air Act

CFR Citation: 40 CFR 80.

Legal Deadline: None.

Abstract: The Clean Air Act requires EPA to promulgate regulations that specify the annual volume requirements for renewable fuels under the Renewable Fuel Standard (RFS) program. Standards are to be set for four different categories of renewable fuels: cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel. The statute requires that the standards be finalized by November 30 of the year prior to the year in which the standards would apply. In the case of biomass-based diesel, the statute requires applicable volumes to be set no later than 14 months prior to the year for which the requirements would apply.

Statement of Need: The Clean Air Act requires EPA to promulgate regulations that specify the annual volume requirements for renewable fuels under the Renewable Fuel Standard (RFS) program. The statute requires that the standards be finalized by November 30 of the year prior to the year in which the standards would apply. In the case of biomass-based diesel, the statute requires applicable volumes to be set no later than 14 months prior to the year for which the requirements would apply.

Summary of Legal Basis: CAA section 211(o).

Alternatives: EPA requested comment on using the general waiver authority to reduce the required volumes for advanced and total renewable fuel in the proposed rule.

Anticipated Cost and Benefits: Anticipated costs were developed for the proposed rule ($380–$740 million). Costs and benefits of this rulemaking are highly complex given the nature of the program and the standards being categorically nested under a total volume standard. An updated estimate of the costs, based on a number of illustrative assumptions, will be provided in the final rule.

Risks: Environmental assessments are primarily addressed under another section of the CAA (Section 204). EPA released an updated report to Congress on June 29, 2018. More information on this report can be found at: *https://cfpub.epa.gov/si/si_public_record_Report.cfm?dirEntryId=341491*.

Timetable:

Action	Date	FR Cite
Notice	07/03/18	83 FR 31098
NPRM	07/10/18	83 FR 32024
Final Rule	11/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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RIN: 2060–AT93

EPA—OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION (OCSPP)

Final Rule Stage

138. Review of Dust-Lead Hazard Standards and the Definition of Lead-Based Paint

Priority: Other Significant.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 2681, TSCA 401; 15 U.S.C. 2682; 15 U.S.C. 2683, TSCA 403; 15 U.S.C. 2684

CFR Citation: 40 CFR 745.

Legal Deadline: NPRM, Judicial, June 22, 2018, NPRM issuance ordered within 90 days of the date that the 9th Circuit's decision becomes final.

Final, Judicial, June 22, 2019, The December 27, 2017, decision of the Ninth Circuit ordered ''that EPA promulgate the final rule within one year after the promulgation of the proposed rule . . . .''.

Abstract: EPA is reviewing existing regulatory dust-lead hazard standards for target housing and Child Occupied Facilities (COFs), and the definition of lead-based paint for non-target housing. On March 6, 1996, the EPA and the Department of Housing and Urban Development (HUD) issued a joint final

regulation that, under section 401 of the Toxic Substances Control Act (TSCA), adopted the statutory definition of lead-based paint as ''paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.'' On January 5, 2001, EPA issued a final regulation that, under section 403 of the TSCA, established regulatory dust-lead hazard standards of 40 μg/ft^2 for floors and 250 μg/ft^2 for interior window sills. On August 10, 2009, EPA received a petition requesting that EPA take action to lower EPA's regulatory dust-lead hazard standards and the definition of lead-based paint. On October 22, 2009, EPA responded to the petition, agreeing to initiate a proceeding to determine whether the dust-lead hazard standards, and the definition of lead-based paint for non-target housing should be revised. On August 24, 2016, advocates filed a petition for writ of mandamus in the U.S. Court of Appeals for the Ninth Circuit, asking the court to compel EPA to make these revisions. The proposed rule was published in the **Federal Register** on July 2, 2018, and was issued in compliance with the December 27, 2017, decision of the Ninth Circuit, and the subsequent March 26, 2018, order that directed the EPA ''to issue a proposed rule within ninety (90) days from the filed date of this order.'' Scientific advances made since the promulgation of the 2001 rule clearly demonstrate that exposure to low levels of lead result in adverse health effects. Moreover, since CDC has stated that no safe level of lead in blood has been identified, the reductions in children's blood lead levels as a result of this rule would help reduce the risk of adverse cognitive and developmental effects in children. Therefore, EPA proposed to change the dust-lead hazard standards from 40 μg/ft^2 and 250 μg/ft^2 to 10 μg/ft^2 and 100 μg/ft^2 on floors and window sills, respectively. These standards apply to most pre-1978 housing and child-occupied facilities, such as day care centers and kindergarten facilities. In addition, EPA proposed to make no change to the definition of lead-based paint because the Agency currently lacks sufficient information to support such a change.

Statement of Need: The proposed rule was published in the **Federal Register** on July 2, 2018, and was issued in compliance with the December 27, 2017, decision of the Ninth Circuit, and the subsequent March 26, 2018, order that directed the EPA ''to issue a proposed rule within ninety (90) days from the filed date of this order.''

Summary of Legal Basis: EPA is proposing this rule under sections 401, 402, 403, and 404 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.,* as amended by title X of the Housing and Community Development Act of 1992 (also known as the Residential Lead-Based Paint Hazard Reduction Act of 1992 or Title X) (Pub. L. 102–550).

Alternatives: EPA intends to finalize a rulemaking identifying hazardous levels of lead in dust on floors and window sills. While EPA has proposed standards of 10 mg/ft^2 and 100 mg/ft^2 for floors and window sills respectively, EPA is encouraging public comment on the full range of candidate standards analyzed in the associated Technical Support Document as alternatives to the proposal, including the option not to change the current standard. EPA has also specifically requested comment on an option that would reduce the floor dust standard but leave the sill dust standard unchanged (*e.g.,* 20 mg/ft^2 for floors and 250 mg/ft^2 for window sills, or 10 mg/ft^2 for floors and 250 mg/ft^2 for window sills), since reducing floor dust lead has the greatest impact on children's health.

Anticipated Cost and Benefits: Costs. This rule is estimated to result in costs of $66 million to $119 million per year. Benefits. This rule would reduce exposure to lead, resulting in benefits from avoided adverse health effects. For the subset of adverse health effects where the results were quantified, the estimated annualized benefits are $317 million to $2.24 billion per year using a 3% discount rate, and $68 million to $479 million using a 7% discount rate. There are additional unquantified benefits due to other avoided adverse health effects in children, including attention-related behavioral problems, greater incidence of problem behaviors, decreased cognitive performance, reduced post-natal growth, delayed puberty and decreased kidney function.

Risks: This rulemaking addresses the risk of adverse health effects associated with lead dust exposures in children living in pre-1978 housing and child-occupied facilities, as well as associated potential health effects in this subpopulation.

Timetable:

Action	Date	FR Cite
NPRM	07/02/18	83 FR 30889
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, State, Tribal.

Additional Information: Docket #: EPA–HQ–OPPT–2018–0166.

Sectors Affected: 541350 Building Inspection Services; 624410 Child Day Care Services; 236 Construction of Buildings; 611110 Elementary and Secondary Schools; 541330 Engineering Services; 611519 Other Technical and Trade Schools; 531 Real Estate; 562910 Remediation Services; 238 Specialty Trade Contractors.

URL For More Information: http://www2.epa.gov/lead.

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RIN: 2070–AJ82

EPA—OCSPP

139. Service Fees for the Administration of the Toxic Substances Control Act

Priority: Other Significant.

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 2601 *et seq.;* 15 U.S.C. 2625 TSCA 26

CFR Citation: 40 CFR 700–791.

Legal Deadline: None.

Abstract: As amended in June 2016, section 26(b)(1) of the Toxic Substance Control Act (TSCA) authorizes EPA to issue a rule to establish fees to defray the cost (including contractor costs incurred by the Agency) associated with administering sections 4, 5, and 6, and collecting, processing, reviewing, and providing access to and protecting from disclosure information on chemical substances as appropriate under section 14. EPA issued a proposed rule in February 2018 and is planning to issue a final rule in September 2018, with immediate effect to enable the collection of fees beginning in October 2018.

Statement of Need: The fees are intended to achieve the goals articulated by Congress to provide a sustainable source of funds for EPA to fulfill its legal obligations to conduct activities such as risk-based screenings, designation of applicable substances as High- and Low-Priority, conducting risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, requiring testing of chemical substances and mixtures, and

evaluating and reviewing manufacturing and processing notices, as required under TSCA sections 4, 5 and 6, as well as management of chemical information under TSCA section 14.

Summary of Legal Basis: TSCA section 26(b), 15 U.S.C. 2625(b), provides EPA with authority to establish fees to defray a portion of the costs associated with administering TSCA sections 4, 5, and 6, as amended, as well as the costs of collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14.

Alternatives: Alternative approaches were considered in developing the proposed rule (see 83 FR 8212, Unit III.C, available at *https://www.federalregister.gov/documents/2018/02/26/2018-02928/user-fees-for-the-administration-of-the-toxic-substances-control-act*) and are being further considered in light of comments received on the proposed rule.

Anticipated Cost and Benefits: EPA has evaluated the potential incremental economic impacts of the proposed rule. The Agency analyzed a three-year period, since the statute requires EPA to reevaluate and adjust, as necessary, the fees every three years. The Economic Analysis, which is available in the docket for the proposed rule (EPA–HQ–OPPT–2016–0401, ref. 2), is briefly summarized here. The annualized fees collected from industry for the proposed option (identified as Option C in the Economic Analysis) are approximately $20.05 million. This total does not include the fees collected for manufacturer-requested risk evaluations. Total fee collections were calculated by multiplying the estimated number of actions per fee category anticipated each year, by the corresponding proposed fee. For the proposed option, TSCA section 4 fees account for less than 1 percent of the total fee collection, TSCA section 5 fees for approximately 43 percent, and TSCA section 6 fees for approximately 56 percent. Annual fees collected by EPA are expected to total approximately $20.05 million. Under the proposed option, the total fees collected from industry for a risk evaluation requested by manufacturers are estimated to be $1.3 million for chemicals included in the Work Plan and $2.6 million for chemicals not included in the Work Plan. EPA estimates that 18.5 percent of TSCA section 5 submissions will be from small businesses that are eligible to pay discounted fees because they have average annual sales of less than $91 million in the three preceding years. Total annualized fees for TSCA section 5 collected from small businesses are estimated to be $550,000. For TSCA sections 4 and 6, discounted fees for eligible small businesses and fees for all other affected firms may differ over the three-year period that was analyzed, since the fee paid by each firm is dependent on the number of affected firms per action. Based on past TSCA section 4 actions and data related to the first ten chemicals identified for risk evaluations under TSCA as amended, EPA estimates annualized fees collected from small businesses for TSCA section 4 and TSCA section 6 to be approximately $37,000 and $2.6 million, respectively. EPA estimates that total fees paid by small businesses will account for about 16 percent of the approximately $20.05 million fees to be collected for TSCA sections 4, 5, and 6 actions. The annualized total industry fee collection for small businesses is estimated to be approximately $3.2 million.

Risks: n/a.

Timetable:

Action	Date	FR Cite
NPRM	02/26/18	83 FR 8212
Notice	04/24/18	83 FR 17782
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Docket #: EPA–HQ–OPPT–2016–0401. A summary of the recent amendments to TSCA is available at *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act.*

Sectors Affected: 325 Chemical Manufacturing.

URL For More Information: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/.

URL For Public Comments: http://www.regulations.gov.

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RIN: 2070–AK27

EPA—OFFICE OF LAND AND EMERGENCY MANAGEMENT (OLEM)

Final Rule Stage

140. Clean Water Act Hazardous Substances Spill Prevention

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 33 U.S.C. 1321(j)(1)(C)

CFR Citation: 40 CFR 151.

Legal Deadline: NPRM, Judicial, June 16, 2018, Sign by no later than June 16, 2018 and within 15 days thereafter transmit to the **Federal Register**.

Final, Judicial, August 25, 2019, Sign by no later than 14 months after publication of NPRM (NPRM was published on June 25, 2018) & within 15 days thereafter transmit to the **Federal Register**.

Abstract: As a result of a consent decree, the EPA has issued a proposed rule that addresses the prevention of hazardous substance discharges under section 311(j)(1)(C) of the Clean Water Act (CWA). This section directs the President to issue regulations to prevent discharges of oil and hazardous substances from onshore and offshore facilities, and to contain such discharges. The EPA assessed the consequences of hazardous substance discharges into the nation's waters, and evaluated the costs and benefits of potential preventive regulatory requirements for facilities handling such substances. Based on an analysis of the frequency and impacts of reported CWA hazardous substances discharges and the existing framework of EPA regulatory requirements, the Agency is not proposing additional regulatory requirements at this time.

Statement of Need: CWA 311(j)(1)(C) provides that the President ''[establish] procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore and offshore facilities, and to contain such discharges . . .'' EPA was delegated authority for regulating onshore facilities under CWA 311(j)(1)(C) by Executive Order 12777, and was redelegated authority for regulating offshore facilities landward of the coastline under CWA 311(j)(1)(C) by the Department of the Interior. See 40 CFR 112, appendix A.

Summary of Legal Basis: In 2015, the EPA was sued for failure to finalize a rulemaking for chemicals under the CWA 311(j)(1)(C). This litigation was settled and a consent decree was filed

with the court in February 2016 (*Environmental Justice Health Alliance for Chemical Policy Reform* v. *U.S. EPA*). The EPA is conducting this rulemaking in accordance with the consent decree and proposed rule on June 25, 2018, and intends to have the Administrator sign a final rule by August 25, 2019.

Alternatives: The Agency considered three alternatives. The first alternatives was to establish a prevention program that included nine regulatory elements aimed at preventing CWA HS discharges. The second alternative was to establish a targeted approach that selects a limited set of requirements designed to prevent CWA hazardous substances discharges. This regulatory option could establish targeted requirements under one or more of the nine program elements under the first option; however, four elements are specifically identified and discussed. The third, and proposed alternative, establishes no new requirements under the authority of CWA 311(j)(1)(C).

Anticipated Cost and Benefits: Since the proposed action recommended no new regulatory requirements, it neither imposes incremental costs nor provides incremental environmental protection benefits.

Risks: The proposed action recommended no new regulatory requirements; therefore, EPA anticipates no changes in risk as a result of this action. In the 40 years since CWA section 311(j)(1)(C) was enacted by Congress, multiple statutory and regulatory requirements have been established under different Federal authorities that generally serve to, directly and indirectly, prevent CWA hazardous substances discharges.

Timetable:

Action	Date	FR Cite
NPRM	06/25/18	83 FR 29499
Final Rule	09/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Docket #: EPA–HQ–OLEM–2018–0024.

Sectors Affected: 72 Accommodation and Food Services; 924 Administration of Environmental Quality Programs; 56 Administrative and Support and Waste Management and Remediation Services; 312 Beverage and Tobacco Product Manufacturing; 325 Chemical Manufacturing; 111 Crop Production; 61 Educational Services; 311 Food Manufacturing; 316 Leather and Allied Product Manufacturing; 423 Merchant Wholesalers, Durable Goods; 424 Merchant Wholesalers, Nondurable Goods; 212 Mining (except Oil and Gas); 327 Nonmetallic Mineral Product Manufacturing; 211 Oil and Gas Extraction; 322 Paper Manufacturing; 324 Petroleum and Coal Products Manufacturing; 326 Plastics and Rubber Products Manufacturing; 54 Professional, Scientific, and Technical Services; 44–45 Retail Trade; 115 Support Activities for Agriculture and Forestry; 313 Textile Mills; 48–49 Transportation and Warehousing; 221 Utilities; 493 Warehousing and Storage; 321 Wood Product Manufacturing.

URL For More Information: https://www.epa.gov.rulemaking-preventing-hazardous-substance-spills.

URL For Public Comments: https://www.regulations.gov/docket?D=EPA-HQ-OLEM-2018-0024.

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RIN: 2050–AG87

EPA—OLEM

141. Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 7412(r)

CFR Citation: 40 CFR 68.

Legal Deadline: None.

Abstract: The Environmental Protection Agency (EPA) published in the **Federal Register** on January 13, 2017, a final rule to amend the Risk Management Program regulations under the Clean Air Act. Prior to the rule becoming effective, EPA received three petitions for reconsideration that raised concerns with provisions of the final rule. EPA subsequently delayed the effective date of the final rule via notice and comment rulemaking to February 19, 2019, in order to conduct a reconsideration proceeding. On May 30, 2018, EPA published proposed changes to the final rule to address specific issues to be reconsidered and other issues that the Agency believes warrant additional public comment.

Statement of Need: On January 13, 2017, the EPA issued a final rule (82 FR 4594) amending 40 CFR part 68, the chemical accident prevention provisions under section 112(r) of the CAA (42 U.S.C. 7412(r)). The amendments addressed various aspects of risk management programs, including prevention programs at stationary sources, emergency response preparedness requirements, information availability, and various other changes to streamline, clarify, and otherwise technically correct the underlying rules. Prior to the rule taking effect, EPA received three petitions for reconsideration of the rule under CAA section 307(d)(7)(B), two from industry groups and one from a group of states. Under that provision, the Administrator is to commence a reconsideration proceeding if, in the Administrator's judgment, the petitioner raises an objection to a rule that was impracticable to raise during the comment period or if the grounds for the objection arose after the comment period but within the period for judicial review. In either case, the Administrator must also conclude that the objection is of central relevance to the outcome of the rule. In a letter dated March 13, 2017, the Administrator responded to the first of the reconsideration petitions received by announcing the convening of a proceeding for reconsideration of the Risk Management Program Amendments. As explained in that letter, having considered the objections raised in the petition, the Administrator determined that the criteria for reconsideration have been met for at least one of the objections. This proposal addresses the issues raised in all three petitions for reconsideration, as well as other issues that EPA believes warrant reconsideration.

Summary of Legal Basis: The Agency's procedures in this rulemaking are controlled by CAA section 307(d). The statutory authority for this action is provided by section 112(r) of the CAA as amended (42 U.S.C. 7412(r)). Each of the portions of the Risk Management Program rule we propose to modify in this document are based on section 112(r) of the CAA as amended (42 U.S.C. 7412(r)). EPA's authority for convening a reconsideration proceeding for certain issues is found under CAA section 307(d)(7)(B) or 42 U.S.C. 7607(d)(7)(B).

Alternatives: EPA's primary proposal would rescind almost all the requirements added under the RMP Amendments rule to the accident prevention provisions program of subparts C (for program 2 processes) and D (for program 3 processes), and associated definitions, as well as the Amendments rule requirements in subpart H for providing to the public, upon request, chemical hazard information and access to community emergency preparedness information.

The proposal would also modify the amendments rule provisions in subpart E for local emergency response coordination and emergency exercises, as well as the provisions in subpart H for public meetings after accidents. EPA has also requested public comment on various alternatives, including retaining certain minor changes made to the subparts C and D prevention programs relating to hazard reviews, incident investigations, training, and others, as well as alternatives to the proposed changes to the local coordination and emergency exercise provisions.

Anticipated Cost and Benefits: In total, EPA estimates annualized cost savings of $87.9 million at a 3% discount rate and $88.4 million at a 7% discount rate. Most of the annual cost savings under the proposed rule are due to the repeal of the STAA provision (annual savings of $70 million), followed by third-party audits (annual savings of $9.8 million), rule familiarization (annual net savings of $3.7 million), information availability (annual savings of $3.1 million), and root-cause incident investigation (annual savings of $1.8 million). The RMP Amendments Rule produced a variety of non-monetized benefits from prevention and mitigation of future RMP and non-RMP accidents at RMP facilities, avoided catastrophes at RMP facilities, and easier access to facility chemical hazard information. The proposed Reconsideration rule would largely retain the revised local emergency coordination and exercise provisions of the 2017 Amendments final rule, which convey mitigation benefits. The proposed rescission of the prevention program requirements (*i.e.,* third-party audits, incident investigation, STAA), may result in a reduction of these benefits. The proposed rescission of the chemical hazard information availability provision may result in a reduction of the information sharing benefit, although the public meeting, emergency coordination and exercise provisions would still convey a portion of this qualitative benefit. However, the proposed rulemaking would convey the benefit of improved chemical site security, by modifying previously open-ended information sharing provisions of the Amendments rule that might have resulted in an increased risk of terrorism against regulated sources.

Risks: The chemical accident prevention provisions of Clean Air Act section 112(r) and 40 CFR part 68 address the acute risks to human health and the environment associated with the accidental release of highly toxic and flammable chemicals. Approximately 12,500 U.S. facilities are subject to the provisions of 40 CFR part 68, and much of the U.S. population resides in a community containing one or more such facilities. EPA believes that the existing part 68 provisions have been successful in reducing the frequency and severity of accidental chemical releases from covered facilities. The RMP Amendments Rule produced a variety of benefits from prevention and mitigation of future RMP and non-RMP accidents at RMP facilities, avoided catastrophes at RMP facilities, and easier access to facility chemical hazard information and accident history. The proposed rule would largely retain the revised local emergency coordination and exercise provisions of the 2017 Amendments final rule, which convey mitigation benefits. If a chemical accident or major catastrophe occurs, mitigating its impacts benefits society by reducing the number of fatalities and injuries, reducing the magnitude of property damage and lost productivity both on-site and off-site, and reducing the extent of public evacuations, sheltering, and expenditure of emergency response resources. These retained provisions along with public meetings also produce benefits by improving the information going to emergency planners, responders, and the public. The proposed reconsideration of the prevention program requirements, as well as certain information disclosure provisions in the RMP Amendments Rule may result in a reduction in prevention and information benefits, relative to the baseline post-2017 Amendments rule. However, as noted above, there may be an increase in security benefits by limiting information sharing, which might result in an increased risk of terrorism against regulated facilities.

Timetable:

Action	Date	FR Cite
NPRM	05/30/18	83 FR 24850
Notice	07/24/18	83 FR 34967
Correction	07/31/18	83 FR 36837
Final Rule	01/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Local, State, Tribal.

Additional Information: Docket #: EPA–HQ–OEM–2015–0725.

Sectors Affected: 325 Chemical Manufacturing; 49313 Farm Product Warehousing and Storage; 42491 Farm Supplies Merchant Wholesalers; 311511 Fluid Milk Manufacturing; 311 Food Manufacturing; 221112 Fossil Fuel Electric Power Generation; 311411 Frozen Fruit, Juice, and Vegetable Manufacturing; 49311 General Warehousing and Storage; 31152 Ice Cream and Frozen Dessert Manufacturing; 311612 Meat Processed from Carcasses; 211112 Natural Gas Liquid Extraction; 32519 Other Basic Organic Chemical Manufacturing; 42469 Other Chemical and Allied Products Merchant Wholesalers; 49319 Other Warehousing and Storage; 322 Paper Manufacturing; 42471 Petroleum Bulk Stations and Terminals; 32411 Petroleum Refineries; 311615 Poultry Processing; 49312 Refrigerated Warehousing and Storage; 22132 Sewage Treatment Facilities; 11511 Support Activities for Crop Production; 22131 Water Supply and Irrigation Systems.

URL For More Information: https://www.epa.gov/rmp.

URL For Public Comments: https://www.regulations.gov/docket?D=EPA-HQ-OEM-2015-0725.

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RIN: 2050–AG95

EPA—OLEM

142. • Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 6906; 42 U.S.C. 6907; 42 U.S.C. 6912(a); 42 U.S.C. 6944; 42 U.S.C. 6945(c)

CFR Citation: 40 CFR 257.

Legal Deadline: Final, Judicial, June 14, 2019, Issue a final rule 3 years after settlement agreement date (6/14/2016).

Abstract: The EPA published a proposed rule, Phase One rule in March 2018, to modify the final Coal Combustion Residuals (CCR) Disposal Rule, published April 17, 2015. Issues covered in the proposed rule included the height limitation of the vegetative slopes of dikes; the type and magnitude

of non-groundwater releases that would require a facility to comply with some or all of the corrective action procedures set forth in the final CCR rule; and adding boron to the list of contaminants in Appendix IV of the final CCR rule that trigger the corrective action requirements under the final rule. The Agency is addressing these issues in two final rules; this action is the second of the final rules. The first final rule, Phase One Part One rule was published in July 2018. Within the Phase One Part One rule, the EPA finalized a small number of provisions from the March 2018 Phase One proposed rule. If finalized as proposed, the Phase One Part Two rule would address specific technical issues consistent with a settlement agreement to resolve issues raised in litigation of the final CCR rule. Furthermore, in this rule, the Agency is considering provisions that establish alternative performance standards for owners and operators of CCR units located in states that have approved CCR permit programs, as well as other potential revisions based on comments received since the date of the final CCR rule and petitions for rulemaking that were granted on September 13, 2017.

Statement of Need: On April 17, 2015, EPA finalized national regulations to regulate the disposal of Coal Combustion Residuals (CCR) as solid waste under subtitle D of the Resource Conservation and Recovery Act (RCRA) (2015 CCR final rule). The rule was challenged by several different parties, including a coalition of regulated entities and a coalition of public interest environmental organizations. Several of the claims, a subset of the provisions challenged by the industry and environmental petitioners, were settled on April 18, 2016. As part of that settlement, on April 18, 2016, EPA requested the court to remand these claims back to the Agency. On June 16, 2016, the United States Court of Appeals for the District of Columbia Circuit granted EPA's motion. One claim was the subject of a rulemaking completed on August 5, 2016 (81 FR 51802). This proposed rule addresses the remaining claims that were remanded back to EPA.

In addition, in December 2016, the Water Infrastructure Improvements for the Nation (WIIN) Act established new statutory provisions applicable to CCR units, including authorizing States to implement the CCR rule through an EPA-approved permit program and authorizing EPA to enforce the rule. In light of the legislation, EPA is proposing amendments for certain performance standards to provide flexibility to the State programs, which would be consistent with the WIIN Act's standard for approval of State programs. State programs require each CCR unit located in the State to achieve compliance with either the federal CCR rule or State criteria that EPA determines to be as protective as the existing federal CCR requirements.

Summary of Legal Basis: As part of the settlement agreement discussed above, EPA committed to make best efforts to take final action on the remaining claims by June 14, 2019.

Alternatives: According to the terms of the settlement agreement discussed above, the Agency must provide public notice and opportunity for comment on these issues. Each of these settlement-related amendments is fairly narrow in scope and EPA has not identified any significant alternatives for analysis. Regarding the WIIN Act implementation amendments, one alternative would be not to include these additional issues in the CCR remand proposal since they are not subject to a deadline.

Anticipated Cost and Benefits: EPA will provide estimates of costs and benefits resulting from this proposed rule once they are fully developed and have received Agency clearance.

Risks: As compared with the risks to human health and the environment that were presented in the 2015 CCR final rule, the proposed amendments discussed in this action are not expected to impact the overall conclusions in the 2015 final rule. As a result, the Agency believes these amendments, if finalized as proposed, would be protective of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	03/15/18	83 FR 11584
NPRM Comment Period End.	04/30/18	
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State.

Additional Information: Docket #: EPA–HQ–OLEM–2017–0286. Linked to 2050–AG88.

Sectors Affected: 221112 Fossil Fuel Electric Power Generation.

URL For More Information: https://www.epa.gov/coalash.

URL For Public Comments: https://www.regulations.gov/docket?D=EPA-HQ-OLEM-2017-0286.

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Related RIN: Related to 2050–AG88

RIN: 2050–AH01

EPA—OFFICE OF WATER (OW)

Final Rule Stage

143. Definition of ''Waters of the United States''—Recodification of Preexisting Rule

Priority: Other Significant.

E.O. 13771 Designation: Deregulatory.

Legal Authority: 33 U.S.C. 1251 *et seq.*

CFR Citation: 40 CFR 110; 40 CFR 112; 40 CFR 116; 40 CFR 117; 40 CFR 122; 40 CFR 230; 40 CFR 232; 40 CFR 300; 40 CFR 302; 40 CFR 401.

Legal Deadline: None.

Abstract: In 2015, the Environmental Protection Agency and the Department of the Army (the agencies) published the Clean Water Rule: Definition of ''Waters of the United States'' (2015 Rule) 80 FR 37054, June 29, 2015). On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 Rule nationwide pending further action of the court. On February 28, 2017, the President signed Executive Order 13778, Restoring the Rule of Law, Federalism, and Economic Growth by reviewing the ''Waters of the United States'' Rule, which instructed the agencies to review the 2015 rule and rescind or replace it as appropriate and consistent with law. The agencies published a proposed rule to initiate the first step in a comprehensive, two-step process consistent with the Executive order. In this first step, the agencies sought to recodify the definition of ''Waters of the United States'' that existed prior to the 2015 Rule. This rule for the first step will now be finalized.

Statement of Need: This rulemaking action responds to the February 28, 2017, Presidential Executive Order: Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ''Waters of the United States'' Rule. To meet the objectives of the Executive order, the agencies are engaged in a comprehensive two-step rulemaking process. Under the first step of this rulemaking process, the proposed rule will recodify the regulatory text that was in place prior to the 2015 Clean Water Rule and that is currently in place as a

result of the Agencies' February 2018 final rule to add an applicability date of February 6, 2020 to the 2015 Rule.

Summary of Legal Basis: The rule is proposed under the Clean Water Act, 33 U.S.C. 1251 *et seq.*

Alternatives: In this first step, the Agencies have proposed to repeal the 2015 definition of ''waters of the United States'' and codify the legal status quo that is currently being administered in light of the February 2018 final rule to add an applicability date to the 2015 Rule. This rule will result in the recodification of the regulations that existed prior to the 2015 Rule to provide regulatory certainty while the agencies engage in a second rulemaking to reconsider the definition of ''waters of the United States.'' As a result, the Agencies did not propose any alternatives for this proposed rule.

Anticipated Cost and Benefits: The agencies estimated the avoided costs and forgone benefits of repealing the 2015 Rule. Annual avoided costs range from $162.2 to $313.9 million for the low-end scenario and $242.4 to $476.2 million for the high-end scenario (at 2016 price levels). All of the forgone benefit categories were not fully quantified in the economic analysis for the proposed rule. The annual forgone benefits range from $33.6 million + unquantified forgone benefits to $44.5 million + unquantified forgone benefits for the low-end scenario and $55.0 million + unquantified forgone benefits to $72.8 million + unquantified forgone benefits in the high-end scenario. The economic analysis can be found in the docket for the proposed rulemaking.

Risks: Because the proposed rule maintains the status quo, there are no environmental or health risks associated with this effort.

Timetable:

Action	Date	FR Cite
NPRM	07/27/17	82 FR 34899
NPRM Comment Period Extended.	08/22/17	82 FR 39712
Supplemental NPRM.	07/12/18	83 FR 32227
Final Rule	03/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Docket #: EPA–HQ–OW–2017–0203.

URL For More Information: https://www.epa.gov/wotus-rule/proposed-rule-definition-waters-united-states-recodification-pre-existing-rules.

URL For Public Comments: https://www.regulations.gov/docket?D=EPA-HQ-OW-2017-0203.

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RIN: 2040–AF74

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Statement of Regulatory and Deregulatory Priorities

The mission of the Equal Employment Opportunity Commission (EEOC, Commission, or Agency) is to ensure equality of opportunity in employment by vigorously enforcing and educating the public about the following Federal statutes: Title VII of the Civil Rights Act of 1964, as amended (prohibits employment discrimination on the basis of race, color, sex (including pregnancy), religion, or national origin); the Equal Pay Act of 1963, as amended (makes it illegal to pay unequal wages to men and women performing substantially equal work under similar working conditions at the same establishment); the Age Discrimination in Employment Act of 1967, as amended (prohibits employment discrimination based on age of 40 or older); titles I and V of the Americans with Disabilities Act, as amended, and sections 501 and 505 of the Rehabilitation Act, as amended (prohibit employment discrimination based on disability); Title II of the Genetic Information Nondiscrimination Act (prohibits employment discrimination based on genetic information and limits acquisition and disclosure of genetic information); and section 304 of the Government Employee Rights Act of 1991 (protects certain previously exempt state and local government employees from employment discrimination on the basis of race, color, religion, sex, national origin, age, or disability).

The EEOC has authority to issue legislative regulations under the Age Discrimination in Employment Act, title I of the Americans with Disabilities Act (ADA), and title II of the Genetic Information Nondiscrimination Act (GINA). Under title VII of the Civil Rights Act, EEOC's authority to issue legislative regulations is limited to procedural, record keeping, and reporting matters.

Two items are identified in this Regulatory Plan. On August 22, 2017, the U.S. District Court for the District of Columbia ordered the EEOC to reconsider its regulations under the ADA and GINA related to incentives and employer-sponsored wellness plans. *See AARP* v. *EEOC,* Civ. Action No. 16–2113 (D.D.C. Aug. 22, 2017). In accordance with the Court's ruling, the EEOC will consider and take actions to cure defects in the rules. The EEOC's Fall 2018 Regulatory Agenda states that NPRMs are expected to be issued by June 2019.

Executive Order 13771 Statement

EEOC does not anticipate finalizing any regulatory or deregulatory actions subject to Executive Order 13771 in the next 12 months. The two rules related to wellness programs under the ADA and GINA are significant under E.O. 12866, but are not expected to be finalized in the next 12 months.

Consistent with section 4(c) of Executive Order 12866, this statement was reviewed and approved by the Chair of the Agency. The statement has not been reviewed or approved by the other members of the Commission.

EEOC

Proposed Rule Stage

144. Amendments to Regulations Under the Americans With Disabilities Act

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 12101 *et seq.*

CFR Citation: 29 CFR 1630.

Legal Deadline: None.

Abstract: This rule amends the regulations to implement the equal employment provisions of the Americans with Disabilities Act (ADA) to address the interaction between title I of the ADA and wellness programs. On August 22, 2017, the U.S. District Court for the District of Columbia ordered the EEOC to reconsider its regulations under the ADA related to incentives and employer-sponsored wellness plans. See *AARP* v. *EEOC*, Civ. Action No. 16–2113 (D.D.C. Aug. 22, 2017). In accordance with the court's ruling, the EEOC will consider and take actions to cure defects in the rule. The final rule was published on May 17, 2016, (81 FR 31125) and completed in the fall 2016 agenda as RIN 3046–AB01.

Statement of Need: The revision to 29 CFR 1630.14(d) is needed in accordance with the District Court's ruling noted above.

Summary of Legal Basis: The ADA requires the EEOC to issue regulations implementing title I of the Act. The EEOC initially issued regulations in 1991 on the law's requirements and prohibited practices with respect to employment and issued amended regulations in 2011 to conform to changes to the ADA made by the ADA Amendments Act of 2008. The EEOC again issued regulations in May 2016 to address the interaction between title I of the ADA and wellness programs. The U.S. District Court for the District of Columbia ordered the EEOC to reconsider these regulations in August 2017. These new revisions are based on the court's order, as well as the statutory requirement to issue regulations to implement title I of the ADA.

Alternatives: The EEOC will consider all alternatives offered by the public commenters.

Anticipated Cost and Benefits: Based on the information currently available, the Commission does not anticipate that the rule will impose additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes will benefit entities covered by title I of the ADA by clarifying employers' obligations under the ADA.

Risks: The rule imposes no new or additional risks to employers. The rule does not address risks to public safety or the environment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State.

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Related RIN: Previously reported as 3046–AB01

RIN: 3046–AB10

EEOC

145. Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 2000ff

CFR Citation: 29 CFR 1635.

Legal Deadline: None.

Abstract: This rule amends the regulations on the Genetic Information Nondiscrimination Act of 2008 (GINA) to address wellness programs. On August 22, 2017, the U.S. District Court for the District of Columbia ordered the EEOC to reconsider its regulations under GINA related to incentives and employer-sponsored wellness plans. See *AARP* v. *EEOC*, Civ. Action No. 16–2113 (D.D.C. Aug. 22, 2017). In accordance with the court's ruling, the EEOC will consider and take actions to cure defects in the rule. The final rule was published on May 17, 2016, (81 FR 31143) and completed in the fall 2016 agenda as RIN 3046–AB02.

Statement of Need: The revision to 29 CFR 1635.8 is needed in accordance with the District Court's ruling noted above.

Summary of Legal Basis: GINA, section 211, 42 U.S.C. 2000ff–10, requires the EEOC to issue regulations implementing title II of the Act. The EEOC issued regulations on November 9, 2010. In May 2016, the EEOC issued an amendment to the regulations which dealt with the interaction between title II of GINA and wellness programs. The U.S. District Court for the District of Columbia ordered the EEOC to reconsider these regulations in August 2017. These new revisions are based on the court order, as well as the statutory requirement.

Alternatives: The EEOC will consider all alternatives offered by public commenters.

Anticipated Cost and Benefits: Based on the information currently available, the Commission does not anticipate that the rule will impose additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes will benefit entities covered by title II of GINA by clarifying employers' obligations under GINA.

Risks: The rule imposes no new or additional risks to employers. The rule does not address risks to public safety or the environment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State.

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Related RIN: Related to 3046–AB02

RIN: 3046–AB11

BILLING CODE 6570–01–P

GENERAL SERVICES ADMINISTRATION (GSA)

Regulatory Plan—October 2018

GSA oversees the business of the Federal Government. GSA's acquisition solutions supply Federal purchasers with cost-effective, high-quality products, and services from commercial vendors. GSA provides workplaces for Federal employees and oversees the preservation of historic Federal properties. GSA helps keep the nation safe and efficient by providing tools, equipment, and non-tactical vehicles to the U.S. military, and providing state and local governments with law enforcement equipment, firefighting and rescue equipment, and disaster recovery products and services.

GSA serves the public by delivering products and services directly to its Federal customers through the Federal Acquisition Service (FAS), the Public Buildings Service (PBS), and the Office of Government-wide Policy (OGP). GSA has a continuing commitment to its Federal customers and the U.S. taxpayers by providing those products and services in the most cost-effective manner possible.

Federal Acquisition Service (FAS)

FAS is the lead organization for procurement of products and services (other than real property) for the Federal Government. The FAS organization leverages the buying power of the Government by consolidating Federal agencies' requirements for common goods and services. FAS provides a range of high-quality and flexible acquisition services to increase overall Government effectiveness and efficiency by aligning resources around key functions.

Public Buildings Service (PBS)

PBS is the largest public real estate organization in the United States. As the landlord for the civilian Federal Government, PBS acquires space on behalf of the Federal Government through new construction and leasing, and acts as a manager for Federal properties across the country. PBS is responsible for over 370 million rentable square feet of workspace for Federal employees, owns 1,600 plus assets totaling over 180 million rentable square feet, and contracts for more than 7,000 plus leased assets totaling over 180 million rentable square feet.

Office of Government-Wide Policy (OGP)

OGP sets Government-wide policy in the areas of personal and real property, mail, travel, relocation, transportation, information technology, regulatory information, and the use of Federal advisory committees. OGP also helps direct how all Federal supplies and services are acquired as well as GSA's own acquisition programs.

OGP's policy regulations are described in the following subsections:

Office of Asset and Transportation Management—Federal Travel Regulation

The Federal Travel Regulation (FTR) enumerates travel and relocation policy for all U.S. Code, Title 5 Executive agency employees at *www.gpoaccess.gov/cfr.* **Federal Register** publications and complete versions of the FTR are available at *www.gsa.gov/ftr.* The Federal Travel Regulation presents policies in a clear manner to both agencies employees to assure that official travel is performed responsibly.

Office of Asset and Transportation Management—Federal Management Regulation

The Federal Management Regulation (FMR) establishes policy for Federal aircraft management, mail management, transportation, personal property, real property, and committee management. The FMR is the successor regulation to the Federal Property Management Regulation (FPMR), and it contains updated regulatory policies originally found in the FPMR. However, it does not contain FPMR material that describes how to do business with GSA. The FMR is in 41 CFR, chapters 101 through 102, and it implements statutory requirements and executive branch policies.

Office of Acquisition Policy—General Services Administration Acquisition Manual (GSAM) and General Services Administration Acquisition Regulation (GSAR)

GSA's internal rules and practices on how it buys goods and services from its business partners are covered by the General Services Administration Acquisition Manual (GSAM), which implements and supplement the Federal Acquisition Regulation at GSA. The GSAM comprises both a non-regulatory portion (GSAM), which reflects policies with no external impact, and a regulatory portion, the General Services Administration Acquisition Regulation (GSAR). The GSAR establishes agency acquisition regulations that affect GSA's business partners (*e.g.,* prospective offerors and contractors) and acquisition of leasehold interests in real property. The latter are established under the authority of 40 U.S.C. 585, *et seq.* The GSAR implements contract clauses, solicitation provisions, and standard forms that control the relationship between GSA and contractors and prospective contractors.

Regulatory and Deregulatory Activities

GSA's Regulatory Reform Task Force, established under Executive Order 13777, enforcing the Regulatory Reform Agenda, and is making it easier to do business with GSA by eliminating outdated, ineffective, or unnecessary regulations and policies. When GSA established its Regulatory Reform Task Force it set up four informal working groups, led by career employees, and gave them broad authority to review and evaluate existing regulations and make recommendations regarding their repeal, replacement, or modification. Those working groups are organized around the agency's primary functions and regulations: The Federal Management Regulation, the Federal Travel Regulation, the GSA Acquisition Regulation, and policies relating to leasing of buildings.

During Fiscal Year 2018, GSA completed two (2) deregulatory actions.

- GSA issued a final GSAR rule on January 24, 2018 to incorporate order level materials (OLMs), also known as other direct costs (ODCs). This rule, which was implemented in June 2018, will make it easier for customer agencies to buy, and industry partners to provide, complete procurement solutions through the Federal Supply Schedules while ensuring excellent value for taxpayer dollars.
- GSA issued a final GSAR rule on February 22, 2018 to address common commercial supplier agreement (CSA) terms that are inconsistent with or create ambiguity with federal law. This rule, which was implemented in June 2018, mitigates risk for GSA's federal agency customers, reduces proposal and administrative costs for industry partners, and helps expedite the contract review process for GSA Contracting Officers.

Regulatory and Deregulatory Priorities

Permitting Council Priorities

Fees for Governance, Oversight and Processing of Environmental Reviews and Authorizations; The Permitting Council proposes to establish a fee structure to reimburse the Permitting Council and its Office of the Executive Director for reasonable costs to implement certain requirements and authorities required under FAST–41.

Federal Management Regulation (FMR) Priorities

GSA is amending the FMR by removing language that is not regulatory, revising rules of Federal personal property, management of transportation and the management, construction, and disposal of Federal real property. The appropriate real property regulations are being aligned with the various provisions in the Federal Sales and Transfer Act of 2016 and the Federal Property Management Reform Act of 2016. In addition, *e.g.* the Transportation Management regulation is being streamlined by consolidating policies into fewer subparts and modifying provisions to incorporate newer authorities.

Federal Property Management Regulation (FPMR) Priorities

GSA is amending the FPMR by migrating regulations regarding the supply and procurement of Government personal property management and Interagency Fleet Management Systems from the FPMR to the FMR.

Federal Travel Regulation (FTR) Priorities

GSA is amending the FTR. The Relocation Regulation was impacted by the recent Tax Cuts and Jobs Act. The amendment addresses both the moving

expenses income tax deduction and qualified moving expense reimbursement. Also, in addition, the FTR is being amended to revise the payment in kind fee associated with registration fees provided by non-Federal sources for speakers and panelists at meetings.

General Services Administration Acquisition Regulation (GSAR) Priorities

GSA is amending the GSAR to implement streamlined and innovative acquisition procedures. GSAR initiatives are focused on:

- Adopting a major construction project delivery method involving early industry engagement;
- Establishing contractual arrangements and ordering procedures for commercial eCommerce portals;
- Streamlining contract requirements for GSA information systems;
- Establishing cyber incident reporting procedures; and
- Revising the requirements for Schedules contract and construction contract administration.

Regulations of Concern to Small Businesses

GSAR Case 2017–G502, Transition to Small Business Administration Mentor-Protégé Program, is of interest to small businesses as it will discontinue the GSA agency-level mentor-protégé program. The mentor-protégé program will instead be centralized and managed Government-wide by SBA, as discussed in the SBA rule at 81 FR 48557.

Regulations Which Promote Open Government and Disclosure

GSPMR Case 2016–105–01, Public Availability of Agency Records and Informational Materials; Proposed Rule. The GSA is issuing a proposed rule to amend its regulations implementing the Freedom of Information Act (FOIA). The regulations are being revised to update and streamline language of several procedural provisions and to incorporate certain changes brought about by the amendments to the FOIA under both statutory and nonstatutory authorities. This rule also amends the GSA's regulations under the FOIA to incorporate certain changes made to the FOIA by the FOIA Improvement Act of 2016.

Dated: July 27, 2018.

Jessica Salmoiraghi,

Associate Administrator, Office of Government-wide Policy.

BILLING CODE 6820–14

GSA

Proposed Rule Stage

146. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G506, Adoption of Construction Project Delivery Method Involving Early Industry Engagement

Priority: Other Significant.
E.O. 13771 Designation: Deregulatory.
Legal Authority: 40 U.S.C. 121(c)
CFR Citation: 48 CFR 536; 48 CFR 552.
Legal Deadline: None.
Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to adopt an additional project delivery method for construction, construction manager as constructor (CMc). The current FAR and GSAR lacks 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 to ensure consistent application of construction project principles across the organization. Integrating these requirements into the GSAR will also allow industry to provide public comments through the rulemaking process.
Timetable:

Action	Date	FR Cite
NPRM	11/00/18	
NPRM Comment Period End.	01/00/19	

Regulatory Flexibility Analysis Required: Yes.
Small Entities Affected: Businesses.
Government Levels Affected: Federal.
URL For More Information: *www.regulations.gov*.
URL For Public Comments: *www.regulations.gov*.
Agency Contact: Tony Hubbard, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 357–5810, *Email: tony.hubbard@gsa.gov*.
RIN: 3090–AJ64

GSA

147. General Services Acquisition Regulation (GSAR); GSAR Case 2016–G511, Contract Requirements for GSA Information Systems

Priority: Other Significant.
E.O. 13771 Designation: Other.
Legal Authority: 40 U.S.C. 121(c)
CFR Citation: 48 CFR 501; 48 CFR 502; 48 CFR 511; 48 CFR 539; 48 CFR 552.
Legal Deadline: None.
Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to streamline and update requirements for contracts that involve GSA information systems. GSA's unique policies on cybersecurity and other information technology requirements have been previously communicated through other means. By incorporating these requirements into the GSAR, the GSAR will provide centralized guidance to ensure consistent application across the organization. Integrating these requirements into the GSAR will also allow industry to provide public comments through the rulemaking process.

GSA's cybersecurity requirements mandate contractors protect the confidentiality, integrity, and availability of unclassified GSA information and information systems from cybersecurity vulnerabilities, and threats in accordance with the Federal Information Security Modernization Act of 2014 and associated Federal cybersecurity requirements. This rule will require contracting officers to incorporate applicable GSA cybersecurity requirements within the statement of work to ensure compliance with Federal cybersecurity requirements and implement best practices for preventing cyber incidents. These GSA requirements mandate applicable controls and standards (*e.g.,* U.S. National Institute of Standards and Technology, U.S. National Archive and Records Administration Controlled Unclassified Information standards).

Contract requirements for internal information systems, external contractor systems, cloud systems, and mobile systems will be covered by this rule. This rule will also update existing GSAR provision 552.239–70, Information Technology Security Plan and Security Authorization and GSAR clause 552.239–71, Security Requirements for Unclassified Information Technology Resources to only require the provision and clause when the contract will involve information or information systems connected to a GSA network.
Timetable:

Action	Date	FR Cite
NPRM	02/00/19	
NPRM Comment Period End.	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Michelle Bohm, Contract Specialist, General Services Administration, 100 S Independence Mall W Room: 9th Floor, Philadelphia, PA 19106–2320, *Phone:* 215 446–4705, *Email: michelle.bohm@gsa.gov.*

RIN: 3090–AJ84

GSA

148. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2016–G515, Cyber Incident Reporting

Priority: Other Significant.

E.O. 13771 Designation: Other.

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

CFR Citation: 48 CFR 501; 48 CFR 502; 48 CFR 504; 48 CFR 539; 48 CFR 552.

Legal Deadline: None.

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to provide requirements for GSA contractors to report cyber incidents that could potentially affect GSA or its customer agencies. The rule integrates the existing cyber incident reporting policy within GSA Order CIO 9297.2C, GSA Information Breach Notification Policy that did not previously go through the rulemaking process into the GSAR. By incorporating cyber incident reporting requirements into the GSAR, the GSAR will provide centralized guidance to ensure consistent application of cybersecurity principles across the organization. Integrating these requirements into the GSAR will also allow industry to provide public comments through the rulemaking process.

The rule outlines the roles and responsibilities of the GSA contracting officer, contractors, and agencies ordering off of GSA's contracts in the reporting of a cyber incident.

The rule establishes a contractor's responsibility to report any cyber incident where the confidentiality, integrity, or availability of GSA information or information systems are potentially compromised or where the confidentiality, integrity, or availability of information or information systems owned or managed by or on behalf of the U.S. Government is potentially compromised. It establishes an explicit timeframe for reporting cyber incidents, details the required elements of a cyber incident report, and provides the required Government's points of contact for submitting the cyber incident report.

The rule also outlines additional contractor requirements that may apply for any cyber incidents involving personally identifiable information. In addition, the rule clarifies both GSA's and ordering agencies' authority to access contractor systems in the event of a cyber incident. It also establishes the role of GSA in the cyber incident reporting process and explains how the primary response agency for a cyber incident is determined. Further, it establishes the requirement for contractors to preserve images of affected systems and ensure contractor employees receive appropriate training for reporting cyber incidents. The rule also outlines how contractor attributional/proprietary information provided as part of the cyber incident reporting process will be protected and used.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	
NPRM Comment Period End.	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Kevin Funk, Program Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 357–5805, *Email: kevin.funk@gsa.gov.*

RIN: 3090–AJ85

GSA

149. Federal Permitting Improvement Steering Council (FPISC); FPISC Case 2018–001; Fees for Governance, Oversight, and Processing of Environmental Reviews and Authorizations

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 4370m–8

CFR Citation: 40 CFR 1900.

Legal Deadline: None.

Abstract: GSA proposes to establish a fee structure to reimburse the Federal Permitting Improvement Steering Council and its Office of the Executive Director for reasonable costs incurred in coordinating environmental reviews and authorizations in implementing title 41 of the Fixing America's Surface Transportation Act. GSA will issue this regulation on behalf of the Federal Permitting Improvement Steering Council.

Timetable:

Action	Date	FR Cite
NPRM	09/04/18	83 FR 44846
NPRM Comment Period End.	11/05/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

URL For More Information: www.regulations.gov.

URL For Public Comments: www.regulations.gov.

Agency Contact: Amber Dawn Levofsky, Program Analyst, General Services Administration, 1800 F Street NW, Room 3017, Washington, DC 20405–0001, *Phone:* 202 969–7298, *Email: amber.levofsky@gsa.gov.*

RIN: 3090–AJ88

GSA

Final Rule Stage

150. GSAR Case 2008–G517, Cooperative Purchasing—Acquisition of Security and Law Enforcement Related Goods and Services (Schedule 84) by State and Local Governments Through Federal Supply Schedules

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 40 U.S.C. 502(c)(1)(B)

CFR Citation: 48 CFR 511; 48 CFR 516; 48 CFR 532; 48 CFR 538; 48 CFR 546; 48 CFR 552.

Legal Deadline: None.

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to implement Public Law 110–248, The Local Preparedness Acquisition Act. The Act authorizes the Administrator of General Services to provide for the use by State or local governments of Federal Supply Schedules of the General Services Administration (GSA) for alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services (as contained in Federal supply

classification code group 84 or any amended or subsequent version of that Federal supply classification group).

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/19/08	73 FR 54334
Interim Final Rule Comment Period End.	11/18/08	
Final Rule	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal, Local, State.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Christina Mullins, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–4066, *Email: christina.mullins@gsa.gov.*

RIN: 3090–AI68

GSA

151. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contract Administration

Priority: Other Significant.

E.O. 13771 Designation: Other.

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

CFR Citation: 48 CFR 501; 48 CFR 515; 48 CFR 538; 48 CFR 552.

Legal Deadline: None.

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to clarify and update the contracting by negotiation GSAR section and incorporate existing Federal Supply Schedule Contracting policies and procedures, and corresponding provisions and clauses.

Timetable:

Action	Date	FR Cite
NPRM	09/10/14	79 FR 54126
NPRM Comment Period End.	11/10/14	
Final Rule	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Dana L. Munson, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 357–9652, *Email: dana.munson@gsa.gov.*

RIN: 3090–AJ41

GSA

152. • General Services Administration Acquisition Regulation (GSAR); GSAR Case 2019–G501, Ordering Procedures for Commercial E-Commerce Portals

Priority: Other Significant.

E.O. 13771 Designation: Other.

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

CFR Citation: 48 CFR 572.

Legal Deadline: None.

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to establish competition procedures when using commercial e-commerce portals established pursuant to section 846 of the National Defense Authorization Act for Fiscal Year 2018. Current competition procedures do not align with, nor reflect, technological innovation when purchasing from commercial e-commerce portals. This rule aims to modernize the buying experience in partnership with commercial e-commerce portal providers, enabling GSA to combine competition with speed, and will allow the procedures to evolve as technology advances.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/19	
Interim Final Rule Comment. Period End	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

URL For More Information: *www.regulations.gov.*

URL For Public Comments: *www.regulations.gov.*

Agency Contact: Matthew McFarland, Legislative and Regulatory Advisor, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 301 758–5880, *Email: matthew.mcfarland@gsa.gov.*

RIN: 3090–AK03

BILLING CODE 6820–34–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Statement of Regulatory Priorities

The National Aeronautics and Space Administration's (NASA) aim is to increase human understanding of the solar system and the universe that contains it and to improve American aeronautics ability. NASA's basic organization consists of the Headquarters, nine field Centers, the Jet Propulsion Laboratory (a federally funded research and development center), and several component installations which report to Center Directors. Responsibility for overall planning, coordination, and control of NASA programs is vested in NASA Headquarters, located in Washington, DC.

NASA continues to implement programs according to its 2018 Strategic Plan. The Agency's mission is to ''Lead an innovative and sustainable program of exploration with commercial and international partners to enable human expansion across the solar system and bring new knowledge and opportunities back to Earth. Support growth of the Nation's economy in space and aeronautics, increase understanding of the universe and our place in it, work with industry to improve America's aerospace technologies, and advance American leadership.'' The FY 2018 Strategic Plan (available at *https://www.nasa.gov/sites/default/files/atoms/files/nasa_2018_strategic_plan.pdf*) guides NASA's program activities through a framework of the following four strategic goals:

- *Strategic Goal 1:* Expand human knowledge through new scientific discoveries.
- *Strategic Goal 2:* Extend human presence deeper into space and to the Moon for sustainable long-term exploration and utilization.
- *Strategic Goal 3:* Address national challenges and catalyze economic growth.
- *Strategic Goal 4:* Optimize capabilities and operations.

In the decades since Congress enacted the National Aeronautics and Space Act of 1958, NASA has challenged its scientific and engineering capabilities in pursuing its mission, generating tremendous results and benefits for humankind. NASA will continue to push scientific and technical boundaries in pursuit of these goals.

NASA's Regulatory Philosophy and Principles

The Agency's rulemaking program strives to be responsive, efficient, and transparent. As noted in Executive

Order 13609, ''Promoting International Regulatory Cooperation'' (May 1, 2012), international regulatory cooperation, consistent with domestic law and prerogatives and U.S. trade policy, can be an important means of promoting public health, welfare, safety, and our environment as well as economic growth, innovation, competitiveness, and job creation.

NASA, along with the Departments of State and Commerce and Defense, engage with other countries in the Wassenaar Arrangement, Nuclear Suppliers Group, Australia Group, and Missile Technology Control Regime through which the international community develops a common list of items that should be subject to export controls. NASA has also been a key participant in the Administration's Export Control Reform effort that resulted in a complete overhaul of the U.S. Munitions List and fundamental changes to the Commerce Control List. New controls have facilitated transfers of goods and technologies to allies and partners while helping prevent transfers to countries of national security and proliferation concerns.

Executive Order 13777, ''Enforcing the Regulatory Reform Agenda'' (February 24, 2017), required NASA to appoint a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies and establish a Regulatory Reform Task Force (Task Force) to review and evaluate existing regulations and make recommendations to the Agency head regarding their repeal, replacement, or modification, consistent with applicable law. NASA is doing this work primarily through its work as a signatory to the Federal Acquisition Regulatory Council.

The FAR at 48 CFR chapter 1 contains procurement regulations that apply to NASA and other Federal agencies. Pursuant to 41 U.S.C. 1302 and FAR 1.103(b), the FAR is jointly prepared, issued, and maintained by the Secretary of Defense, the Administrator of General Services, and the Administrator of NASA, under their several statutory authorities.

These reform initiatives and policies include Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (January 30, 2017), section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (January 18, 2011), and Executive Order 12866.

In addition, NASA implements and supplements FAR requirements through the NASA FAR Supplement (NFS), 48 CFR chapter 18. As a result of the ongoing review, evaluation, and recommendations of the FAR Task Force and internal Agency discussions, NASA has identified priority regulatory and deregulatory actions that reduce costs to the public by eliminating unnecessary, ineffective, and duplicative regulations.

The Agency has focused its regulatory resources on the most serious acquisition, health, and personnel and readiness risks as discussed below.

NASA will revise the NASA FAR Supplement (NFS) to implement section 823 of NASA Transition Authorization of 2017 (Pub. L. 115–10) to improve the detection and avoidance of counterfeit electronic parts in the supply chain. This revision will add a contract clause to the NFS to require each covered contractor, including a subcontractor, to detect and avoid the inclusion of any counterfeit parts in electronic parts or products that contain electronic parts, take corrective actions necessary to remedy, and notify the applicable NASA contracting officer not later than 30 calendar days after the date the covered contractor becomes aware, or has reason to suspect, that any end item, component, part, or material contained in supplies purchased by NASA, or purchased by a covered contractor or subcontractor for delivery to, or on behalf of, NASA contains a counterfeit electronic part or suspect counterfeit electronic part.

NASA

Proposed Rule Stage

153. Detection and Avoidance of Counterfeit Parts

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: Sec. 823 of the NASA Transition Authorization Act of 2017 (Pub. L. 115–10; 51 U.S.C. 20113)

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: NASA is proposing to amend the NFS Supplement to implement section 823 of NASA Transition Authorization of 2017 (Pub. L. 115–10) to improve the detection and avoidance of counterfeit electronic parts in the supply chain. This proposed rule will add a contract clause to the NFS to require each covered contractor, including a subcontractor, to detect and avoid the inclusion of any counterfeit parts in electronic parts or products that contain electronic parts and to take corrective actions necessary to remedy or inclusion.

Timetable:

Action	Date	FR Cite
Proposed Rule	12/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Geoffrey Sage, Office of Procurement, National Aeronautics and Space Administration, 300 E Street SW, Washington, DC 20546, *Phone:* 202 358–2420, *Email: geoffrey.s.sage@nasa.gov.*

RIN: 2700–AE38

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Statement of Regulatory Priorities

Overview

The National Archives and Records Administration (NARA) primarily issues regulations directed to other Federal agencies. These regulations include records management, information services, and information security. For example, records management regulations directed to Federal agencies concern the proper management and disposition of Federal records. Through the Information Security Oversight Office (ISOO), NARA also issues Governmentwide regulations concerning information security classification, controlled unclassified information (CUI), and declassification programs; through the Office of Government Information Services, NARA issues Governmentwide regulations concerning Freedom of Information Act (FOIA) dispute resolution services and FOIA ombudsman functions; and through the Office of the Federal Register, NARA issues regulations concerning publishing Federal documents in the **Federal Register**, *Code of Federal Regulations,* and other publications.

NARA regulations directed to the public primarily address access to and use of our historically valuable holdings, including archives, donated historical materials, and Presidential records. NARA also issues regulations relating to the National Historical Publications and Records Commission (NHPRC) grant programs.

NARA has two regulatory priorities for fiscal year 2018, which are included in The Regulatory Plan. The first priority is to update our electronic records management regulation to account for changes to 44 U.S.C. 3302 which require NARA to issue standards for digital reproductions of records with

an eye toward allowing agencies to then dispose of the original source records. Agencies have begun major digitization projects and will be doing more in the future. Under the statutory provisions in 44. U.S.C. 3302, agencies may not dispose of original source records due to having digitized them (prior to the disposal authority date established in a records schedule) unless they have digitized the records according to standards established by NARA. NARA is initiating two rulemaking actions to establish the necessary digitization standards: One rule for temporary records (records of short-term, temporary value that are not appropriate for preservation in the National Archives of the United States), and another rule for permanent records (permanently valuable and appropriate for preservation in the National Archives of the United States).

The second priority this fiscal year is a new regulation for the Office of Government Information Services (OGIS). The Open Government Act of 2007 (Pub. L. 110–175, 121 Stat. 2524) amended the Freedom of Information Act (FOIA) (5 U.S.C. 552, as amended), and created OGIS within the National Archives and Records Administration (NARA). OGIS is finalizing regulations, pursuant to 44 U.S.C. 2104, to clarify, elaborate upon, and specify the procedures in place for Federal agencies and public requesters who seek OGIS's dispute resolution services within the FOIA system. The regulation will describe one of the areas in which OGIS carries out its role as the Federal FOIA Ombudsman by working with Federal agencies to provide an alternative to litigation in resolving FOIA disputes.

BILLING CODE 7515–01–P

U.S. OFFICE OF PERSONNEL MANAGEMENT (OPM)

Statement of Regulatory and Deregulatory Priorities

Fall 2018 Unified Agenda

OPM works in several broad categories to recruit, retain and honor a world-class workforce for the American people.

- We manage Federal job announcement postings at *USAJOBS.gov*, and set policy on governmentwide hiring procedures.
- We conduct background investigations for prospective employees and security clearances across government, with hundreds of thousands of cases each year.
- We uphold and defend the merit systems in Federal civil service, making sure that the Federal workforce uses fair practices in all aspects of personnel management.
- We manage pension benefits for retired Federal employees and their families. We also administer health and other insurance programs for Federal employees and retirees.
- We provide training and development programs and other management tools for Federal employees and agencies.
- In many cases, we take the lead in developing, testing and implementing new Governmentwide policies that relate to personnel issues.

Altogether, we work to make the Federal Government America's model employer for the 21st century.

OPM's Regulatory Philosophy and Principles

Executive Order 13777, ''Enforcing the Regulatory Reform Agenda'' (February 24, 2017), required OPM to appoint a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies and establish a Regulatory Reform Task Force (Task Force) to review and evaluate existing regulations and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law.

These reform initiatives and policies include Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (January 30, 2017), section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (January 18, 2011), and Executive Order 12866.

In relation to Executive Order 13771, many of OPM's agenda items are either exempt under section 4(b) of the order, or deregulatory. OPM published the following deregulatory item in fiscal year 2018.

- *Federal Employees Health Benefits Program Flexibilities*—This final rule added additional flexibility to the Federal Employees Health Benefits (FEHB) Program so that all carriers will be able to offer three plan options, one of which may be a High Deductible plan option. Employee Organization and Comprehensive Medical plans already have this flexibility. In the past not all carriers could offer more than two options. This change will level the playing field in terms of options offered to Federal employees, annuitants, and their eligible family members. This action was necessary to promote a competitive environment where carriers have an incentive to offer higher quality benefits at affordable prices and broader provider networks. This regulation fully aligns with the Administration's goal of promoting affordable health plan choices.

The agenda includes one rule that promotes open government and uses disclosure as a regulatory tool.

- *Freedom of Information Act (FOIA) Regulations*—This proposed rule seeks to remove obsolete sections of OPM's FOIA regulations and incorporate all FOIA amendments, inclusive of the FOIA Improvement Act of 2016.

OPM also has a number of regulatory items that focus on Administration priorities and Executive Orders. These include:

- *Administrative Law Judges*—The U.S. Office of Personnel Management (OPM) is issuing interim regulations governing the appointment and employment of Administrative Law Judges (ALJ). This rule will implement changes to the appointment and employment of ALJs as required by Executive Order 13843.
- *Direct-Hire Authority for Agency Chief Information Officers*—This proposed rule revises OPM direct-hire authority (DHA) regulations for the implementation of Executive Order (E.O.) 13833 titled, ''Enhancing the Effectiveness of Agency Chief Information Officers,'' which requires OPM to issue proposed regulations necessary to grant DHA for information technology (IT) positions under certain conditions.

A fully searchable e-Agenda is available for viewing in its entirety at *www.reginfo.gov*. Agenda information is also available at *www.regulations.gov*, the government-wide website for submission of comments on proposed regulations. Our fall 2018 agenda follows.

FOR FURTHER INFORMATION CONTACT: Alexys Stanley, (202) 606–1183 or *alexys.stanley@opm.gov*.

OPM

Proposed Rule Stage

154. Freedom of Information Act (FOIA) Regulations

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 552

CFR Citation: 5 CFR 294.

Legal Deadline: None.

Abstract: The Office of Personnel Management (OPM) proposes to amend its Freedom of Information Act (FOIA) regulations. The Freedom of Information Act was enacted in 1966. This revision is required to incorporate all of the

subsequent FOIA amendments, inclusive of the FOIA Improvement Act of 2016.

Statement of Need: The Office of Personnel Management (OPM) proposes to amend the OPM FOIA regulations. The Freedom of Information Act was enacted in 1966. This revision is required to incorporate all of the subsequent FOIA amendments, inclusive of the FOIA Improvement Act.

Summary of Legal Basis: In accordance with 5 U.S.C. 552, OPM and every federal agency shall make available to the public, information as follows:

(1) Each agency shall separately state and currently publish in the **Federal Register** for the guidance of the public:

(A) Descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Alternatives: N/A.

Anticipated Cost and Benefits: None.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	07/24/08	73 FR 43153
NPRM Comment Period End.	09/22/08	
Second NPRM	03/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

Agency Contact: Tiffany Ford, FOIA Officer, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, *Phone:* 202 606–9175, *Email: tiffany.ford@opm.gov.*

RIN: 3206–AK53

OPM

155. • Direct-Hire Authority for Agency Chief Information Officers

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 3304(a)(3)

CFR Citation: 5 CFR part 337.

Legal Deadline: None.

Abstract: The U.S. Office of Personnel Management (OPM) is issuing a proposed regulation to revise its direct-hire authority (DHA) regulations for the implementation of Executive Order (E.O.) 13833 titled, Enhancing the Effectiveness of Agency Chief Information Officers, which requires OPM to issue proposed regulations necessary to grant DHA for information technology (IT) positions under certain conditions. This will enhance the Government's ability to recruit needed IT professionals and it allows Agencies to make the initial determination whether they have a severe-shortage of candidates or critical hiring need.

Statement of Need: The U.S. Office of Personnel is revising the Direct-Hire Authority (DHA) regulation in Part 337 to implement the provisions of Executive Order 13833. The proposed regulation will allow certain agencies to determine whether a severe shortage of candidates (or, with respect to the Department of Veterans Affairs, that there exists a severe shortage of highly qualified candidates) or a critical hiring need exists for IT positions for purposes of establishing DHA.

Summary of Legal Basis: On May 15, 2018, the President signed E.O. 13833, titled, Enhancing the Effectiveness of Agency Chief Information Officers (83 FR 23345). The E.O. is aimed at modernizing the Federal Government's information technology infrastructure and improving the delivery of digital services and the management, acquisition, and oversight of Federal IT. Section 9 of the E.O. directs OPM to propose regulations pursuant to which OPM may delegate to the heads of certain agencies (other than the Secretary of Defense) authority to determine, under regulations prescribed by OPM, whether a severe shortage of candidates (or, for the U.S. Department of Veterans Affairs (VA) a severe shortage of highly qualified candidates) or a critical hiring need exists for positions in the Information Technology Management (IT) Series, general schedule (GS)-2210 or equivalent, for purposes of an entitlement to a direct hire authority (DHA). The agencies covered by the E.O. are those listed in 31 U.S.C. 901(b), or independent regulatory agencies defined in 44 U.S.C. 3502(5).

Alternatives: N/A.

Anticipated Cost and Benefits: None.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

Agency Contact: Darlene Phelps, Employee Services, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, *Phone:* 202 606–0203, *Fax:* 202 606–4430, *Email: darlene.phelps@opm.gov.*

RIN: 3206–AN65

OPM

Final Rule Stage

156. • Administrative Law Judges

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 3301; 5 U.S.C. 3302; E.O. 13843

CFR Citation: 5 CFR 212; 5 CFR 213; 5 CFR 300; 5 CFR 302; 5 CFR 930.

Legal Deadline: None.

Abstract: The U.S. Office of Personnel Management (OPM) is issuing interim regulations governing the appointment and employment of Administrative Law Judges (ALJ). This rule will implement changes to the appointment and employment of ALJs as required by Executive Order 13843.

Statement of Need: The purpose of the interim rule is to implement changes to the appointment and employment ALJs, which places new appointments to ALJ positions in the excepted service and keeps incumbent ALJs hired on or before July 10, 2018 in the competitive service. The interim rule will revise OPM regulations on the appointment and employment of ALJs accordingly.

Summary of Legal Basis: Executive Order 13843, signed on July 10, 2018, directs ALJ positions appointed under 5 U.S.C. 3105 be in the excepted service under Schedule E. Individuals appointed to ALJ positions prior to July 10, 2018, remain in the competitive service as long as they remain in their current positions.

Alternatives: N/A.

Anticipated Cost and Benefits: None.

Risks: None.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

Agency Contact: Katika Floyd, Employee Services, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, *Phone:* 202 606–9531, *Fax:* 202 606–2329, *Email: katika.floyd@opm.gov.*

RIN: 3206–AN72

BILLING CODE 6325–44–P

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

Statement of Regulatory and Deregulatory Priorities

The Pension Benefit Guaranty Corporation (PBGC) is a federal corporation created under title IV of the Employee Retirement Income Security Act (ERISA) to guarantee the payment of pension benefits earned by nearly 40 million workers and retirees in private-sector defined benefit plans. PBGC is currently responsible for the benefits of about 1.5 million people in failed plans. PBGC receives no tax revenues. Operations are financed by insurance premiums, investment income, assets from pension plans trusteed by PBGC, and recoveries from the companies formerly responsible for the trusteed plans. PBGC administers two insurance programs—one for single-employer defined benefit pension plans and a second for multiemployer defined benefit pension plans.

• *Single-Employer Program.* Under the single-employer program, when a plan terminates with insufficient assets to cover all plan benefits (distress and involuntary terminations), PBGC pays plan benefits that are guaranteed under title IV. PBGC also pays nonguaranteed plan benefits to the extent funded by plan assets or recoveries from employers.

• *Multiemployer Program.* The multiemployer program covers collectively bargained plans involving more than one unrelated employer. PBGC provides financial assistance (in the form of a loan) to the plan if the plan is insolvent and thus unable to pay benefits at the guaranteed level. The guarantee is structured differently from, and is generally significantly lower than, the single-employer guarantee.

At the end of fiscal year (FY) 2017, PBGC had a deficit of $10.9 billion in its single-employer insurance program and $65 billion in its multiemployer insurance program. PBGC's projections show that the financial position of the single-employer program is likely to continue to improve, but the multiemployer program is in dire financial condition and likely to run out of funds by the end of fiscal year 2025. If that happens, PBGC will not have the money to pay benefits at the current guarantee levels to participants in insolvent plans.

To carry out its statutory functions, PBGC issues regulations on such matters as how to pay premiums, when reports are due, what benefits are covered by the insurance program, how to terminate a plan, the liability for underfunding, and how withdrawal liability works for multiemployer plans. PBGC follows a regulatory approach that seeks to encourage the continuation and maintenance of defined benefit plans. So, in developing new regulations and reviewing existing regulations, PBGC seeks to reduce burdens on plans, employers, and participants, and to ease and simplify employer compliance wherever possible. PBGC particularly strives to meet the needs of small businesses that sponsor defined benefit plans. In all such efforts, PBGC's mission is to protect the retirement incomes of plan participants.

Regulatory/Deregulatory Objectives and Priorities

PBGC's regulatory/deregulatory objectives and priorities are developed in the context of the Corporation's statutory purposes:

• To encourage the continuation and maintenance of voluntary private pension plans;

• To provide for the timely and uninterrupted payment of pension benefits; and

• To keep premiums at the lowest possible levels.

Pension plans and the statutory framework in which they are maintained and terminated are complex. Despite this complexity, PBGC is committed to issuing simple, understandable, flexible, and timely regulations to help affected parties. PBGC's regulatory/deregulatory objectives and priorities for the fiscal year are:

• To enhance the retirement security of workers and retirees;

• To implement statutory changes through regulatory actions that ease compliance burdens and achieve maximum net benefits; and

• To simplify existing regulations and reduce burden.

PBGC endeavors in all its regulatory and deregulatory actions to promote clarity and reduce burden with the goal that net cost impact on the public is zero or less overall.

Rethinking Existing Regulations

Most of PBGC's regulatory/deregulatory actions are the result of its ongoing retrospective review program to identify and ameliorate inconsistencies, inaccuracies, and requirements made irrelevant over time. PBGC undertook a review of its multiemployer plan regulations and has identified rules in which it can reduce burden and clarify guidance. For example, PBGC has proposed reductions in actuarial valuation requirements for certain small terminated multiemployer pension plans, notice requirements on plan sponsors of plans terminated by mass withdrawal, and reporting and disclosure requirements on sponsors of insolvent plans (''Terminated and Insolvent Multiemployer Plans and Duties of Plan Sponsors'' RIN 1212–AB38). Another proposal would simplify how multiemployer plans calculate withdrawal liability where changes in contributions or benefits are, by statute, to be disregarded in that calculation (''Methods for Computing Withdrawal Liability'' RIN 1212–AB36).

PBGC plans to propose a ''housekeeping'' rulemaking project to make miscellaneous technical corrections, clarifications, and improvements to PBGC's regulations, such as the reportable events regulation (particularly addressing duplicative active participant reduction event reporting) and the regulation on annual financial and actuarial information reporting (''Miscellaneous Corrections, Clarifications, and Improvements'' RIN 1212–AB34). PBGC expects to undertake periodic rulemaking projects like this that deal with minor technical and clarifying issues. The ''Benefit Payments'' proposal (RIN 1212–AB27) would make clarifications and codify policies in PBGC's benefit payments and valuation regulations involving payment of lump sums, entitlement to a benefit, changes to benefit form, partial benefit distributions, and valuation of plan assets. PBGC's regulatory review also identified a need to update the rules for administrative review of agency decisions (RIN 1212–AB35).

A couple of proposed rulemakings would update PBGC's regulations and policies to ensure that the actuarial and economic content remains current. The modifications PBGC is considering at this time are to interest and mortality assumptions under the asset allocation regulation (RIN 1212–AA55), and the methodology for setting interest

assumptions under the benefit payments regulation (RIN 1212–AB41).

Small Businesses

PBGC takes into account the special needs and concerns of small businesses in making policy. For example, the ''Terminated and Insolvent Multiemployer Plans and Duties of Plan Sponsors'' proposal discussed above would reduce valuation and reporting burdens primarily on small multiemployer plans, which generally are comprised of small employers.

Open Government and Increased Public Participation

PBGC encourages public participation in the regulatory process. For example, PBGC created a new page on its website that highlights when there are opportunities to comment on proposed rules, information collections, and other **Federal Register** notices. PBGC's current efforts to reduce regulatory burden in the projects discussed above are in substantial part a response to public comments. Last year PBGC asked for feedback on its regulatory planning and review of existing regulations by way of a Request for Information (RFI). A number of individuals and organizations responded, and PBGC considered the comments, some of which are reflected in this Fall agenda. PBGC encourages comments on an on-going basis as we continue to look for ways to further improve PBGC's regulations.

BILLING CODE 7709–02–P

U.S. SMALL BUSINESS ADMINISTRATION (SBA)

Statement of Regulatory Priorities

Overview

The mission of the U.S. Small Business Administration (SBA) is to maintain and strengthen the Nation's economy by enabling the establishment and viability of small businesses and by assisting in the physical and economic recovery of communities after disasters. In carrying out this mission, SBA strives to improve the economic environment for small businesses, including those in rural areas, in areas that have significantly higher unemployment and lower income levels than the Nation's averages, and those in traditionally underserved markets. SBA has several financial, procurement, and technical assistance programs that provide a crucial foundation for those starting or growing a small business. For example, the Agency serves as a guarantor of loans made to small businesses by lenders that participate in SBA's programs and also licenses small business investment companies that make equity and debt investments in qualifying small businesses using a combination of privately raised capital and SBA guaranteed leverage. SBA also funds various training and mentoring programs to help small businesses, particularly businesses owned by women, veterans, minorities, and other historically underrepresented groups, gain access to Federal government contracting opportunities. The Agency also provides management and technical assistance to existing or potential small business owners through various grants, cooperative agreements, or contracts. Finally, as a vital part of its purpose, SBA also provides direct financial assistance to homeowners, renters, and businesses to repair or replace their property in the aftermath of a disaster.

Reducing Burden on Small Businesses

SBA's regulatory policy reflects a commitment to developing regulations that reduce or eliminate the burden on the public, in particular the Agency's core constituents—small businesses. SBA's regulatory process generally includes an assessment of the costs and benefits of the regulations as required by Executive Order 12866, ''Regulatory Planning and Review;'' Executive Order 13563, ''Improving Regulation and Regulatory Review;'' and the Regulatory Flexibility Act. SBA's program offices are particularly invested in finding ways to reduce the burden imposed by the Agency's core activities in its loan, grant, innovation, and procurement programs.

On January 30, 2017, President Trump issued E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' 82 FR 9339, which established principles for prioritizing an agency's regulatory and deregulatory actions. E.O. 13771 was followed by E.O. 13777, ''Enforcing the Regulatory Agenda,'' 82 FR 12285 (February 24, 2017), which identified processes for agencies to follow in overseeing their regulatory programs. This Agenda was prepared in accordance with both E.O. 13771 and E.O. 13777, and SBA will continue to work with the Office of Management and Budget to fully integrate the Executive Orders and to implement OMB guidance into SBA's rulemaking processes. As part of that effort, SBA issued a Request for Information in the **Federal Register** requesting public input on which SBA regulations should be repealed, replaced, or modified because they are obsolete, unnecessary, ineffective, or burdensome. 82 FR 38617 (August 15, 2017). The Agency continues to evaluate the comments received and will amend its regulations as appropriate. In addition, SBA's Office of Advocacy is hosting a series of small business roundtables in order to hear firsthand from small businesses facing regulatory burdens on steps SBA and other agencies can take to reduce or eliminate those burdens. For more information on these roundtables, please visit *https://www.sba.gov/advocacy/regulatory-reform*.

Openness and Transparency

SBA promotes transparency, collaboration, and public participation in its rulemaking process. To that end, SBA routinely solicits comments on its regulations, even those that are not subject to the public notice and comment requirement under the Administrative Procedures Act. Where appropriate, SBA also conducts hearings, webinars, and other public events as part of its regulatory process.

Regulatory Framework

The SBA Strategic Plan serves as the foundation for the regulations that the Agency will develop during the next twelve months. This Strategic Plan provides a framework for strengthening, streamlining, and simplifying SBA's programs while leveraging collaborative relationships with other agencies and the private sector to maximize the tools small business owners and entrepreneurs need to drive American innovation and strengthen the economy. The plan sets out four strategic goals: (1) Support small business revenue and job growth; (2) build healthy entrepreneurial ecosystems and create business friendly environments; (3) restore small businesses and communities after disasters; and (4) strengthen SBA's ability to serve small businesses. In order to achieve these goals SBA will, among other objectives, focus on:

- Expanding access to capital through SBA's extensive lending network;
- Helping small business exporters succeed in global markets;
- Ensuring federal contracting and innovation goals are met or exceeded;
- Empowering veterans and military families who want to start or grow their business;
- Delivering entrepreneurial counseling and training services in collaboration with resource partners; and
- Enhancing program oversight and risk management, and improving recovery of taxpayer assets.

The regulations reported in SBA's semi-annual regulatory agenda and plan

are intended to facilitate achievement of these strategic goals and objectives and further the objectives of E.O. 13771. Over the next twelve months, SBA's highest priorities will be to implement the following three regulations.

(1) E.O. 13771 Designation—Deregulatory Action: Small Business HUBZone Program; Government Contracting Programs (RIN: 3245–AG38)

As part of its efforts to fulfill the objectives of E.O. 13771, SBA has completed a comprehensive review of the regulations for the Historically Underutilized Business Zone (HUBZone) Program. As a result of that review, this rule proposes amendments that would eliminate ambiguities in the regulations and reduce the regulatory burdens imposed on HUBZone small business concerns and government agencies. The amendments would make it easier for small business concerns to understand and comply with the program's requirements and make the HUBZone program a more attractive option for procuring federal agencies.

For example, the rule proposes to eliminate the burden on HUBZone small businesses to continually demonstrate that they meet all eligibility requirements at the time of each HUBZone contract offer and award. The rule would instead require only annual recertification. This reduced burden on certified HUBZone small businesses would allow a firm to remain eligible for future HUBZone contracts for an entire year, without requiring it to demonstrate that it continues to meet all HUBZone requirements. The rule also proposes to eliminate the requirement for the concern to relocate in order to attempt to maintain its HUBZone status when the area where the business is located or a qualifying employee resides loses its HUBZone status.

In addition to carrying out the Administration's regulatory policy, removal of these and similar regulatory requirements would make it easier for firms to meet the eligibility requirements for HUBZone contracts, and help SBA to achieve its strategic objective to simplify access to federal contracting for small businesses.

(2) E.O. 13771 Designation—Regulatory Action: Implementation of the Small Business 7(a) Lending Oversight Reform Act of 2018 (RIN: 3245–AH05)

In order to protect the safety and soundness of its business loan programs, SBA's Office of Credit Risk Management (OCRM) is responsible for monitoring performance of the various types of lenders that participate in these loan programs, managing the programs' credit risks, and enforcing applicable program regulations and procedures. The recently enacted Small Business 7(a) Lending Oversight Reform Act of 2018 increases SBA's authority to supervise lenders and enforce prudent lending standards. This rule will propose the regulatory amendments necessary to implement the new authorities. The amendments will clarify or add conditions for informal and formal enforcement actions, including supervisory letters, voluntary letters, suspensions or revocations of lending authority. The rule will also propose to implement the statutory provision that authorizes lenders to appeal enforcement actions to SBA's Office of Hearings and Appeals.

SBA recognizes the importance of maintaining a comprehensive lender oversight and risk management system. As evidence of its commitment to a robust credit risk management system, SBA has identified lender oversight and risk management as one of the Agency's strategic objectives in its FY 2018–2022 Strategic Plan. After SBA has implemented the statutorily required amendments, the revised regulations will enhance SBA's oversight capabilities, reduce risk, and ensure the integrity of the small business loan programs.

(3) E.O. 13771 Designation—Other Action: Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification (RIN: 3245–AG75)

SBA is proposing to amend its regulations to implement amendments to the Women-Owned Small Business (WOSB) and Economically Disadvantaged Women-Owned Small Business (EDWOSB) Federal Contract Program that were authorized by section 825 of the National Defense Authorization Act of 2015. Based on this authority, SBA is proposing to create a certification program for its WOSB and EDWOSB contracting program that, once implemented, will streamline the review process and provide an option for small businesses that reduces their certification costs. The proposed changes would further SBA's strategic objectives to simplify the process and increase contracting opportunities for small businesses. The proposed reduction in certification costs would also further the regulatory reform objectives of E.O. 13771.

The current WOSB and EDWOSB contracting program permits firms to self-certify for the program or to be certified by a third party certifier (TPC). The program also currently requires firms to submit documentation to an SBA-maintained electronic document repository. SBA regulations currently require contracting officers to check the repository for documents submitted by every WOSB or EDWOSB contract awardee. The rule will propose the establishment of an SBA certification process, removal of both the self-certification option and the requirement for contracting officers to review the repository documents. Shifting responsibilities to SBA and streamlining the review process will enable contracting officers to focus more on awarding awards, which should lead to an increased number of set-aside or sole source contracts for WOSBs and EDWOSBs. This outcome would help SBA to achieve its strategic objectives to ensure Federal agencies meet or exceed their small business contracting goals.

While it is important to implement rules that do not unnecessarily burden small businesses, SBA also has a responsibility to ensure that its programs are serving only those businesses that meet program eligibility requirements. To that end, this rule will also propose standards for increased oversight in order to ensure continuing eligibly of certified program participants.

SBA

Proposed Rule Stage

157. Small Business Hubzone Program and Government Contracting Programs

Priority: Other Significant.
E.O. 13771 Designation: Other.
Legal Authority: 15 U.S.C. 657a
CFR Citation: 13 CFR 115; 13 CFR 121; 13 CFR 125; 13 CFR 126.
Legal Deadline: None.

Abstract: SBA has been reviewing its processes and procedures for implementing the HUBZone program and has determined that several of the regulations governing the program should be amended in order to resolve certain issues that have arisen. As a result, the proposed rule would constitute a comprehensive revision of part 126 of SBA's regulations to clarify current HUBZone Program regulations, and implement various new procedures. The amendments will make it easier for participants to comply with the program requirements and enable them to maximize the benefits afforded by participation. In developing this proposed rule, SBA will focus on the principles of Executive Orders 12866, 13771, and 13563 to determine whether portions of regulations should be modified, streamlined, expanded or repealed to make the HUBZone program

more effective and/or less burdensome on small business concerns. At the same time, SBA will maintain a framework that helps identify and reduce waste, fraud, and abuse in the program.

Statement of Need: The purpose of the proposed rule is to increase economic investment and employment in Historically Underutilized Business Zones (HUBZones).

Summary of Legal Basis: The rule makes a number of changes necessary to clarify the HUBZone program's regulations and to make the program easier to use for small business contractors and procuring agencies.

Alternatives: The alternative to the proposed regulations would be the status quo, where businesses cannot request reconsideration when their application is denied, must be eligible at the time of offer and time of award, and must recertify every 3 years. SBA has modeled the revised processes based on its other contracting programs (*e.g.,* 8(a) request for reconsideration and annual review) and believes that these processes have worked well for these programs and should therefore be utilized for the HUBZone program.

Anticipated Cost and Benefits: Overall, this proposed rule would reduce annual burden on HUBZone small business concerns. The proposed implementation of a formal request for reconsideration process would provide consistency in the processes for SBA's programs and would be beneficial to HUBZone applicants because it would allow them to correct deficiencies and come into compliance without waiting 90 days to reapply for the program. This should enable additional firms to be more quickly certified for the HUBZone program, allowing them to seek and be awarded HUBZone contracts sooner. SBA estimates that the proposed reconsideration process would increase the annual hourly burden on small business concerns applying to the HUBZone program by approximately 15 hours. The proposed requirement for HUBZone small business concerns to recertify annually to SBA that they continue to meet all of the HUBZone eligibility requirements, instead of requiring them to undergo a recertification every three years, would increase the annual hourly burden by approximately 3,800 hours. The proposed change removing the requirement for HUBZone small business concerns to represent or certify that they are eligible at the time of offer and award for every HUBZone contract would reduce burden on HUBZone small business concerns by approximately 4,200 hours. The proposed change to allow an employee who resides in a HUBZone at the time of a HUBZone concern's certification or recertification to continue to count as a HUBZone employee as long as the individual remains an employee of the firm will greatly reduce burden on firms, as they will not have to continuously track whether their employees still reside in a HUBZone or seek to employ new individuals if the location in which one or more current employees reside loses its HUBZone status. We estimate that this should reduce the hourly burden by 2,500 hours annually.

Risks: There is very little risk associated with this proposed rule.

Timetable:

Action	Date	FR Cite
Public Meeting	04/23/18	83 FR 17626
Public Meeting	05/30/18	83 FR 24684
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Mariana Pardo, Director, Office of HUBZone, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–2985, *Fax:* 202 481–2675, *Email: mariana.pardo@sba.gov.*

RIN: 3245–AG38

SBA

158. Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 113–291, sec. 825; 15 U.S.C. 637(m)

CFR Citation: 13 CFR 127.

Legal Deadline: None.

Abstract: Section 825 of the National Defense Authorization Act for Fiscal Year 2015 (NDAA), Public Law 113–291, 128 Stat. 3292, Dec. 19, 2014, included language requiring that women-owned small business concerns and economically disadvantaged Women-Owned Small Business concerns are certified by a Federal agency, a State government, the Administrator, or national certifying entity approved by the Administrator as a small business concern owned and controlled by women. This rule will propose the standards and procedures for participation in this certification program. This rule will also propose to revise the procedures for continuing eligibility, program examinations, protests, and appeals. The proposed revisions will reflect public comments that SBA received in response to the Advanced Notice of Proposed Rulemaking that the agency issued in December 2016 to solicit feedback on implementation of the program. Finally, SBA is planning to continue to utilize new technology to improve its efficiency and decrease small business burdens, and therefore, the new certification procedures will be based on an electronic application and certification process.

Statement of Need: The proposed rule will implement the statutory requirement to certify Women Owned Small Business Concerns (WOSBs) for purposes of receiving set aside and sole source contracts under the WOSB program.

Summary of Legal Basis: These proposed regulations implement section 825 of the National Defense Authorization Act for Fiscal Year 2015, Public Law 113–291, 128 Stat. 3292 (December 19, 2014) (2015 NDAA).

Alternatives: The proposed regulations are required to implement specific statutory provisions which require promulgation of implementing regulations.

Anticipated Cost and Benefits: The benefit of the proposed regulation is a significant improvement in the confidence of contracting officers to make federal contract awards to eligible firms. Under the existing system, the burden of eligibility compliance was placed upon the awarding contracting officer. Under this new proposed rule, the burden is placed upon SBA. This will encourage more contracting officers to set-aside opportunities for WOSB Program participants as the validation process will be controlled by SBA in both the System for Award Management and the Dynamic Small Business Search.

Risks: There is always a slight risk that an agency will award a set aside contract to a firm that is ineligible. Certification of firms prior to award will lessen this risk.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/15	80 FR 78984
ANPRM Comment Period End.	02/16/16	
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Kenneth Dodds, Director, Office of Policy, Planning and

Liaison, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 619–1766, *Fax:* 202 481–2950, *Email: kenneth.dodds@sba.gov.*

RIN: 3245–AG75

SBA

159. • Implementation of the Small Business 7(A) Lending Oversight Reform Act of 2018

Priority: Other Significant.

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 657t

CFR Citation: 13 CFR 120; 13 CFR 134.

Legal Deadline: Final, Statutory, June 21, 2019.

Not later than 1 year after the date of the enactment of this section, the Administrator shall issue regulations, after opportunity for notice and comment.

Abstract: The Small Business 7(a) Lending Oversight Reform Act of 2018 was enacted on June 21, 2018. The purpose of the legislation is to strengthen the Office of Credit Risk Management within the Small Business Administration. The statute requires the SBA Administrator to promulgate new regulations not later than one year after enactment of the statute. This rule will propose to implement this statute and add clarity to informal and formal enforcement actions and appeal provisions. Examples of informal enforcement actions may include supervisory letters and voluntary actions/agreements. Examples of formal enforcement actions include suspension or revocation of delegated authority, suspension or revocation of 7(a) lending authority, and assessment of civil monetary penalties. The statute also provides lenders with the ability to appeal enforcement actions to the Office of Hearings and Appeals. The rule will propose conditions for accessing this appeal process.

Statement of Need: This action is necessary to implement the Small Business 7(a) Lending Oversight Reform Act of 2018 (Pub. L. 115–189) (the Act), which was enacted on June 21, 2018. In the legislation, Congress strengthened the SBA's Office of Credit Risk Management (OCRM). This rule will provide additional regulatory guidance for informal and formal enforcement actions against SBA Lenders, including the new statutory authority to impose Civil Monetary Penalties up to $250,000. The rule will also conform the enforcement action appeals process to the statutory requirements. Congress has specifically required SBA to promulgate regulations implementing the legislation within one year of enactment. This rule will increase SBA's lender oversight capabilities, mitigate risk, and ensure the integrity of SBA's small business loan programs.

Summary of Legal Basis: 15 U.S.C. 657t(f) requires SBA to issue regulations, after opportunity for notice and comment, no later than one year after enactment. SBA is also authorized to supervise and oversee SBA Lenders under 15 U.S.C. 633(b)(3); 15 U.S.C. 634 note; 15 U.S.C. 634(b)(6), (7) and (14); and 15 U.S.C. 650.

Alternatives: The Act requires SBA to issue regulations within one year after enactment. During the notice and comment process, SBA will consider various alternatives as it implements the statutory requirements while strengthening SBA lender oversight, ensuring the integrity of the SBA loan programs, and protecting taxpayer dollars.

Anticipated Cost and Benefits: SBA is not yet certain of the anticipated costs and benefits. SBA will be assessing the costs and benefits as it develops the rule during the notice and comment process.

Risks: Implementation of the Act through this rulemaking will encourage SBA Lenders to correct deficiencies, return SBA loan portfolios to safe and sound condition, and limit risk in the SBA loan programs. Codification of SBA's new authority to impose Civil Monetary Penalties up to $250,000 will provide a significant financial disincentive to imprudent and risky lending.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Agency Contact: Susan Streich, Director of Credit Risk Management, Small Business Administration, 409 3rd Street SW, Washington, DC 20416, *Phone:* 202 205–6641, *Email: susan.streich@sba.gov.*

RIN: 3245–AH05

BILLING CODE 8025–01–P

FEDERAL ACQUISITION REGULATION (FAR)

The Federal Acquisition Regulation (FAR) was established to codify uniform policies for acquisition of supplies and services by executive agencies. It is issued and maintained jointly under the statutory authorities granted to the Secretary of Defense, Administrator of General Services, and the Administrator, National Aeronautics and Space Administration, known as the FAR Council. Overall statutory authority is found at chapters 11 and 13 of title 41 of the United States Code.

Regulatory and Deregulatory Activities

Executive Order 13777, ''Enforcing the Regulatory Reform Agenda'' (February 24, 2017), required the FAR Council to oversee the implementation of regulatory reform initiatives and policies. The reform initiatives and policies include Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (January 30, 2017), section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (January 18, 2011), and Executive Order 12866, ''Regulatory Planning and Review'' (September 30, 1993). In response to Executive Order 13777, the FAR Council reviewed and evaluated existing policies and regulations and identified regulations that could be repealed, replaced, or modified to reduce the regulatory burden. In relation to Executive Order 13771, the FAR Council conducts analysis of the regulatory cost or savings impact for agenda items.

During Fiscal Year 2018, the FAR Council completed two (2) deregulatory actions.

- The FAR Council issued a final rule (case 2015–039) on May 1, 2018 to increase the dollar threshold for the audit of prime contract settlement proposals and subcontract settlements submitted in the event of contract termination, from $100,000 to $750,000. The increased threshold reduces the number of terminated contracts that require settlement audits, and enables contracting officers to more quickly deobligate the excess funds from terminated contracts under the threshold. Contractors will save costs associated with the preparation for termination settlement audits and will have improved cash flow from faster final settlement under the threshold.
- The FAR Council issued a final rule (case 2017–007) on May 1, 2018 to raise the threshold for task- and delivery-order protests for DoD, NASA, and the Coast Guard from $10 million to $25 million, except for a protest on the grounds that the order increases the scope, period, or maximum value of the contract. The increased threshold will result in savings for the agencies involved in processing the protests and will benefit contractors who win awards and will no longer need to expend

resources defending challenges to those awards.

The Fiscal Year 2019 Unified Agenda consists of forty-eight (48) agenda items of which the following seven (7) have been identified as deregulatory.

- FAR Case 2016–011, Revision of Limitations on Subcontracting
- FAR Case 2017–009, Special Emergency Procurement Authority
- FAR Case 2017–010, Evaluation Factors for Multiple-Award Contracts
- FAR Case 2018–004, Increased Micro-Purchase and Simplified Acquisition Thresholds
- FAR Case 2018–013, Exemption of Commercial and COTS Item Contracts from Certain Laws and Regulations
- FAR Case 2018–015, Governmentwide and Other Interagency Contracts
- FAR Case 2018–019, Review of Commercial Contract Clause Requirements and Flowdown

Regulatory and Deregulatory Priorities

The FAR Council is required to amend the Federal Acquisition Regulation to implement statutory and policy initiatives. The FAR Council prioritization is focused on initiatives that:

- Streamline regulations and reduce burden, especially for commercial and commercially available off-the-shelf (COTS) items;
- Promote disclosure and open government
- Support national security efforts, especially safeguarding Federal Government information technology systems; and
- Improve small business opportunities with the Federal Government.

Rulemakings That Streamline Regulations and Reduce Burdens

FAR Case 2018–004, Increased Micro-Purchase and Simplified Acquisition Thresholds, will increase the micro-purchase threshold (MPT) to $10,000; increase the simplified acquisition threshold (SAT) to $250,000; and make additional changes related to the thresholds. The increase in thresholds will allow the use of more streamlined procedures which reduces the time and effort needed to make an award. Some contractors will benefit from reduced contract compliance requirements.

FAR Case 2018–013, Exemption of Commercial and COTS Item Contracts from Certain Laws and Regulations, will implement revisions to the FAR to exempt commercial and COTS items from laws identified by the FAR Council or Administrator for Federal Procurement Policy. This reduction will allow contractors to use existing commercial practices, reducing compliance costs from requirements unique to the Government.

FAR Case 2018–014, Increasing Task-order Level Competition, will provide an exception to the requirement to consider price as an evaluation factor, for the award of services to be acquired on an hourly rate basis under certain indefinite-delivery indefinite-quantity contracts and Federal Supply Schedule contracts. Meaningful evaluation of cost and price takes place later, when task or delivery order proposals are evaluated. The exception will allow procurement officials to focus on establishing and evaluating non-price factors at the earlier contract award level, resulting in more meaningful distinctions among offerors.

Rulemakings That Promote Disclosure and Open Government

FAR Case 2017–004, Use of Acquisition 360 to Encourage Vendor Feedback, will address soliciting contractor feedback on how well agencies are doing in awarding and administering contracts. This will improve the efficiency and effectiveness of agency acquisition activities.

FAR Case 2016–005, Effective Communication between Government and Industry, encourages agency acquisition personnel to talk to industry.

Rulemakings That Support National Security

FAR Case 2018–017, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment, will prohibit the procurement of covered equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company or Dahua Technology Company and any subsidiaries or affiliates. The prohibition is implemented to protect Government information systems from threats.

FAR Case 2018–010, Use of Product and Services of Kaspersky Lab, prohibits any department, agency, organization or other element of the Federal Government from using hardware, software or services developed by Kaspersky Lab or any entity in which Kaspersky Lab has a majority ownership. The prohibition is implemented to protect Government information systems from threats.

FAR Case 2017–018, Violation of Arms Control Treaties or Agreements with the United States, prohibits, with some exceptions, the heads of executive agencies from entering into, renewing or extending a contract for the procurement of products or services from any persons involved in activities that violate arms control treaties or agreements with the United States. The prohibition reduces potential threats to the security of the United States and our allies.

Rulemakings of Interest to Small Business

FAR Case 2016–011, Revision of Limitations on Subcontracting, will implement SBA's regulatory clarifications concerning the nonmanufacturer rule, and how much a small business may subcontract to a large business. These were inconsistent across small business programs, such as whether a HUBZone small business could subcontract to other HUBZone small businesses. This rule revises and standardizes these requirements from multiple FAR clauses to two.

FAR Case 2018–003, Credit for Lower-Tier Small Business Subcontracting will allow large businesses to receive small business subcontracting credit for subcontracts that their subcontractors award to small businesses.

Dated: July 27, 2018.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

BILLING CODE 6820–EP–P

SOCIAL SECURITY ADMINISTRATION (SSA)

I. Statement of Regulatory Priorities

We administer the Retirement, Survivors, and Disability Insurance programs under title II of the Social Security Act (Act), the Supplemental Security Income (SSI) program under title XVI of the Act, and the Special Veterans Benefits program under title VIII of the Act. As directed by Congress, we also assist in administering portions of the Medicare program under title XVIII of the Act. Our regulations codify the requirements for eligibility and entitlement to benefits and our procedures for administering these programs. Generally, our regulations do not impose burdens on the private sector or on State or local governments, except for the States' Disability Determination Services. We fully fund the Disability Determination Services in advance or via reimbursement for necessary costs in making disability determinations.

The entries in our regulatory plan (plan) represent issues of major importance to the Agency. Through our regulatory plan, we intend to:

A. Update the medical criteria used to evaluate disability applications to keep pace with medicine, science, technology, and workforce changes;

B. Reduce the hearings backlog and improve the disability appeals process;

C. Update SSA disability evaluation criteria and the frequency of continuing disability reviews;

D. Combat Social Security fraud, impose civil monetary penalties for specific violations of the Social Security Act, and clarify that electronic and internet communications are included in the prohibitions against misusing SSA's names, symbols, and emblems; and

E. Update our Freedom of Information Act and Privacy and Disclosure rules.

Regulatory Reform

We designate all of the proposed regulations in this plan as ''fully or partially exempt'' under Executive Order (E.O.) 13771. In compliance with the Administration's Regulatory Reform efforts, as prescribed by E.O. 13771 and E.O. 13777, SSA is committed to engaging in regulatory activity only when strictly necessary and to reducing regulatory burden wherever possible. Accordingly, our Unified Agenda and Regulatory Plan include only those regulatory activities needed to administer our Social Security benefits and payments programs. Moreover, the Agenda includes an item to remove outdated regulatory sections from the Code of Federal Regulations. Finally, we remain committed to innovate in ways that ease burden on the public even outside the realm of formal deregulation, such as through developing online reporting and application tools.

II. Regulations in the Proposed Rule Stage

Our regulations will:

- Selectively update the medical listings for evaluating digestive, cardiovascular, and skin disorders (RIN 0960–AG65);
- Increase the number of disability hearings held via video teleconference, where appropriate, to help make the hearings process more efficient (RIN 0960–AI09);
- Clarify that administrative appeals judges from our Appeals Council may hold hearings and issue decisions (RIN 0960–AI25);
- Remove the education category of ''inability to communicate in English'' to help us more accurately assess the vocational impact of education in the disability determination process (0960–AH86);
- Add a new category to the existing medical diary categories that we use to schedule continuing disability reviews and revise the criteria we follow to place a case in each of the categories (0960–AI27);
- Clarify our rules regarding the redetermination of entitlement when fraud or similar fault is involved (RIN 0960–AI10);
- Impose that SSA can assess the maximum allowable civil monetary penalty for certain violations of the Social Security Act (RIN 0960–AH91);
- Clarify that electronic and internet communications are included in the prohibitions against misusing SSA's names, symbols, and emblems (0960–AI04);
- Update our Freedom of Information Act policies to reflect recent legislation (RIN 0960–AI07);
- Allow SSA to create a new Privacy Act exemption category, enabling the retention of important records related to security and suitability (RIN 0960–AH97); and
- Clarify that written consent includes electronic consent, in compliance with recent legislation (RIN 0960–AI38).

III. Regulations in the Final Rule Stage

Our regulation in the final rule stage will:

- Comprehensively update the medical listings for evaluating musculoskeletal disorders (RIN 0960–AG38); and
- Allow SSA to create a new Privacy Act exemption category, enabling the retention of important records containing investigatory material compiled for law enforcement purposes (RIN 0960–AI08).

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (January 18, 2011), SSA regularly engages in retrospective review and analysis for multiple existing regulatory initiatives. These initiatives may be proposed or completed actions, and they do not necessarily appear in The Regulatory Plan. You can find more information on these completed rulemakings in past publications of the Unified Agenda at *www.reginfo.gov* in the ''Completed Actions'' section for the Social Security Administration.

SSA

Proposed Rule Stage

160. Revised Medical Criteria for Evaluating Digestive Disorders, Cardiovascular Disorders, and Skin Disorders

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b

CFR Citation: 20 CFR 404.1500, app 1.

Legal Deadline: None.

Abstract: Sections 4.00 and 104.00, Cardiovascular System; sections 5.00 and 105.00, Digestive System; and sections 8.00 and 108.00, Skin Disorders, of appendix 1 to subpart P of part 404 of our regulations describe those disorders that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming Supplemental Security Income payments under title XVI. We are proposing to revise the criteria in these sections to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need: These proposed revisions are necessary to evaluate claims for Social Security disability benefits.

Summary of Legal Basis: Sections 4.00 and 104.00, Cardiovascular Systems; sections 5.00 and 105.00, Digestive Systems; and sections 8.00 and 108.00, Skin Disorders, of appendix 1 to subpart P of part 404 of our regulations.

This proposed rule is not required by statute or court order.

Alternatives: We considered continuing to use our current criteria. However, we believe these proposed revisions are necessary because of advances in medical, technology, and treatment since we last revised these rules.

Anticipated Cost and Benefits: Ensuring that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge, technology, and treatment will provide for accurate disability evaluations. Costs: None.

Risks: None.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/07	72 FR 70527

Action	Date	FR Cite
ANPRM Comment Period End.	02/11/08	
NPRM	01/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL For Public Comments: www.regulations.gov.

Agency Contact: Cheryl A. Williams, Director, Social Security Administration, Office of Medical Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–1020, *Email: cheryl.a.williams@ssa.gov.*

Joanna Firmin, Social Insurance Specialist, Social Security Administration, Office of Medical Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–2733, *Email: joanna.firmin@ssa.gov.*

Related RIN: Related to 0960–AG74, Related to 0960–AG91

RIN: 0960–AG65

SSA

161. Removing Inability To Communicate in English as an Education Category

Priority: Other Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a) to 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(h) to (j); 42 U.S.C. 422(c); 42 U.S.C. 423; 42 U.S.C. 425; 42 U.S.C. 902(a)(5)

CFR Citation: 20 CFR 404.1564, part 404 subpart P app; 20 CFR 416.964.

Legal Deadline: None.

Abstract: We propose to revise existing disability evaluation rules relating to the ability to communicate in English. Specifically, we will clarify that an inability to communicate in English is not tantamount to illiteracy or inadequate verbal communication. Rather, an inability to communicate adequately verbally or in writing in any language will be the effective standard. The proposed revisions will reflect current research, analysis of our disability program data, Federal agency data about workforce participation, and comments we received from the public in response to an Advance Notice of Proposed Rulemaking.

Statement of Need: These changes would modernize our disability program consistent with current research and data about disability and workforce participation.

Summary of Legal Basis: 42 U.S.C. 902(a)(5). Multiple sections of the Social Security Act. No aspect is required by statute or court order.

Alternatives: Undetermined at this time.

Anticipated Cost and Benefits: No costs on the public are anticipated as a result of this proposed rule. Benefits include more consistent and appropriate evaluations of vocational factors by eliminating the false equivalence between an inability to communicate in English and illiteracy.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

URL For Public Comments: www.regulations.gov.

Agency Contact: Daniel O'Brien, Director, Office of Retirement and Disability Policy, Social Security Administration, Office of Vocational, Evaluation, and Process Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 597–1632.

RIN: 0960–AH86

SSA

162. Newer and Stronger Penalties (Conforming Changes)

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Bipartisan Budget Act of 2015, sec. 813; 42 U.S.C. 1320a–8

CFR Citation: 20 CFR 498.

Legal Deadline: None.

Abstract: Section 813 of the BBA establishes civil monetary penalties in section 1129 of the Social Security Act against individuals in a position of trust that make false statements, misrepresentations, or omissions in connection with obtaining or retaining SSA benefits or payments. Section 813 also establishes a new felony for conspiracy to commit Social Security fraud, and increases felony penalties for individuals in positions of trust who defraud the SSA.

Statement of Need: Upon enactment of the BBA on November 2, 2015, civil monetary penalties for individuals in a position of trust took effect immediately. Imposing penalties against individuals in a position of trust assists in deterring fraud and maintaining the integrity of SSA's disability programs. The regulations at 20 CFR 498 should be updated to reflect the BBA's provisions.

Summary of Legal Basis: Section 813 of the Bipartisan Budget Act of 2015.

Alternatives:

Anticipated Cost and Benefits: SSA projects no anticipated costs on the public with completing this regulatory action. Costs for the agency are as yet undetermined, but are expected to be mostly administrative in nature. Benefits include strengthening our civil monetary assessment processes.

Risks: No risk is anticipated since this regulatory action reflects statutory requirements and authority.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Ranju R. Shrestha, Office of the Inspector General, Social Security Administration, 6401 Security Boulevard, Woodlawn, MD 21235–6401, *Phone:* 410 966–4440, *Email: ranju.shrestha@ssa.gov.*

RIN: 0960–AH91

SSA

163. Privacy Act Exemption: Personnel Security and Suitability Program Files

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 522a; 5 U.S.C. 553

CFR Citation: 20 CFR 401.85.

Legal Deadline: None.

Abstract: This NPRM will propose to create a Security and Suitability Files system to cover any additional security and suitability related information generated by SSA that is not sent to the Office of Personnel Management. We will use the information we collect to conduct background investigations and establish that applicants or incumbents, either employed by SSA or working for SSA under contract, are suitable for employment with us. Additionally, the NPRM will propose to remove two unused systems listed in our regulations.

Statement of Need: We are required to amend our Code of Federal Regulations (CFR) when a new system of records is

instituted within the agency that exempts certain records from disclosure. Here, we are creating a new system of records and an exemption to disclosure of some of those records, necessitating a new system of records disclosure in our CFR.

This update will replace the two following systems of records currently reflected in 401.85:

(iii) Pursuant to subsection (k)(5) of the Privacy Act:

(A) The Investigatory Material Compiled for Security and Suitability Purposes System, SSA; and,

(B) The Suitability for Employment Records, SSA.

Summary of Legal Basis: In accordance with the Privacy Act (5 U.S.C. 552a), and Subsection (k)(5) of the Privacy Act, we are issuing public notice of our intent to establish a new system of records.

Alternatives: There is no alternative. Failure to amend our CFR, while using a new system of records, would be contrary to the statutory authority and intent of 5 U.S.C. 552.

Anticipated Cost and Benefits: There are no anticipated costs. We stand to benefit through better administrative efficiency by updating the systems we use for accurately tracking investigatory employment records.

Risks: Violation of the Privacy Act and OMB requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Pamela Carcirieri, Division Director, Social Security Administration, Office of General Counsel, Office of Privacy and Disclosure, 6401 Security Boulevard, Woodlawn, MD 21235–6401, *Phone:* 410 965–0355, *Email: pamela.carcirieri@ssa.gov.*

RIN: 0960–AH97

SSA

164. References to Social Security and Medicare in Electronic Communications

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Bipartisan Budget Act of 2015 (BBA), sec. 814; 42 U.S.C. 1320b–10

CFR Citation: 20 CFR 498.

Legal Deadline: None.

Abstract: Section 814 of the BBA clarifies that electronic and internet communications are included in the prohibitions against misusing SSA's names, symbols, and emblems to convey the false impression that such items are approved, endorsed, or authorized by SSA, as stated in section 1140 of the Social Security Act. For those misusing SSA's names, symbols, and emblems, it treats each dissemination, viewing, or accessing of a communication as a separate violation.

Statement of Need: Section 814 of the BBA took effect upon enactment. However, our regulations do not currently reflect this statutory change. Imposing penalties against persons who commit consumer fraud deters fraud and maintains the integrity of SSA programs. The regulations at 20 CFR part 498 should be updated to reflect the BBA's Section 814 provisions.

Summary of Legal Basis: The legal basis for this action is section 814 of the Bipartisan Budget Act of 2015, which went into effect on November 2, 2015.

42 U.S.C. 1320b–10

Alternatives: None.

Anticipated Cost and Benefits: There are no anticipated costs associated with this regulatory action. However, the benefit of this regulatory action is that it will clarify the applicability of section 1140 to electronic and internet communications and minimize unnecessary litigation as to the applicability of the section 1140 statute.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Ranju Shrestha, Chief Counsel to the Inspector General, Social Security Administration, 6401 Security Boulevard, Woodlawn, MD 21235, *Phone:* 410 966–4440, *Email: ranju.shrestha@ssa.gov.*

RIN: 0960–AI04

SSA

165. Availability of Information and Records to the Public

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Pub. L. 114–185, FOIA Reform Act of 2016, 5 U.S.C. 552

CFR Citation: 20 CFR 402.

Legal Deadline: Other, Statutory, December 27, 2016, FOIA Reform Act 2016. Other, Statutory, 12/27/2016, FOIA Reform Act 2016.

Abstract: Revisions of our FOIA regulations will address the requirements of the FOIA Improvement Act of 2016 and ensure that our regulations are consistent with all applicable laws.

Statement of Need: Revisions of our FOIA regulation will address the requirements of the FOIA Improvement Act of 2016 and ensure that our regulations are consistent with all applicable laws.

Summary of Legal Basis: FOIA Reform Act of 2016, 5 U.S.C. 552.

Alternatives: None.

Anticipated Cost and Benefits: There are no anticipated costs to the implementation of the statutory requirements.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

Agency Contact: Monica Chyn, Division Director, Social Security Administration, Office of General Counsel, Office of Privacy and Disclosure, 6401 Security Boulevard, Woodlawn, MD 21235, *Phone:* 410 965–0817, *Email: c.t.monica.chyn@ssa.gov.*

RIN: 0960–AI07

SSA

166. Setting the Manner for the Appearance of Parties and Witnesses at a Hearing

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 401(j); 42 U.S.C. 404(f); 42 U.S.C. 405(a) to 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 902(a)(5); . . .

CFR Citation: 20 CFR 404.914; 20 CFR 404.929; 20 CFR 404.936; 20 CFR 404.938; 20 CFR 404.950; 20 CFR 404.976; 20 CFR 416.1414; 20 CFR 416.1429; 20 CFR 416.1436; 20 CFR 416.1438; 20 CFR 416.1450; 20 CFR 416.1476; . . .

Legal Deadline: None.

Abstract: We propose to revise and unify some of the rules that govern how,

where, and when individuals appear for hearings before an administrative law judge at the hearings level and before a disability hearing officer at the reconsideration level of our administrative review process. At both levels, when we schedule a hearing, we propose that we will determine the manner in which the parties to the hearing will appear: By VTC, in person, or, under limited circumstances, by telephone. We would not permit individuals to opt out of appearing by VTC. We also propose that we would determine the manner in which witnesses to a hearing will appear.

Statement of Need: With just over 880,000 individuals waiting for a hearing before an administrative law judge, we must ensure that we make the best use our resources to decrease the number of pending cases, reduce the average wait time, and significantly improve our service to the American public. Expanding our use of VTC technology would enable us to schedule many hearings sooner. This not only reduces the delays in claimants waiting for a hearing, but also gives us more flexibility in scheduling and allocating resources for in-person hearings to those cases that truly warrant an in-person, rather than a VTC, hearing. Some travel costs may be reduced as well, since there may be less need for in-person hearings to areas that can be serviced by more VTC hearings instead.

Summary of Legal Basis: Administrative not required by statute or court order.

Alternatives: To be determined.

Anticipated Cost and Benefits: We anticipate increased administrative and adjudicatory efficiency benefiting a reduction in hearing delays.

Risks: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Susan Swansiger, Director, Division of Field Procedures, Social Security Administration, Office of Hearing Operations, 5107 Leesburg Pike, Suite 1608, Falls Church, VA 22041–3260, *Phone:* 703 605–8593.

RIN: 0960–AI09

SSA

167. Redeterminations When There is a Reason To Believe Fraud or Similar Fault Was Involved in an Individual's Application for Benefits

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 205(u) and 1631(e)(7) and 1129(l) of the Social Security Act; 42 U.S.C. 405(u); 42 U.S.C. 1383(e)(7); 42 U.S.C. 1320a–8(l)

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: We are clarifying our rules regarding the redetermination of the entitlement or eligibility of individuals when there is reason to believe fraud or similar fault was involved in the individual's application for benefits. We intend to clarify how and when we redetermine the entitlement, and the administrative review process when we decide to terminate benefits.

Statement of Need: Over time, our business processes evolved to support our statutory redetermination authority. We are now codifying the basic parameters for redetermination, including relevant definitions, clarification of notice and redetermination procedures, as well as a process for administratively reviewing redetermination termination and overpayment assessment decisions under secs. 205(u) and 1631(e)(7) of the Social Security Act, to provide the public the opportunity for comment under the Administrative Procedures Act while providing our beneficiaries and their representatives the ability to find our redetermination process within our regulatory text.

Summary of Legal Basis: Sections 205(u), 1129(l), and 1631(e)(7) of the Social Security Act. 42 U.S.C. 405(u)(1), 1320a–8(l), and 1383(e)(7).

206(d) of Pub. L. 103–296, the Social Security Independence and Program Improvements Act of 1994, 108 Stat. 1464, 1509.

Alternatives: We could continue to manage our redetermination processes and procedures under our statutory authority and sub-regulatory guidances.

Anticipated Cost and Benefits: Without enumerated regulations, we may experience additional litigation alleging lack of due process and violation of the Administrative Procedures Act.

Risks: Without enumerated regulations, we may experience litigation alleging lack of due process and violation of the Administrative Procedures Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Nancy Chung, Social Security Administration, Office of Analytics, Review, and Oversight, 5107 Leesburg Pike, Falls Church, VA 22041, *Phone:* 703 605–7100, *Email: nancy.chung@ssa.gov*.

William P. Gibson, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–9039, *Email: william.gibson@ssa.gov*.

RIN: 0960–AI10

SSA

168. Hearings Held by Administrative Appeals Judges of the Appeals Council

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 405(a) to 405(b); 42 U.S.C. 902(a)(5)

CFR Citation: 20 CFR 402.60; 20 CFR 404.2; 20 CFR 404.929; 20 CFR 404.955; 20 CFR 404.956; 20 CFR 404.970; 20 CFR 404.973; 20 CFR 404.976; 20 CFR 404.983; 20 CFR 404.984; 20 CFR 404.999c; 20 CFR 404.1765; 20 CFR 408.110; 20 CFR 411.175; 20 CFR 416.120; 20 CFR 416.1429; 20 CFR 416.1455; 20 CFR 416.1456; 20 CFR 416.1470; 20 CFR 416.1473; 20 CFR 416.1476; 20 CFR 416.1483–1484; 20 CFR 416.1498; 20 CFR 416.1565; 20 CFR 422.201; 20 CFR 422.203; 20 CFR 422.205; 20 CFR 422.210; . . .

Legal Deadline: None.

Abstract: We propose to revise our rules to clarify when administrative appeals judges (AAJ) from our Appeals Council may hold hearings and issue decisions. We propose that in all situations where an AAJ would conduct a hearing and issue a decision, the AAJ would adhere to the same due process requirements as administrative law judges. We also propose to update and clarify our regulations to conform to our current business processes and organizational components.

Statement of Need: Ensuring that we make the best use of all of our resources is an important part of our ongoing effort to decrease the number of pending hearing cases, reduce the average wait

time, and significantly improve our service to the American public. Having AAJs conduct hearings will help achieve those goals.

Summary of Legal Basis: Administrative, not required by statute or court order.

Alternatives: We would continue our current adjudicatory procedures.

Anticipated Cost and Benefits: We do not anticipate this proposal would impose any costs on the public. Although specific figures are not available at this time, we anticipate there may be some administrative costs to SSA for this proposal, specifically related to training and new notices. Given the historic backlog and waiting times for a hearing, the benefits of this proposal, faster hearings and case resolutions, are potentially significant.

Risks: NA.

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Nancy Chung, Acting Director Program Analysis Staff, Social Security Administration, 5107 Leesburg Pike, Falls Church, VA 22041, *Phone:* 703 605–7100, *Email: nancy.chung@ssa.gov*.

RIN: 0960–AI25

SSA

169. Rules Regarding the Frequency and Notice of Continuing Disability Reviews

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Social Security Act; sec. 221 (i) of the Social Security Act

CFR Citation: 20 CFR 404 subpart P; 20 CFR 416 subpart I; 20 CFR 404.1590; 20 CFR 416.989; 20 CFR 416.990; . . .

Legal Deadline: None.

Abstract: We propose to revise our rules regarding when and how often we conduct continuing disability reviews (CDR). The proposed regulations would add a new category to our existing medical diary categories that we use to schedule CDRs and would revise the criteria we follow to place a case in each of the categories. They would also change how often we perform a CDR for claims with the medical diary category for permanent impairments. These revised regulations would ensure that we continue to identify medical improvement at its earliest point and remain up to date with current research.

Statement of Need: This rule is necessary to reform the process by which we conduct CDRs to ensure that we continue to identify medical improvement at its earliest point and remain up-to-date with current research.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: The effects of this proposed rule are not yet determined. Our Office of the Chief Actuary and Office of Budget will formally estimate the programmatic and administrative effects of the NPRM when the proposal is fully drafted.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Cheryl Williams, Social Security Administration, Office of Disability Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–4163, *Email: cheryl.a.williams@ssa.gov*.

RIN: 0960–AI27

SSA

170. • Privacy and Disclosure of Official Records and Information

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 552a; S.2155, Economic Growth, Regulatory Relief, and Consumer Protection Act

CFR Citation: 20 CFR 401.

Legal Deadline: None.

Abstract: This NPRM will update the Agency's regulations at 20 CFR 401. Section 215 of the Economic Growth, Regulatory Relief, and Consumer Protection Act directs us to modify or develop a database to facilitate the verification of certain information with the consumer's consent and in connection with a credit transaction. The agency is modifying our regulations to clarify that written consent, as required under the Privacy Act, includes electronic consent.

Statement of Need: An update to the Agency's regulations at 20 CFR 401 is required to implement section 215 of the Economic Growth and Regulatory Relief, and Consumer Protection Act.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: There are no anticipated costs to the implementation of the statutory requirements.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Keisha J. Mahoney, Government Information Specialist, Program Analyst, Social Security Administration, Office of the General Counsel, Office of Privacy and Disclosure, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–9048, *Email: keisha.mahoney-jones@ssa.gov*.

RIN: 0960–AI38

SSA

Final Rule Stage

171. Revised Medical Criteria for Evaluating Musculoskeletal Disorders (3318P)

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b

CFR Citation: 20 CFR 404.1500, app. 1.

Legal Deadline: None.

Abstract: Sections 1.00 and 101.00, Musculoskeletal System, of appendix 1 to subpart P of part 404 of our regulations describe those musculoskeletal system disorders that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child. We propose to revise the criteria in these sections to reflect our adjudicative experience, advances in medical knowledge and treatment of musculoskeletal disorders, and comments from medical experts.

Statement of Need: These rules are necessary to evaluate claims for Social Security disability benefits.

Summary of Legal Basis: Administrative—not required by statute or court order.

Alternatives: We considered continuing to use our current criteria. However, we believe these proposed revisions are necessary to ensure that our criteria reflect advances in medical knowledge and treatment since we last revised these rules.

Anticipated Cost and Benefits: Ensuring that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge, technology, and treatment will provide for accurate disability evaluations.

Risks: We expect the public and adjudicators to support the removal and clarification of ambiguous terms and phrases, and the addition of specific, demonstrable functional criteria for determining listing-level severity of all musculoskeletal disorders.

We expect adjudicators to support the change in the framework of the text because it makes the guidance in the introductory text and listings easier to access and understand.

Timetable:

Action	Date	FR Cite
NPRM	05/07/18	83 FR 20646
NPRM Comment Period End.	07/06/18	
Final Action	09/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL For Public Comments: *www.regulations.gov*.

Agency Contact: Joanna Firmin, Social Insurance Specialist, Social Security Administration, Office of Medical Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–2733, *Email:* *joanna.firmin@ssa.gov*.

Cheryl A. Williams, Director, Social Security Administration, Office of Medical Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–1020, *Email:* *cheryl.a.williams@ssa.gov*.

Brian J. Rudick, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–7102, *Email: brian.rudick@ssa.gov*.

RIN: 0960–AG38

SSA

172. Privacy Act Exemption: Social Security Administration Violence Evaluation and Reporting System (SSAvers)

Priority: Other Significant.

E.O. 13771 Designation: Fully or Partially Exempt.

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

CFR Citation: 20 CFR 401.85.

Legal Deadline: None.

Abstract: This rule will exempt a portion of a system of records entitled Social Security Administration Violence Evaluation and Reporting System (SSAvers) from certain provisions of the Privacy Act. Because this system will contain some investigatory material compiled for law enforcement purposes, this rule will exempt those records within this new system of records from specific provisions of the Privacy Act.

Statement of Need: Because this system will contain some investigatory material compiled for law enforcement purposes, this rule will exempt those records within this new system of records from specific provisions of the Privacy Act. SSAvers captures and houses information regarding alleged incidents of workplace and domestic violence filed by SSA employees and SSA contractors.

It is required for compliance with the Privacy Act.

Summary of Legal Basis: The Privacy Act of 1974 (5 U.S.C. 552a).

Alternatives: None.

Anticipated Cost and Benefits: There are no anticipated costs to the operation of this system.

Risks: There are no risks for the operation of this system of records.

Timetable:

Action	Date	FR Cite
NPRM	06/14/18	83 FR 27728
NPRM Comment Period End.	07/16/18	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Pamela Carcirieri, Division Director, Social Security Administration, Office of General Counsel, Office of Privacy and Disclosure, 6401 Security Boulevard, Woodlawn, MD 21235–6401, *Phone:* 410 965–0355, *Email:* *pamela.carcirieri@ssa.gov*.

RIN: 0960–AI08

BILLING CODE 4191–02–P

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Statement of Regulatory Priorities: The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of death and injury associated with consumer products. To achieve this goal, among other things, the CPSC:

- Develops mandatory product safety standards or bans when other efforts are inadequate to address a safety hazard, or where required by statute;
- obtains repair, replacement, or refunds for defective products that present a substantial product hazard;
- develops information and education campaigns about the safety of consumer products;
- participates in the development or revision of voluntary product safety standards; and
- follows statutory mandates.

Unless directed otherwise by congressional mandate, when deciding which of these approaches to take in any specific case, the CPSC gathers and analyzes data about the nature and extent of the risk presented by the product. The Commission's rules at 16 CFR 1009.8 require the Commission to consider, among other factors, the following criteria, when deciding the level of priority for any particular project:

- Frequency and severity of injury;
- causality of injury;
- chronic illness and future injuries;
- costs and benefits of Commission action;
- unforeseen nature of the risk;
- vulnerability of the population at risk;
- probability of exposure to the hazard; and
- additional criteria that warrant Commission attention.

Significant Regulatory Actions: Currently, the Commission is considering taking action in the next 12 months on two rules, table saws (RIN 3041–AC31) and portable generators (RIN 3041–AC36), which would constitute a ''significant regulatory action'' under the definition of that term in Executive Order 12866.

1. Table Saws

In 2006, the Commission granted a petition requesting a rule to establish performance standards for a system to reduce or prevent injuries from contacting the blade of a table saw. The Commission has since issued a proposed rule under the Consumer Product Safety Act (CPSA). The regulatory proceeding could result in several actions, one of which could be

the development of a mandatory standard.

2. Portable Generators

The Commission has been considering options to reduce deaths and injuries related to portable generators, particularly those involving carbon monoxide poisoning. In 2016, the Commission issued a proposed rule under the CPSA. The regulatory proceeding could result in several actions, one of which could be the development of a mandatory standard.

CPSC

Final Rule Stage

173. Regulatory Options for Table Saws

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Independent agency.

Legal Authority: 5 U.S.C. 553(e); 15 U.S.C. 2051

CFR Citation: 16 CFR 1245.

Legal Deadline: None.

Abstract: On July 11, 2006, the Commission voted to grant a petition requesting that the Commission issue a rule prescribing performance standards for a system to reduce or prevent injuries from contacting the blade of a table saw. The Commission also directed CPSC staff to prepare an advance notice of proposed rulemaking (ANPRM) initiating a rulemaking proceeding under the Consumer Product Safety Act (CPSA) to: (1) Identify the risk of injury associated with table saw blade-contact injuries; (2) summarize regulatory alternatives; and (3) invite comments from the public. An ANPRM was published on October 11, 2011. The comment period ended on February 10, 2012. Staff participated in the Underwriters Laboratories (UL) working group to develop performance requirements for table saws, conducted performance tests on sample table saws, conducted survey work on blade guard use, and evaluated comments to the ANPRM. Staff prepared a briefing package with a notice of proposed rulemaking (NPRM) and submitted the package to the Commission on January 17, 2017. The Commission voted to publish the NPRM, and the comment period for the NPRM closed on July 26, 2017. Public oral testimony to the Commission was heard on August 9, 2017. Staff conducted a study of table saw incidents that occurred and were reported through the National Electronic Injury Surveillance System (NEISS) between January 1, 2017 and December 31, 2017. Staff prepared a report summarizing the 2017 study findings and will submit to the Commission to publish a notice in the **Federal Register**. Staff will prepare a final rule briefing package for Commission consideration in FY 2019.

Statement of Need:

Summary of Legal Basis:

Alternatives: The Commission could (1) pursue table saw voluntary standard activities; (2) extend the effective dates of a possible rule; (3) exempt certain categories of table saws from the draft proposed rule; (4) limit the applicability of the performance requirements to some, but not all, tables saws; or (5) pursue an information and education campaign to inform the public of the hazards of blade contact and the benefits of the AIM technology.

Anticipated Cost and Benefits: The expected gross benefits range from about $970 million to $2.45 billion over the product life of 1 year of sales. The expected costs of the draft proposed rule will range from about $168 million to about $345 million annually. Based on staff's benefit and cost estimates, net benefits (*i.e.,* benefits minus costs) for the market as a whole were estimated to amount to about $625 million to $2.3 billion over the product life of 1 year of table saw sales.

Risks:

Timetable:

Action	Date	FR Cite
Commission Decision to Grant Petition.	07/11/06	
ANPRM	10/11/11	76 FR 62678
Notice of Extension of Time for Comments.	12/02/11	76 FR 75504
ANPRM Comment Period End.	12/12/11	
Comment Period End.	02/10/12	
Notice to Reopen Comment Period.	02/15/12	77 FR 8751
Reopened Comment Period End.	03/16/12	
Staff Sent NPRM Briefing Package to Commission.	01/17/17	
Commission Decision.	04/27/17	
NPRM	05/12/17	82 FR 22190
NPRM Comment Period End.	07/26/17	
Public Hearing	08/09/17	82 FR 31035
Staff Sent 2016 NEISS Table Saw Type Study Status Report to Commission.	08/15/17	
Staff Sends Final Rule Briefing Package to Commission.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2225, *Email: cpaul@cpsc.gov.*

RIN: 3041–AC31

CPSC

174. Portable Generators

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 2051

CFR Citation: 16 CFR 1241.

Legal Deadline: None.

Abstract: On December 5, 2006, the Commission voted to issue an advance notice of proposed rulemaking (ANPRM) under the Consumer Product Safety Act (CPSA) concerning portable generators. The ANPRM discusses regulatory options that could reduce deaths and injuries related to portable generators, particularly those involving carbon monoxide (CO) poisoning. The ANPRM was published in the **Federal Register** on December 12, 2006. Staff reviewed public comments and conducted technical activities. In FY 2006, staff awarded a contract to develop a prototype generator engine with reduced CO in the exhaust. Also in FY 2006, staff entered into an interagency agreement (IAG) with the National Institute of Standards and Technology (NIST) to conduct tests with a generator, in both off-the-shelf and prototype configurations, operating in the garage attached to NIST's test house. NIST's test house, a double-wide manufactured home, is designed for conducting residential indoor air quality (IAQ) studies, and the scenarios tested are typical of those involving consumer

fatalities. These tests provide empirical data on CO accumulation in the garage and infiltration into the house; staff used these data to evaluate the efficacy of the prototype in reducing the risk of fatal or severe CO poisoning. Under this IAG, NIST also modeled the CO infiltration from the garage under a variety of other conditions, including different ambient conditions and longer generator run times. In FY 2009, staff entered into a second IAG with NIST with the goal of developing CO emission performance requirements for a possible proposed regulation that would be based on health effects criteria. In 2011, staff prepared a package containing staff and contractor reports on the technology demonstration of the low CO emission prototype portable generator. This included, among other staff reports, a summary of the prototype development and durability results, as well as end-of-life emission test results performed on the generator by an independent emissions laboratory. Staff's assessment of the ability of the prototype to reduce the CO poisoning hazard was also included. In September 2012, staff released this package and solicited comments from stakeholders.

In October 2016, staff delivered a briefing package with a draft notice of proposed rulemaking (NPRM) to the Commission. In November 2016, the Commission voted to approve the NPRM. The notice was published in the **Federal Register** on November 21, 2016, with a comment period deadline of February 6, 2017. In December 2016, the Commission voted to extend the comment period until April 24, 2017, in response to a request to extend the comment period an additional 75 days. The Commission held a public hearing on March 8, 2017, to provide an opportunity for stakeholders to present oral comments on the NPRM.

Two voluntary standards now include requirements intended to address the CO poisoning hazard. Staff is assessing those standards, and in FY 2019 staff will prepare a final rule briefing package presenting staff's assessment and staff will deliver it to the Commission.

Statement of Need:

Summary of Legal Basis:

Alternatives: The Commission could (1) have less stringent (higher allowable) CO emission rates; (2) limit coverage to one-cylinder engines, exempting portable generators with two-cylinder, class II engines from the proposed rule; (3) mandate alternate means of limiting consumer exposure which could include automatic shutoff systems; (4) require different (longer) compliance dates; (5) implement informational measures; or (6) take no action to establish a mandatory standard.

Anticipated Cost and Benefits: The average present value of expected benefits per unit is $227. The cost to manufacturers and the lost consumer surplus amounts to an average of $116 per unit. The average net benefits (benefits minus costs) are $110 per unit. The aggregate net benefits from annual sales are $144.6 million.

Risks: As of June 14, 2017, CPSC databases contained reports of at least 849 generator-related consumer CO-poisoning deaths resulting from 629 incidents that occurred from 2005 through 2016.

Timetable:

Action	Date	FR Cite
Staff Sent ANPRM to Commission.	07/06/06	
Staff Sent Supplemental Material to Commission.	10/12/06	
Commission Decision.	10/26/06	
Staff Sent Draft ANPRM to Commission.	11/21/06	
ANPRM	12/12/06	71 FR 74472
ANPRM Comment Period End.	02/12/07	
Staff Releases Research Report for Comment.	10/10/12	
Staff Sends NPRM Briefing Package to Commission.	10/05/16	
NPRM	11/21/16	81 FR 83556
NPRM Comment Period Extended.	12/13/16	81 FR 89888
Public Hearing for Oral Comments.	03/08/17	82 FR 8907
NPRM Comment Period End.	04/24/17	
Staff Sends Final Rule Briefing Package to Commission.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Janet L. Buyer, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2293, *Email: jbuyer@cpsc.gov.*

RIN: 3041–AC36

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FEDERAL TRADE COMMISSION (FTC)

Statement of Regulatory and Deregulatory Priorities

I. Regulatory and Deregulatory Priorities

Background

The Federal Trade Commission (FTC or Commission) is an independent agency charged by its enabling statute, the Federal Trade Commission Act (FTC Act), with protecting American consumers from ''unfair methods of competition'' and ''unfair or deceptive acts or practices'' in the marketplace. The Commission strives to ensure that consumers benefit from a vigorously competitive marketplace. The Commission's work is rooted in a belief that competition, based on truthful and non-misleading information about products and services, provides consumers the best choice of products and services at the lowest prices.

The Commission pursues its goal of promoting competition in the marketplace through two different but complementary approaches. Through its consumer protection activities, the Commission seeks to ensure that consumers receive accurate, truthful, and non-misleading information in the marketplace. At the same time, to ensure that consumers have a choice of products and services at competitive prices and quality, the marketplace must be policed for anticompetitive business practices and to prohibit anticompetitive mergers. These two complementary missions make the Commission unique insofar as it is the nation's only Federal agency with this combination of statutory authority to protect consumers.

The Commission is charged with the responsibility of issuing and enforcing regulations under a number of statutes, including 16 trade regulation rules promulgated pursuant to the FTC Act and numerous regulations issued pursuant to certain credit, financial, and marketing practice statutes [3] as well as energy laws.[4] The Commission also has

[3] For example, the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN–SPAM Act) (15 U.S.C. 7701–7713) and the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101–6108).

[4] For example, the Energy Policy Act of 1992 (106 Stat. 2776, codified in scattered sections of the U.S.

adopted a number of voluntary industry guides. Most of the regulations and guides pertain to consumer protection matters and are intended to ensure that consumers receive the information necessary to evaluate competing products and make informed purchasing decisions.

For the remainder of the *Background* section, the Commission sets out a brief overview of its ongoing law enforcement efforts, followed by a more detailed list of current regulatory reform-related initiatives and other focus areas.

(A) Law Enforcement Mission

The Commission is, first and foremost, a civil law enforcement agency. It pursues its mandate to enhance competition and protect consumers primarily through case-by-case enforcement of the FTC Act and other statutes. The FTC estimates that, in FY 2017, the agency saved consumers more than $3.7 billion through its competition enforcement efforts and more than $1.29 billion through its consumer protection enforcement actions.[5]

(1) Consumer Protection Enforcement. The agency has continued to pursue its long-standing consumer protection mission by initiating or obtaining settlements in 85 consumer protection cases in district court, reaching 24 administrative consent agreements related to consumer protection, and distributing in excess of $269 million in redress to more than three million consumers during the 2017 calendar year.[6]

A major focus of the FTC's law enforcement efforts is fighting fraud. The Commission's anti-fraud program tracks down and stops some of the most egregious scams that prey on U.S. consumers—often, the most vulnerable consumers who can least afford to lose money. Below are a few examples of the variety of frauds that the Commission has recently pursued, and ways that the Commission leverages its limited resources to do so effectively.

- *Tech Support Scams:* Last year, the FTC joined federal, state, and international law enforcement partners in announcing ''Operation Tech Trap,'' a nationwide and international crackdown on tech support scams that trick consumers into believing their computers are infected with viruses and malware, and then charge them hundreds of dollars for unnecessary repairs.[7]

- *Emerging Frauds:* The FTC strives to stay ahead of scammers who are always on the lookout for new ways to market old schemes. For example, there has been an increase in deceptive money-making frauds involving cryptocurrencies—digital assets that use cryptography to secure or verify transactions. The Commission has worked to educate consumers about cryptocurrencies and hold fraudsters accountable. In March, the FTC halted the operations of Bitcoin Funding Team, which allegedly falsely promised that participants could earn large returns by enrolling in money-making schemes and paying with cryptocurrency.[8]

- *Illegal Robocalls:* Unlawful robocalls remain a significant consumer protection problem because they repeatedly disturb consumers' privacy and frequently use fraud and deception to pitch goods and services, leading to significant economic harm. In FY 2017, the FTC received more than 4.5 million robocall complaints.[9] The FTC is using every tool at its disposal to fight these illegal calls.[10] Because part of the increase in robocalls is attributable to relatively recent technological developments, the FTC has taken steps to spur the marketplace to develop technological solutions. For instance, the FTC led four public challenges to incentivize innovators to help tackle the unlawful robocalls that plague consumers.[11] The FTC's challenges contributed to a shift in the development and availability of technological solutions in this area, particularly call-blocking and call-filtering products.[12] In addition, the FTC regularly works with its state, federal, and international partners to combat illegal robocalls, including co-hosting a Joint Policy Forum on Illegal Robocalls with the Federal Communications Commission, as well as a public expo featuring new technologies, devices, and applications to minimize or eliminate the number of illegal robocalls consumers receive.[13]

(2) Competition Enforcement. During the 2017 calendar year, the agency filed 10 competition cases in federal or administrative courts and took action in 25 other cases to protect consumers from anticompetitive mergers or business conduct.[14] The FTC enforces U.S. antitrust law in many sectors that directly affect consumers and their pocketbooks, such as health care, consumer products and services, technology, manufacturing, and energy. The Commission shares federal antitrust enforcement responsibilities with the Antitrust Division of the U.S. Department of Justice (DOJ).

One of the FTC's principal responsibilities is to prevent mergers that may substantially lessen competition. Under the Hart-Scott-

Code, particularly 42 U.S.C. 6201 *et seq.*) and the Energy Independence and Security Act of 2007 (EISA) (codified in relevant part at 42 U.S.C. 17021, 17301–17305).

[5] FTC Report, Agency Financial Report for FY 2017, at 45 (Nov. 16, 2017), *available at https://www.ftc.gov/reports/agency-financial-report-fy2017.*

[6] FTC Press Release, Acting FTC Chairman Ohlhausen Reports One Year of Agency Accomplishments (Jan. 18, 2018), *available at https://www.ftc.gov/news-events/press-releases/2018/01/acting-ftc-chairman-ohlhausen-reports-one-year-agency.*

[7] FTC Press Release, FTC and Federal, State and International Partners Announce Major Crackdown on Tech Support Scams (May 12, 2017), *available at https://www.ftc.gov/news-events/press-releases/2017/05/ftc-federal-state-international-partners-announce-major-crackdown.* ''Operation Tech Trap'' is just one example of a law enforcement ''sweep''—coordinated, simultaneous law enforcement actions with partners—that the FTC uses to leverage resources to maximize effects. Another example of a recent sweep is ''Operation Main Street,'' an initiative launched during June 2018 to stop small business scams. The FTC, jointly with the offices of eight state Attorneys General, announced 24 actions targeting fraud aimed at small businesses, as well as new education materials to help small businesses identify and avoid potential scams. FTC Press Release, FTC, BBB, and Law Enforcement Partners Announce Results of Operation Main Street: Stopping Small Business Scams Law Enforcement and Education Initiative (June 18, 2018), *available at https://www.ftc.gov/news-events/press-releases/2018/06/ftc-bbb-law-enforcement-partners-announce-results-operation-main.*

[8] *FTC* v. *Thomas Dluca, et al.* (Bitcoin Funding Team) No. 0:18–cv–60379–KMM (S.D.N.Y. Mar. 16, 2018), *available at https://www.ftc.gov/enforcement/cases-proceedings/172-3107/federal-trade-commission-v-thomas-dluca-et-al-bitcoin-funding.*

[9] Total unwanted-call complaints for FY 2017, including both robocall complaints and complaints about live calls from consumers whose phone numbers are registered on the Do Not Call Registry, exceeded seven million. *See Do Not Call Registry Data Book 2017: Complaint Figures for FY 2017, available at https://www.ftc.gov/reports/national-do-not-call-registry-data-book-fiscal-year-2017.*

[10] *See* FTC Robocall Initiatives, *available at https://www.consumer.ftc.gov/features/feature-0025-robocalls.*

[11] The first challenge, announced in 2012, called upon the public to develop a consumer-facing solution to block illegal robocalls. One of the winners, ''NomoRobo,'' was on the market within six months after the FTC selected it as a winner. NomoRobo, which reports blocking over 600 million calls, is being offered directly to consumers by a number of telecommunications providers and is available as an app on iPhones.

[12] Consumers can access information about potential solutions available to them at *https://www.consumer.ftc.gov/features/how-stop-unwanted-calls.*

[13] FTC Press Release, FTC and FCC to Host Joint Policy Forum on Illegal Robocalls (Mar. 22, 2018), *available at www.ftc.gov/news-events/press-releases/2018/03/ftc-fcc-host-joint-policy-forum-illegal-robocalls*; FTC Press Release, FTC and FCC Seek Exhibitors for an Expo Featuring Technologies to Block Illegal Robocalls (Mar. 7, 2018), *available at www.ftc.gov/news-events/press-releases/2018/03/ftc-fcc-seek-exhibitors-expo-featuring-technologies-block-illegal.*

[14] Press Release, Acting FTC Chairman Ohlhausen (see footnote 4).

Rodino Act (HSR), parties to certain large mergers and acquisitions must file premerger notifications with both the FTC and the DOJ to allow for government review. Over the past five fiscal years, the number of HSR premerger filings has increased more than 50 percent, bringing filings in the past fiscal year to the average over the past 20 years.[15] The vast majority of reported transactions do not raise competitive concerns, and the agencies clear those transactions expeditiously. But, when the evidence gives the Commission reason to believe that a proposed merger would substantially lessen competition, the Commission has intervened.

For example, the FTC challenged a proposed $285 million acquisition by J.M. Smucker Co. of Conagra Brands, Inc.'s Wesson cooking oil brand due to concerns that the transaction would illegally reduce competition in the United States for canola and vegetable oils. Smucker currently owns the Crisco brand, and by acquiring the Wesson brand, it would control at least 70 percent of the market for branded canola and vegetable oils sold to grocery stores and other retailers. Once challenged, the parties abandoned the transaction.[16] The FTC has also successfully negotiated merger settlements requiring divestitures in a variety of industries, including pharmaceuticals, agricultural chemicals, animal vaccines, and others. Walgreens, for example, substantially restructured its proposed acquisition of Rite Aid after the Commission raised concerns about the original transaction during an extensive review.[17]

The courts continue to validate the Commission's competition work. In *FTC and State of North Dakota* v. *Sanford Health,* the U.S. District Court in North Dakota granted the request of the FTC and the Attorney General's Office of North Dakota for a preliminary injunction in the proposed merger of Sanford Health and Mid Dakota Clinic in the Bismarck-Mandan region of North Dakota.[18] Sanford Health and Mid Dakota have appealed the preliminary injunction to the U.S. Court of Appeals for the Eighth Circuit.

In *FTC* v. *AbbVie,* the district court ruled that AbbVie used sham litigation to illegally maintain its monopoly over the testosterone replacement drug Androgel, and ordered $448 million in monetary relief to consumers who were overcharged for Androgel as a result of AbbVie's conduct.[19] This court order represents the largest monetary award ever in a litigated FTC antitrust case.

In *FTC* v. *Wilhelmsen,* the U.S. District Court granted the FTC's request for a preliminary injunction in the proposed merger of Wilhelmsen Maritime Services and Drew Marine Group.[20] Wilhelmsen subsequently announced that it will abandon the proposed transaction.[21]

(B) Regulatory Reform-Related Initiatives

In addition to consumer protection and competition enforcement matters, the agency is continuing its efforts in reforming regulations and increasing agency transparency. For example, in February, the Commission announced a revised regulatory review schedule for 2018.[22] To ensure that agency rules and industry guides stay relevant and are not overly burdensome, the FTC reviews them on a 10-year schedule. The review schedule is published each year, with adjustments in response to public input, changes in the marketplace, and resource demands. For 2018, the Commission has already initiated or intends to initiate reviews of, and solicit public comments on, the following:

Guides for the Nursery Industry, 16 CFR part 18;

Test Procedures and Labeling Standards for Recycled Oil, 16 CFR part 311;

Disclosure Requirements and Prohibitions Concerning Franchising, 16 CFR part 436; and

Identity Theft Rules, 16 CFR part 681.

In addition, the FTC continues to streamline the Hart-Scott-Rodino Rules (or HSR Rules), including by clarifying Antitrust Improvements Act Notification and Report Form for Certain Mergers and Acquisitions (HSR Form) and simplifying notification procedures.[23] On July 16, 2018, the Commission issued a final rule clarifying certain HSR Form instructions and allowing for the notification of early terminations and second requests by email.[24] The effective date of the rule change is August 15, 2018.

Further streamlining will occur as the FTC continues its regular, systematic review of all rules and guides, assessing their costs and benefits to consumers and businesses. In addition, the agency continues to examine ways in which it can streamline its investigations to reduce the burden on businesses and the Commission alike. For example, in response to criticisms regarding the length of time it takes to resolve complex merger cases, the FTC is developing better mechanisms to track the timing of milestone events throughout a merger investigation. The goal is to improve understanding of the factors that determine the length of a merger investigation and, in particular, to highlight whether those factors are within the control of the FTC, the merging parties, or others. Consistent with confidentiality obligations, the FTC intends to make public as much of this data as possible, to encourage additional dialogue among interested stakeholders regarding ways to streamline the merger review process.

The agency also has focused its advocacy efforts to reduce regulatory burdens and their associated costs at the state and federal level. A few of these efforts are described below.

(1) *Licensing Restrictions.* The agency's Economic Liberty Task Force (Task Force) continues to focus on ways to reduce unnecessary burdens imposed by occupational licensing requirements. Licensing restrictions—typically embodied in state statutory law, regulations, and administration—define an occupation's metes and bounds, or ''scope of practice,'' and establish conditions for entry into an occupation. For some professions, licensing is necessary to protect the public against legitimate health and safety concerns. However, licensing requirements also prevent competition by imposing costs

[15] In FY 2017, the agencies received notice of 2,052 transactions, compared with 1,326 in FY 2013 and 2,201 in FY 2007. For historical information about HSR filings and U.S. merger enforcement, see the joint FTC/DOJ Hart-Scott-Rodino annual reports, *available at https://www.ftc.gov/policy/reports/policy-reports/annual-competition-reports.*

[16] FTC Press Release, FTC Challenges Proposed Acquisition of Conagra's Wesson Cooking Oil Brand by Crisco owner, J.M. Smucker Co. (Mar. 5, 2018), *available at https://www.ftc.gov/news-events/press-releases/2018/03/ftc-challengesproposed-acquisition-conagras-wesson-cooking-oil.*

[17] *See* Statement of Acting Chairman Maureen K. Ohlhausen in Walgreens Boots Alliance/Rite Aid (Sept. 19, 2017), *available at https://www.ftc.gov/public-statements/2017/09/statement-acting-chairman-maureen-k-ohlhausenwalgreens-boots-alliancerite.*

[18] United States District Court Order Granting Plaintiffs' Motion For A Preliminary Injunction, *FTC* v. *Sanford Health, et al.,* No. 1:17–cv–00133 (W.D. N.D. Dec. 14, 2017), *available at https://www.ftc.gov/enforcement/cases-proceedings/171-0019/sanford-health-ftc-state-north-dakota-v.*

[19] United States District Court Findings of Fact and Conclusions of Law, *FTC* v. *AbbVie,* No. 2:14–cv–5151 (E.D. Pa. June 29, 2018), *available at https://www.ftc.gov/enforcement/cases-proceedings/121-0028/abbvie-inc-et-al.*

[20] FTC Press Release, Statement by FTC Bureau of Competition Acting Deputy Director Haidee L. Schwartz on the U.S. District Court's Grant of a Preliminary Injunction and Announcement from Wilhelmsen Maritime Services that It will Abandon Acquisition of Drew Marine Group (July 26, 2018), *available at https://www.ftc.gov/news-events/press-releases/2018/07/statement-ftc-bureau-competition-acting-deputy-director-haidee-l.*

[21] *Id.*

[22] FTC Press Release, FTC Announces Regulatory Review Schedule (Feb. 14, 2018), *available at https://www.ftc.gov/news-events/press-releases/2018/02/ftc-announces-regulatory-review-schedule.*

[23] 16 CFR 801–803.

[24] 83 FR 32768 (July. 16, 2018).

on anyone who wants to enter a licensed profession or continue competing in that market. In many cases, the services for which a license is required do not require the skill or knowledge reflected in the license and such services could be practiced safely and effectively by professionals who do not possess the required license.

State-by-state licensing rules can be especially costly to workers who seek to move to another state or to offer services across state lines. These costs not only impact workers, but may also harm consumers by reducing availability and quality, and increasing the price, of services and goods offered by licensed professionals. Restrictions on license portability across state lines are particularly burdensome for the families of military service members who move frequently, as military spouses often work in licensed occupations.

On November 7, 2017, the Task Force hosted a roundtable to examine empirical evidence on the effects of state occupational licensure.[25] On December 14, 2017, the same Task Force hosted four individuals, including three military spouses, for a ''fireside chat'' with then-Acting Chairman Ohlhausen.[26] This event provided a voice to the millions of American workers and consumers—especially military families—whose lives and livelihoods are impacted by unnecessary occupational licensing requirements.

(2) *Telehealth.* Commission staff continued their efforts to promote competition among health care providers by removing state-based regulatory barriers to the use of telehealth in appropriate circumstances. In November 2017, in response to a call for public comments, FTC staff submitted a comment to the Department of Veterans Affairs (VA) in support of its proposed rule to clarify that VA health care practitioners may provide telehealth services to beneficiaries notwithstanding any contrary state licensing laws, rules, or requirements.[27] The rule would ensure that VA telehealth practitioners may provide services to or from non-federal sites, such as a home, regardless of whether the practitioner is licensed in the state where the patient is located. The FTC staff comment noted that the proposed rule would likely increase access to telehealth services, increase the supply of telehealth providers, increase the range of choices available to patients, improve health care outcomes, and reduce the VA's health care costs, thereby benefiting veterans, especially those in underserved areas or who are unable to travel. FTC staff also indicated that the VA's rulemaking would send an important signal to non-VA health care providers, state legislatures, employers, patients, and others regarding the tremendous potential of telehealth to promote competition and improve access to care. The VA issued the rule on May 11, 2018, with an effective date of June 11, 2018.[28]

Other Ongoing Focus Areas

As discussed below, the Commission is also focused on fostering innovation in competition and consumer protection; consumer privacy; small business assistance and advice on data security; and protecting military consumers.

(1) Fostering Innovation, Competition, and Consumer Protection. On June 20, 2018, Chairman Joseph Simons announced that the Commission would hold a series of public hearings during the fall and winter of 2018–19 examining whether broad-based changes in the economy, evolving business practices, new technologies, or international developments might require adjustments to competition and consumer protection law, enforcement priorities, and policy.[29] These *Hearings on Competition and Consumer Protection in the 21st Century* will be similar in form and structure to the Global Competition and Innovation Hearings undertaken in 1995 during the Chairmanship of Robert Pitofsky. The Pitofsky Hearings were the first major step in establishing the FTC as a key modern center for competition policy research and development and sought to articulate recommendations that would effectively ensure the competitiveness of U.S. markets without imposing unnecessary costs on private parties or governmental processes. The hearings began in September 2018 and are expected to continue through January 2019, and will consist of 15 to 20 public sessions. All hearings will be webcast, transcribed, and placed on the public record. The Commission will invite public comment in stages throughout the term of the hearings.

(2) Consumer Privacy. As the nation's top enforcer on the consumer privacy beat, the FTC works to protect consumers' privacy so that they can take advantage of the benefits of a dynamic and ever-changing digital marketplace. The FTC achieves that goal through civil law enforcement, policy initiatives, and consumer and business education.

For example, the FTC's experience in consumer privacy enforcement has addressed practices offline, online, and in the mobile environment by large, well-known companies and lesser-known players alike. For example, electronic toy manufacturer VTech paid $650,000 to settle FTC charges that the company violated the Children's Online Privacy Protection Act by collecting personal information from children without providing direct notice and obtaining their parent's consent, and failing to take reasonable steps to secure the data it collected.[30] Vizio, one of the world's largest manufacturers and sellers of internet-connected smart televisions, agreed to pay $2.2 million to settle charges that it installed software on its televisions to collect the viewing data of 11 million consumers without their knowledge or consent.[31] Ongoing work includes an investigation of Facebook's privacy practices.[32]

The FTC held its third annual PrivacyCon, a conference examining cutting-edge research and trends in protecting consumer privacy and security, on February 28, 2018. The 2018 event focused on the economics of privacy, including how to weigh the costs and benefits of security-by-design

[25] FTC Press Release, The Effects of Occupational Licensure on Competition, Consumers, and the Workforce: Empirical Research and Results (Nov. 7, 2017), *available at https://www.ftc.gov/news-events/events-calendar/2017/11/effects-occupational-licensure-competition-consumers-workforce.*

[26] FTC Press Release, Voices for Liberty Fireside Chat (Dec. 14, 2017), *available at https://www.ftc.gov/policy/advocacy/economic-liberty/voices-liberty-fireside-chat.*

[27] FTC Press Release, FTC Staff Comment Supports VA Telehealth Rule that Will Increase Access to Care, Promote Competition, and Benefit Veterans (Nov. 2, 2017), *available at https://www.ftc.gov/news-events/press-releases/2017/11/ftc-staff-comment-supports-va-telehealth-rule-will-increase*; *see also* FTC Staff Comment Before the Department of Veterans Affairs Regarding Its Proposed Telehealth Rule (Nov. 1, 2017), *available at https://www.ftc.gov/system/files/documents/advocacy_documents/ftc-staff-comment-department-veterans-affairs-regarding-its-proposed-telehealth-rule/v180001vatelehealth.pdf.*

[28] 83 FR 21897 (May 11, 2018).

[29] *See* FTC Press Release, FTC Announces Hearings on Competition and Consumer Protection in the 21st Century (June 20, 2018), *available at https://www.ftc.gov/news-events/press-releases/2018/06/ftc-announces-hearings-competition-consumer-protection-21st.*

[30] *See* Press Release, Electronic Toy Maker VTech Settles FTC Allegations That it Violated Children's Privacy Law and the FTC Act (Jan. 8, 2018), *https://www.ftc.gov/news-events/press-releases/2018/01/electronic-toy-maker-vtech-settles-ftc-allegations-it-violated.*

[31] *VIZIO, INC. and VIZIO Inscape Services, LLC,* No. 2:17–cv–00758 (D.N.J. Feb. 6, 2018), *available at https://www.ftc.gov/enforcement/cases-proceedings/162-3024/vizio-inc-vizio-inscape-services-llc.*

[32] Statement by the Acting Director of FTC's Bureau of Consumer Protection Regarding Reported Concerns about Facebook Privacy Practices (Mar. 26, 2018), *available at https://www.ftc.gov/news-events/press-releases/2018/03/statement-acting-director-ftcs-bureau-consumer-protection.*

techniques and privacy-protective technologies and behaviors.[33]

(3) Data Security. The FTC continues to explore additional ways to provide practical guidance on data security. Since 2002, the FTC has brought more than 60 cases alleging that companies failed to have reasonable data security and placed consumers' data at risk. The FTC's law enforcement experience informs the agency's educational materials for businesses. For example, the FTC's 2015 *Start with Security* guide distills the lessons learned from FTC cases down to ten fundamental concepts. During 2017's *Stick with Security* initiative, agency staff published a periodic Business Blog post that focused on each of the ten *Start with Security* principles, using a series of hypotheticals to provide detailed guidance on steps companies can take to safeguard sensitive information.[34]

(4) Small Businesses. There are more than 30 million small businesses nationwide, employing nearly 59 million people, according to the Small Business Administration (SBA). The Commission maintains a small business website (*www.ftc.gov/SmallBusiness*) with information to help small business owners avoid scams and protect their systems and customer data from threats.[35] In April 2018, the FTC launched a national education campaign to help small businesses strengthen their cyber defenses and protect sensitive data that they store.[36] The FTC also released business guidance to help multi-level marketers understand and comply with the law.[37]

(5) Military Consumers. The agency also has expanded its focus on military consumers. This includes a new *militaryconsumer.gov* website and a series of Military Financial Consumer conferences. The new website provides advice and assistance on a number of topics, including financial advice and alerts on numerous scams directed at military consumers and their families. A recent example is an alert about scammers targeting the September 11th Victim Compensation Fund.[38] In addition, a new Staff Perspective by the FTC's Bureau of Consumer Protection examined financial issues that can affect military consumers, including service members, veterans, and their families, when they are purchasing and financing a car, dealing with debt collectors, or making credit decisions.[39] The Staff Perspective also discusses the rights and remedies that are available to military consumers in making financial decisions, and emphasizes how financial education early and often, adapted to the military life cycle, is crucial.

(6) International Consumer Protection and Competition. Enforcement cooperation is the top priority of the FTC's international consumer protection program. During fiscal year 2017, the FTC cooperated in 51 investigations, cases, and enforcement projects with foreign consumer, privacy, and criminal enforcement agencies as well as global agency enforcement networks. The FTC used its authority under the U.S. SAFE WEB Act (SAFE WEB) to share information or provide investigative assistance to foreign authorities in some of these matters.[40] Passed in 2006, and renewed in 2012, SAFE WEB has allowed the FTC to share evidence and provide investigative assistance to foreign authorities in a wide variety of cases, and has led to reciprocal assistance.[41] SAFE WEB has also underpinned the FTC's ability to participate in cross-border cooperation memoranda of understanding and other arrangements, including the EU-U.S. Privacy Shield Framework (Privacy Shield), which helps enable billions of transatlantic data flows.[42] Critically, SAFE WEB also expressly confirms the FTC's authority to challenge practices occurring in other countries that harm U.S. consumers, a common fraud scenario, as well as to challenge U.S. business practices that harm foreign consumers.

The FTC's cross-border enforcement cooperation covers the full range of FTC investigations and cases. A recent example is a sweep of elder fraud cases involving assistance from the International Mass-Marketing Fraud Working Group (IMMFWG), which the FTC co-chairs along with the Department of Justice and UK law enforcement.[43] As part of that sweep, the FTC worked directly with UK and Canadian authorities to halt *Next-Gen Inc.,* a sweepstakes scam targeting senior citizens in the United States, Canada, France, Germany, and the UK[44]

A key focus of the FTC's international privacy efforts is support for global interoperability of data privacy regimes. The FTC works with the U.S. Department of Commerce on three key cross-border data transfer programs for the commercial sector: The EU-U.S. Privacy Shield, the Swiss-U.S. Privacy Shield, and the Asia-Pacific Economic Cooperation (''APEC'') Cross-Border Privacy Rules (CPBR) System. The Privacy Shield programs provide legal mechanisms for companies to transfer personal data from the EU and Switzerland to the United States with strong privacy protections. The APEC CBPR system is a voluntary, enforceable

[33] FTC Workshop, PrivacyCon 2018 (Feb. 28, 2018), *available at https://www.ftc.gov/news-events/events-calendar/2018/02/privacycon-2018.*

[34] *See Stick with Security: A Business Blog Series* (October 2017), *https://www.ftc.gov/tips-advice/business-center/guidance/stick-security-business-blog-series.*

[35] For example, *see Scams and Your Small Business: A Guide for Business* (June 2018), *https://www.ftc.gov/tips-advice/business-center/guidance/scams-your-small-business-guide-business.*

[36] *See Engage, Connect, Protect The FTC's Projects and Plans to Foster Small Business Cybersecurity Staff Perspective* (April 2018), *https://www.ftc.gov/system/files/documents/reports/engage-connect-protect-ftcs-projects-plans-foster-small-business-cybersecurity-federal-trade/ecp_staffperspective_2.pdf.*

[37] *See Business Guidance Concerning Multi-Level Marketing* (Jan. 2018), *https://www.ftc.gov/tips-advice/business-center/guidance/business-guidance-concerning-multi-level-marketing.*

[38] *See https://www.militaryconsumer.gov/scam-alerts/scammers-target-sept-11th-victim-compensation-fund.*

[39] *See* A Closer Look At the Military Consumer Financial Workshop: The Federal Trade Commission Staff Perspective (Feb. 2018), *available at https://www.ftc.gov/system/files/documents/reports/closer-look-military-consumer-financial-workshop-federal-trade-commission-staff-perspective/military_consumer_workshop_-_staff_perspective_2-2-18.pdf.*

[40] Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act [U.S. SAFE WEB Act], Public Law 109–455, 120 Stat. 3372, extended by Public Law 112–203, 126 Stat. 1484, codified at 15 U.S.C., sections 41 *et seq.*

[41] The FTC has responded to more than 125 SAFE WEB Act information sharing requests from 30 foreign enforcement agencies. The FTC has issued more than 110 civil investigative demands in more than 50 civil and criminal investigations on behalf of foreign agencies. In cases relying on SAFE WEB, the FTC has collected millions of dollars in restitution for injured domestic and foreign consumers. *See* Press Release, FTC Testifies before House Energy and Commerce Subcommittee about Agency's Work to Protect Consumers, Promote Competition, and Maximize Resources (July 18, 2018), *available at https://www.ftc.gov/news-events/press-releases/2018/07/ftc-testifies-house-energy-commerce-subcommittee-about-agencys.*

[42] FTC Privacy Shield, *https://www.ftc.gov/tips-advice/business-center/privacy-and-security/privacy-shield.* Indeed, the FTC's SAFE WEB powers provide for stronger cooperation with European data protection authorities on investigations and enforcement against possible Privacy Shield violations, a point cited in the European Commission's Privacy Shield adequacy decision. *See* Commission Implementing Decision No. 2016/1250 (on the adequacy of the protection provided by the EU-U.S. Privacy Shield), 2016 O.J. L207/1 at ¶ 51, *https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L:2016:207:FULL&from=EN.*

[43] DOJ Press Release, Justice Department Coordinates Nationwide Elder Fraud Sweep of More Than 250 Defendants (Feb. 22, 2018), *available at https://www.justice.gov/opa/pr/justice-department-coordinates-nationwide-elder-fraud-sweep-more-250-defendants.* The IMMFWG is a network of civil and criminal law enforcement agencies from Australia, Belgium, Canada, Europol, the Netherlands, Nigeria, Norway, Spain, the United Kingdom and the United States.

[44] FTC Press Release, FTC Challenges Schemes That Target or Affect Senior Citizens (Feb. 22, 2018), *available at https://www.ftc.gov/news-events/press-releases/2018/02/ftc-challenges-schemes-target-or-affect-senior-citizens.*

code of conduct protecting personal information transferred among the United States and other APEC economies. The FTC enforces companies' privacy promises in these programs, bringing cases as violations of Section 5 of the FTC Act.[45] The FTC also works closely with agencies developing and implementing new privacy and data security laws in Latin America and Asia.

The FTC's international competition program supports the Bureau of Competition in the international aspects of their investigations and enforcement, cooperates with competition agencies around the world on enforcement and policy, and promotes convergence of international antitrust policies toward best practice.

The FTC plays a lead role in the International Competition Network (ICN), which includes almost every competition agency in the world and provides a leading forum for international cooperation and convergence. The FTC's activities in the ICN include: Serving on the Steering Group; co-chairing the Merger Working Group where it leads projects to develop recommended practices for merger notification and analysis, and practical guidance on investigative techniques; leading the ICN's work on procedural fairness in antitrust investigations; leading the ICN Training on Demand project, which is creating a comprehensive curriculum of video training materials on competition law and practice; and co-chairing the Advocacy and Implementation Network. At the ICN's annual conference in March 2018, the ICN adopted the Merger Working Group's revised Recommended Practices on international enforcement cooperation, timing of notification, and review periods. The working group also presented results of its agency survey on vertical merger analysis and related economic assessment.

The FTC continues to help lead the work of the Organisation for Economic Co-operation and Development (OECD) Competition Committee, including in its current strategic projects on procedural fairness, the digital economy, and the application of competition laws to intellectual property rights. The agency also participates actively in the competition components of the United Nations Conference on Trade and Development (UNCTAD) and the Asia-Pacific Economic Cooperation (APEC).

Within the U.S. government, the FTC works closely with colleagues in other agencies in intergovernmental fora that deal with competition matters, including challenges that arise from the enforcement of foreign competition laws. The FTC is also involved in issues at the intersection of trade and competition policy, including as part of the U.S. delegation that negotiates competition chapters of trade agreements.

(7) Self-Regulatory and Compliance Initiatives with Industry. The Commission continues to engage industry in compliance partnerships in the funeral and franchise industries, among others. For example, the Commission's Funeral Rule Offender Program, conducted in partnership with the National Funeral Directors Association, and is designed to educate funeral home operators found in violation of the requirements of the Funeral Rule so that they can meet the rule's disclosure requirements. Five hundred and thirty-two funeral homes have participated in the program since its inception in 1996.[46]

In addition, the Commission established the Franchise Rule Alternative Law Enforcement Program in partnership with the International Franchise Association (IFA), a nonprofit organization that represents both franchisors and franchisees. This program assists franchisors found to have a minor or technical violation of the Franchise Rule in complying with the rule.[47] The IFA teaches the franchisor how to comply with the rule and monitors its business for a period of years. Where appropriate, the program offers franchisees the opportunity to mediate claims arising from the law violations. Since December 1998, 21 companies have agreed to participate in the program.

(8) Second Chance and Leniency Policies. The Commission complements its compliance assistance efforts by considering the particular circumstance when enforcing business obligations. For example, the Commission has a small business leniency policy statement that analyzes various factors that may result in reduction or waiver of penalties.[48] As such cases arise; the Commission considers these leniency factors whenever a civil penalty may be assessed against a small business.

The Commission continued its ''second chance'' policy for certain minor and inadvertent violations of the textile and wool labeling rules, which can apply to small businesses. The Textile Corporate Leniency Policy helps increase overall compliance with the rules while minimizing the burden on business of correcting inadvertent labeling errors that are not likely to injure consumers. Since the Policy was announced (2002), at least 242 companies have been granted ''leniency'' for self-reported minor violations of the FTC textile regulations.

Regulatory and Deregulatory Measures

In 1992, the Commission implemented a program to review its rules and guides regularly. The Commission's review program is patterned after provisions in the Regulatory Flexibility Act, 5 U.S.C. 601–612 and complies with the Small Business Regulatory Enforcement Fairness Act of 1996. The Commission's 10-year program also is consistent with section 5(a) of Executive Order 12866, which directs executive branch agencies to develop a plan to reevaluate periodically all of their significant existing regulations.[49] Under the Commission's program, rules are reviewed on a 10-year schedule that results in more frequent reviews than are generally required by Section 610 of the Regulatory Flexibility Act. This program is also broader than the review contemplated under the Regulatory Flexibility Act, in that it provides the Commission with an ongoing systematic approach for seeking information about the costs and benefits of its rules and guides and whether there are changes that could minimize any adverse economic effects, not just a ''significant economic impact upon a substantial number of small entities.'' [50] In each rule review, the Commission requests public comments on, among other things, the economic impact and benefits of the rule; possible conflict between the rule and state, local, or other federal laws or regulations; and the effect on the rule of any

[45] *See, e.g., ReadyTech Corp.,* Matter No. 1823100 (July 2, 2018), *https://www.ftc.gov/enforcement/cases-proceedings/182-3100/readytech-corporation-matter*; *Md7, LLC,* No. C–4629 (Nov. 29, 2017), *https://www.ftc.gov/enforcement/cases-proceedings/172-3172/md7-llc*; *Tru Communication, Inc.,* No. C–4628 (Nov. 29, 2017), *https://www.ftc.gov/enforcement/cases-proceedings/172-3171/tru-communication-inc*; *Decusoft, LLC,* No. C–4630 (Nov. 29, 2017), *https://www.ftc.gov/enforcement/cases-proceedings/172-3173/decusoft-llc*; *Sentinel Labs, Inc.,* No. C–4608 (Apr. 14, 2017), *https://www.ftc.gov/enforcement/cases-proceedings/162-3250/sentinel-labs-inc*; *Vir2us, Inc.,* No. C–4609 (Apr. 14, 2017), *https://www.ftc.gov/enforcement/cases-proceedings/162-3248/vir2us-inc*; *SpyChatter, Inc.,* No. C–4614 (Apr. 14, 2017), *https://www.ftc.gov/enforcement/cases-proceedings/162-3251/spychatter-inc.*

[46] *See* 16 CFR 453.

[47] 16 CFR 436. Violations involving fraud or other FTC Act violations are not candidates for referral to the program.

[48] *See* 62 FR 16809 (Apr. 8, 1997) (issuing policy), 62 FR 46363 (Sept. 2, 1997) (responding to comment received).

[49] 58 FR 51735 (Sept. 30, 1993).

[50] 5 U.S.C. 610.

technological, economic, or other industry changes.

As part of its continuing 10-year review plan, the Commission examines the effect of rules and guides on small businesses and on the marketplace in general. These reviews may lead to the revision or rescission of rules and guides to ensure that the Commission's consumer protection and competition goals are achieved efficiently and at the least cost to business. Pursuant to this program, the Commission has rescinded 37 rules and guides promulgated under the FTC's general authority and updated dozens of others since the early 1990s.

The FTC continues to take a fresh look at its long-standing regulatory review process. On February 20, 2018, the Commission issued a revised 10-year review schedule.[51] The Commission is currently reviewing 15 of the 65 rules and guides within its jurisdiction. The FTC maintains a web page at *http://www.ftc.gov/regreview* that serves as a one-stop shop for the public to obtain information and provide comments on individual rules and guides under review as well as the Commission's regulatory review program generally.

In 2018, the Commission initiated or will initiate reviews of four of its rules or guides: (1) Test Procedures and Labeling Standards for Recycled Oil, 16 CFR 311; (2) Disclosure Requirements and Prohibitions Concerning Franchising, 16 CFR 436; (3) Identity Theft Rules, 16 CFR 681; and (4) The Nursery Guides, 16 CFR 18.

Ongoing Rule and Guide Reviews

The Commission is continuing review of a number of rules and guides, which are discussed below.

(a) Rules

CAN–SPAM Rule, 16 CFR 316. The Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN–SPAM) regulates the transmission of all commercial electronic mail (email) messages. The FTC issued the CAN–SPAM Rule to implement the Act, as authorized by the statute. As part of its ongoing systematic review of its rules and guides, the Commission initiated a periodic review of the CAN–SPAM Rule on June 28, 2017.[52] The public comment period closed on August 31, 2017. Commission staff anticipates sending a recommendation to the Commission by December 2018.

Care Labeling Rule, 16 CFR 423. Promulgated in 1971, the Rule on Care Labeling of Textile Apparel and Certain Piece Goods as Amended (the Care Labeling Rule) makes it an unfair or deceptive act or practice for manufacturers and importers of textile wearing apparel and certain piece goods to sell these items without attaching care labels stating ''what regular care is needed for the ordinary use of the product.'' The Rule also requires that the manufacturer or importer possess, prior to sale, a reasonable basis for the care instructions and allows the use of approved care symbols in lieu of words to disclose care instructions. After reviewing the comments from a periodic rule review,[53] the Commission concluded on September 20, 2012, that the Rule continued to benefit consumers and would be retained, and sought comments on potential updates to the Rule, including changes that would allow garment manufacturers and marketers to include instructions for professional wetcleaning on labels; permit the use of ASTM Standard D5489–07, ''Standard Guide for Care Symbols for Care Instructions on Textile Products,'' or ISO 3758:2005(E), ''Textiles—Care labeling code using symbols,'' in lieu of terms; clarify what can constitute a reasonable basis for care instructions; and update the definition of ''dryclean.'' [54] On March 28, 2014, the Commission hosted a public roundtable in Washington, DC, that analyzed proposed changes to the Rule. Staff anticipates Commission action by December 2018.

Contact Lens Rule, 16 CFR 315. As part of the systematic rule review process, on September 3, 2015, the Commission issued a **Federal Register** notice seeking public comments about the Contact Lens Rule.[55] The comment period closed on October 26, 2015. The Contact Lens Rule requires contact lens prescribers to provide prescriptions to their patients upon the completion of a contact lens fitting, and to verify contact lens prescriptions for contact lens sellers authorized by consumers to seek such verification. Sellers may provide contact lenses only in accordance with a valid prescription that is directly presented to the seller or verified with the prescriber. After Commission staff completed review of the 660 comments received from consumers, eye care professionals, industry members, trade associations, and consumer advocacy groups, the Commission published a notice of proposed rulemaking on December 7, 2016, seeking comment on its proposal to amend the Rule to require contact lens prescribers to obtain a signed acknowledgement after releasing a contact lens prescription to a patient, and to maintain it for at least three years. In addition, to conform language of the Rule to the language of the Fairness to Contact Lens Consumers Act, the Commission sought comment on a proposal to amend section 315.5(e) of the Rule to remove the words ''private label.'' The comment period closed on January 30, 2017, and staff reviewed more than 4,000 comments that were received.

On December 8, 2017, the Commission announced that it would be holding a public workshop relating to the NPRM and other issues relating to competition in the marketplace and consumer access to contact lenses.[56] The workshop was held on March 7, 2018, and the deadline for submitting comments on the issues discussed at the workshop was April 6, 2018. Staff is reviewing more than 3,000 comments received and plans to submit a recommendation to the Commission by early 2019.

Energy Labeling Rule, 16 CFR 305. The Energy Labeling Rule is officially known as the Rule concerning Energy and Water Use Labeling for Consumer Products Under the Energy Policy and Conservation Act. Staff anticipates that the Commission will issue an NPRM by Spring 2019.[57]

Eyeglass Rule, 16 CFR 456. As part of the systematic rule review process, on September 3, 2015, the Commission issued a **Federal Register** notice seeking public comments about the Eyeglass Rule (or Trade Regulation Rule on Ophthalmic Practice Rules).[58] The comment period closed on October 26, 2015. Commission staff has completed the review of 831 comments on the Eyeglass Rule and anticipates sending a recommendation for further Commission action by the fall of 2019. The Eyeglass Rule requires that an optometrist or ophthalmologist give the patient, at no extra cost, a copy of the eyeglass prescription immediately after the examination is completed. The Rule also prohibits optometrists and ophthalmologists from conditioning the availability of an eye examination, as defined by the Rule, on a requirement that the patient agree to purchase ophthalmic goods from the optometrist or ophthalmologist.

Franchise Rule, 16 CFR 436. By December 2018, the Commission plans to initiate periodic review of the

[51] 83 FR 7120 (Feb. 20, 2018).

[52] 82 FR 29254 (June 28, 2017).

[53] 76 FR 41148 (July 13, 2011).

[54] 77 FR 58338 (Sept. 20, 2012).

[55] 80 FR 53272 (Sept. 3, 2015).

[56] 82 FR 57889 (Dec. 8, 2017).

[57] *See Final Actions* below for information about a separate completed rulemaking proceeding for the Energy Labeling Rule.

[58] 80 FR 53274 (Sept. 3, 2015).

Franchise Rule (officially titled, Disclosure Requirements and Prohibitions Concerning Franchising). The Rule gives prospective purchasers of franchises the material information they need in order to weigh the risks and benefits of such an investment. The Rule requires franchisors to provide all potential franchisees with a disclosure document containing 23 specific items of information about the offered franchise, its officers, and other franchisees. Required disclosure topics include, for example: The franchise's litigation history, past and current franchisees and their contact information, any exclusive territory that comes with the franchise, assistance the franchisor provides franchisees, and the cost of purchasing and starting up a franchise.

Funeral Rule, 16 CFR 453. The Commission plans to initiate periodic review of the Funeral Industry Practices Rule (Funeral Rule) during 2019. The Rule, which became effective in 1984, requires sellers of funeral goods and services to give price lists to consumers who visit a funeral home and to disclose price and other information to callers who request it over the telephone. The Rule enables consumers to select and purchase only the goods and services they want, and requires funeral providers to seek authority before performing some services such as embalming. The Rule also requires funeral providers to make disclosures regarding any required purchases and prohibits misrepresentations regarding requirements and other aspects of funeral goods and services.

Holder in Due Course Rule, 16 CFR 433. On December 1, 2015, the Commission initiated a periodic review of the Preservation of Consumers' Claims and Defenses Rule (Holder in Due Course Rule).[59] The comment period closed on February 12, 2016. Staff is reviewing the comments and anticipates sending a recommendation to the Commission by December 2018. The Holder in Due Course Rule requires sellers to include language in consumer credit contracts that preserves consumers' claims and defenses against the seller. This Rule eliminated the ''holder in due course'' doctrine as a legal defense for separating a consumer's obligation to pay from the seller's duty to perform by requiring that consumer credit and loan contracts contain one of two clauses to preserve the buyer's right to assert sales-related claims and defenses against any ''holder'' of the contracts.

Identity Theft Rules, 16 CFR 681. By December 2018, the Commission expects to initiate periodic review of the Identity Theft Rules, which include the Red Flags Rule and the Card Issuer Rule. The Red Flags Rule requires financial institutions and creditors to develop and implement a written identity theft prevention program (a Red Flags Program). By identifying red flags for identity theft in advance, businesses can be better equipped to spot suspicious patterns that may arise and take steps to prevent potential problems from escalating into a costly episode of identity theft. The Card Issuer Rule requires credit and debit card issuers to implement reasonable policies and procedures to assess the validity of a change of address if they receive notification of a change of address for a consumer's debit or credit card account and, within a short period of time afterwards, also receive a request for an additional or replacement card for the same account.

Military Credit Monitoring Rule, to be promulgated at 16 CFR 609. The Economic Growth, Regulatory Relief, and Consumer Protection Act, Public Law 115–174, requires the Federal Trade Commission to promulgate the Free Credit Monitoring for Active Duty Military Rule by May 25, 2019. The Rule to be promulgated will require the nationwide consumer reporting agencies to provide a free electronic credit monitoring service that, at a minimum, notifies a consumer of material additions or modifications to the file of the consumer at the consumer reporting agency to any consumer who provides to the consumer reporting agency (A) appropriate proof that the consumer is an active duty military consumer; and (B) contact information of the consumer. The Act requires the implementing rule to define: Electronic credit monitoring service, material additions or modifications to the file of the consumer, and to determine what constitutes appropriate proof that a consumer is active duty military. The Commission plans to issue a Notice of Proposed Rulemaking during October 2018. The public comment period will close 60 days after the NPRM is published in the **Federal Register**. The Commission plans to issue the final rule by or before May 25, 2019, as required by the Act.

Premerger Notification Rules and Report Form (or HSR Rules), 16 CFR 801–803. The HSR Rules and the Antitrust Improvements Act Notification and Report Form (HSR Form) were adopted pursuant to section 7(A) of the Clayton Act, which requires firms of a certain size contemplating mergers, acquisitions, or other transactions of a specified size to file notification with the FTC and the DOJ and to wait a designated period of time before consummating the transaction. These Rules are continually reviewed in order to improve the program's effectiveness and to reduce the paperwork burden on the business community.

Staff anticipates submitting a recommendation to the Commission by October 2018 that would propose clarifying the definition of foreign issuer in the HSR Rules. The definition in the HSR Rules for U.S. and Foreign persons and issuers focuses on three tests: (1) Location of incorporation, (2) country whose laws organized under, and (3) principal offices. The term ''principal offices'' is not defined in the rules and is often a source of confusion for parties. This rulemaking would provide a definition.[60]

Privacy Rule, 16 CFR 313. The Privacy Rule or Privacy of Consumer Financial Information Rule requires, among other things, that certain motor vehicle dealers provide an annual disclosure of their privacy policies to their customers by hand delivery, mail, electronic delivery, or through a website, but only with the consent of the consumer. On June 24, 2015, the Commission proposed amending the Rule to allow motor vehicle dealers instead to notify their customers that a privacy policy is available on their website, under certain circumstances.[61] The proposed amendment would also revise the scope and definitions in the Rule in light of the transfer of part of the Commission's rulemaking authority to the Bureau of Consumer Financial Protection in the Dodd-Frank Wall Street Reform and Consumer Protection Act. The comment period closed on August 31, 2015. Since the Commission proposed amending the Rule, Congress enacted the Fixing America's Surface Transportation Act (FAST Act) which included a provision amending the Gramm-Leach-Bliley Act to create a new exception to the annual notice requirement. Staff anticipates submitting a recommendation to the Commission by November 2018.

R-value Rule, 16 CFR 460. On April 6, 2016, the Commission initiated a periodic review of the R-value Rule, officially the Trade Regulation Rule Concerning the Labeling and Advertising of Home Insulation, as part of its ongoing systematic review of all

[59] 80 FR 75018 (Dec. 1, 2015).

[60] *See (B) Regulatory Reform-related Initiatives* above for information about the streamlining of paperwork burdens for E-filing HSR Forms and a separate completed rulemaking proceeding for the HSR Rules.

[61] 80 FR 36267 (June 24, 2015).

rules and guides.[62] The comment period was later extended to September 6, 2016.[63] Staff anticipates sending a recommendation to the Commission for the next action by October 2018. The R-value Rule is designed to assist consumers in evaluating and comparing the thermal performance characteristics of competing home insulation products by specifically requiring manufacturers of home insulation products to provide information about the product's degree of resistance to the flow of heat (R-value). The Rule also establishes uniform standards for testing, information disclosure, and substantiation of product performance claims.

Safeguards Rule (or Standards for Safeguarding Customer Information), 16 CFR 314. On September 7, 2016, the Commission initiated a periodic review of the Safeguards Rule as part of its ongoing systematic review of all rules and guides.[64] The comment period closed on November 7, 2016, and staff anticipates submitting a recommendation to the Commission by November 2018. The FTC's Safeguards Rule, as directed by the Gramm-Leach-Bliley Act, requires each financial institution subject to the FTC's jurisdiction to assess risks and develop a written information security program that is appropriate to its size and complexity, the nature and scope of its activities, and the sensitivity of the customer information at issue.

Telemarketing Sales Rule (TSR), 16 CFR 308. On August 11, 2014, the Commission initiated a periodic review of the TSR as set out on the 10-year review schedule.[65] The comment period as extended closed on November 13, 2014.[66] Staff anticipates making a recommendation to the Commission by December 2018.

(b) Guides

Nursery Guides, 16 CFR 18. On February 22, 2018, the Commission initiated periodic review of the Guides for the Nursery Industry.[67] Adopted in 1979 and last reviewed in 2007, the Guides address a number of sales practices for outdoor plants, trees, and flowers and prohibit deception as to such things as size, grade, age, condition, price, origin, or the place where the products were grown. The comment period closed on April 20, 2018. On August 30, 2018, the Commission proposed to rescind the Guides because they appear to serve little purpose for consumers and industry members in today's market.[68] The comment period will close on November 5, 2018.

Leather Guides, 16 CFR 24. During 2019, the Commission plans to initiate periodic review of the Leather Guides, formally known as the Guides for Select Leather and Imitation Leather Products. Adopted in 1996 and last reviewed in 2007, the Leather Guides address misrepresentations regarding the composition and characteristics of specific leather and imitation leather products. The Guides apply to the manufacture, sale, distribution, marketing, or advertising of leather or simulated leather purses, luggage, wallets, footwear, and other similar products. Importantly, the Leather Guides state that disclosure of non-leather content should be made for material that has the appearance of leather but is not leather.

Final Actions

Since the publication of the 2017 Regulatory Plan, the Commission has issued the following final rules or taken other actions to close other rulemaking or guide proceedings. These final rules continue to be consistent with the President's Statement of Regulatory Philosophy and Principles contained in Executive Order 12866 and Executive Order 13771.

Energy Labeling Rule, 16 CFR 305. On February 22, 2018, the Commission published final rule amendments to the Energy Labeling Rule that updated ranges of comparability and unit energy cost figures on EnergyGuide labels for dishwashers, furnaces, room air conditioners, and pool heaters.[69] The effective date was May 23, 2018. The Commission also set a compliance date of October 1, 2019, for EnergyGuide labels on room air conditioner boxes and made several minor clarifications and corrections to the Rule.[70]

Picture Tube Rule, 16 CFR 410. On October 2, 2018, the Commission announced the completion of its regulatory review of the Rule on Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets (Picture Tube Rule). The Commission determined that the Rule, which was effective in 1967, is no longer necessary to prevent deceptive claims regarding the size of television screens and to encourage uniformity and accuracy in their marketing. The Commission is therefore repealing the Rule, effective 90 days after publication in the **Federal Register**. As part of the systematic review of its rules and guides, the Commission had initiated a periodic review of the Rule on June 28, 2017.[71] Based on comments received and prevailing market practices, the Commission published an NPRM on April 18, 2018, that proposed to repeal the Rule.[72] While effective, the Picture Tube Rule set forth appropriate methods for measuring television screens when that measure was included in any advertisement or promotional material for the television set. If the measurement of the screen size was based on a measurement other than the horizontal dimension of the actual viewable picture area, the method of measurement had to be clearly and conspicuously disclosed in close proximity to the size designation.

Recycled Oil Rule, 16 CFR 311. On July 24, 2018, the Commission announced the completion of the review of the Recycled Oil Rule (officially the Rule on Test Procedures and Labeling Standards for Recycled Oil) and that the Rule is being retained in its current form.[73] This Rule governs labeling of containers for recycled or ''re-refined'' oil intended for use as engine oil. The Rule, which implemented statutory requirements designed to encourage the use of recycled oil, permits manufacturers and other sellers to represent on a recycled engine-oil container label that the oil is substantially equivalent to new engine oil, as long as the determination of equivalency is based on National Institute of Standards and Technology test procedures prescribed by the Rule.

Textile Rules, 16 CFR 303. On January 23, 2018, the Commission amended the Textile Rules (formally Rules and Regulations under the Textile Fiber Products Identification Act) by eliminating an obsolete provision requiring that an owner of a registered word trademark furnish the agency with a copy of the mark's United States Patent and Trademark Office registration before using the mark on labels.[74] Eliminating this requirement is expected to reduce compliance costs while increasing firms' flexibility. The final Rules were effective on February 22, 2018. The Textile Rules implement

[62] 81 FR 19936 (Apr. 6, 2016).

[63] 81 FR 35661 (June 3, 2016).

[64] 81 FR 61632 (Sept. 7, 2016).

[65] 79 FR 46732 (Aug. 11, 2014). *See Final Actions* below for information about a separate completed rulemaking proceeding for the Telemarketing Sales Rule.

[66] 79 FR 61267 (Oct. 10, 2014).

[67] 83 FR 7643 (Feb. 22, 2018).

[68] 83 FR 45582 (Sept. 10, 2018).

[69] 83 FR 7593 (Feb. 22, 2018).

[70] *See Ongoing Rule and Guide Reviews (a) Rules* for information about a separate and ongoing rulemaking under the Energy Labeling Rule.

[71] 82 FR 29256 (June 28, 2017).

[72] 83 FR 17117 (Apr. 18, 2018).

[73] 83 FR 48213 (Sept. 24, 2018).

[74] 83 FR 3068 (Jan. 23, 2018).

the Textile Fiber Products Identification Act, which requires wearing apparel and other covered household textile articles to be marked with (1) the generic names and percentages by weight of the constituent fibers present in the textile fiber product; (2) the name under which the manufacturer or another responsible USA company does business, or in lieu thereof, the registered identification number (RN) of such a company; and (3) the name of the country where the textile product was processed or manufactured.

Jewelry Guides, 16 CFR 23. On July 24, 2018, the Commission announced it was adopting revised Guides for the Jewelry, Precious Metals, and Pewter Industries (Jewelry Guides).[75] As part of its comprehensive review of the Jewelry Guides, the Commission reviewed public comments and the transcript of a public roundtable. To help marketers avoid deceptive practices, our recommended revisions attempt to align the Guides with Section 5 by tying guidance to consumer expectations where we have supporting evidence while providing sellers greater flexibility. The final Guides include several revisions addressing precious metal surface applications. First, for sellers choosing to advertise their products' precious metal coatings, the final Guides advise how to do so non-deceptively. Second, based on new durability testing, the final Guides include revised examples of non-deceptive markings and descriptions for gold surface applications that are reasonably durable. Third, the final Guides advise marketers to disclose the purity of coatings made with a gold, silver, or platinum alloy. Finally, the final Guides advise marketers to disclose rhodium coatings over products advertised as precious metal, such as rhodium-plated items marketed as ''white gold'' or silver.

Summary

The actions under consideration inform and protect consumers, while minimizing the regulatory burdens on legitimate businesses. The Commission continues to identify and weigh the costs and benefits of proposed regulatory actions and possible alternative actions and to seek and consider the broadest practicable array of comment from affected consumers, businesses, and the public at large. In sum, the Commission's regulatory actions are aimed at efficiently and fairly promoting the ability of ''private markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people.'' [76]

[75] 83 FR 40665 (Aug. 16, 2018).

II. Regulatory and Deregulatory Actions

The Commission has no proposed rules that would be a ''significant regulatory action'' under the definition in Executive Order 12866.[77] The Commission also has no proposed rules that would have significant international impacts or any international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations as defined in Executive Order 13609.

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[76] Executive Order 12866, section 1.

[77] Section 3(f) of Executive Order 12866 defines a regulatory action to be ''significant'' if it is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Statement of Regulatory Priorities

In 1988, Congress adopted the Indian Gaming Regulatory Act (IGRA) (Pub. L. 100–497, 102 Stat. 2475) with a primary purpose of providing ''a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments.'' IGRA established the National Indian Gaming Commission (NIGC or the Commission) to protect such gaming, amongst other things, as a means of generating Tribal revenue for strengthening Tribal governance and Tribal communities.

At its core, Indian gaming is a function of sovereignty exercised by Tribal Governments. In addition, the Federal government maintains a government-to-government relationship with the tribes—a responsibility of the NIGC. Thus, while the Agency is committed to strong regulation of Indian gaming, the Commission is equally committed to strengthening government-to-government relations by engaging in meaningful consultation with Tribes to fulfill IGRA's intent. The NIGC's vision is to adhere to principles of good government, including transparency to promote Agency accountability and fiscal responsibility, to operate consistently to ensure fairness and clarity in the administration of IGRA, and to respect the responsibilities of each sovereign to fully promote Tribal economic development, self-sufficiency, a strong workforce, and strong tribal governments. The NIGC is fully committed to working with Tribes to ensure the integrity of the industry by exercising its regulatory responsibilities through technical assistance, compliance, and enforcement activities.

Retrospective Review of Existing Regulations

As an independent regulatory agency, the NIGC has been performing a retrospective review of its existing regulations well before Executive Order 13771 was issued on January 30, 2017. The NIGC, however, recognizes the importance of Executive Order 13771 and its regulatory review is being conducted in the spirit of Executive Order 13771, to identify those regulations that may be outmoded, ineffective, insufficient, or excessively burdensome and to modify, streamline, expand, or repeal them in accordance with input from the public. In addition, as required by Executive Order 13175, issued on November 6, 2000, the Commission has been conducting government-to-government consultations with Tribes regarding each regulation's relevancy, consistency in application, and limitations or barriers to implementation, based on the Tribes' experiences. The consultation process is also intended to result in the identification of areas for improvement and needed amendments, if any, new regulations, and the possible repeal of outdated regulations.

The following Regulatory Identifier Numbers (RINs) have been identified as associated with the review:

RIN	Title
3141–AA32	Definitions.
3141–AA55	Class III Minimum Internal Control Standards.
3141–AA58	Management Contracts.
3141–AA60	Class II Minimum Internal Control Standards.
3141–AA62	Buy Indian Goods and Services (BIGS) Rule.
3141–AA68	Audit Regulations.
3141–AA69	Class II Minimum Technical Standards.

More specifically, the NIGC is currently considering promulgating new regulations in the following areas: (i) Amendments to its regulatory definitions to conform to the newly promulgated rules and provide clarity; (ii) updates or revisions to its management contract regulations to address the current state of the industry; (iii) the review and revision of the minimum internal control standards (MICS) for Class II gaming; (iv) regulation that would provide a preference to qualified Indian-owned businesses when purchasing goods or services for the Commission at a fair market price; (v) the review and revision of the minimum technical standards for Class II gaming; and (vi) updates or revisions to the existing audit regulations to reduce cost burdens for small or charitable gaming operations. The Commission has decided to suspend the Class III minimum internal control standards at 25 CFR part 542 and publish updated standards as guidance documents.

NIGC is committed to staying up to date on developments in the gaming industry, including best practices and emerging technologies. Further, the Commission aims to continue reviewing its regulations to determine whether they are overly burdensome to smaller, rural operations. The NIGC anticipates that the ongoing consultation with Tribes will continue to play an important role in the development of the NIGC's rulemaking efforts.

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U.S. NUCLEAR REGULATORY COMMISSION (NRC)

Statement of Regulatory Priorities for Fiscal Year 2019

I. Introduction

Under the authority of the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, the U.S. Nuclear Regulatory Commission (NRC) regulates the possession and use of source, byproduct, and special nuclear material. Our regulatory mission is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, and promote the common defense and security. As part of our mission, we regulate the operation of nuclear power plants and fuel-cycle facilities; the safeguarding of nuclear materials from theft and sabotage; the safe transport, storage, and disposal of radioactive materials and wastes; the decommissioning and safe release for other uses of licensed facilities that are no longer in operation; and the medical, industrial, and research applications of nuclear material. In addition, we license the import and export of radioactive materials.

As part of our regulatory process, we routinely conduct comprehensive regulatory analyses that examine the costs and benefits of contemplated regulations. We have developed internal procedures and programs to ensure that we impose only necessary requirements on our licensees and to review existing regulations to determine whether the requirements imposed are still necessary.

Our regulatory priorities for fiscal year (FY) 2019 reflect our safety and security mission and will enable us to achieve our two strategic goals described in NUREG–1614, Volume 7, ''Strategic Plan: Fiscal Years 2018–2022'' (*https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1614/v7/*):

(1) To ensure the safe use of radioactive materials, and (2) to ensure the secure use of radioactive materials.

II. Regulatory Priorities

This section contains information on some of our most important and significant regulatory actions that we are considering issuing in proposed or final form during FY 2019. For additional information on these regulatory actions and on a broader spectrum of our upcoming regulatory actions, see our portion of the Unified Agenda of Regulatory and Deregulatory Actions. We also provide additional information on planned rulemaking and petition for rulemaking activities, including priority and schedule, on our website at *https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html*.

A. Proposed Rules

American Society of Mechanical Engineers 2015–2017 Code Editions Incorporation by Reference (RIN 3150–AJ74; NRC–2016–0082): This proposed rule would amend the NRC's regulations to incorporate by reference the 2015 and 2017 Editions of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code and the 2015 and 2017 Editions of the ASME Operation and Maintenance of Nuclear Power Plants (OM Code).

Advanced Power Reactor 1400 (APR–1400) Design Certification (RIN 3150–AJ67; NRC–2015–0224): This proposed rule would amend the NRC's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' by adding a new appendix for the initial certification of the APR1400 standard plant design (Korea Electric Power Corporation and Korea Hydro & Nuclear Power Co., Ltd).

Cyber Security for Fuel Facilities (RIN 3150–AJ64; NRC–2015–0179): This proposed rule would add cyber security requirements to the NRC's regulations applicable to certain nuclear fuel-cycle facility applicants and licensees. This proposed rule would assure that these fuel-cycle facilities adequately detect, protect against, and respond to a cyber attack capable of causing one or more of the consequences of concern defined in the proposed rule.

Low-Level Radioactive Waste Disposal (RIN 3150–AI92; NRC–2011–0012): This supplemental proposed rule would require licensees for low-level radioactive waste disposal facilities under 10 CFR part 61, ''Licensing Requirements for Land Disposal of Radioactive Waste,'' to conduct site-specific analyses, including an intruder assessment, and make additional changes to the current regulations to reduce ambiguity and facilitate implementation.

Regulatory Improvements for Production or Utilization Facilities Transitioning to Decommissioning (RIN 3150–AJ59; NRC–2015–0070): This proposed rule would amend the NRC's

regulations that relate to the decommissioning of production and utilization facilities.

Approval of American Society of Mechanical Engineers Code Cases, Revision 38 (RIN 3150–AJ93; NRC–2017–0024): This proposed rule would incorporate by reference into 10 CFR 50.55a, ''Codes and standards,'' the ASME Code cases that the NRC finds to be acceptable or conditionally acceptable.

B. Final Rules

The following rulemaking activities meet the requirements of a significant regulatory action in Executive Order 12866, ''Regulatory Planning and Review,'' because they are likely to have an annual effect on the economy of $100 million or more.

Mitigation of Beyond Design Basis Events (RIN 3150–AJ49; NRC–2011–0189, NRC–2014–0240): This final rule would enhance mitigation strategies for nuclear power reactors to respond to beyond-design-basis external events.

Revision of Fee Schedules: Fee Recovery for FY 2019 (RIN 3150–AJ99; NRC–2017–0032): This final rule would amend the NRC's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees.

NRC

Proposed Rule Stage

175. Low-Level Radioactive Waste Disposal [NRC–2011–0012]

Priority: Other Significant.

E.O. 13771 Designation: Independent agency.

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

CFR Citation: 10 CFR 20; 10 CFR 61.

Legal Deadline: None.

Abstract: This rulemaking would amend the NRC's regulations to revise the licensing requirements for low-level radioactive waste disposal. The rule would ensure that the waste streams that are significantly different from those considered during the development of existing regulations will continue to be disposed of safely and meet the performance objectives for land disposal of low-level radioactive waste. The rule would require certain licensees and applicants to conduct site-specific analyses, including a new intruder assessment, using a specified compliance period and would make other clarifying changes.

Statement of Need: The rule would amend the Nuclear Regulatory Commission's (NRC) regulations to require low-level radioactive waste (LLRW) disposal facilities to conduct site-specific analyses to demonstrate compliance with the performance objectives. Although the NRC believes that part 61 is adequate to protect public health and safety, requiring a site-specific analysis to demonstrate compliance with the performance objectives would enhance the safe disposal of LLRW and would provide added assurance that waste streams not considered in the part 61 technical basis comply with the part 61 performance objectives. Further, these analyses would identify any additional measures that would be prudent to implement. These amendments would improve the efficiency of the regulations by making changes to reduce ambiguity, facilitate implementation, and better align the requirements with the current and more modern health and safety regulations. This rulemaking would correct ambiguities and provide added assurance that LLRW disposal continues to meet the performance objectives in part 61.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: The NRC published a regulatory analysis examining the costs and benefits associated with the proposed rule. Agreement States and industry (licensees) incur implementation and ongoing costs. The benefits of the regulatory action include allowing licensees to optimize disposal capacity and ensuring that LLRW streams that are significantly different from those considered during the development of the current regulations can be disposed of safely, minimizing future mitigation. These benefits are likely to avert potential future costs to licensees. The rule is cost-justified because the regulatory initiatives enhance public health and safety by ensuring the safe disposal of LLRW.

Risks:

Timetable:

Action	Date	FR Cite
Preliminary Proposed Rule Language.	05/03/11	76 FR 24831
Comment Period End.	06/18/11	
Preliminary Draft Rule Language; Second Request for Comment.	12/07/12	77 FR 72997
Comment Period End.	01/07/13	
Preliminary Draft Rule Language; Second Request for Comment; Correction.	01/08/13	78 FR 1155
NPRM	03/26/15	80 FR 16082
NPRM Comment Period End.	07/24/15	
NPRM Comment Period Reopened.	08/27/15	80 FR 51964
NPRM Reopening of Comment Period End.	09/21/15	
Supplemental NPRM.	12/00/18	
Final Rule	08/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Staff intends to publish a supplemental proposed rule later in 2018, per Commission direction.

Agency Contact: Gary Comfort, Jr., Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555–0001, *Phone:* 301 415–8106, *Email:* *gary.comfort@nrc.gov*.

RIN: 3150–AI92

NRC

176. Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning [NRC–2015–0070]

Priority: Other Significant.

E.O. 13771 Designation: Independent agency.

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

CFR Citation: 10 CFR 50; 10 CFR 73; 10 CFR 26; 10 CFR 140.

Legal Deadline: None.

Abstract: This rulemaking would amend the NRC's regulations to provide an appropriate regulatory framework for nuclear power reactors transitioning from operations to decommissioning. The goals of this rulemaking are to provide for a safe, effective, and efficient decommissioning process; to reduce the need for license amendment requests and exemptions from existing regulations; and to address other decommissioning issues deemed relevant by the NRC. The rulemaking would address lessons learned from licensees that have completed or are currently in the decommissioning process, and would align regulatory requirements with the reduction in risk that occurs over time, while continuing

to maintain safety and security. The rulemaking was previously titled, ''Regulatory Improvements for Power Reactors Transitioning to Decommissioning.'' The scope of this rulemaking would affect nuclear production and utilization facilities.

Statement of Need: This rulemaking would respond to Commission direction to proceed with rulemaking for reactors transitioning to decommissioning. The goals are to provide for a safe, effective, and efficient decommissioning process; to reduce the need for license amendment requests and exemptions from existing regulations; and to address other decommissioning issues deemed relevant by the NRC.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: The NRC published a regulatory basis document examining the costs and benefits associated with the proposed rule. The cost-benefit analysis shows that the rulemaking would result in a net averted cost of between $12.5 million to $32.3 million, in which the rulemaking costs would be offset by the eliminated need for exemption requests or licensing amendment submittals that licensees would typically submit to the NRC for review and approval during decommissioning.

Risks:

Timetable:

Action	Date	FR Cite
ANPRM	11/19/15	80 FR 72358
ANPRM Comment Period End.	01/04/16	
ANPRM Extension of Comment Period.	12/28/15	80 FR 80709
ANPRN Extension of Comment Period End.	03/18/16	
Draft Regulatory Basis.	03/15/17	82 FR 13778
Draft Regulatory Basis Comment Period End.	06/13/17	
Final Regulatory Basis.	11/27/17	82 FR 55954
NPRM	10/00/18	
Final Rule	12/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: The Commission directed the NRC staff to proceed with rulemaking in the Staff Requirements Memorandum on SECY–14–0118, ''Request by Duke Energy Florida, Inc., for Exemptions from Certain Emergency Planning Requirements,'' which can be accessed in ADAMS under Accession No. ML14364A111.

Agency Contact: Daniel Doyle, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555–0001, *Phone:* 301 415–3748, *Email: daniel.doyle@nrc.gov*.

RIN: 3150–AJ59

NRC

177. Cyber Security at Fuel Cycle Facilities [NRC–2015–0179]

Priority: Other Significant.

E.O. 13771 Designation: Independent agency.

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

CFR Citation: 10 CFR 40; 10 CFR 70; 10 CFR 73.

Legal Deadline: None.

Abstract: This rulemaking would amend the NRC's regulations to add cyber security requirements for certain nuclear fuel cycle facility applicants and licensees. The rule would require certain fuel cycle facilities to establish, implement, and maintain a cyber security program that is designed to protect public health and safety and the common defense and security. It would affect fuel cycle applicants or licensees that are or plan to be authorized to: (1) Possess greater than a critical mass of special nuclear material and perform activities for which the NRC requires an integrated safety analysis or (2) engage in uranium hexafluoride conversion or deconversion.

Statement of Need: The NRC currently does not have a comprehensive regulatory framework for addressing cyber security at fuel cycle facilities (FCFs). Each FCF licensee is subject to either design basis threats (DBTs) or to the Interim Compensatory Measures (ICM) Orders issued to all FCF licensees subsequent to the events of September 11, 2001. Both the DBTs and the ICM Orders contain a provision that these licensees include consideration of a cyber attack when considering security vulnerabilities. However, the NRC's current regulations do not provide specific requirements or guidance on how to implement these performance objectives. Since the issuance of the ICM Orders and the 2007 DBT rulemaking, the threats to digital assets have increased both globally and nationally. Cyber attacks have increased in number, become more sophisticated, resulted in physical consequences, and targeted digital assets similar to those used by FCF licensees. The rulemaking would establish requirements for FCF licensees to establish, implement, and maintain a cyber security program to detect, protect against, and respond to a cyber attack capable of causing a consequence of concern. The design of this cyber security program would provide flexibility to account for the various types of FCFs, promote common defense and security, and provide reasonable assurance that the public health and safety remain adequately protected against the evolving risk of cyber attacks.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: The NRC evaluated the provisions of the proposed rule in the Regulatory Basis and concluded that the provisions provide a substantial increase in the overall protection of public health and safety through effective implementation of the cyber security program to prevent safety consequences of concern. The analysis further demonstrated that the costs for the proposed rule provisions are cost justified for the additional protection provided.

Risks:

Timetable:

Action	Date	FR Cite
Draft Regulatory Basis.	09/04/15	80 FR 53478
Draft Regulatory Basis Comment Period End.	10/05/15	
Final Regulatory Basis.	04/12/16	81 FR 21449
NPRM	10/00/18	
Final Rule	01/00/20	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Gary Comfort, Jr., Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555–0001, *Phone:* 301 415–8106, *Email: gary.comfort@nrc.gov*.

RIN: 3150–AJ64

NRC

178. American Society of Mechanical Engineers 2015–2017 Code Editions Incorporation by Reference [NRC–2016–0082]

Priority: Other Significant.

E.O. 13771 Designation: Independent agency.

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

CFR Citation: 10 CFR 50.

Legal Deadline: None.

Abstract: This rulemaking would amend the NRC's regulations to authorize the use of recent editions of the American Society of Mechanical Engineers (ASME) Codes. The rule would incorporate by reference the 2015 and 2017 Editions of the ASME Boiler and Pressure Vessel Code and the 2015 and 2017 Editions of the ASME Operations and Maintenance of Nuclear Power Plants into the NRC's regulations, with conditions. This action increases consistency across the industry, and makes use of current voluntary consensus standards (as required by the National Technology Transfer and Advancement Act), while continuing to provide adequate protection to the public. This rulemaking would affect nuclear power reactor licensees. The title of the rulemaking was revised to address that the rulemaking entitled, ''2017 Edition of the American Society of Mechanical Engineers Operations and Maintenance Code'' (RIN 3150–AJ90; NRC–2017–0019), was added to the scope of this rulemaking along with the rulemaking entitled, ''2017 Edition of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code'' (RIN 3150–AJ91; NRC–2017–0020).

Statement of Need: This rulemaking enhances the efficiency and effectiveness of the NRC's regulations by making use of current voluntary consensus approaches and is consistent with applicable requirements of the National Technology Transfer and Advancement Act.

Summary of Legal Basis: The legal basis for the proposed action is 42 U.S.C. 2201, 42 U.S.C. 5841, and 10 CFR part 2, Agency Rules of Practice and Procedure, ''Subpart H, Rulemaking.''

Alternatives:

Anticipated Cost and Benefits: The NRC has examined the costs and benefits associated with the proposed rule. The NRC estimates that the proposed rulemaking would result in a net averted cost of between $6.5 million and $7.7 million, from reducing the industry burden of preparing and the NRC burden of reviewing and approving ASME Code alternative requests on a plant-specific basis.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	
Final Rule	11/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: James O'Driscoll, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555–0001, *Phone:* 301 415–1325, *Email: james.o'driscoll@nrc.gov*.

Related RIN: Related to 3150–AJ90, Related to 3150–AJ91

RIN: 3150–AJ74

NRC

179. Approval of American Society of Mechanical Engineers Code Cases, Revision 38 [NRC–2017–0024]

Priority: Other Significant.

E.O. 13771 Designation: Independent agency.

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

CFR Citation: 10 CFR 50; 10 CFR 55.

Legal Deadline: None.

Abstract: This rulemaking would incorporate by reference into the NRC's regulations the latest revision to Regulatory Guides that list the American Society of Mechanical Engineers (ASME) Code Cases that the NRC finds to be acceptable (or conditionally acceptable). This action increases consistency across the industry and makes use of current voluntary consensus standards (as required by the National Technology Transfer and Advancement Act), while continuing to provide adequate protection to the public. This rulemaking would affect nuclear power reactor licensees. This rulemaking was formerly titled, ''Regulatory Guide (RG) 1.84, Rev. 38; RG 1.147, Rev. 19; and RG 1.192, Rev. 3; Approval of American Society of Mechanical Engineers Code Cases.''

Statement of Need: This rulemaking enhances the efficiency and effectiveness of the NRC's regulations by making use of current voluntary consensus approaches and is consistent with applicable requirements of the National Technology Transfer and Advancement Act.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: The rulemaking and guidance implementation would result in a cost-justified change based on the net averted cost to the industry. Other beneficial factors include meeting the NRC goal of ensuring the protection of public health and safety and the environment through the NRC's approval of new ASME Code Cases, which would allow the use of the most current methods and technology.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Margaret S. Ellenson, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555–0001, *Phone:* 301 415–0894, *Email: margaret.ellenson@nrc.gov.*

RIN: 3150–AJ93

NRC

180. Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032]

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Independent agency.

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

CFR Citation: 10 CFR 170; 10 CFR 171.

Legal Deadline: NPRM, Statutory, September 30, 2019.

The Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, requires that the NRC recover approximately 90 percent of its budget authority in Fiscal Year (FY) 2019, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. Under OBRA–90, the NRC is required to collect the fees for FY 2019, by September 30, 2019.

Abstract: This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the NRC to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the NRC's cost of providing services to identifiable applicants and

licensees. Examples of services provided by the NRC for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (*e.g.,* research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

Statement of Need: The NRC's fee regulations are primarily governed by two laws: (1) The Independent Offices Appropriations Act of 1952 (IOAA) (31 U.S.C. 9701), and (2) OBRA–90. The OBRA–90 statute requires the NRC to recover approximately 90 percent of its budget authority through fees; this fee-recovery requirement excludes amounts appropriated for Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General (IG) services for the Defense Nuclear Facilities Safety Board, as well as any amounts appropriated from the Nuclear Waste Fund. The OBRA–90 statute first requires the NRC to use its IOAA authority to collect user fees for NRC work that provides specific benefits to identifiable applicants and licensees (such as licensing work, inspections, special projects). The regulations at part 170 of title 10 of the Code of Federal Regulations (10 CFR) authorize these fees. Because the NRC's fee recovery under the IOAA (10 CFR part 170) does not equal 90 percent of the NRC's budget authority, the NRC also assesses generic annual fees under 10 CFR part 171 to recover the remaining fees necessary to achieve OBRA–90's 90 percent fee recovery. These annual fees recover generic regulatory costs that are not otherwise collected through 10 CFR part 170.

Summary of Legal Basis: The OBRA–90, as amended, requires that the fees for FY 2019 must be collected by September 30, 2019.

Alternatives: Because this action is mandated by statute and the fees must be assessed through rulemaking, the NRC did not consider alternatives to this action.

Anticipated Cost and Benefits: The cost to the NRC's licensees is approximately 90 percent of the NRC FY 2019 budget authority less the amounts appropriated for non-fee items.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	
Final Rule	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Local, State.

Agency Contact: Michele D. Kaplan, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–5256, *Email: michele.kaplan@nrc.gov.*

RIN: 3150–AJ99

NRC

Final Rule Stage

181. Mitigation of Beyond Design Basis Events (MBDBE) [NRC–2014–0240]

Priority: Economically Significant. Major under 5 U.S.C. 801.

E.O. 13771 Designation: Independent agency.

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

CFR Citation: 10 CFR 50; 10 CFR 52.

Legal Deadline: None.

Abstract: This rulemaking would amend the NRC's regulations to enhance mitigation strategies for nuclear power reactors to withstand beyond-design-basis external events. The rule would produce a more seamless accident response capability that includes emergency operating procedures and guidelines for beyond-design-basis external events and extensive damage mitigation. The scope of this rulemaking would affect nuclear power reactor licensees and applicants, and address several petitions for rulemaking (PRM–50–96, PRM–50–97, PRM–50–98, PRM–50–100, PRM–50–101, and PRM–50–102).

Statement of Need: This rulemaking is intended to make generically applicable the requirements in EA–12–049, Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events, which was issued on March 12, 2012. This rulemaking is also intended to make generically applicable the requirements in EA–12–051, Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation that was issued on March 12, 2012. These orders were issued in response to the events that occurred at the Fukushima Dai-ichi Nuclear Power Station on March 11, 2011, involving an earthquake and tsunami.

Summary of Legal Basis: Order EA–12–049 requirements were imposed on current power reactor licensees under 10 CFR 50.109(a)(4)(ii) as being required for adequate protection of public health and safety. The Commission imposed Order EA–12–051 requirements through an administrative exception to the backfit analysis requirements in 10 CFR 50.109. This rulemaking would be making those order requirements generically applicable, and it is not anticipated that this action would be imposing substantial additional requirements beyond what has been already imposed on power reactor licensees by order. All additional requirements that involve integration of the station blackout mitigation strategies with other existing accident procedure and guideline sets must be justified under the NRC's backfitting regulations.

Alternatives: As an alternative to the rulemaking, the NRC staff considered the ''non-action'' alternative. This alternative would mean that the NRC would be required to issue orders or impose license conditions on each new reactor licensed to ensure that the requirements continue to be imposed on all power reactor licensees. This alternative also would not require operators of nuclear power plants to strengthen and integrate various emergency response capabilities, improve strategies for large-scale events to promote effective decisionmaking at all levels, and have training/qualification/evaluation of key personnel to implement the procedures and strategies. This is not the optimal regulatory approach and not consistent with the NRC's principles of good regulation. The NRC sees benefit in pursuing a rulemaking that enables lessons-learned from implementation of EA–12–049 and external stakeholder feedback (through the public comment process) to be considered within the rulemaking to inform the requirements that are placed into the Code of Federal Regulations, which would then remove the need to issue orders or impose license conditions on each future reactor licensee.

Anticipated Cost and Benefits: The portions of the rulemaking that entails making station blackout mitigation strategies and reliable spent fuel pool instrumentation generically applicable is not anticipated to impose significant additional costs beyond those that are already being incurred due to implementation of EA–12–049 and EA–12–051. The benefits associated with the mitigation strategies will occur as a result of EA–12–049 and EA–12–051 implementation rather than as a result of this rulemaking. The costs and benefits associated with the integrated response capability portion of this

rulemaking will be described in a supporting regulatory analysis.

Risks: The risks associated with beyond-design-basis external events have not been estimated with sufficient certainty to enable a quantitative measure of risk to be determined for these events, including the corresponding benefit associated with implementation of the new mitigation strategies.

Timetable:

Action	Date	FR Cite
NPRM	11/13/15	80 FR 70610
NPRM Comment Period End.	02/11/16	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Additional Information: The draft final rule was provided to the Commission in December 2016.

Agency Contact: Meena Khanna, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555–0001, *Phone:* 301 415–2150, *Email: meena.khanna@nrc.gov.*

Related RIN: Merged with 3150–AJ11, Merged with 3150–AJ08

RIN: 3150–AJ49

NRC

182. Advanced Power Reactor 1400 (APR–1400) Design Certification [NRC–2015–0224]

Priority: Other Significant.

E.O. 13771 Designation: Independent agency.

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

CFR Citation: 10 CFR 52.

Legal Deadline: None.

Abstract: This rulemaking would amend the NRC's regulations to incorporate the Advanced Power Reactor 1400 (APR1400) standard plant design. The rulemaking would add a new appendix for the initial certification of the APR1400 standard plant design. This action would allow applicants intending to construct and operate a nuclear power plant to reference this design certification rule in future applications. Because the NRC considers this action to be non-controversial, the NRC is pursuing a direct final rule for this rulemaking. However, if the NRC receives significant adverse comments on the rule, the NRC will publish a document that withdraws the direct final rule and will address the comments received in a subsequent final rule.

Statement of Need: This rule would place the APR1400 standard design certification, once issued by the Commission, into the Code of Federal Regulations (CFR). The regulations in 10 CFR 52.51 require the Commission to initiate rulemaking after an application is filed under 10 CFR 52.45, by which 10 CFR 52.41 allows any person to seek a standard design certification. This action is separate from the filing of an application for construction permit or combined license (COL) for such a facility. This rule would provide a COL applicant the ability to incorporate by reference this official certified standard design into its application. This design certification rule (DCR) also gives the public a chance to comment on the design before it receives finality.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: There are no current utilities seeking to build or operate an APR1400 nuclear power plant within the United States. There is no anticipated major increase in costs for consumers, individual industries, or geographical regions as a result of the APR1400 DCR because this action does not constitute the license for construction of a nuclear power plant at a site.

Risks:

Timetable:

Action	Date	FR Cite
Direct Final Rule	02/00/19	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: The NRC staff is developing the regulatory basis.

Agency Contact: Robert Beall, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555–0001, *Phone:* 301 415–3874, *Email: robert.beall@nrc.gov.*

RIN: 3150–AJ67

[FR Doc. 2018–24084 Filed 11–15–18; 8:45 am]

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Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE

Office of the Secretary

2 CFR Subtitle B, Ch. IV

5 CFR Ch. LXXIII

7 CFR Subtitle A; Subtitle B, Chs. I–XI, XIV–XVIII, XX, XXV–XXXVIII, XLII

9 CFR Chs. I–III

36 CFR Ch. II

48 CFR Ch. 4

Semiannual Regulatory Agenda, Fall 2018

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of the significant and not significant regulatory and deregulatory actions being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Orders (E.O.) 12866, ''Regulatory Planning and Review,'' 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' 13777, ''Enforcing the Regulatory Reform Agenda,'' and 13563, ''Improving Regulation and Regulatory Review.'' The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96–354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with Executive Order 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA's complete regulatory agenda is available online at *www.reginfo.gov.* Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

For this edition of the USDA regulatory agenda, the most important regulatory and deregulatory actions are summarized in a Statement of Regulatory Priorities that is included in the Regulatory Plan, which appears in both the online regulatory agenda and in part II of the **Federal Register** that includes the abbreviated regulatory agenda.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3257.

Dated: September 4, 2018.

Michael Poe,

Legislative and Regulatory Staff.

AGRICULTURAL MARKETING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
183	National Bioengineered Food Disclosure Standard **(Reg Plan Seq No. 2)**	0581–AD54

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
184	Removal of Emerald Ash Borer Domestic Quarantine Regulations	0579–AE42

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
185	Scrapie in Sheep and Goats	0579–AC92
186	Plant Pest Regulations; Update of General Provisions	0579–AC98
187	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts.	0579–AD10
188	Lacey Act Implementation Plan: De Minimis Exception	0579–AD44
189	Branding Requirements for Bovines Imported Into the United States From Mexico	0579–AE38

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
190	Importation of Fresh Citrus Fruit From the Republic of South Africa Into the Continental United States	0579–AD95

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
191	Phytophthora Ramorum; Quarantine and Regulations	0579–AB82
192	Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables.	0579–AD71
193	Animal Welfare; Establishing De Minimis Exemptions From Licensing	0579–AD99
194	VSTA Records and Reports Specific to International Standards for Pharmacovigilance	0579–AE11
195	Conditions for Payment of Highly Pathogenic Avian Influenza Indemnity Claims	0579–AE14

FOOD SAFETY AND INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
196	Elimination of Trichina Control Regulations and Consolidation of Thermally Processed, Commercially Sterile Regulations.	0583–AD59

OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
197	Designation of Biobased Product Categories for Federal Procurement, Round 11	0599–AA27

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Final Rule Stage

183. National Bioengineered Food Disclosure Standard

Regulatory Plan: This entry is Seq. No. 2 in part II of this issue of the **Federal Register**.

RIN: 0581–AD54

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

184. Removal of Emerald Ash Borer Domestic Quarantine Regulations

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

Abstract: This rulemaking would remove the domestic quarantine regulations for the plant pest emerald ash borer. This action would discontinue the domestic regulatory component of the emerald ash borer program as a means to more effectively direct available resources toward management and containment of the pest. Funding previously allocated to the implementation and enforcement of these domestic quarantine regulations would instead be directed to a non-regulatory option of research into, and deployment of, biological control agents for emerald ash borer, which would serve as the primary tool to mitigate and control the pest.

Timetable:

Action	Date	FR Cite
NPRM	09/19/18	83 FR 47310
NPRM Comment Period End.	11/19/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robyn Rose, National Policy Manager, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 26, Riverdale, MD 20737–1231, *Phone:* 301 851–2283.

RIN: 0579–AE42

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

185. Scrapie in Sheep and Goats

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 8301 to 8317

Abstract: This rulemaking would amend the scrapie regulations by changing the risk groups and categories established for individual animals and for flocks. It would simplify, reduce, or remove certain recordkeeping requirements. This action would provide designated scrapie epidemiologists with more alternatives and flexibility when testing animals in order to determine flock designations under the regulations. It would also make the identification and recordkeeping requirements for goat owners consistent with those for sheep owners. These changes would affect sheep and goat producers and State governments.

Timetable:

Action	Date	FR Cite
NPRM	09/10/15	80 FR 54659
NPRM Comment Period End.	11/09/15	
NPRM Comment Period Re-opened.	11/16/15	80 FR 70718
NPRM Comment Period Re-opened End.	12/09/15	
Final Rule	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diane Sutton, Sheep, Goat, Cervid, and Equine Health Center; Surveillance, Preparedness, and Response Services, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737–1235, *Phone:* 301 851–3509.

RIN: 0579–AC92

186. Plant Pest Regulations; Update of General Provisions

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 2260; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8817; 21 U.S.C. 111; 21 U.S.C. 114a; 21 U.S.C.

136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332

Abstract: We are revising our regulations regarding the movement of plant pests. We are establishing criteria regarding the movement and environmental release of biological control organisms, and establishing regulations to allow the importation and movement in interstate commerce of certain types of plant pests without restriction by granting exceptions from permitting requirements for those pests. We are also revising our regulations regarding the movement of soil. This action clarifies the factors that would be considered when assessing the risks associated with the movement of certain organisms and facilitates the movement of regulated organisms and articles in a manner that also protects U.S. agriculture.

Timetable:

Action	Date	FR Cite
Notice of Intent To Prepare an Environmental Impact Statement.	10/20/09	74 FR 53673
Notice Comment Period End.	11/19/09	
NPRM	01/19/17	82 FR 6980
NPRM Comment Period Extended.	02/13/17	82 FR 10444
NPRM Comment Period End.	04/19/17	
Final Rule	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Colin Stewart, Assistant Director, Pests, Pathogens, and Biocontrol Permits, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1236, *Phone:* 301 851–2237.

RIN: 0579–AC98

187. Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking amends the bovine spongiform encephalopathy (BSE) and scrapie regulations regarding the importation of live sheep, goats, and wild ruminants and their embryos, semen, products, and byproducts. The scrapie revisions regarding the importation of sheep, goats, and susceptible wild ruminants for other than immediate slaughter are similar to those recommended by the World Organization for Animal Health in restricting the importation of such animals to those from scrapie-free regions or certified scrapie-free flocks.

Timetable:

Action	Date	FR Cite
NPRM	07/18/16	81 FR 46619
NPRM Comment Period End.	09/16/16	
Final Rule	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alexandra MacKenzie, Veterinary Medical Officer, Animal Permitting and Negotiating Services, NIES, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737, *Phone:* 301 851–3300.

RIN: 0579–AD10

188. Lacey Act Implementation Plan: De Minimis Exception

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 3371 *et seq.*

Abstract: The Food, Conservation, and Energy Act of 2008 amended the Lacey Act to provide, among other things, that importers submit a declaration at the time of importation for certain plants and plant products. The declaration requirements of the Lacey Act became effective on December 15, 2008, and enforcement of those requirements is being phased in. We are proposing to establish an exception to the declaration requirement for products containing a minimal amount of plant materials.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/11	76 FR 38330
ANPRM Comment Period End.	08/29/11	
NPRM	07/09/18	83 FR 31697
NPRM Comment Period End.	09/07/18	
Final Rule	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Baca, Assistant Director, Compliance and Environmental Coordination, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 150, Riverdale, MD 20737, *Phone:* 301 851–2347.

RIN: 0579–AD44

189. Branding Requirements for Bovines Imported Into the United States From Mexico

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking would amend the regulations regarding the branding of bovines imported into the United States from Mexico.

Timetable:

Action	Date	FR Cite
NPRM	04/12/18	83 FR 15756
NPRM Comment Period End.	06/11/18	
Final Rule	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Betzaida Lopez, Senior Staff Veterinarian, National Import Export Services, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737, *Phone:* 301 851–3300.

RIN: 0579–AE38

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Long-Term Actions

190. Importation of Fresh Citrus Fruit From the Republic of South Africa Into the Continental United States

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the fruits and vegetables regulations to allow the importation of several varieties of fresh citrus fruit, as well as citrus hybrids, into the continental United States from areas in the Republic of South Africa where citrus black spot has been known to occur. As a condition of entry, the fruit will have to be produced in accordance with a systems approach that includes shipment traceability, packinghouse registration and procedures, and phytosanitary treatment. The fruit will also be required to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of the Republic of South Africa with an additional declaration confirming that the fruit has been produced in accordance with the systems approach. This action will

allow for the importation of fresh citrus fruit, including citrus hybrids, from the Republic of South Africa while continuing to provide protection against the introduction of plant pests into the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/28/14	79 FR 51273
NPRM Comment Period End.	10/27/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tony Román, *Phone:* 301 851–2242.

RIN: 0579–AD95

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

191. Phytophthora Ramorum; Quarantine and Regulations

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

Abstract: The interim rule amended the Phytophthora ramorum regulations to make the regulations consistent with a Federal Order issued by APHIS in December 2004 that established restrictions on the interstate movement of nursery stock from nurseries in nonquarantined counties in California, Oregon, and Washington. This action also updated conditions for the movement of regulated articles of nursery stock from quarantined areas, as well as restricted the interstate movement of all other nursery stock from nurseries in quarantined areas. We also updated the list of plants regulated because of P. ramorum and the list of areas that are quarantined for P. ramorum and made other miscellaneous revisions to the regulations. This action was superseded by 0579–AE30.

Completed:

Reason	Date	FR Cite
Withdrawn	07/16/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Prakash Hebbar, *Phone:* 301 734–5717.

RIN: 0579–AB82

192. Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136(a)

Abstract: This rulemaking will amend our regulations governing the importations of fruits and vegetables by broadening our existing performance standard to provide for consideration of all new fruits and vegetables for importation into the United States using a notice-based process. Rather than authorizing new imports through proposed and final rules and specifying import conditions in the regulations, the notice-based process uses **Federal Register** notices to make risk analyses available to the public for review and comment, with authorized commodities and their conditions of entry subsequently being listed on the internet. It also will remove the region- or commodity-specific phytosanitary requirements currently found in these regulations. Likewise, we are proposing an equivalent revision of the performance standard in our regulations governing the interstate movements of fruits and vegetables from Hawaii and the U.S. territories (Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) and the removal of commodity-specific phytosanitary requirements from those regulations. This action will allow for the consideration of requests to authorize the importation or interstate movement of new fruits and vegetables in a manner that enables a more flexible and responsive regulatory approach to evolving pest situations in both the United States and exporting countries. It will not, however, alter the science-based process in which the risk associated with importation or interstate movement of a given fruit or vegetable is evaluated or the manner in which risks associated with the importation or interstate movement of a fruit or vegetable are mitigated.

Completed:

Reason	Date	FR Cite
Final Rule	09/14/18	83 FR 46627
Final Action Effective.	10/15/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benjamin Kaczmarski, *Phone:* 301 851–2127.

RIN: 0579–AD71

193. Animal Welfare; Establishing de Minimis Exemptions From Licensing

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 2131 to 2159

Abstract: We are amending the Animal Welfare Act (AWA) regulations to implement amendments to the Act that broadened the scope of the exemptions from the licensing requirements for dealers and exhibitors. Specifically, we are broadening the licensing exemption for any person who maintains four or fewer breeding female dogs, cats, and/or small exotic or wild mammals and only sells the offspring of these animals for pets or exhibition to include additional types of pet animals and domesticated farm-type animals. In addition, we are adding a new licensing exemption for any person who maintains eight or fewer pet animals, small exotic or wild animals, and/or domesticated farm-type animals for exhibition. These actions will allow the Agency to focus its limited resources on situations that pose a higher risk to animal welfare and public safety. Finally, we are making conforming changes to the definitions of dealer and exhibitor to reflect the amendments to the Act and making several miscellaneous changes to the regulations for consistency and to remove redundant and obsolete requirements.

Completed:

Reason	Date	FR Cite
Final Rule	06/04/18	83 FR 25549
Final Rule Effective.	06/04/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kay Carter-Corker, *Phone:* 301 851–3748.

RIN: 0579–AD99

194. VSTA Records and Reports Specific to International Standards for Pharmacovigilance

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 21 U.S.C. 151 to 159

Abstract: We are amending the Virus-Serum-Toxin Act regulations concerning records and reports. This change requires veterinary biologics licensees and permittees to record and submit reports concerning adverse events associated with the use of biological products they produce or distribute. The information that must be included in the adverse event reports submitted to the Animal and Plant Health Inspection Service (APHIS) will be provided in separate guidance documents. These records and reports

will help ensure that APHIS can provide complete and accurate information to consumers regarding adverse reactions or other problems associated with the use of licensed biological products.

Completed:

Reason	Date	FR Cite
Final Rule	05/17/18	83 FR 22832
Final Rule Effective.	06/18/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna L. Malloy, *Phone:* 301 851–3426.

RIN: 0579–AE11

195. Conditions for Payment of Highly Pathogenic Avian Influenza Indemnity Claims

E.O. 13771 Designation: Other.

Legal Authority: 7 U.S.C. 8301 to 8317

Abstract: We are adopting as a final rule, with changes, an interim rule that amended the regulations pertaining to certain diseases of livestock and poultry to specify conditions for payment of indemnity claims for highly pathogenic avian influenza (HPAI). The interim rule provided a formula allowing us to split such payments between poultry and egg owners and parties with which the owners enter into contracts to raise or care for the eggs or poultry based on the proportion of the production cycle completed. That action was necessary to ensure that all contractors are compensated appropriately. The interim rule also clarified an existing policy regarding the payment of indemnity for eggs destroyed due to HPAI and required a statement from owners and contractors, unless specifically exempted, indicating that at the time of detection of HPAI in their facilities, they had in place and were following a biosecurity plan aimed at keeping HPAI from spreading to commercial premises.

Completed:

Reason	Date	FR Cite
Final Rule	08/15/18	83 FR 40433
Final Action Effective.	08/15/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Troy Bigelow, *Phone:* 515 284–4121.

RIN: 0579–AE14

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Completed Actions

196. Elimination of Trichina Control Regulations and Consolidation of Thermally Processed, Commercially Sterile Regulations

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 601 *et seq.;* 21 U.S.C. 451 *et seq.*

Abstract: The Food Safety and Inspection Service (FSIS) proposed to amend the Federal meat inspection regulations to eliminate the requirements for both ready-to-eat (RTE) and not-ready-to-eat (NRTE) pork and pork products to be treated to destroy trichina (Trichinella spiralis) because the regulations are inconsistent with the Hazard Analysis and Critical Control Point (HACCP) regulations, and these prescriptive regulations are no longer necessary.

Completed:

Reason	Date	FR Cite
Final Action	05/31/18	83 FR 25302
Final Action Effective.	07/30/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew Michael, *Phone:* 202 720–0345, *Fax:* 202 690–0486, *Email: matthew.michael@fsis.usda.gov.*

RIN: 0583–AD59

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE (USDA)

Office of Procurement and Property Management (OPPM)

Completed Actions

197. Designation of Biobased Product Categories for Federal Procurement, Round 11

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: Pub. L. 113–79

Abstract: On January 13, 2017, Departmental Management (DM) published a proposed rule in the **Federal Register** (82 FR 4206) to amend the BioPreferred Program (Program) Guidelines at 7 CFR 3201 to add 12 sections that designate product categories within which biobased products will be afforded Federal procurement preference by Federal agencies and their contractors. This final rule will add 12 sections that designate the following product categories: Intermediates—Plastic Resins; Intermediates—Chemicals; Intermediates—Paint and Coating Components; Intermediates—Textile Processing Materials; Intermediates—Foams; Intermediates—Fibers and Fabrics; Intermediates—Lubricant Components; Intermediates—Binders; Intermediates—Cleaner Components; Intermediates—Personal Care Product Components; Intermediates—Oils, Fats, and Waxes; and Intermediates—Rubber Materials.

Timetable:

Action	Date	FR Cite
NPRM	01/13/17	82 FR 4206
NPRM Comment Period End.	03/14/17	
Final Action	07/10/18	83 FR 31841
Final Action Effective.	08/09/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karen Zhang, Office of Procurement and Property Management, Department of Agriculture, Office of Procurement and Property Management, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 401–4747, *Email: karen.zhang@dm.usda.gov.*

RIN: 0599–AA27

[FR Doc. 2018–24141 Filed 11–15–18; 8:45 am]

BILLING CODE 3410–TX–P

FEDERAL REGISTER

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Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Fall 2018 Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the spring 2018 agenda. The purpose of the Agenda is to provide information to the public on regulations that are currently under review, being proposed, or issued by Commerce. The agenda is intended to facilitate comments and views by interested members of the public.

Commerce's fall 2018 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 2018, through September 30, 2019.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation, Regulation, and Oversight, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3151.

SUPPLEMENTARY INFORMATION: Commerce hereby publishes its fall 2018 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of June 18, 2018, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2018 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities.

Beginning with the fall 2007 edition, the internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

In this edition of Commerce's regulatory agenda, a list of the most important significant regulatory and deregulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the issue of the **Federal Register** that includes the Unified Agenda.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, Commerce's entire Regulatory Plan will continue to be printed in the **Federal Register**.

Within Commerce, the Office of the Secretary and various operating units may issue regulations. Among these operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of Commerce's regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of NMFS' programs, an ''Explanation of Information Contained in NMFS Regulatory Entries'' is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. For fisheries that require conservation and management measures, eight Regional Fishery Management Councils (Councils) prepare Fishery Management Plans (FMPs) for the fisheries within their respective areas. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary FMP has been issued to govern that foreign fishing. In the development of FMPs, or amendments to FMPs, and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

Commerce's fall 2018 regulatory agenda follows.

Peter B. Davidson,

General Counsel.

INTERNATIONAL TRADE ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
198	Covered Merchandise Referrals From the Customs Service	0625–AB10

BUREAU OF INDUSTRY AND SECURITY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
199	Expansion of Export, Reexport, and Transfer (In-Country) Controls for Military End Use or Military End Users in the People's Republic of China (China), Russia, or Venezuela.	0694–AH53

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
200	Comprehensive Fishery Management Plan for Puerto Rico	0648–BD32
201	Comprehensive Fishery Management Plan for St. Croix	0648–BD33
202	Comprehensive Fishery Management Plan for St. Thomas/St. John	0648–BD34
203	Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean.	0648–BD59
204	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories.	0648–BF41
205	International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty.	0648–BG04
206	Illegal, Unregulated, and Unreported Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act.	0648–BG11
207	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Requirements to Safeguard Fishery Observers.	0648–BG66
208	Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan to Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels.	0648–BH70
209	Generic Amendment to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region.	0648–BH72
210	Atlantic Highly Migratory Species; Shortfin Mako Shark Management Measures	0648–BH75
211	Framework Adjustment to Modify a Commercial Accountability Measure in the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan.	0648–BH80
212	Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood **(Reg Plan Seq No. 18)**.	0648–BH87
213	Revisions to Regulations for Species With Sideboard Limits That Cannot Support Directed Fishing by Vessels Subject to Sideboards in the Bering Sea and Aleutian Islands and Gulf of Alaska.	0648–BH88
214	2019–2020 Harvest Specifications and Management Measures for Pacific Coast Groundfish and Fishery Management Plan.	0648–BH93
215	Framework Action to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico, Modification of Gulf of Mexico Red Snapper and Hogfish Annual Catch Limits.	0648–BI39
216	Revision to Critical Habitat Designation for Endangered Southern Resident Killer Whales	0648–BH95
217	Designation of Critical Habitat for the Mexico, Central American, and Western Pacific Distinct Population Segments of Humpback Whales Under the Endangered Species Act.	0648–BI06

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
218	Modification of the Temperature-Dependent Component of the Pacific Sardine Harvest Guideline Control Rule to Incorporate New Scientific Information.	0648–BE77
219	Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan to Implement an Electronic Monitoring Program for the Pacific Whiting Fishery.	0648–BF52
220	Commerce Trusted Trader Program **(Reg Plan Seq No. 20)**	0648–BG51
221	Rule to Implement the For-Hire Reporting Amendments	0648–BG75
222	Allow Halibut Individual Fishing Quota Leasing to Community Development Quota Groups	0648–BG94
223	Amendment 116 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.	0648–BH02
224	Atlantic Highly Migratory Species; Atlantic Bluefin Tuna and North Atlantic Albacore Quotas	0648–BH54
225	Regulation to Reduce Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries.	0648–BG45
226	Regulatory Amendment to Authorize a Recreational Quota Entity	0648–BG57
227	Wisconsin-Lake Michigan National Marine Sanctuary Designation	0648–BG01

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
228	Mallows Bay-Potomac River National Marine Sanctuary Designation	0648–BG02

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
229	Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance	0648–BE90
230	Voting Criteria for a Referendum on a Gulf of Mexico Reef Fish Catch Share Program for For-Hire Vessels With Landings Histories.	0648–BG36
231	Reducing Disturbances to Hawaiian Spinner Dolphins From Human Interactions	0648–AU02
232	Designation of Critical Habitat for the Arctic Ringed Seal	0648–BC56
233	Amendment and Updates to the Pelagic Longline Take Reduction Plan	0648–BF90
234	Endangered and Threatened Species; Designation of Critical Habitat for Threatened Caribbean and Indo-Pacific Reef-building Corals.	0648–BG26

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
235	Framework Adjustment 2 to the Tilefish Fishery Management Plan	0648–BF85
236	Amendment 36A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–BG83
237	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Limits in Purse Seine Fisheries for 2017.	0648–BG93
238	Nontrawl Lead Level 2 Observers	0648–BG96
239	Atlantic Highly Migratory Species; Revisions to Shark Fishery Closure Regulations	0648–BG97
240	Rule to Modify Mutton Snapper and Gag Management Measures in the Gulf of Mexico	0648–BG99
241	Amendment 47 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico	0648–BH07
242	Management Measures for Tropical Tunas in the Eastern Pacific Ocean	0648–BH13
243	Interim 2018 Pacific Coast Tribal Pacific Whiting Allocation	0648–BH31
244	Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan; Northern Gulf of Maine Measures.	0648–BH51
245	Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan	0648–BH52
246	Small-Mesh Multispecies 2018–2020 Specifications	0648–BH76
247	Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment	0648–BC45

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Proposed Rule Stage

198. Covered Merchandise Referrals From the Customs Service

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 114–125, sec. 421

Abstract: The Department of Commerce (the Department) is proposing to amend its regulations to set forth procedures to address covered merchandise referrals from U.S. Customs and Border Protection (CBP or the Customs Service).

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jessica Link, Department of Commerce, International Trade Administration, 1401 Constitution Avenue NW, Washington, DC 20230, *Phone:* 202 482–1411.

RIN: 0625–AB10

DEPARTMENT OF COMMERCE (DOC)

Bureau of Industry and Security (BIS)

Proposed Rule Stage

199. Expansion of Export, Reexport, and Transfer (In-Country) Controls for Military End Use or Military End Users in the People's Republic of China (China), Russia, or Venezuela

E.O. 13771 Designation: Other.

Legal Authority: 10 U.S.C. 7420; 10 U.S.C. 7430(e); 15 U.S.C. 1824a; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; 30 U.S.C. 185(s); 30 U.S.C. 185(u); 42 U.S.C. 2139a; 43 U.S.C. 1354; 50 U.S.C. 1701 *et seq.;* 50 U.S.C. 4305; 50 U.S.C. 4601 *et seq.;* E.O. 12058; E.O. 12851; E.O. 12938; E.O. 12947; E.O. 13026; E.O. 13099; E.O. 13222; E.O. 13224; Pub. L. 108–11

Abstract: The Bureau of Industry and Security (BIS) proposes to amend the Export Administration Regulations (EAR) to expand license requirements on exports, reexports, and transfers (in-country) of items intended for military end use or military end users in the Peoples Republic of China (China), Russia, or Venezuela. Specifically, this rule would expand the licensing requirements for China to include ''military end users,'' in addition to ''military end use.'' It would broaden the items for which the licensing requirements and review policy apply and expand the definition of ''military end use.'' Next, it would create a new reason for control and associated review policy for regional stability for certain items to China, Russia, or Venezuela, moving existing text related to this policy. Finally, it would add Electronic

Export Information filing requirements in the Automated Export System for exports to China, Russia, and Venezuela.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary Hess, Director, Regulatory Policy Division, Department of Commerce, Bureau of Industry and Security, 14th Street and Pennsylvania Avenue NW, Washington, DC 20230, *Phone:* 202 482–2440, *Fax:* 202 482–3355, *Email: hillary.hess@bis.doc.gov.*

RIN: 0694–AH53

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

National Marine Fisheries Service

200. Comprehensive Fishery Management Plan for Puerto Rico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would implement a comprehensive Puerto Rico Fishery Management Plan. The Plan will incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to Puerto Rico exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of Puerto Rico. If approved, this new Puerto Rico Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD32

201. Comprehensive Fishery Management Plan for St. Croix

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would implement a comprehensive St. Croix Fishery Management Plan. The Plan would incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Croix exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Croix. If approved, this new St. Croix Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for Puerto Rico and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD33

202. Comprehensive Fishery Management Plan for St. Thomas/St. John

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would implement a comprehensive St. Thomas/St. John Fishery Management Plan. The Plan would incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Thomas/St. John exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Thomas/St. John. If approved, this new St. Thomas/St. John Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and Puerto Rico, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD34

203. Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commission program to monitor transshipments by large-scale tuna fishing vessels, and would govern transshipments by U.S. large-scale tuna fishing vessels and carrier, or receiving, vessels. The rule would establish: Criteria for transshipping in port; criteria for transshipping at sea by longline vessels to an authorized carrier vessel with an Inter-American Tropical Tuna Commission observer onboard and an operational vessel monitoring system; and require the Pacific Transshipment Declaration Form, which must be used to report transshipments in the Inter-American Tropical Tuna Commission Convention Area. This rule

is necessary for the United States to satisfy its international obligations under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BD59

204. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: This action would establish rules and/or procedures to address the treatment of U.S.-flagged purse seine vessels and their fishing activities in regulations issued by the National Marine Fisheries Service that implement decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission), of which the United States is a member. Under the Western and Central Pacific Fisheries Convention Implementation Act, the National Marine Fisheries Service exercises broad discretion when determining how it implements Commission decisions, such as purse seine fishing restrictions. The National Marine Fisheries Service intends to examine the potential impacts of the domestic implementation of Commission decisions, such as purse seine fishing restrictions, on the economies of the U.S. territories that participate in the Commission, and examine the connectivity between the activities of U.S.-flagged purse seine fishing vessels and the economies of the territories. Based on that and other information, the National Marine Fisheries Service might propose regulations that mitigate adverse economic impacts of purse seine fishing restrictions on the U.S. territories and/or that, in the context of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), recognize that one or more of the U.S. territories have their own purse seine fisheries that are distinct from the purse seine fishery of the United States and that are consequently subject to special provisions of the Convention and of Commission decisions.

Timetable:

Action	Date	FR Cite
ANPRM	10/23/15	80 FR 64382
ANPRM Comment Period End.	11/23/15	
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov.*

RIN: 0648–BF41

205. International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 973 *et seq.*

Abstract: Under authority of the South Pacific Tuna Act of 1988, this rule would implement recent amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (also known as the South Pacific Tuna Treaty). The rule would include modification to the procedures used to request licenses for U.S. vessels in the western and central Pacific Ocean purse seine fishery, including changing the annual licensing period from June-to-June to the calendar year, and modifications to existing reporting requirements for purse seine vessels fishing in the western and central Pacific Ocean. The rule would implement only those aspects of the Treaty amendments that can be implemented under the existing South Pacific Tuna Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov.*

RIN: 0648–BG04

206. Illegal, Unregulated, and Unreported Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 114–81

Abstract: This proposed rule will make conforming amendments to regulations implementing the various statutes amended by the Illegal, Unreported and Unregulated Fishing Enforcement Act of 2015 (Pub. L. 114–81). The Act amends several regional fishery management organization implementing statutes as well as the High Seas Driftnet Fishing Moratorium Protection Act. It also provides authority to implement two new international agreements under the Antigua Convention, which amends the Convention for the establishment of an Inter-American Tropical Tuna Commission, and the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement), which restricts the entry into U.S. ports by foreign fishing vessels that are known to be or are suspected of engaging in illegal, unreported, and unregulated fishing. This proposed rule will also implement the Port State Measures Agreement. To that end, this proposed rule will require the collection of certain information from foreign fishing vessels requesting permission to use U.S. ports. It also includes procedures to designate and publicize the ports to which foreign fishing vessels may seek entry and procedures for conducting inspections of these foreign vessels accessing U.S. ports. Further, the rule establishes procedures for notification of: The denial of port entry or port services for a foreign vessel, the withdrawal of the denial of port services if applicable, the taking of enforcement action with respect to a foreign vessel, or the results of any inspection of a foreign vessel to the flag nation of the vessel and other competent authorities as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Henderschedt, Director, Office for International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 10362, Silver Spring, MD 20910, *Phone:* 301 427–8314, *Email: john.henderschedt@noaa.gov.*

RIN: 0648–BG11

207. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Requirements To Safeguard Fishery Observers

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: This rule would establish requirements to enhance the safety of fishery observers on highly migratory species fishing vessels. This rule would be issued under the authority of the Western and Central Pacific Fisheries Convention Implementation Act, and pursuant to decisions made by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. This action is necessary for the United States to satisfy its obligations under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov.*

RIN: 0648–BG66

208. Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan To Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels

E.O. 13771 Designation: Deregulatory.

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

Abstract: The proposed action would implement a regulatory amendment to the Pacific Fishery Management Council's Pacific Coast Groundfish Fishery Management Plan to allow bottom trawl and midwater trawl vessels targeting non-whiting species the option to use electronic monitoring (video cameras and associated sensors) in place of observers to meet requirements for 100-percent observer coverage. By allowing vessels the option to use electronic monitoring to meet monitoring requirements, this action is intended to increase operational flexibility and reduce monitoring costs for the fleet.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BH70

209. Generic Amendment to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action, recommended by the Gulf of Mexico Fishery Management Council, would modify data reporting for owners or operators of federally permitted for-hire vessels (charter vessels and headboats) in the Gulf of Mexico, requiring them to declare the type of trip (for-hire or other) prior to departing for any trip, and electronically submit trip-level reports prior to off-loading fish at the end of each fishing trip. The declaration would include the expected return time and landing location. Landing reports would include information about catch and effort during the trip. The action would also require that these reports be submitted via approved hardware that includes a global positioning system attached to the vessel that is capable, at a minimum, of archiving global positioning system locations. This requirement would not preclude the use of global positioning system devices that provide real-time location data, such as the currently approved vessel monitoring systems.

Timetable:

Action	Date	FR Cite
Notice of Availability.	06/21/18	83 FR 28797
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BH72

210. Atlantic Highly Migratory Species; Shortfin Mako Shark Management Measures

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: Atlantic Highly Migratory Species fisheries are managed under the dual authority of the Magnuson-Stevens Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act, which implements U.S. obligations as member of the International Commission for the Conservation of Atlantic Tunas. North Atlantic shortfin mako sharks were recently determined to be overfished and experiencing overfishing, and the Commission's member countries, including the United States, adopted management measures in 2017 to take immediate action to reduce fishing mortality of the stock, including releasing of live sharks and increasing minimum sizes. This proposed action for shortfin mako sharks would implement the United States' obligations under those management measures to help prevent overfishing of the U.S. component of that stock and establish a foundation for a rebuilding program. Through the rulemaking process, NMFS would amend the 2006 Consolidated Highly Migratory Species Fishery Management Plan and examine management alternatives to address overfishing and establish a foundation for a rebuilding plan. This rulemaking would likely impact recreational and commercial fishing vessels that interact with shortfin mako sharks.

Timetable:

Action	Date	FR Cite
NPRM	07/27/18	83 FR 35590
NPRM Comment Period End.	10/01/18	
Final Action	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BH75

211. Framework Adjustment To Modify a Commercial Accountability Measure in the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: As per action by the Mid Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission, this rule would propose to adjust the current pound-for-pound accountability measures required for non-landings overages (*i.e.,* overages that occur because of higher-than-expected dead discard estimates) in the summer flounder, scup, and black sea bass fisheries. When overages cannot be addressed through a landings-based accountability measure alone, this action would allow for a scaled payback of an annual catch limit overage, depending on the condition of the stock rather than a pound-for-pound payback of the annual catch limit overage.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov*.

RIN: 0648–BH80

212. Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood

Regulatory Plan: This entry is Seq. No. 18 in part II of this issue of the **Federal Register**.

RIN: 0648–BH87

213. Revisions to Regulations for Species With Sideboard Limits That Cannot Support Directed Fishing by Vessels Subject to Sideboards in the Bering Sea and Aleutian Islands and Gulf of Alaska

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule proposes to implement an action of the Northern Pacific Fishery Management Council by revising Federal regulations to prohibit directed fishing for those species with sideboard limits that are not large enough to support directed fishing by non-exempt American Fisheries Act vessels in the Bering Sea/Aleutian Islands and Gulf of Alaska and crab vessels in the Crab Rationalization Program (CR Program) in the Gulf of Alaska, or for those species that are fully allocated to other programs (*e.g.,* flathead sole, rock sole, Western Aleutian Islands Atka mackerel). NMFS would then no longer publish American Fisheries Act and CR Program sideboard amounts for those species in the annual harvest specifications. In addition, the action would remove the sideboard limit on American Fisheries Act catcher/processors for Central Aleutian Islands Atka mackerel because the sideboard limit under the American Fisheries Act (11.5 percent) is constrained by the allocation to the trawl limited access sector (10 percent) that was established by the Amendment 80 Program. The primary benefits of this action are that it would streamline the annual harvest specifications, reduce the annual costs of preparing and publishing the annual harvest specifications in the **Federal Register**, and simplify NMFS' annual programming changes to the agency's groundfish catch accounting system. This action would not alter how NMFS actually manages the relevant sideboard limits, and NMFS would continue to monitor Bering Sea/Aleutian Islands and Gulf of Alaska groundfish catch to ensure that each species' total allowable catch limit is not exceeded. This action would not incur any negative impacts to American Fisheries Act and crab sideboard limited vessels for the foreseeable future.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BH88

214. • 2019–2020 Harvest Specifications and Management Measures for Pacific Coast Groundfish and Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Every other year, the Pacific Fishery Management Council (Council) makes recommendations to set biennial allowable harvest levels for Pacific Coast groundfish, and recommends management measures for commercial, recreational, and tribal fisheries that are designed to achieve those harvest levels consistent with the Pacific Coast Groundfish Fishery Management Plan. For the 2019–2020 biennium, the Council has recommended the following: Harvest specifications, including overfishing limits, acceptable biological catches, and annual catch limits; management measures to achieve those specifications; changes to the yelloweye rockfish rebuilding plan, which would increase the annual catch limit for this species for the 2-year biennial management period; and measures to reduce salmon bycatch in the groundfish fisheries. The specifications and management measures that would be forwarded by this action would be in effect from January 1, 2019, through December 31, 2020.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BH93

215. • Framework Action to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico, Modification of Gulf of Mexico Red Snapper and Hogfish Annual Catch Limits

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: The Gulf of Mexico Fishery Management Council recently took action to revise the acceptable biological catch and the annual catch limits for the Gulf of Mexico stocks of red snapper and hogfish. This action was taken in response to the most recent stock assessments for these species and the recommendations from the Council's Scientific and Statistical Committee. The red snapper and hogfish assessments found the stocks are neither overfished nor undergoing overfishing. This rulemaking would implement the Council's action by increasing the acceptable biological catch for red snapper and setting the annual catch limit to be equal to the acceptable biological catch. The established allocations would be used to set the commercial and recreational component annual catch limits, and recreational component annual catch targets. The acceptable biological catch for hogfish would decrease and the stock annual catch limit would be set equal to the acceptable biological catch. There are no allocations or annual catch targets for Gulf hogfish.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BI39

216. • Revision to Critical Habitat Designation for Endangered Southern Resident Killer Whales

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The proposed action would revise the designation of critical habitat for the endangered Southern Resident killer whale distinct population segment, pursuant to section 4 of the Endangered Species Act. Critical habitat for this population is currently designated within inland waters of Washington. In response to a 2014 petition, NMFS is proposing to expand the designation to include areas occupied by Southern Resident killer whales in waters along the U.S. West Coast. Impacts from the designation would stem mainly from Federal agencies' requirement to consult with NMFS, under section 7 of the Endangered Species Act, to ensure that any action they carry out, permit (authorize), or fund will not result in the destruction or adverse modification of critical habitat of a listed species. Federal agencies are already required to consult on effects to the currently designated critical habitat in inland waters of Washington, but consultation would be newly required for actions affecting the expanded critical habitat areas. Federal agencies are also already required to consult within the Southern Resident killer whales' range (including along the U.S. West Coast) to ensure that any action they carry out, permit, or fund will not jeopardize the continued existence of the species; this requirement would not change with a revision to the critical habitat designation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BH95

217. • Designation of Critical Habitat for the Mexico, Central American, and Western Pacific Distinct Population Segments of Humpback Whales Under the Endangered Species Act

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: This action will propose the designation of critical habitat for three distinct population segments of humpback whales (Megaptera novaeangliae) pursuant to section 4 of the Endangered Species Act. The three distinct population segments of humpback whales concerned—the Mexico, Central American, and Western Pacific distinct population segments—were listed under the Endangered Species Act on September 8, 2016, thereby triggering the requirement under section 4 of the Endangered Species Act to designate critical habitat to the maximum extent prudent and determinable. Proposed critical habitat for these three distinct population segments of humpback whales will include marine habitats within the Pacific Ocean and Bering Sea and will likely overlap with several existing designations, including critical habitat for leatherback sea turtles, North Pacific right whales, Steller sea lions, southern resident killer whales, and the southern distinct population segment of green sturgeon. Impacts from the designations for humpback whales would stem from the statutory requirement for Federal agencies to consult with NMFS, under section 7 of the Endangered Species Act, to ensure that any action they carry out, authorize, or fund will not result in the destruction or adverse modification of humpback whale critical habitat. Within many of the areas we are evaluating for potential proposal as critical habitat for the humpback whales distinct population segments, Federal agencies are already required to consult on effects to currently designated critical habitat for other listed species. Federal agencies are also already required to consult with NMFS under section 7 of the Endangered Species Act to ensure that any action they authorize, fund or carry out will not jeopardize the continued existence of the listed distinct population segments of humpback whales.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BI06

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

National Marine Fisheries Service

218. Modification of the Temperature-Dependent Component of the Pacific Sardine Harvest Guideline Control Rule To Incorporate New Scientific Information

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Pursuant to a recommendation of the Pacific Fishery Management Council (Council) under the Magnuson-Stevens Act, the National Marine Fisheries Service is proposing to use a new temperature index to

calculate the temperature parameter of the Pacific sardine harvest guideline control rule under the Fishery Management Plan. The harvest guideline control rule, in conjunction with the overfishing limit and acceptable biological catch control rules, is used to set annual harvest levels for Pacific sardine. The temperature parameter is calculated annually. The National Marine Fisheries Service determined that a new temperature index is more statistically sound and this action will adopt that index.

Timetable:

Action	Date	FR Cite
NPRM	08/23/17	82 FR 39977
NPRM Comment Period End.	09/22/17	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BE77

219. Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan To Implement an Electronic Monitoring Program for the Pacific Whiting Fishery

E.O. 13771 Designation: Deregulatory.

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

Abstract: This action would implement a regulatory amendment to the Pacific Coast Groundfish Fishery Management Plan to allow Pacific whiting vessels the option to use electronic monitoring (video cameras and associated sensors) in place of observers to meet requirements for 100-percent observer coverage. Vessels participating in the catch share program are required to carry an observer on all trips to ensure total accountability for at-sea discards. For some vessels, electronic monitoring may have lower costs than observers and a reduced logistical burden. By allowing vessels the option to use electronic monitoring to meet monitoring requirements, this action is intended to increase operational flexibility and reduce monitoring costs for the Pacific whiting fleet.

Timetable:

Action	Date	FR Cite
NPRM	09/06/16	81 FR 61161
NPRM Comment Period End.	10/06/16	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BF52

220. Commerce Trusted Trader Program

Regulatory Plan: This entry is Seq. No. 20 in part II of this issue of the **Federal Register**.

RIN: 0648–BG51

221. Rule To Implement the For-Hire Reporting Amendments

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule proposes to implement Amendment 39 for the Snapper-Grouper Fishery of the South Atlantic Region, Amendment 9 for the Dolphin and Wahoo Fishery of the Atlantic, and Amendment 27 to the Coastal Migratory Pelagics Fishery of the Gulf of Mexico and Atlantic Regions (For-Hire Reporting Amendments). The For-Hire Reporting Amendments rule proposes mandatory weekly electronic reporting for charter vessel operators with a Federal for-hire permit in the snapper-grouper, dolphin wahoo, or coastal migratory pelagics fisheries; reduces the time allowed for headboat operators to complete their electronic reports; and requires location reporting by charter vessels with the same level of detail currently required for headboat vessels.

Timetable:

Action	Date	FR Cite
Notice of Availability.	03/14/18	83 FR 11164
NPRM	04/04/18	83 FR 14400
NPRM Comment Period End.	05/04/18	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG75

222. Allow Halibut Individual Fishing Quota Leasing to Community Development Quota Groups

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 1861 *et seq.;* 16 U.S.C. 773 *et seq.*

Abstract: This action would allow Western Alaska Community Development Quota groups to lease halibut individual fishing quota in the Bering Sea and Aleutian Islands in years of low halibut catch limits. The Community Development Quota Program is an economic development program that provides eligible western Alaska villages with the opportunity to participate and invest in fisheries. The Community Development Quota Program receives annual allocations of total allowable catches for a variety of commercially valuable species. In recent years, low halibut catch limits have hindered most Community Development Quota groups' ability to create a viable halibut fishing opportunity for their residents. This proposed rule would authorize Community Development Quota groups to obtain additional halibut quota from commercial fishery participants to provide Community Development Quota community residents more fishing opportunities in years when the halibut Community Development Quota allocation may not be large enough to present a viable fishery for participants.

Timetable:

Action	Date	FR Cite
NPRM	02/23/18	83 FR 8028
NPRM Comment Period End.	03/26/18	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BG94

223. Amendment 116 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action would further limit access to the Bering Sea and

Aleutian Islands yellowfin sole Trawl Limited Access fishery by catcher vessels delivering to offshore motherships or catcher/processors. In recent years, an unexpected increase in participation in the offshore sector of this fishery by catcher vessels allowed under current regulations has resulted in an increased yellowfin sole catch rate and a shorter fishing season. The North Pacific Fishery Management Council recently determined that limiting the number of eligible licenses assigned to catcher vessels in this fishery could stabilize the fishing season duration, provide better opportunity to increase production efficiency, and help reduce bycatch of Pacific halibut. This action would modify the License Limitation Program by establishing eligibility criteria for licenses assigned to catcher vessels to participate in this fishery based on historic participation.

Timetable:

Action	Date	FR Cite
Notice of Availability.	05/18/18	83 FR 23250
NPRM	06/06/18	83 FR 26237
NPRM Comment Period End.	07/06/18	
Correction	07/20/18	83 FR 28604
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BH02

224. Atlantic Highly Migratory Species; Atlantic Bluefin Tuna and North Atlantic Albacore Quotas

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: The rule would modify the baseline annual U.S. Atlantic bluefin tuna quota and subquotas, as well as the baseline annual U.S. North Atlantic albacore (northern albacore) quota. This action is necessary to implement binding recommendations of the International Commission for the Conservation of Atlantic Tunas, as required by the Atlantic Tunas Convention Act, and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act. The rule also would implement a minor change to the Atlantic tunas size limit regulations to address retention, possession, and landings of tunas damaged by shark bites.

Timetable:

Action	Date	FR Cite
NPRM	07/06/18	83 FR 31517
NPRM Comment Period End.	08/06/18	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BH54

225. Regulation To Reduce Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The purpose of the proposed action is to aid in the protection and recovery of listed sea turtle populations by reducing incidental bycatch and mortality of small sea turtles in the Southeastern U.S. shrimp fisheries. As a result of new information on sea turtle bycatch in shrimp trawls and turtle excluder device testing, NMFS conducted an evaluation of the Southeastern U.S. shrimp fisheries that resulted in a draft environmental impact statement. This rule proposes to withdraw the alternative tow time restriction, and require certain vessels using skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls), with the exception of vessels participating in the Biscayne Bay wing net fishery in Miami-Dade County, Florida, to use turtle excluder devices designed to exclude small sea turtles.

Timetable:

Action	Date	FR Cite
NPRM	12/16/16	81 FR 91097
NPRM Comment Period End.	02/14/17	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG45

226. Regulatory Amendment To Authorize a Recreational Quota Entity

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 773 to 773k

Abstract: The proposed action would authorize a recreational quota entity in International Pacific Halibut Commission Regulatory Areas 2C and 3A in the Gulf of Alaska to purchase a limited amount of commercial halibut quota share for use in the charter halibut fishery. The recreational quota entity would provide a mechanism for a compensated reallocation of a portion of commercial halibut quota share from the Pacific Halibut and Sablefish Individual Fishing Quota Program to the charter halibut fishery in order to promote long-term planning and greater stability in the charter halibut fishery. Any halibut quota share from Area 2C or Area 3A purchased by the recreational quota entity would augment the amount of halibut available for harvest in the charter halibut fishery in that area. Underlying allocations to the charter and commercial halibut sectors would not change.

Timetable:

Action	Date	FR Cite
NPRM	10/03/17	82 FR 46016
NPRM Comment Period End.	11/17/17	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BG57

NOS/ONMS

227. Wisconsin-Lake Michigan National Marine Sanctuary Designation

E.O. 13771 Designation: Other.

Legal Authority: 16 U.S.C. 1431 *et seq.*

Abstract: On December 2, 2014, pursuant to section 304 of the National Marine Sanctuaries Act and the Sanctuary Nomination Process (79 FR 33851), a coalition of community groups submitted a nomination asking NOAA to designate an area of Wisconsin's Lake Michigan waters as a national marine sanctuary. The area is a region that includes 875 square miles of Lake Michigan waters and bottomlands

adjacent to Manitowoc, Sheboygan, and Ozaukee counties and the cities of Port Washington, Sheboygan, Manitowoc, and Two Rivers. It includes 80 miles of shoreline and extends 9 to 14 miles from the shoreline. The area contains an extraordinary collection of submerged maritime heritage resources (shipwrecks) as demonstrated by the listing of 15 shipwrecks on the National Register of Historic Places. The area includes 39 known shipwrecks, 123 reported vessel losses, numerous other historic maritime-related features, and is adjacent to communities that have embraced their centuries-long relationship with Lake Michigan. NOAA completed its review of the nomination in accordance with the Sanctuary Nomination Process and on February 5, 2015, added the area to the inventory of nominations that are eligible for designation. On October 7, 2015, NOAA issued a notice of intent to begin the designation process and asked for public comment on making this area a national marine sanctuary. Designation under the National Marine Sanctuaries Act would allow NOAA to supplement and complement work by the State of Wisconsin and other Federal agencies to protect this collection of nationally significant shipwrecks.

Timetable:

Action	Date	FR Cite
NPRM	01/09/17	82 FR 2269
NPRM Comment Period End.	03/31/17	
Final Action	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicki Wedell, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM6), Silver Spring, MD 20910, *Phone:* 301 713–7237, *Fax:* 301 713–0404, *Email: vicki.wedell@noaa.gov.*

RIN: 0648–BG01

228. Mallows Bay-Potomac River National Marine Sanctuary Designation

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1431 *et seq.*

Abstract: On September 16, 2014, pursuant to section 304 of the National Marine Sanctuaries Act and the Sanctuary Nomination Process (79 FR 33851), a coalition of community groups submitted a nomination asking NOAA to designate Mallows Bay-Potomac River as a national marine sanctuary. The Mallows Bay area of the tidal Potomac River is an area 40 miles south of Washington, DC, off the Nanjemoy Peninsula of Charles County, MD. The designation of a national marine sanctuary would focus on conserving the collection of maritime heritage resources (shipwrecks) in the area as well as expand the opportunities for public access, recreation, tourism, research, and education. NOAA completed its review of the nomination in accordance with the Sanctuary Nomination Process and on January 12, 2015, added the area to the inventory of nominations that are eligible for designation. On October 7, 2015, NOAA issued a notice of intent to begin the designation process and asked for public comment on making this area a national marine sanctuary. Designation under the National Marine Sanctuaries Act would allow NOAA to supplement and complement work by the State of Maryland and other Federal agencies to protect this collection of nationally significant shipwrecks.

Timetable:

Action	Date	FR Cite
NPRM	01/09/17	82 FR 2254
NPRM Comment Period End.	03/31/17	
Final Action	01/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicki Wedell, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM6), Silver Spring, MD 20910, *Phone:* 301 713–7237, *Fax:* 301 713–0404, *Email: vicki.wedell@noaa.gov.*

RIN: 0648–BG02

DEPARTMENT OF COMMERCE (DOC)

Long-Term Actions

National Oceanic and Atmospheric Administration (NOAA)

National Marine Fisheries Service

229. Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 1861 *et seq.;* 5 U.S.C. 561 *et seq.*

Abstract: Congress enacted the 2015 National Defense Authorization Act to refinance the existing debt obligation funding the fishing capacity reduction program for the Pacific Coast Groundfish fishery implemented under section 212. Pending appropriation of funds to effect the refinance, the National Marine Fisheries Service issued proposed regulations to seek comment on the refinancing and to prepare for an industry referendum and final rule. However, a subsequent appropriation to fund the refinancing was never enacted. As a result, the National Marine Fisheries Service has no funds with which to proceed, and the refinancing authority cannot be implemented at this time.

Timetable:

Action	Date	FR Cite
NPRM	08/06/15	80 FR 46941
NPRM Comment Period End.	09/08/15	
To Be Determined	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Pawlak, *Phone:* 301 427–8621, *Email: brian.t.pawlak@noaa.gov.*

RIN: 0648–BE90

230. Voting Criteria for a Referendum on a Gulf of Mexico Reef Fish Catch Share Program for For-Hire Vessels With Landings Histories

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Amendment 42 to the Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico (Amendment 42) proposes to establish a catch share program for up to five species of reef fish for headboats with landings history in the Southeast Region Headboat Survey. This rule would inform the public of the procedures, schedule, and eligibility requirements that NOAA Fisheries would use in conducting the referendum that is required before the Gulf of Mexico Fishery Management Council (Council) can submit Amendment 42 for Secretarial review.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG36

231. Reducing Disturbances to Hawaiian Spinner Dolphins from Human Interactions

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: This action would implement regulatory measures under the Marine Mammal Protection Act to protect Hawaiian spinner dolphins that are resting in protected bays from take due to close approach interactions with humans.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/05	70 FR 73426
ANPRM Comment Period End.	01/11/06	
NPRM	08/24/16	81 FR 57854
NPRM Comment Period End.	10/23/16	
NPRM Comment Period Re-opened.	11/16/16	81 FR 80629
NPRM Comment Period Re-opened End.	12/01/16	
Final Action	11/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 427–8400.

RIN: 0648–AU02

232. Designation of Critical Habitat for the Arctic Ringed Seal

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service published a final rule to list the Arctic ringed seal as a threatened species under the Endangered Species Act (ESA) in December 2012. The ESA requires designation of critical habitat at the time a species is listed as threatened or endangered, or within one year of listing if critical habitat is not then determinable. This rulemaking would designate critical habitat for the Arctic ringed seal. The critical habitat designation would be in the northern Bering, Chukchi, and Beaufort seas within the current range of the species.

Timetable:

Action	Date	FR Cite
NPRM	12/03/14	79 FR 71714
Proposed Rule	12/09/14	79 FR 73010
Notice of Public Hearings.	01/13/15	80 FR 1618
Comment Period Extended.	02/02/15	80 FR 5498
Proposed Rule 2	11/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 427–8400.

RIN: 0648–BC56

233. Amendment and Updates to the Pelagic Longline Take Reduction Plan

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: Serious injury and mortality of the Western North Atlantic short-finned pilot whale stock incidental to the Category I Atlantic pelagic longline fishery continues at levels exceeding their Potential Biological Removal. This proposed action will examine a number of management measures to amend the Pelagic Longline Take Reduction Plan to reduce the incidental mortality and serious injury of short-finned pilot whales taken in the Atlantic Pelagic Longline fishery to below Potential Biological Removal. Potential management measures may include changes to the current limitations on mainline length, new requirements to use weak hooks (hooks with reduced breaking strength), and non-regulatory measures related to determining the best procedures for safe handling and release of marine mammals. The need for the proposed action is to ensure the Pelagic Longline Take Reduction Plan meets its Marine Mammal Protection Act mandated short- and long-term goals.

Timetable:

Action	Date	FR Cite
To Be Determined	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 427–8400.

RIN: 0648–BF90

234. Endangered and Threatened Species; Designation of Critical Habitat for Threatened Caribbean and Indo-Pacific Reef-Building Corals

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: On September 10, 2014, the National Marine Fisheries Service listed 20 species of reef-building corals as threatened under the Endangered Species Act, 15 in the Indo-Pacific and five in the Caribbean. Of the 15 Indo-Pacific species, seven occur in U.S. waters of the Pacific Islands Region, including in American Samoa, Guam, the Commonwealth of the Mariana Islands, and the Pacific Remote Island Areas. This proposed rule would designate critical habitat for the seven species in U.S. waters (Acropora globiceps, Acropora jacquelineae, Acropora retusa, Acropora speciosa, Euphyllia paradivisa, Isopora crateriformis, and Seriatopora aculeata). The proposed designation would cover coral reef habitat around 17 island or atoll units in the Pacific Islands Region, including four in American Samoa, one in Guam, seven in the Commonwealth of the Mariana Islands, and five in Pacific Remote Island Areas, containing essential features that support reproduction, growth, and survival of the listed coral species. This rule also proposes to designate critical habitat for the five Caribbean corals and proposed to revise critical habitat for two, previously-listed corals, Acropora palmata and Acropora cervicornis.

Timetable:

Action	Date	FR Cite
To Be Determined	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 427–8400.

RIN: 0648–BG26

DEPARTMENT OF COMMERCE (DOC)

Completed Actions

National Oceanic and Atmospheric Administration (NOAA)

235. Framework Adjustment 2 to the Tilefish Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: The Mid-Atlantic Fishery Management Council developed a framework adjustment to its Tilefish Fishery Management Plan, which modified management measures for the tilefish fishery to improve the management of the species. The measures eliminated the current call-in reporting requirement; prohibited a vessel from fishing for more than one Individual Fishing Quota allocation at the same time; required tilefish to be landed with the head attached; clarified what fishing gears are allowed in the recreational fishery; and made an administrative change to how assumed discards are accounted for in the specifications setting process.

Timetable:

Action	Date	FR Cite
NPRM	10/23/17	82 FR 48967
NPRM Comment Period End.	11/07/17	
Final Action	03/13/18	83 FR 10390
Final Action Effective.	04/12/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic

Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov*.

RIN: 0648–BF85

236. Amendment 36A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action implemented Amendment 36A to the Fishery Management Plan for reef fish resources in the Gulf of Mexico to improve compliance and increase management flexibility in the red snapper and grouper-tilefish commercial individual fishing quota programs in the Gulf of Mexico. In accordance with Amendment 36A, this action improved compliance with the individual fishing quota program by requiring all commercial reef fish permit holders to hail-in at least 3 hours, but no more than 24 hours, in advance of landing. It also addressed non-activated individual fishing quota accounts and provided the regional administrator with authority to retain annual allocation if a quota reduction is expected to occur.

Timetable:

Action	Date	FR Cite
Notice of Availability.	02/21/18	83 FR 7447
NPRM	03/22/18	83 FR 12326
NPRM Comment Period End.	04/20/18	
Final Action	06/12/18	83 FR 27297
Final Action Effective.	07/12/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BG83

237. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Limits in Purse Seine Fisheries for 2017

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: As authorized under the Western and Central Pacific Fisheries Convention Implementation Act, this rule would enable NOAA Fisheries to implement a recent decision of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission). The rule would establish a limit for calendar year 2017 on fishing effort by U.S. purse seine vessels in the U.S. exclusive economic zone and on the high seas between the latitudes of 20 degrees N and 20 degrees S in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The limit is 1,828 fishing days. The rule also would make corrections to outdated cross-references in existing regulatory text. This action is necessary to satisfy the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), to which it is a Contracting Party. This action has been superseded by another rulemaking for Western and Central Pacific Fisheries for Highly Migratory Species (0648–BH77).

Timetable:

Action	Date	FR Cite
NPRM	09/20/17	82 FR 43926
NPRM Comment Period End.	10/05/17	
Withdrawn	07/02/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov*.

RIN: 0648–BG93

238. Nontrawl Lead Level 2 Observers

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action modified regulations pertaining to the nontrawl lead level 2 observer deployment endorsement and required vessels to participate in a pre-cruise meeting when necessary. An observer deployed on a catcher/processor that participates in the Bering Sea and Aleutian Islands hook-and-line Pacific cod fishery or on a catcher/processor using pot gear to harvest groundfish in the Western Alaska Community Development Quota fisheries is required to have a nontrawl lead level 2 deployment endorsement. Since 2014, vessel owners and observer provider firms have reported an ongoing shortage of nontrawl lead level 2 endorsed observers that has delayed fishing trips and increased operational costs. This action increased the pool of observers that could obtain the nontrawl lead level 2 endorsement by allowing sampling experience on trawl catcher/processors to count toward the minimum experience necessary to obtain a nontrawl lead level 2 deployment endorsement. The action benefitted the owners and operators of catcher/processor vessels required to carry an observer with a nontrawl lead level 2 endorsement, observer provider firms, and individuals serving as certified observers. This action also included a revision to the observer coverage requirement for motherships receiving unsorted codends from catcher vessels groundfish Community Development Quota fishing and numerous housekeeping measures and technical corrections. These additional updates and corrections were necessary to improve terminology consistency throughout the regulations and, for operational consistency, to align mothership observer coverage requirements with Amendment 80 vessels consistent with the regulation of harvest provisions of the Magnuson-Stevens Act.

Timetable:

Action	Date	FR Cite
NPRM	12/27/17	82 FR 61243
NPRM Comment Period End.	01/26/18	
Final Action	06/29/18	83 FR 30528
Final Action Effective.	07/30/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BG96

239. Atlantic Highly Migratory Species; Revisions to Shark Fishery Closure Regulations

E.O. 13771 Designation: Deregulatory.

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

Abstract: This rulemaking revises the procedures in place for Atlantic Highly Migratory Species shark fishery closures. The rulemaking would change the landings level that prompts fishery closure and the length of time between public notice and the effective date of a

fishery closure. This action would facilitate more timely action by the National Marine Fisheries Service when a closure is necessary to prevent overharvest and help commercial shark fisheries more fully utilize available quota by preventing early closures.

Timetable:

Action	Date	FR Cite
NPRM	02/23/18	83 FR 8037
NPRM Comment Period End.	03/26/18	
Final Action	07/09/18	83 FR 31677
Final Action Effective.	08/08/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BG97

240. Rule To Modify Mutton Snapper and Gag Management Measures in The Gulf Of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule established annual catch limits from 2017 through 2020 for the Gulf of Mexico apportionment of mutton snapper and removed the annual catch target because this target is not currently used for management purposes. This rule established a recreational bag limit for mutton snapper, modified the minimum size limit for commercial and recreational mutton snapper, and modified the commercial minimum size limit for gag. The majority of mutton snapper and gag landings are from waters adjacent to Florida, and the changes in bag and size limits would make these management measures consistent with those established for Florida state waters and in the case of gag, with South Atlantic Federal regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/15/18	83 FR 6830
NPRM Comment Period End.	03/17/18	
Final Action	06/22/18	83 FR 29041
Final Action Effective.	07/23/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BG99

241. Amendment 47 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action revised the maximum sustainable yield proxy and adjust the annual catch limit for the vermilion snapper stock within the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico. The Gulf of Mexico Fishery Management Council (Council) approved this action at their June 2017 meeting in response to a 2016 stock assessment for vermilion snapper. The estimate of maximum sustainable yield is dependent upon the spawner-recruit relationship. For vermilion snapper, there is a high degree of variability in the data used and the Council's Scientific and Statistical Committee had little confidence in the resulting estimate of maximum sustainable yield. Instead, the SSC recommended the use of a maximum sustainable yield proxy. This action established a maximum sustainable yield proxy and associated status determination criteria that are consistent with the best scientific information available, and an annual catch limit that does not exceed the acceptable biological catch yields from the 2016 stock.

Timetable:

Action	Date	FR Cite
Notice of Availability.	12/19/17	82 FR 60168
NPRM	12/27/17	82 FR 61241
NPRM Comment Period End.	01/26/18	
Final Action	05/14/18	83 FR 22210
Final Action Effective.	06/13/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BH07

242. Management Measures for Tropical Tunas in the Eastern Pacific Ocean

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 951 *et seq.*

Abstract: This rule implemented the Inter-American Tropical Tuna Commission's Resolution C–17–02, which contains provisions intended to prevent the overfishing of tropical tuna (bigeye, yellowfin, and skipjack) in the eastern Pacific Ocean for fishing years 2018 to 2020. In addition to rolling over measures from the 2017 resolution, this resolution included additional management measures related to fish aggregating devices, made minor revisions to the definition of force majeure, included provisions related to transferring longline catch limits for bigeye tuna between Inter-American Tropical Tuna Commission members, and increased the bigeye tuna catch limit U.S. longline vessels greater than 24 meters in overall length that fish in the Inter-American Tropical Tuna Commission Convention Area.

Timetable:

Action	Date	FR Cite
NPRM	11/14/17	82 FR 52700
NPRM Comment Period End.	12/14/17	
Final Action	04/11/18	83 FR 15503
Final Action Effective.	05/11/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BH13

243. Interim 2018 Pacific Coast Tribal Pacific Whiting Allocation

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: NMFS implemented a rule for the tribal Pacific whiting (whiting) fishery off the coast of Washington State. The purpose is to establish an interim 2018 tribal whiting allocation. As in prior years, this allocation is an ''interim'' allocation that is not intended to set precedent for future years—a new allocation will be set each year after discussions with the affected tribes and fisheries interests.

Timetable:

Action	Date	FR Cite
NPRM	01/24/18	83 FR 3291
NPRM Comment Period End.	02/23/18	
Final Action	05/15/18	83 FR 22401
Final Action Effective.	05/15/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BH31

244. Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan; Northern Gulf of Maine Measures

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action implemented the New England Fishery Management Council's Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan. The Atlantic sea scallop fishery consists of two primary fleets, the Limited Access fleet, and the Limited Access General Category fleet. The Limited Access fleet is managed with days-at-sea a number of days that can be fished per year and an access area rotation program. Framework 29 sets management measures in the Northern Gulf of Maine for the scallop fishery for the 2018 fishing year, including dividing the annual total allowable catch between the Limited Access and Limited Access General Category fleets. Currently, Limited Access vessels can access the Northern Gulf of Maine while on days-at-sea with no hard limit on landings while in the area. This has resulted in total landings from the Northern Gulf of Maine by the Limited Access fleet that far exceeded the total allowable catch for the Limited Access General Category fleet. Instead, this action would allow Limited Access vessels access through research set-aside compensation fishing. Currently the limited access fleet is allocated days-at-sea based on the condition of the scallop resource in the open area. They can choose to use these days-at-sea in the Northern Gulf of Maine if the area has not been closed. This action would prohibit the Limited Access fleet from accessing the Northern Gulf of Maine while participating in the days-at-sea program. The Limited Access fleet share of the Northern Gulf of Maine total allowable catch would be available through research set-aside compensation fishing only.

Timetable:

Action	Date	FR Cite
NPRM	02/20/18	83 FR 7129
NPRM Comment Period End.	03/07/18	
Final Action	03/26/18	83 FR 12857
Final Action Effective.	04/01/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov.*

RIN: 0648–BH51

245. Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action implemented management measures included in Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan (Framework 57) that were developed by the New England Fishery Management Council in response to new scientific information. This action has set 2018–2020 specifications for 20 Northeast multispecies stocks, including the three U.S./Canada stocks (Eastern Georges Bank cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder). Specifically, this action has revised the trimester quotas for the common pool fishery; set the southern New England/mid-Atlantic yellowtail flounder quota for the scallop fishery; revised the areas, seasons, and vessels subject to the Atlantic halibut accountability measures; adjusted the areas, seasons, and triggers for southern windowpane flounder accountability measures for non-groundfish fisheries; revised catch thresholds for implementing the scallop fishery's accountability measures for southern New England yellowtail flounder; and provided the Regional Administrator with authority to adjust recreational measures for Georges Bank cod for 2018 and 2019 to address recent increases in catch.

Timetable:

Action	Date	FR Cite
NPRM	03/22/18	83 FR 12531
NPRM Comment Period End.	04/06/18	
Final Action	05/01/18	83 FR 18985
Final Action Effective.	05/01/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov.*

RIN: 0648–BH52

246. Small-Mesh Multispecies 2018–2020 Specifications

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action set the small-mesh multispecies specifications for the 2018–2020 fishing years and reinstated regulatory text that was inadvertently removed from the regulations in a previous action. The action recommended by the New England Fishery Management Council adjusted the catch specifications during 2018–2020 for four target stocks caught by small mesh fishing gear (''the small-mesh fishery''): northern silver hake, northern red hake, southern whiting, and southern red hake. The action adjusted the overfishing limit, the allowable biological catch, the annual catch limits, the total allowable landings and the total allowable landings trigger values. These adjustments account for the changes in stock biomass shown in the latest assessment update and changes in the discard rate since the last specifications were established. The specification limits are intended to keep the risk of overfishing at acceptable levels. This action reinstated regulatory text that specifies the red hake possession limits in the southern small mesh exemption area that NMFS inadvertently removed during a previous rulemaking action. The removal was a drafting error and not recommended by the New England Council. The text specified the 5,000 lbs possession limit for red hake harvested in the southern small mesh exemption area. Reinstatement reduced confusion in the industry because it clarified the possession limits in the regulations as originally intended by the Council to help avoid exceeding the catch limits, which could harm to the resource.

Timetable:

Action	Date	FR Cite
NPRM	04/12/18	83 FR 15780
NPRM Comment Period End.	04/27/18	
Final Action	06/14/18	83 FR 27713
Final Action Effective.	06/14/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov.*

RIN: 0648–BH76

247. Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: In 2012, NMFS listed as endangered the main Hawaiian Islands (MHI) insular false killer whale (Pseudorca crassidens) Distinct Population Segment (DPS). The Endangered Species Act (ESA) requires NMFS to designate critical habitat to support the conservation and recovery of newly listed species. Accordingly, this proposed rule would designate critical habitat for the MHI insular false killer whale DPS in waters around the MHI. NMFS will evaluate the economic, national security, or other relevant impacts of the proposed designation to identify areas where such negative impacts would outweigh the benefits of critical habitat designation.

Timetable:

Action	Date	FR Cite
NPRM	11/03/17	82 FR 51186
NPRM Comment Period End.	01/02/18	
Final Action	07/24/18	83 FR 35062
Final Action Effective.	08/23/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BC45

[FR Doc. 2018–24146 Filed 11–15–18; 8:45 am]

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Part V

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Fall 2018 Unified Agenda of Regulatory and Deregulatory Actions

AGENCY: Department of Energy.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Energy (DOE) has prepared and is making available its portion of the semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda), including its Regulatory Plan (Plan), pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act.

SUPPLEMENTARY INFORMATION: The Agenda is a government-wide compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy's portion of the Agenda includes regulatory actions called for by statute, including amendments contained in the Energy Independence and Security Act of 2007 (EISA) and the American Energy Manufacturing Technical Corrections Act (AEMTCA), and programmatic needs of DOE offices.

The internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE's entire Fall 2018 Regulatory Agenda can be accessed online by going to *www.reginfo.gov.*

Publication in the **Federal Register** is mandated by the Regulatory Flexibility Act (5 U.S.C. 602) only for Agenda entries that require either a regulatory flexibility analysis or periodic review under section 610 of that Act. DOE's regulatory flexibility agenda is made up of one rulemaking that will set energy conservation standards. This rule is Energy Conservation Standards for Residential Conventional Cooking Products (1904–AD15). The Plan appears in both the online Agenda and the **Federal Register** and includes the most important of DOE's significant regulatory actions and a Statement of Regulatory and Deregulatory Priorities.

Theodore J. Garrish,

Acting General Counsel.

ENERGY EFFICIENCY AND RENEWABLE ENERGY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
248	Energy Conservation Standards for General Service Lamps	1904–AD09
249	Energy Conservation Standards for Residential Conventional Cooking Products **(Reg Plan Seq No. 40)**	1904–AD15
250	Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces.	1904–AD20

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

ENERGY EFFICIENCY AND RENEWABLE ENERGY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
251	Energy Conservation Standards for Commercial Water Heating Equipment	1904–AD34

ENERGY EFFICIENCY AND RENEWABLE ENERGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
252	Energy Conservation Standards for Commercial Packaged Boilers	1904–AD01
253	Modifying the Energy Conservation Program to Implement a Market-Based Approach	1904–AE11

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Proposed Rule Stage

248. Energy Conservation Standards for General Service Lamps

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 6295(i)(6)(A)

Abstract: The Department will issue a Supplemental Notice of Proposed Rulemaking that includes a proposed determination with respect to whether to amend or adopt standards for general service light-emitting diode (LED) lamps and that may include a proposed determination with respect to whether to amend or adopt standards for compact fluorescent lamps. According to the Settlement Agreement between the National Electrical Manufacturers Association (NEMA) and the Department (DOE), DOE will use its best efforts to issue the GSL SNOPR by May 28, 2018.

Timetable:

Action	Date	FR Cite
Framework Document Availability; Notice of Public Meeting.	12/09/13	78 FR 73737
Framework Document Comment Period End.	01/23/14	
Framework Document Comment Period Extended.	01/23/14	79 FR 3742
Framework Document Comment Period Extended End.	02/07/14	
Preliminary Analysis and Notice of Public Meeting.	12/11/14	79 FR 73503
Preliminary Analysis Comment Period Extended.	01/30/15	80 FR 5052

Action	Date	FR Cite
Preliminary Analysis Comment Period Extended End.	02/23/15	
Notice of Public Meeting; Webinar.	03/15/16	81 FR 13763
NPRM	03/17/16	81 FR 14528
NPRM Comment Period End.	05/16/16	
Notice of Public Meeting; Webinar.	10/05/16	81 FR 69009
Proposed Definition and Data Availability.	10/18/16	81 FR 71794
Proposed Definition and Data Availability Comment Period End.	11/08/16	
Final Rule Adopting a Definition for GSL.	01/19/17	82 FR 7276
Final Rule Adopting a Definition for GSL Effective.	01/01/20	
Final Rule Adopting a Definition for GSL Including IRL.	01/19/17	82 FR 7322
Final Rule Adopting a Definition for GSL Including IRL Effective.	01/01/20	
Supplemental NPRM.	08/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lucy deButts, Buildings Technologies Office, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 202 287–1604, *Email: lucy.debutts@ee.doe.gov.*

RIN: 1904–AD09

249. Energy Conservation Standards for Residential Conventional Cooking Products

Regulatory Plan: This entry is Seq. No. 40 in part II of this issue of the **Federal Register**.

RIN: 1904–AD15

250. Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 6295(f)(4)(C); 42 U.S.C. 6295(m)(1); 42 U.S.C. 6295(gg)(3)

Abstract: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential furnaces. EPCA also requires the DOE to determine whether more stringent amended standards would be technologically feasible and economically justified and would save a significant amount of energy. DOE is considering amendments to its energy conservation standards for residential non-weatherized gas furnaces and mobile home gas furnaces in partial fulfillment of a court-ordered remand of DOE's 2011 rulemaking for these products.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting.	10/30/14	79 FR 64517
NPRM and Notice of Public Meeting.	03/12/15	80 FR 13120
NPRM Comment Period Extended.	05/20/15	80 FR 28851
NPRM Comment Period Extended End.	07/10/15	
Notice of Data Availability (NODA).	09/14/15	80 FR 55038
NODA Comment Period End.	10/14/15	
NODA Comment Period Reopened.	10/23/15	80 FR 64370
NODA Comment Period Reopened End.	11/06/15	
Supplemental NPRM and Notice of Public Meeting.	09/23/16	81 FR 65720
Supplemental NPRM Comment Period End.	11/22/16	
SNPRM Comment Period Reopened.	12/05/16	81 FR 87493
SNPRM Comment Period End.	01/06/17	
Supplemental NPRM.	01/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, Building Technologies Office, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AD20

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Final Rule Stage

251. Energy Conservation Standards for Commercial Water Heating Equipment

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 6313(a)(6)(C)(i) and (vi)

Abstract: Once completed, this rulemaking will fulfill DOE's statutory obligation under EPCA to either propose amended energy conservation standards for commercial water heaters and hot water supply boilers, or determine that the existing standards do not need to be amended. (Unfired hot water storage tanks and commercial heat pump water heaters are being considered in a separate rulemaking.) DOE must determine whether national standards more stringent than those that are currently in place would result in a significant additional amount of energy savings and whether such amended national standards would be technologically feasible and economically justified.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	10/21/14	79 FR 62899
RFI Comment Period End.	11/20/14	
NPRM	05/31/16	81 FR 34440
NPRM Comment Period End.	08/01/16	
NPRM Comment Period Reopened.	08/05/16	81 FR 51812
NPRM Comment Period Reopened End.	08/30/16	
Notice of Data Availability (NODA).	12/23/16	81 FR 94234
NODA Comment Period End.	01/09/17	
Final Action	01/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Catherine Rivest, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Buildings Technologies Office, EE–5B, Washington, DC 20585, *Phone:* 202 586–7335, *Email: catherine.rivest@ee.doe.gov.*

RIN: 1904–AD34

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Long-Term Actions

252. Energy Conservation Standards for Commercial Packaged Boilers

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 6313(a)(6)(C); 42 U.S.C. 6311(11)(B)

Abstract: EPCA, as amended by AEMTCA, requires the Secretary to determine whether updating the statutory energy conservation standards for commercial packaged boilers is technically feasible and economically justified and would save a significant amount of energy. If justified, the Secretary will issue amended energy conservation standards for such equipment. DOE last updated the standards for commercial packaged boilers on July 22, 2009. DOE issued a NOPR pursuant to the 6-year-look-back requirement on March 24, 2016. Under EPCA, DOE has two years to issue a final rule after publication of the NOPR.

Timetable:

Action	Date	FR Cite
Notice of Proposed Determination (NOPD).	08/13/13	78 FR 49202
NOPD Comment Period End.	09/12/13	
Notice of Public Meeting and Framework Document Availability.	09/03/13	78 FR 54197
Framework Document Comment Period End.	10/18/13	
Notice of Public Meeting and Preliminary Analysis.	11/20/14	79 FR 69066
Preliminary Analysis Comment Period End.	01/20/15	
Withdrawal of NOPD.	08/25/15	80 FR 51487
NPRM	03/24/16	81 FR 15836
NPRM Comment Period Extended.	05/04/16	81 FR 26747
NPRM Comment Period Extended End.	06/22/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Raba, *Phone:* 202 586–8654, *Email: jim.raba@ee.doe.gov*.

RIN: 1904–AD01

253. Modifying the Energy Conservation Program To Implement a Market-Based Approach

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 6291

Abstract: The U.S. Department of Energy (DOE) is evaluating the potential use of some form of a market-based approach such as an averaging, trading, fee-base or other type of market-based policy mechanism for the U.S. Appliance and Equipment Energy Conservation Standards (ECS) program.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	11/28/17	82 FR 56181
RFI Comment Period Extended.	02/23/18	83 FR 8016
RFI Comment Period Extended End.	03/26/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AE11

[FR Doc. 2018–23894 Filed 11–15–18; 8:45 am]

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Part VI

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Ch. I

25 CFR Ch. V

42 CFR Chs. I–V

45 CFR Subtitle A; Subtitle B, Chs. II, III, and XIII

Regulatory Agenda

AGENCY: Office of the Secretary, HHS.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Regulatory Flexibility Act of 1980 and Executive Order (E.O.) 12866 require the semiannual issuance of an inventory of rulemaking actions under development throughout the Department, offering for public review summarized information about forthcoming regulatory actions.

FOR FURTHER INFORMATION CONTACT: Ann C. Agnew, Executive Secretary, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201; (202) 690–5627.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) is the Federal government's lead agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. HHS enhances the health and well-being of Americans by promoting effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services.

This Agenda presents the regulatory activities that the Department expects to undertake in the foreseeable future to advance this mission. HHS has an agency-wide effort to support the Agenda's purpose of encouraging more effective public participation in the regulatory process. For example, to encourage public participation, we regularly update our regulatory webpage (*http://www.HHS.gov/regulations*) which includes links to HHS rules currently open for public comment, and also provides a ''regulations toolkit'' with background information on regulations, the commenting process, how public comments influence the development of a rule, and how the public can provide effective comments. HHS also actively encourages meaningful public participation in its retrospective review of regulations through a comment form on the HHS retrospective review webpage (*http://www.HHS.gov/RetrospectiveReview*).

The rulemaking abstracts included in this paper issue of the **Federal Register** cover, as required by the Regulatory Flexibility Act of 1980, those prospective HHS rulemakings likely to have a significant economic impact on a substantial number of small entities. The Department's complete Regulatory Agenda is accessible online at *http://www.RegInfo.gov*.

Ann C. Agnew,

Executive Secretary to the Department.

OFFICE FOR CIVIL RIGHTS—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
254	Nondiscrimination in Health Programs or Activities	0945–AA11

OFFICE FOR CIVIL RIGHTS—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
255	HIPAA Privacy Rule: Changing Requirement to Obtain Acknowledgment of Receipt of the Notice of Privacy Practices.	0945–AA08

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
256	21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program.	0955–AA01

FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
257	Over-the-Counter (OTC) Drug Review-Cough/Cold (Antihistamine) Products	0910–AF31
258	Sunscreen Drug Products For Over-The-Counter-Human Use; Tentative Final Monograph	0910–AF43
259	Label Requirement for Food That Has Been Refused Admission Into the United States	0910–AF61
260	Laser Products; Amendment to Performance Standard	0910–AF87
261	Mammography Quality Standards Act; Amendments to Part 900 Regulations **(Reg Plan Seq No. 49)**	0910–AH04
262	Medication Guides; Patient Medication Information	0910–AH68
263	Testing Standards for Batteries and Battery Management Systems in Electronic Nicotine Delivery Systems.	0910–AH90
264	Rule to Revoke Uses of Partially Hydrogenated Oils in Foods	0910–AI15

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FOOD AND DRUG ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
265	Postmarketing Safety Reporting Requirements for Human Drug and Biological Products	0910–AA97
266	Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods	0910–AH00

FOOD AND DRUG ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
267	Over-the-Counter (OTC) Drug Review—External Analgesic Products	0910–AF35
268	Over-the-Counter (OTC) Drug Review—Internal Analgesic Products	0910–AF36
269	Over-the-Counter (OTC) Drug Review—Laxative Drug Products	0910–AF38
270	Over-the-Counter (OTC) Drug Review—Weight Control Products	0910–AF45
271	Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products	0910–AG12
272	Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products.	0910–AG18
273	Sunlamp Products; Amendment to the Performance Standard	0910–AG30
274	General and Plastic Surgery Devices: Sunlamp Products	0910–AH14
275	Combinations of Bronchodilators With Expectorants; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use.	0910–AH16
276	Acute Nicotine Toxicity Warnings for E-Liquids	0910–AH24
277	Administration Detention of Tobacco Products	0910–AI05

CENTERS FOR MEDICARE & MEDICAID SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
278	Requirements for Long-Term Care Facilities: Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3347–P) **(Section 610 Review) (Reg Plan Seq No. 55)**.	0938–AT36
279	CY 2020 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1715–P) **(Section 610 Review)**.	0938–AT72
280	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2020 Rates (CMS–1716–P) **(Section 610 Review)**.	0938–AT73
281	CY 2020 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1717–P) **(Section 610 Review)**.	0938–AT74

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

CENTERS FOR MEDICARE & MEDICAID SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
282	Hospital and Critical Access Hospital (CAH) Changes to Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–F) **(Rulemaking Resulting From a Section 610 Review)**.	0938–AS21
283	CY 2019 Changes to the End-Stage Renal Disease (ESRD) Prospective Payment System, Quality Incentive Program, Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) (CMS–1691–F) **(Section 610 Review)**.	0938–AT28
284	CY 2019 Home Health Prospective Payment System Rate Update and CY 2020 Case-Mix Adjustment Methodology Refinements;Value-Based Purchasing Model; Quality Reporting Requirements (CMS–1689–F) **(Section 610 Review)**.	0938–AT29
285	CY 2019 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1695–F) **(Section 610 Review)**.	0938–AT30
286	CY 2019 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B and the Quality Payment Program (CMS–1693–F) **(Section 610 Review)**.	0938–AT31

CENTERS FOR MEDICARE & MEDICAID SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
287	Durable Medical Equipment Fee Schedule, Adjustments to Resume the Transitional 50/50 Blended Rates to Provide Relief in Non-Competitive Bidding Areas (CMS–1687–F) **(Section 610 Review)**.	0938–AT21

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
288	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2019 Rates (CMS–1694–F) **(Completion of a Section 610 Review)**.	0938–AT27
289	FY 2019 Inpatient Psychiatric Facilities Prospective Payment System—Rate and Quality Reporting Updates (CMS–1690–F) **(Completion of a Section 610 Review)**.	0938–AT32

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office for Civil Rights (OCR)

Proposed Rule Stage

254. Nondiscrimination in Health Programs or Activities

E.O. 13771 Designation: Deregulatory.

Legal Authority: Sec. 1557 of the Patient Protection and Affordable Care Act (42 U.S.C. 18116)

Abstract: This proposed rule implements Section 1557 of the Patient Protection and Affordable Care Act (PPACA), which prohibits discrimination on the basis of race, color, national origin, sex, age, and disability under any health program or activity, any part of which is receiving Federal financial assistance, including credits, subsidies, or contracts of insurance, or under any program or activity that is administered by an Executive Agency or any entity established under Title l of the PPACA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Luben Montoya, Section Chief, Civil Rights Division, Department of Health and Human Services, Office for Civil Rights, 200 Independence Avenue SW, Washington, DC 20201, *Phone:* 800 368–1019, *TDD Phone:* 800 537–7697, *Email: ocrmail@hhs.gov*.

RIN: 0945–AA11

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office for Civil Rights (OCR)

Completed Actions

255. HIPAA Privacy Rule: Changing Requirement To Obtain Acknowledgment of Receipt of the Notice of Privacy Practices

E.O. 13771 Designation: Deregulatory.

Legal Authority: Health Insurance Portability and Accountability (HIPAA) Act of 1996, Pub. L. 104–191

Abstract: This proposed rule would change the requirement that health care providers make a good faith effort to obtain from individuals a written acknowledgment of receipt of the provider's notice of privacy practices, and if not obtained, to document its good faith efforts and the reason the acknowledgment was not obtained.

Completed:

Reason	Date	FR Cite
Merged With 0945–AA00.	07/27/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andra Wicks, *Phone:* 202 774–3081, *TDD Phone:* 800 537–7697, *Email: andra.wicks@hhs.gov*.

RIN: 0945–AA08

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the National Coordinator for Health Information Technology (ONC)

Proposed Rule Stage

256. 21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 114–255

Abstract: The rulemaking would implement certain provisions of the 21st Century Cures Act, including conditions and maintenance of certification requirements for health information technology (IT) developers under the ONC Health IT Certification Program (Program), the voluntary certification of health IT for use by pediatric healthcare providers and reasonable and necessary activities that do not constitute information blocking. The rulemaking would also modify the 2015 Edition health IT certification criteria and Program in additional ways to advance interoperability, enhance health IT certification, and reduce burden and costs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Lipinski, Director, Regulatory Affairs Division, Department of Health and Human Services, Office of the National Coordinator for Health Information Technology, Mary E. Switzer Building, 330 C Street SW, Washington, DC 20201, *Phone:* 202 690–7151.

RIN: 0955–AA01

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Food and Drug Administration (FDA)

257. Over-the-Counter (OTC) Drug Review-Cough/Cold (Antihistamine) Products

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: FDA will be proposing a rule to add the common cold indication to certain over-the-counter (OTC) antihistamine active ingredients on a pilot basis. This proposed rule is the result of collaboration under the U.S.-Canada Regulatory Cooperation Council as part of efforts to reduce unnecessary duplication and differences. This pilot exercise will help determine the feasibility of developing an ongoing mechanism for alignment in review and adoption of OTC drug monograph elements.

Timetable:

Action	Date	FR Cite
Reopening of Administrative Record.	08/25/00	65 FR 51780
Comment Period End.	11/24/00	

Action	Date	FR Cite
NPRM (Amendment) (Common Cold).	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AF31

258. Sunscreen Drug Products for Over-the-Counter-Human Use; Tentative Final Monograph

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The proposed rule will address the general recognition of safety and effectiveness (GRASE) status of the 16 sunscreen monograph ingredients and describe data gaps that FDA believes need to be filled in order for FDA to permit the continued marketing of these ingredients without submitting new drug applications for premarket review. Consistent with the Sunscreen Innovation Act, we also expect to address sunscreen dosage forms and maximum SPF values.

Timetable:

Action	Date	FR Cite
ANPRM (Sunscreen and Insect Repellent).	02/22/07	72 FR 7941
ANPRM Comment Period End.	05/23/07	
NPRM (UVA/UVB).	08/27/07	72 FR 49070
NPRM Comment Period End.	12/26/07	
Final Action (UVA/UVB).	06/17/11	76 FR 35620
NPRM (Effectiveness).	06/17/11	76 FR 35672
NPRM (Effectiveness) Comment Period End.	09/15/11	
ANPRM (Dosage Forms).	06/17/11	76 FR 35669
ANPRM (Dosage Forms) Comment Period End.	09/15/11	
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristen Hardin, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, WO 22, Room 5491, Silver Spring, MD 20993, *Phone:* 240 402–4246, *Fax:* 301 796–9841, *Email: kristen.hardin@fda.hhs.gov*.

RIN: 0910–AF43

259. Label Requirement for Food That Has Been Refused Admission Into the United States

E.O. 13771 Designation: Deregulatory.

Legal Authority: 15 U.S.C. 1453 to 1455; 21 U.S.C. 321; 21 U.S.C. 342 and 343; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 42 U.S.C. 216; 42 U.S.C. 264

Abstract: On September 18, 2008, FDA issued a proposed rule that would have required owners or consignees to label imported food that was refused entry into the United States. FDA does not plan to finalize the rule.

Timetable:

Action	Date	FR Cite
NPRM	09/18/08	73 FR 54106
NPRM Comment Period End.	12/02/08	
NPRM; Withdrawal.	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anthony C. Taube, Branch Chief, Department of Health and Human Services, Food and Drug Administration, Office of Regulatory Affairs, Office of Regional Operations, 12420 Parklawn Drive, ELEM–4051, Rockville, MD 20857, *Phone:* 240 420–4565, *Fax:* 703 261–8625, *Email: anthony.taube@fda.hhs.gov*.

RIN: 0910–AF61

260. Laser Products; Amendment to Performance Standard

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 360hh to 360ss; 21 U.S.C. 371; 21 U.S.C. 393

Abstract: On June 24, 2013, FDA issued a proposed rule that would have amended the performance standard for laser products to achieve closer harmonization between the current standard and the amended International Electrotechnical Commission (IEC) standard for laser products and medical laser products. FDA does not plan to finalize the 2013 proposal.

Timetable:

Action	Date	FR Cite
NPRM	06/24/13	78 FR 37723
NPRM Comment Period End.	09/23/13	
NPRM; Withdrawal.	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erica Payne, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, 10903 New Hampshire Avenue, WO 66, Room 5522, Silver Spring, MD 20993, *Phone:* 301 796–3999, *Fax:* 301 847–8145, *Email: erica.payne@fda.hhs.gov*.

RIN: 0910–AF87

261. Mammography Quality Standards Act; Amendments to Part 900 Regulations

Regulatory Plan: This entry is Seq. No. 49 in part II of this issue of the **Federal Register**.

RIN: 0910–AH04

262. Medication Guides; Patient Medication Information

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321 *et seq.*; 42 U.S.C. 262; 42 U.S.C. 264; 21 U.S.C. 371

Abstract: The proposed rule would amend FDA medication guide regulations to require a new form of patient labeling, Patient Medication Information, for submission to and review by the FDA for human prescription drug products and certain blood products used, dispensed, or administered on an outpatient basis. The proposed rule would include requirements for Patient Medication Information development and distribution. The proposed rule would require clear and concisely written prescription drug product information presented in a consistent and easily understood format to help patients use their prescription drug products safely and effectively.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chris Wheeler, Supervisory Project Manager, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 3330, Silver Spring, MD 20993, *Phone:* 301 796–0151, *Email: chris.wheeler@fda.hhs.gov*.

RIN: 0910–AH68

263. Testing Standards for Batteries and Battery Management Systems in Electronic Nicotine Delivery Systems

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 301 *et seq.*; 21 U.S.C. 371; 21 U.S.C. 387(b); 21 U.S.C. 387(g); 21 U.S.C. 387i

Abstract: This rule would propose to establish a product standard to require testing standards for batteries used in electronic nicotine delivery systems (ENDS) and require design protections including a battery management system for ENDS using batteries and protective housing for replaceable batteries. This product standard would protect the safety of users of battery-powered tobacco products and will help to streamline the FDA premarket review process, ultimately reducing the burden on both manufacturers and the Agency. The proposed rule would be applicable to tobacco products that include a non-user replaceable battery as well as products that include a user replaceable battery.

Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Darin Achilles, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov.*

RIN: 0910–AH90

264. • Rule To Revoke Uses of Partially Hydrogenated Oils in Foods

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321, 341, 343, 348, 371, 379(e)

Abstract: In the **Federal Register** of June 17, 2015 (80 FR 34650), we published a declaratory order announcing our final determination that there is no longer a consensus among qualified experts that partially hydrogenated oils (PHOs) are generally recognized as safe (GRAS) for any use in human food. In the **Federal Register** of May 21, 2018 (83 FR 23382), we denied a food additive petition requesting that the food additive regulations be amended to provide for the safe use of PHOs in certain food applications. We are now proposing to update our regulations to remove all mention of partially hydrogenated oils and to revoke all prior sanctioned uses. This rulemaking implements FDA's findings that the available data demonstrate that PHOs used in food may cause the food to be unsafe.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ellen Anderson, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, HFS–265, 4300 River Road, College Park, MD 20740, *Phone:* 240 402–1309, *Email: ellen.anderson@fda.hhs.gov.*

RIN: 0910–AI15

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Final Rule Stage

265. Postmarketing Safety Reporting Requirements for Human Drug and Biological Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 242a; 42 U.S.C. 262 and 263; 42 U.S.C. 263a to 263n; 42 U.S.C. 264; 42 U.S.C. 300aa; 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 360b to 360j; 21 U.S.C. 361a; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 375; 21 U.S.C. 379e; 21 U.S.C. 381

Abstract: The final rule would amend the postmarketing safety reporting regulations for human drugs and biological products including blood and blood products in order to better align FDA requirements with guidelines of the International Council on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH); and to update reporting requirements in light of current pharmacovigilance practice and safety information sources and enhance the quality of safety reports received by FDA. These revisions were proposed as part of a single rulemaking (68 FR 12406) to clarify and revise both premarketing and postmarketing safety reporting requirements for human drug and biological products. Premarketing safety reporting requirements were finalized in a separate final rule published on September 29, 2010 (75 FR 59961).

Timetable:

Action	Date	FR Cite
NPRM	03/14/03	68 FR 12406
NPRM Comment Period Extended.	06/18/03	
NPRM Comment Period End.	07/14/03	
NPRM Comment Period Extension End.	10/14/03	
Final Rule	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jane E. Baluss, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6278, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3469, *Fax:* 301 847–8440, *Email: jane.baluss@fda.hhs.gov.*

RIN: 0910–AA97

266. Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods

E.O. 13771 Designation: Regulatory.

Legal Authority: Sec. 206 of the Food Allergen Labeling and Consumer Protection Act; 21 U.S.C. 343(a)(1); 21 U.S.C. 321(n); 21 U.S.C. 371(a)

Abstract: This final rule would establish requirements concerning ''gluten-free'' labeling for foods that are fermented or hydrolyzed or that contain fermented or hydrolyzed ingredients. These additional requirements for the ''gluten-free'' labeling rule are needed to help ensure that individuals with celiac disease are not misled and receive truthful and accurate information with respect to fermented or hydrolyzed foods labeled as ''gluten-free.''

Timetable:

Action	Date	FR Cite
NPRM	11/18/15	80 FR 71990
NPRM Comment Period Reopened.	01/22/16	81 FR 3751
NPRM Comment Period End.	02/16/16	
NPRM Comment Period Reopened End.	02/22/16	
NPRM Comment Period Reopened.	02/23/16	81 FR 8869
NPRM Comment Period Reopened End.	04/25/16	
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carol D'Lima, Staff Fellow, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Room 4D022, HFS 820, 5001 Campus Drive, College

Park, MD 20740, *Phone:* 240 402–2371, *Fax:* 301 436–2636, *Email: carol.dlima@fda.hhs.gov*.

RIN: 0910–AH00

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Long-Term Actions

267. Over-the-Counter (OTC) Drug Review—External Analgesic Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final action addresses the 2003 proposed rule on patches, plasters, and poultices. The proposed rule will address issues not addressed in previous rulemakings.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AF35

268. Over-the-Counter (OTC) Drug Review—Internal Analgesic Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.*, final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action addresses acetaminophen safety. The second action addresses products marketed for children under 2 years old and weight- and age-based dosing for children's products.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Required Warnings and Other Labeling).	12/26/06	71 FR 77314
NPRM Comment Period End.	05/25/07	
Final Action (Required Warnings and Other Labeling).	04/29/09	74 FR 19385
Final Action (Correction).	06/30/09	74 FR 31177
Final Action (Technical Amendment).	11/25/09	74 FR 61512
NPRM (Amendment) (Acetaminophen).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AF36

269. Over-the-Counter (OTC) Drug Review—Laxative Drug Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.*, final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final rule listed will address the professional labeling for sodium phosphate drug products.

Timetable:

Action	Date	FR Cite
Final Action (Granular Psyllium).	03/29/07	72 FR 14669
NPRM (Professional Labeling—Sodium Phosphate).	02/11/11	76 FR 7743
NPRM Comment Period End.	03/14/11	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AF38

270. Over-the-Counter (OTC) Drug Review—Weight Control Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final action finalizes the 2005 proposed rule for weight control products containing phenylpropanolamine.

Timetable:

Action	Date	FR Cite
NPRM (Phenylpropanolamine).	12/22/05	70 FR 75988
NPRM Comment Period End.	03/22/06	
NPRM (Benzocaine).	03/09/11	76 FR 12916
NPRM Comment Period End.	06/07/11	
Final Action (Phenylpropanolamine).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AF45

271. Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action will propose changes to the final monograph to address safety and efficacy issues associated with pediatric cough and cold products.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AG12

272. Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 360b; 21 U.S.C. 360gg to 360ss; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: This rule would require electronic package inserts for human drug and biological prescription products with limited exceptions, in lieu of paper, which is currently used. These inserts contain prescribing information intended for healthcare practitioners. This would ensure that the information accompanying the product is the most up-to-date information regarding important safety and efficacy issues about these products.

Timetable:

Action	Date	FR Cite
NPRM	12/18/14	79 FR 75506
NPRM Comment Period Extended.	03/09/15	80 FR 12364
NPRM Comment Period End.	03/18/15	
NPRM Comment Period Extended End.	05/18/15	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Bernstein, Supervisory Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6240, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3478, *Email: michael.bernstein@fda.hhs.gov*.

RIN: 0910–AG18

273. Sunlamp Products; Amendment to the Performance Standard

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 21 U.S.C. 360ii; 21 U.S.C. 360kk; 21 U.S.C. 393; 21 U.S.C. 371

Abstract: FDA is updating the performance standard for sunlamp products to improve safety, reflect new scientific information, and work towards harmonization with international standards. By harmonizing with the International Electrotechnical Commission, this rule will decrease the regulatory burden on industry and allow the Agency to take advantage of the expertise of the international committees, thereby also saving resources.

Timetable:

Action	Date	FR Cite
NPRM	12/22/15	80 FR 79505
NPRM Comment Period End.	03/21/16	
Final Rule	06/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ian Ostermiller, Regulatory Counsel, Center for Devices and Radiological Health, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, WO 66, Room 5454, Silver Spring, MD 20993, *Phone:* 301 796–5678, *Email: ian.ostermiller@fda.hhs.gov*.

RIN: 0910–AG30

274. General and Plastic Surgery Devices: Sunlamp Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 360j(e)

Abstract: This rule would apply device restrictions to sunlamp products. Sunlamp products include ultraviolet (UV) lamps and UV tanning beds and booths. The incidence of skin cancer, including melanoma, has been increasing, and a large number of skin cancer cases are attributable to the use of sunlamp products. The devices may cause about 400,000 cases of skin cancer per year, and 6,000 of which are melanoma. Beginning use of sunlamp products at young ages, as well as frequently using sunlamp products, both increases the risk of developing skin cancers and other illnesses, and sustaining other injuries. Even infrequent use, particularly at younger ages, can significantly increase these risks.This rule would apply device restrictions to sunlamp products.

Timetable:

Action	Date	FR Cite
NPRM	12/22/15	80 FR 79493
NPRM Comment Period End.	03/21/16	
Final Rule	06/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ian Ostermiller, Regulatory Counsel, Center for Devices and Radiological Health, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, WO 66, Room 5454, Silver Spring, MD 20993, Phone: 301 796–5678, *Email: ian.ostermiller@fda.hhs.gov*.

RIN: 0910–AH14

275. Combinations of Bronchodilators With Expectorants; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. These actions address cough/cold drug products containing an oral bronchodilator (ephedrine and its salts) in combination with any expectorant.

Timetable:

Action	Date	FR Cite
NPRM (Amendment).	07/13/05	70 FR 40232
NPRM Comment Period End.	11/10/05	
Final Action (Technical Amendment).	03/19/07	72 FR 12730
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AH16

276. Acute Nicotine Toxicity Warnings for E-Liquids

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 301 *et seq.;* 21 U.S.C. 331; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 387

Abstract: This rule would establish nicotine exposure warning requirements for liquid nicotine and nicotine-containing e-liquid(s) that are made or derived from tobacco and intended for human consumption, and potentially for other tobacco products including, but not limited to, novel tobacco products such as dissolvables, lotions, gels, and drinks. This action is intended to protect users and non-users from accidental exposures to nicotine-containing e-liquids in tobacco products.

Timetable:

Action	Date	FR Cite
NPRM	12/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Courtney Smith, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov*.

RIN: 0910–AH24

277. Administration Detention of Tobacco Products

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 334; 21 U.S.C. 371

Abstract: The Food and Drug Administration (FDA) is proposing regulations to establish requirements for the administrative detention of tobacco products. This action, if finalized, would allow FDA to administratively detain tobacco products encountered during inspections that an officer or employee conducting the inspection has reason to believe are adulterated or misbranded. The intent of administrative detention is to protect public health by preventing the distribution or use of violative tobacco products until FDA has had time to consider the appropriate action to take and, where appropriate, to initiate a regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	08/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Darin Achilles, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov*.

RIN: 0910–AI05

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Proposed Rule Stage

278. Requirements for Long-Term Care Facilities: Regulatory Provisions To Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3347–P) (Section 610 Review)

Regulatory Plan: This entry is Seq. No. 55 in part II of this issue of the **Federal Register**.

RIN: 0938–AT36

279. • CY 2020 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1715–P) (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would revise payment polices under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes would apply to services furnished beginning January 1, 2020. Additionally, this rule proposes updates to the Quality Payment Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marge Watchorn, Deputy Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–15, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4361, *Email: marge.watchorn@cms.hhs.gov*.

RIN: 0938–AT72

280. • Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2020 Rates (CMS–1716–P) (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would revise the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This proposed rule would implement changes arising from our continuing experience with these systems. In addition, the rule proposes to establish new requirements or revise existing requirements for quality reporting by specific Medicare providers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donald Thompson, Deputy Director, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–08–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6504, *Email: donald.thompson@cms.hhs.gov*.

RIN: 0938–AT73

281. • CY 2020 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1717–P) (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would revise the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The proposed rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the ambulatory surgical center payment system list of services and rates. This proposed rule would also update and refine the requirements for the Hospital Outpatient Quality Reporting (OQR) Program and the ASC Quality Reporting (ASCQR) Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marjorie Baldo, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–03–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4617, *Email: marjorie.baldo@cms.hhs.gov*.

RIN: 0938–AT74

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Final Rule Stage

282. Hospital and Critical Access Hospital (CAH) Changes To Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–F) (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh and 1395rr

Abstract: This final rule updates the requirements that hospitals and critical access hospitals (CAHs) must meet to participate in the Medicare and Medicaid programs. These final requirements are intended to conform the requirements to current standards of practice and support improvements in quality of care, reduce barriers to care, and reduce some issues that may exacerbate workforce shortage concerns.

Timetable:

Action	Date	FR Cite
NPRM	06/16/16	81 FR 39447
NPRM Comment Period End.	08/15/16	
Final Action—To Be Merged With 0938–AS59 and 0938–AT23.	06/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: CDR Scott Cooper, Senior Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Mail Stop S3–01–02, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9465, *Email: scott.cooper@cms.hhs.gov*.

RIN: 0938–AS21

283. CY 2019 Changes to the End-Stage Renal Disease (ESRD) Prospective Payment System, Quality Incentive Program, Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) (CMS–1691–F) (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395d(d); 42 U.S.C. 1395f(b); 42 U.S.C 1395g

Abstract: This annual final rule updates the bundled payment system for ESRD facilities by January 1, 2019. The rule also updates the quality incentives in the ESRD program and implements changes to the DMEPOS competitive bidding program.

Timetable:

Action	Date	FR Cite
NPRM	07/19/18	83 FR 34304
NPRM Comment Period End.	09/10/18	
Final Action	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janae James, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–05–27, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–0801, *Email: janae.james@cms.hhs.gov*.

RIN: 0938–AT28

284. CY 2019 Home Health Prospective Payment System Rate Update and CY 2020 Case-Mix Adjustment Methodology Refinements; Value-Based Purchasing Model; Quality Reporting Requirements (CMS–1689–F) (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1315a; 42 U.S.C. 1395(hh)

Abstract: This annual final rule updates the payment rates under the Medicare prospective payment system for home health agencies. In addition, this rule finalizes changes to the Home Health Value-Based Purchasing (HHVBP) Model and to the Home Health Quality Reporting Program (HH QRP).

Timetable:

Action	Date	FR Cite
NPRM	07/12/18	83 FR 32340
NPRM Comment Period End.	08/31/18	
Final Action	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary Loeffler, Director, Division of Home Health and Hospice, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–08–28, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–0456, *Email: hillary.loeffler@cms.hhs.gov*.

RIN: 0938–AT29

285. CY 2019 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1695–F) (Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual final rule would revises the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule finalizes changes to the ambulatory surgical center payment system list of services and rates. This rule updates and refines the requirements for the Hospital Outpatient Quality Reporting (OQR) Program and the ASC Quality Reporting (ASCQR) Program.

Timetable:

Action	Date	FR Cite
NPRM	07/31/18	83 FR 37046

Action	Date	FR Cite
NPRM Comment Period End.	09/24/18	
Final Action	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marjorie Baldo, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–03–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4617, *Email: marjorie.baldo@cms.hhs.gov*.

RIN: 0938–AT30

286. CY 2019 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B and the Quality Payment Program (CMS–1693–F) (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual final rule revises payment polices under the Medicare physician fee schedule, and makes other policy changes to payment under Medicare Part B. These changes apply to services furnished beginning January 1, 2019. Additionally, this rule updates the Quality Payment Program.

Timetable:

Action	Date	FR Cite
NPRM	07/27/18	83 FR 35704
NPRM Comment Period End.	09/10/18	
Final Action	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marge Watchorn, Deputy Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–15, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4361, *Email: marge.watchorn@cms.hhs.gov*.

RIN: 0938–AT31

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Long-Term Actions

287. Durable Medical Equipment Fee Schedule, Adjustments To Resume the Transitional 50/50 Blended Rates To Provide Relief in Non-Competitive Bidding Areas (CMS–1687–F) (Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 42 U.S.C. 1302, 1395hh, and 1395rr(b)(l); Pub. L. 114–255, sec. 5004(b), 16007(a) and 16008

Abstract: This final rule follows the interim final rule that published May 11, 2018, and extended the end of the transition period for phasing in adjustments to the fee schedule amounts for certain durable medical equipment (DME) and enteral nutrition paid in areas not subject to the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program (CBP) from June 30, 2016, to December 31, 2016. In addition, the rule amended the regulation to resume the transition period for items furnished from August 1, 2017, through December 31, 2018. The rule also made technical amendments to existing regulations for DMEPOS items and services to exclude infusion drugs used with DME from the DMEPOS CBP.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/11/18	83 FR 21912
Interim Final Rule Comment Period End.	07/09/18	
Final Action	05/00/21	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alexander Ullman, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–07–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9671, *Email: alexander.ullman@cms.hhs.gov*.

RIN: 0938–AT21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Completed Actions

288. Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2019 Rates (CMS–1694–F) (Completion of a Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual final rule revises the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This rule implements changes arising from our continuing experience with these systems. In addition, the rule establishes new requirements or revises existing requirements for quality reporting by specific Medicare providers.

Timetable:

Action	Date	FR Cite
NPRM	05/07/18	83 FR 20164
NPRM Comment Period End.	06/25/18	
Final Action	08/17/18	83 FR 41144
Final Action Effective.	10/01/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donald Thompson, Deputy Director, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–08–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6504, *Email: donald.thompson@cms.hhs.gov*.

RIN: 0938–AT27

289. FY 2019 Inpatient Psychiatric Facilities Prospective Payment System—Rate and Quality Reporting Updates (CMS–1690–F) (Completion of a Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395f; 42 U.S.C. 1395g; 42 U.S.C. 1395hh; . . .

Abstract: This annual final rule updates the prospective payment rates and quality reporting requirements for inpatient psychiatric facilities (IPF) with discharges beginning on October 1, 2018. This rule also includes updates to the IPF Quality Reporting Program.

Timetable:

Action	Date	FR Cite
NPRM	05/08/18	83 FR 21104
NPRM Comment Period End.	06/26/18	
Final Action	08/06/18	83 FR 38576
Final Action Effective.	10/01/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sherlene Jacques, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–05–27, 7500 Security Blvd., Baltimore, MD 21244, *Phone:* 410 786–0510, *Email: sherlene.jacques@cms.hhs.gov*.

RIN: 0938–AT32

[FR Doc. 2018–24151 Filed 11–15–18; 8:45 am]

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Part VII

Department of Homeland Security

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC–RP–04–001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This regulatory agenda is a semiannual summary of projected regulations, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS's regulatory and deregulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department's regulatory and deregulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General: Please direct general comments and inquiries on the agenda to the Regulatory Affairs Law Division, Office of the General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, Mail Stop 0485, Washington, DC 20528–0485.

Specific: Please direct specific comments and inquiries on individual actions identified in this agenda to the individual listed in the summary portion as the point of contact for that action.

SUPPLEMENTARY INFORMATION: DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, Sept. 19, 1980) and Executive Order 12866 ''Regulatory Planning and Review'' (Sept. 30, 1993) as incorporated in Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011) and Executive Order 13771 ''Reducing Regulation and Controlling Regulatory Costs'' (Jan. 30, 2017), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of existing and projected regulations as well as actions completed since the publication of the last regulatory agenda for the Department. DHS's last semiannual regulatory agenda was published on June 11, 2018, at 83 FR 27138.

Beginning in fall 2007, the internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov.*

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities. DHS's printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: July 27, 2018.

Christina E. McDonald,

Associate General Counsel for Regulatory Affairs.

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
290	Ammonium Nitrate Security Program	1601–AA52
291	Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015–001).	1601–AA76
292	Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015–002).	1601–AA78
293	Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015–003)	1601–AA79

OFFICE OF THE SECRETARY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
294	Chemical Facility Anti-Terrorism Standards (CFATS)	1601–AA69
295	Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees.	1601–AA72

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
296	Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Cap Subject Aliens **(Reg Plan Seq No. 63)**.	1615–AB71
297	Requirements for Filing Motions and Administrative Appeals	1615–AB98
298	EB–5 Immigrant Investor Regional Center Program **(Reg Plan Seq No. 64)**	1615–AC11
299	Removing H–4 Dependent Spouses from the Class of Aliens Eligible for Employment Authorization **(Reg Plan Seq No. 67)**.	1615–AC15
300	U.S. Citizenship and Immigration Services Fee Schedule	1615–AC18

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. Citizenship and Immigration Services—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
301	EB–5 Immigrant Investor Program Modernization **(Reg Plan Seq No. 73)**	1615–AC07

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. Coast Guard—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
302	Financial Responsibility—Vessels; Superseded Pollution Funds (USCG–2017–0788)	1625–AC39

U.S. Coast Guard—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
303	Seafarers' Access to Maritime Facilities	1625–AC15

U.S. Coast Guard—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
304	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation	1625–AB85

U.S. Customs and Border Protection—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
305	Importer Security Filing and Additional Carrier Requirements **(Section 610 Review)**	1651–AA70
306	Implementation of the Guam-CNMI Visa Waiver Program **(Section 610 Review)**	1651–AA77

Transportation Security Administration—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
307	Security Training for Surface Transportation Employees **(Reg Plan Seq No. 82)**	1652–AA55

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. Immigration and Customs Enforcement—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
308	Apprehension, Processing, Care and Custody of Alien Minors and Unaccompanied Alien Children **(Reg Plan Seq No. 83)**.	1653–AA75
309	Visa Security Program Fee	1653–AA77

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. Immigration and Customs Enforcement—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
310	Procedures and Standards for Declining Surety Immigration Bonds and Administrative Appeal Requirement for Breaches.	1653–AA67
311	Adjusting Program Fees for the Student and Exchange Visitor Program **(Reg Plan Seq No. 85)**	1653–AA74

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Final Rule Stage

290. Ammonium Nitrate Security Program

E.O. 13771 Designation: Other.

Legal Authority: 6 U.S.C. 488 *et seq.*

Abstract: This rulemaking will implement the December 2007 amendment to the Homeland Security Act entitled ''Secure Handling of Ammonium Nitrate.'' The amendment requires the Department of Homeland Security to ''regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.'' DHS intends to publish a notice announcing the availability of a redacted version of a technical report developed by Sandia National Laboratories titled ''Ammonium Nitrate Security Program Technical Assessment.'' The report documents Sandia National Laboratories' technical research, testing, and findings related to the feasibility of weaponizing commercially available products containing ammonium nitrate. DHS intends to use this notice to solicit comments on the report and its application to the proposed Ammonium Nitrate Security Program rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/08	73 FR 64280
Correction	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	
NPRM	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Notice of Availability.	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Group Leader, Strategic Policy and Rulemaking, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov.*

RIN: 1601–AA52

291. Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015–001)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301 to 302; 41 U.S.C. 1302; 41 U.S.C. 1303; 41 U.S.C. 1707

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would implement security and privacy measures to ensure Controlled Unclassified Information (CUI), such as Personally Identifiable Information (PII), is adequately safeguarded by DHS contractors. Specifically, the rule would define key terms, outline security requirements and inspection provisions for contractor information technology (IT) systems that store, process or transmit CUI, institute incident notification and response procedures, and identify post-incident credit monitoring requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6429
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Final Rule	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaundra Duggans, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, 245 Murray Lane SW, Washington, DC 20528, *Phone:* 202 447–0056, *Email: shaundra.duggans@hq.dhs.gov.*

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov.*

RIN: 1601–AA76

292. Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015–002)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301 and 302; 41 U.S.C. 1707; 41 U.S.C. 1302; 41 U.S.C. 1303

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would standardize information technology security awareness training and DHS Rules of Behavior requirements for contractor and subcontractor employees who access DHS information systems and information resources or contractor-owned and/or operated information systems and information resources capable of collecting, processing, storing, or transmitting controlled unclassified information (CUI).

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6446
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Final Rule	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaundra Duggans, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, 245 Murray Lane SW, Washington, DC 20528, *Phone:* 202 447–0056, *Email: shaundra.duggans@hq.dhs.gov.*

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov.*

RIN: 1601–AA78

293. Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015–003)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301 and 302; 41 U.S.C. 1707; 41 U.S.C. 1702; 41 U.S.C. 1303

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would require contractors to complete training that addresses the protection of privacy, in accordance with the Privacy Act of 1974, and the handling and safeguarding of Personally Identifiable Information and Sensitive Personally Identifiable Information.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6425
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341

Action	Date	FR Cite
NPRM Comment Period Extended End.	04/19/17	
Final Rule	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Candace Lightfoot, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0082, *Email: candace.lightfoot@hq.dhs.gov.*

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov.*

RIN: 1601–AA79

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Long-Term Actions

294. Chemical Facility Anti-Terrorism Standards (CFATS)

E.O. 13771 Designation: Other.

Legal Authority: 6 U.S.C. 621 to 629

Abstract: The Department of Homeland Security (DHS) previously invited public comment on an advance notice of proposed rulemaking (ANPRM) for potential revisions to the Chemical Facility Anti-Terrorism Standards (CFATS) regulations. The ANPRM provided an opportunity for the public to provide recommendations for possible program changes. DHS is reviewing the public comments received in response to the ANPRM, after which DHS intends to publish a Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	08/18/14	79 FR 48693
ANPRM Comment Period End.	10/17/14	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Group Leader, Strategic Policy and Rulemaking, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov.*

RIN: 1601–AA69

295. Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees

E.O. 13771 Designation: Other.

Legal Authority: sec. 827 of the National Defense Authorization Act (NDAA) for Fiscal Year 2013, (Pub. L. 112–239, enacted January 2, 2013); 41 U.S.C. 1302(a)(2); 41 U.S.C. 1707

Abstract: The Department of Homeland Security (DHS) is proposing to amend its Homeland Security Acquisition Regulation (HSAR) parts 3003 and 3052 to implement section 827 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112–239, enacted January 2, 2013) for the United States Coast Guard (USCG). Section 827 of the NDAA for FY 2013 established enhancements to the Whistleblower Protections for Contractor Employees for all agencies subject to section 2409 of title 10, United States Code, which includes the USCG.

Timetable:

Action	Date	FR Cite
NPRM	10/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov.*

RIN: 1601–AA72

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Proposed Rule Stage

296. Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Cap Subject Aliens

Regulatory Plan: This entry is Seq. No. 63 in part II of this issue of the **Federal Register**.

RIN: 1615–AB71

297. Requirements for Filing Motions and Administrative Appeals

E.O. 13771 Designation: Other.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1304; 6 U.S.C. 112

Abstract: This rule proposes to revise the requirements and procedures for the filing of motions and appeals before the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and its Administrative Appeals Office (AAO). The proposed changes are intended to streamline the existing processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also proposes additional changes necessitated by the establishment of DHS and its components. The proposed changes are intended to promote simplicity, accessibility, and efficiency in the administration of USCIS appeals and motions. The Department also solicits public comment on proposed changes to the AAO's appellate jurisdiction.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William K. Renwick, Jr., Acting Deputy Chief, Department of Homeland Security, U.S. Citizenship and Immigration Services, Administrative Appeals Office, 20 Massachusetts Avenue NW, Washington, DC 20529–2090, *Phone:* 703 224–4546, *Email: william.k.renwick@uscis.dhs.gov.*

RIN: 1615–AB98

298. EB–5 Immigrant Investor Regional Center Program

Regulatory Plan: This entry is Seq. No. 64 in part II of this issue of the **Federal Register**.

RIN: 1615–AC11

299. Removing H–4 Dependent Spouses From the Class of Aliens Eligible for Employment Authorization

Regulatory Plan: This entry is Seq. No. 67 in part II of this issue of the **Federal Register**.

RIN: 1615–AC15

300. U.S. Citizenship and Immigration Services Fee Schedule

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 8 U.S.C. 1356(m)

Abstract: The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) is currently engaging in a fee review pursuant to the requirements of the

Chief Financial Officers Act of 1990 (CFO Act), 31 U.S.C. 901–03 and the Immigration and Nationality Act, section 286(m), 8 U.S.C. 1356(m). The CFO Act requires each agency's chief financial officer to ''review, on a biennial basis, the fees, royalties, rents, and other charges imposed by the agency for services and things of value it provides, and make recommendations on revising those charges to reflect costs incurred by it in providing those services and things of value.'' The results of that fee review may result in a need to adjust the fee schedule for requesting immigration benefits from USCIS.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joseph D. Moore, Chief Financial Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Suite 4018, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202–272–1969, *Fax:* 202–272–1970, *Email: joseph.moore@uscis.dhs.gov.*

RIN: 1615–AC18

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Final Rule Stage

301. EB–5 Immigrant Investor Program Modernization

Regulatory Plan: This entry is Seq. No. 73 in part II of this issue of the **Federal Register**.

RIN: 1615–AC07

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Proposed Rule Stage

302. Financial Responsibility—Vessels; Superseded Pollution Funds (USCG–2017–0788)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 2704; 33 U.S.C. 2716 and 2716a; 42 U.S.C. 9607 to 9609; 6 U.S.C. 552; E.O. 12580; sec. 7(b), 3 CFR, 1987; Comp., p. 193; E.O. 12777, secs. 4 and 5, 3 CFR, 1991 Comp., p. 351, as amended by E.O. 13286, sec. 89, 3; 3 CFR, 2004 Comp., p. 166, and by E.O. 13638, sec. 1, 3 CFR, 2014 Comp., p.227; Department of Homeland; Security Delegation Nos. 0170.1 and 5110, Revision 01

Abstract: The Coast Guard proposes to amend its rule on vessel financial responsibility to include tank vessels greater than 100 gross tons, to clarify and strengthen the rule's reporting requirements, to conform its rule to current practice, and to remove two superseded regulations. This rulemaking will ensure the Coast Guard has current information when there are significant changes in a vessel's operation, ownership, or evidence of financial responsibility, and reflect current best practices in the Coast Guard's management of the Certificate of Financial Responsibility Program. This rulemaking will also promote the Coast Guard's missions of maritime stewardship, maritime security, and maritime safety.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benjamin White, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, STOP 7605, Washington, DC 20593–7605, *Phone:* 202–795–6066, *Email: benjamin.h.white@uscg.mil.*

RIN: 1625–AC39

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Final Rule Stage

303. Seafarers' Access to Maritime Facilities

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; Pub. L. 111–281, sec. 811

Abstract: This regulatory action will implement section 811 of the Coast Guard Authorization Act of 2010 (Pub. L. 111–281), which requires the owner/operator of a facility regulated by the Coast Guard under the Maritime Transportation Security Act of 2002 (Pub. L. 107–295) (MTSA) to provide a system that enables seafarers and certain other individuals to transit between vessels moored at the facility and the facility gate in a timely manner at no cost to the seafarer or other individual. Ensuring that such access through a facility is consistent with the security requirements in MTSA is part of the Coast Guard's Ports, Waterways, and Coastal Security (PWCS) mission.

Timetable:

Action	Date	FR Cite
NPRM	12/29/14	79 FR 77981
NPRM Comment Period Reopened.	05/27/15	80 FR 30189
NPRM Comment Period End.	07/01/15	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Yamaris Barril, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, Commandant (CG–FAC–2) STOP 7501, Washington, DC 20593, *Phone:* 202–372–1151, *Email: yamaris.d.barril@uscg.mil.*

RIN: 1625–AC15

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Long-Term Actions

304. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 111–281

Abstract: The Coast Guard proposes to implement those requirements of 2010 and 2012 legislation that pertain to uninspected commercial fishing industry vessels and that took effect upon enactment of the legislation but that, to be implemented, require amendments to Coast Guard regulations affecting those vessels. The applicability of the regulations is being changed, and new requirements are being added to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard's maritime safety mission.

Timetable:

Action	Date	FR Cite
NPRM	06/21/16	81 FR 40437
NPRM Comment Period Extended.	08/15/16	81 FR 53986
NPRM Comment Period End.	10/19/16	

Action	Date	FR Cite
Second NPRM Comment Period End.	12/18/16	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mr. Joseph Myers, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, STOP 7501, Washington, DC 20593–7501, *Phone:* 202–372–1249, *Email: joseph.d.myers@uscg.mil.*

RIN: 1625–AB85

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Customs and Border Protection (USCBP)

Long-Term Actions

305. Importer Security Filing and Additional Carrier Requirements (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 109–347, sec. 203; 5 U.S.C. 301; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1433 to 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 (note); 46 U.S.C. 60105

Abstract: This final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. On November 25, 2008, Customs and Border Protection (CBP) published an interim final rule (CBP Dec. 08–46) in the **Federal Register** (73 FR 71730), that finalized most of the provisions proposed in the Notice of Proposed Rulemaking. It requires carrier and importers to provide to CBP, via a CBP approved electronic data interchange system, certain advance information pertaining to cargo brought into the United States by vessel to enable CBP to identify high-risk shipments to prevent smuggling and ensure cargo safety and security. The interim final rule did not finalize six data elements that were identified as areas of potential concern for industry during the rulemaking process and, for which, CBP provided some type of flexibility for compliance with those data elements. CBP solicited public comment on these six data elements and also invited comments on the revised Regulatory Assessment and Final Regulatory Flexibility Analysis. (See 73 FR 71782–85 for regulatory text and 73 CFR 71733–34 for general discussion.) The remaining requirements of the rule were adopted as final.

Timetable:

Action	Date	FR Cite
NPRM	01/02/08	73 FR 90
NPRM Comment Period End.	03/03/08	
NPRM Comment Period Extended.	02/01/08	73 FR 6061
NPRM Comment Period End.	03/18/08	
Interim Final Rule	11/25/08	73 FR 71730
Interim Final Rule Effective.	01/26/09	
Interim Final Rule Comment Period End.	06/01/09	
Correction	07/14/09	74 FR 33920
Correction	12/24/09	74 FR 68376
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Craig Clark, Branch Chief, Advance Data Programs and Cargo Initiatives, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229, *Phone:* 202–344–3052, *Email: craig.clark@cbp.dhs.gov.*

RIN: 1651–AA70

306. Implementation of the Guam-CNMI Visa Waiver Program (Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Pub. L. 110–229, sec. 702

Abstract: The interim final rule amends Department of Homeland Security (DHS) regulations to implement section 702 of the Consolidated Natural Resources Act of 2008 (CNRA). This law extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a joint visa waiver program for travel to Guam and the CNMI. This rule implements section 702 of the CNRA by amending the regulations to replace the current Guam Visa Waiver Program with a new Guam-CNMI Visa Waiver Program. The amended regulations set forth the requirements for nonimmigrant visitors who seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. This rule also establishes six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program. Section 702 of the Consolidated Natural Resources Act of 2008 (CNRA), subject to a transition period, extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a visa waiver program for travel to Guam and/or the CNMI. On January 16, 2009, the Department of Homeland Security (DHS), Customs and Border Protection (CBP), issued an interim final rule in the **Federal Register** replacing the then-existing Guam Visa Waiver Program with the Guam-CNMI Visa Waiver Program and setting forth the requirements for nonimmigrant visitors seeking admission into Guam and/or the CNMI under the Guam-CNMI Visa Waiver Program. As of November 28, 2009, the Guam-CNMI Visa Waiver Program is operational. This program allows nonimmigrant visitors from eligible countries to seek admission for business or pleasure for entry into Guam and/or the CNMI without a visa for a period of authorized stay not to exceed 45 days. This rulemaking would finalize the January 2009 interim final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/16/09	74 FR 2824
Interim Final Rule Effective.	01/16/09	
Interim Final Rule Comment Period End.	03/17/09	
Technical Amendment; Change of Implementation Date.	05/28/09	74 FR 25387
Final Action	12/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Cheryl C. Peters, Program Manager, Office of Field Operations, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, 3.3C–12, Washington, DC 20229, *Phone:* 202 344–1707, *Email: cheryl.c.peters@cbp.dhs.gov.*

RIN: 1651–AA77

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Final Rule Stage

307. Security Training for Surface Transportation Employees

Regulatory Plan: This entry is Seq. No. 82 in part II of this issue of the **Federal Register**.

RIN: 1652–AA55

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Immigration and Customs Enforcement (USICE)

Proposed Rule Stage

308. Apprehension, Processing, Care and Custody of Alien Minors and Unaccompanied Alien Children

Regulatory Plan: This entry is Seq. No. 83 in part II of this issue of the **Federal Register**.

RIN: 1653–AA75

309. Visa Security Program Fee

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1356

Abstract: ICE seeks to enable the expansion of the Visa Security Program (VSP) by proposing the VSP be moved to a user-fee funded model (as opposed to relying on appropriations). The VSP leverages resources in the National Capital Region (NCR) and at U.S. diplomatic posts overseas to vet and screen visa applicants; identifies and prevents the travel of those who constitute potential national security and/or public safety threats; and launches investigations into criminal and/or terrorist affiliated networks operating in the U.S. and abroad. The fees collected as a result of this rule would fund an expansion of the VSP, enabling ICE to extend visa security screening and vetting operations and investigative efforts to more visa-issuing posts overseas, and in turn, enhance the U.S. government's ability to prevent travel to the United States by those who pose a threat to the national security interests of the U.S.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Austin Moore, Unit Chief, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536, *Phone:* 703 287–6913, *Email: austin.l.moore@ice.dhs.gov*.

RIN: 1653–AA77

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Immigration and Customs Enforcement (USICE)

Final Rule Stage

310. Procedures and Standards for Declining Surety Immigration Bonds and Administrative Appeal Requirement for Breaches

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 8 U.S.C. 1103

Abstract: U.S. Immigration and Customs Enforcement (ICE) proposes to set forth standards and procedures ICE will follow before making a determination to stop accepting immigration bonds posted by a surety company that has been certified to issue bonds by the Department of the Treasury when the company does not cure deficient performance. Treasury administers the Federal corporate surety program and, in its current regulations, allows agencies to prescribe ''for cause'' standards and procedures for declining to accept new bonds from Treasury-certified sureties. ICE would also require surety companies seeking to overturn a breach determination to file an administrative appeal raising all legal and factual defenses.

Timetable:

Action	Date	FR Cite
NPRM	06/05/18	83 FR 25951
NPRM Comment Period End.	08/06/18	
Final Action	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Lawyer, Chief, Regulations, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Mail Stop 5006, Washington, DC 20536, *Phone:* 202 732–5683, *Email: mark.lawyer@ice.dhs.gov*.

RIN: 1653–AA67

311. Adjusting Program Fees for the Student and Exchange Visitor Program

Regulatory Plan: This entry is Seq. No. 85 in part II of this issue of the **Federal Register**.

RIN: 1653–AA74

[FR Doc. 2018–24158 Filed 11–15–18; 8:45 am]

BILLING CODE 9110–9B–P

FEDERAL REGISTER

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Part VIII

Department of Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

[167D0102DM; DS6CS00000; DLSN00000.00000; DX6CS25]

Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between fall 2018 and fall 2019. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: You should direct all comments and inquiries about these rules to the appropriate agency contact. You should direct general comments relating to the agenda to the Office of Executive Secretariat and Regulatory Affairs, Department of the Interior, at the address above or at 202–208–3181.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have such effects.

This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda. The Department's Statement of Regulatory Priorities is included in the Plan.

In some cases, the Department has withdrawn rules that were placed on previous agendas for which there has been no publication activity or for which a proposed or interim rule was published. There is no legal significance to the omission of an item from this agenda. Withdrawal of a rule does not necessarily mean that the Department will not proceed with the rulemaking. Withdrawal allows the Department to assess the action further and determine whether rulemaking is appropriate. Following such an assessment, the Department may determine that certain rules listed as withdrawn under this agenda are appropriate for promulgation. If that determination is made, such rules will comply with Executive Order 13771.

Juliette Lillie,

Director, Executive Secretariat and Regulatory Affairs.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
312	Revisions to the Blowout Preventer Systems and Well Control Rule	1014–AA39

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
313	Revisions to Production Safety System Regulations	1014–AA37

ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
314	Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf **(Reg Plan Seq No. 91)**.	1082–AA01

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

UNITED STATES FISH AND WILDLIFE SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
315	Migratory Bird Hunting; 2019–2020 Migratory Game Bird Hunting Regulations	1018–BD10

UNITED STATES FISH AND WILDLIFE SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
316	Migratory Bird Hunting; 2018–2019 Migratory Game Bird Hunting Regulations	1018–BB73

BUREAU OF OCEAN ENERGY MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
317	Risk Management, Financial Assurance and Loss Prevention	1010–AE00

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Final Rule Stage

312. Revisions to the Blowout Preventer Systems and Well Control Rule

E.O. 13771 Designation: Deregulatory.

Legal Authority: 43 U.S.C. 1331 to 1356a

Abstract: This rulemaking would revise the Bureau of Safety and Environmental Enforcement (BSEE) regulations published in the 2016 final rule entitled ''Blowout Preventer Systems and Well Control,'' 81 FR 25888 (April 29, 2016), for drilling, workover, completion and decommissioning operations. In accordance with section 4 of Secretary's Order 3350 (America-First Offshore Energy Strategy), Executive Order (E.O.) 13783 (Promoting Energy Independence and Economic Growth), and section 7 of E.O. 13795 (Implementing an America-First Offshore Energy Strategy), BSEE reviewed the 2016 final rule, considered stakeholder input on that rule, and has proposed revisions to reduce unnecessary burdens while ensuring that operations are conducted safely and in an environmentally responsible manner.

Timetable:

Action	Date	FR Cite
NPRM	05/11/18	83 FR 22128
NPRM Comment Period Extended.	07/05/18	83 FR 31343
NPRM Comment Period End.	07/10/18	
NPRM Comment Period Extended End.	08/06/18	
Final Action	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lakeisha Harrison, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787–1552, *Fax:* 703 787–1555, *Email: lakeisha.harrison@bsee.gov*.

RIN: 1014–AA39

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Completed Actions

313. Revisions to Production Safety System Regulations

E.O. 13771 Designation: Deregulatory.

Legal Authority: 43 U.S.C. 1331 to 1356a

Abstract: This rulemaking would revise the Bureau of Safety and Environmental Enforcement (BSEE) regulations published in the 2016 final rule entitled ''Oil and Gas Production Safety Systems,'' 81 FR 61833 (Sept. 7, 2016), and address issues raised by stakeholders regarding that final rule. In accordance with Executive Order (E.O.) 13783 (Promoting Energy Independence and Economic Growth), and section 7 of E.O. 13795 (Implementing an America-First Offshore Energy Strategy), and section 4 of Secretary's Order 3350 (America-First Offshore Energy Strategy), BSEE reviewed the 2016 final rule to determine whether it potentially unnecessarily burdens the development or use of domestically produced energy resources, and proposed revisions to that final rule to reduce unnecessary burdens while ensuring that operations are conducted safely and in an environmentally responsible manner.

Timetable:

Action	Date	FR Cite
NPRM	12/29/17	82 FR 61703
NPRM Comment Period End.	01/29/18	
Final Action	09/28/18	83 FR 49216
Final Action Effective.	12/27/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lakeisha Harrison, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787–1552, *Fax:* 703 787–1555, *Email: lakeisha.harrison@bsee.gov*.

RIN: 1014–AA37

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Land and Minerals Management (ASLM)

Proposed Rule Stage

314. Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf

Regulatory Plan: This entry is Seq. No. 91 in part II of this issue of the **Federal Register**.

RIN: 1082–AA01

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

315. Migratory Bird Hunting; 2019–2020 Migratory Game Bird Hunting Regulations

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 16 U.S.C. 703 to 712; 16 U.S.C. 742a–j

Abstract: We propose to establish annual hunting regulations for certain migratory game birds for the 2019–2020 hunting season. We annually prescribe outside limits (frameworks), within which States may select hunting seasons. This proposed rule provides the regulatory schedule, describes the proposed regulatory alternatives for the 2019–2020 duck hunting seasons, and requests proposals from Indian tribes that wish to establish special migratory game bird hunting regulations on Federal Indian reservations and ceded lands. Migratory game bird hunting seasons provide opportunities for recreation and sustenance; aid Federal, State, and Tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory game bird population status and habitat conditions.

Timetable:

Action	Date	FR Cite
NPRM	06/14/18	83 FR 27836
NPRM Comment Period End.	07/18/18	
NPRM Supplemental.	09/21/18	83 FR 47868
NPRM; Proposed Frameworks.	12/00/18	

Action	Date	FR Cite
NPRM Supplemental Comment Period End.	01/15/19	
NPRM; Proposed Tribal Regulations.	01/00/19	
Final Action; Final Frameworks.	02/00/19	
Final Rule; Final Tribal Regulations.	04/00/19	
Final Rule; Final Season Selections.	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ronald Kokel, Wildlife Biologist, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041–3808, *Phone:* 703 358–1714, *Fax:* 703 358–2217, *Email: ronald_kokel@fws.gov.*

RIN: 1018–BD10.

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Completed Actions

316. Migratory Bird Hunting; 2018–2019 Migratory Game Bird Hunting Regulations

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 16 U.S.C. 703 to 711; 16 U.S.C. 742a–j

Abstract: This is a series of rulemaking actions to establish annual hunting regulations for certain migratory game birds for the 2018–19 hunting season. We annually prescribe outside limits (frameworks), within which States may select hunting seasons. We also request proposals from Indian tribes that wish to establish special migratory bird hunting regulations on Federal Indian reservations and ceded lands. Migratory game bird hunting seasons provide opportunities for recreation and sustenance; aid Federal, State, and Tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory game bird population status and habitat conditions.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting.	06/15/17	82 FR 27521
Public Meeting	06/21/17	82 FR 27521
NPRM	08/03/17	82 FR 36308
NPRM Comment Period End.	09/05/17	
NPRM Supplemental.	10/03/17	82 FR 46011
NPRM Supplemental Comment Period End.	01/15/18	
NPRM; Proposed Frameworks.	02/02/18	83 FR 4964
NPRM Comment Period End.	03/05/18	
NPRM; Proposed Tribal Regulations.	05/23/18	83 FR 23869
NPRM Comment Period End.	06/22/18	
Final Rule; Final Frameworks.	06/04/18	83 FR 25738
Final Rule Frameworks Effective.	06/04/18	
Final Rule; Final Season Selections.	08/14/18	83 FR 40392
Final Rule Final Season Selections Effective.	08/14/18	
Final Rule; Final Tribal Regulations.	08/24/18	83 FR 42789
Final Rule Final Tribal Regulations Effective.	08/24/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ronald Kokel, Wildlife Biologist, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041–3808, *Phone:* 703 358–1714, *Email: ronald_kokel@fws.gov.*

RIN: 1018–BB73

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Ocean Energy Management (BOEM)

Proposed Rule Stage

317. Risk Management, Financial Assurance and Loss Prevention

E.O. 13771 Designation: Other.

Legal Authority: 43 U.S.C. 1331 *et seq.*

Abstract: As directed by E.O. 13795, BOEM has reconsidered its financial assurance policies reflected in Notice to Lessees No. 2016–N01 (September 12, 2016). This rule will modify the policies established in the 2016 Notice to Lessees to ensure operator compliance with lease terms while minimizing unnecessary regulatory burdens, and codify the modifications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deanna Meyer-Pietruszka, Chief, OPRA, Department of the Interior, Bureau of Ocean Energy Management, 1849 C Street NW, Washington, DC 20240, *Phone:* 202 208–6352, *Email: deanna.meyer-pietruszka@boem.gov.*

RIN: 1010–AE00

[FR Doc. 2018–23899 Filed 11–15–18; 8:45 am]

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FEDERAL REGISTER

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Part IX

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE

8 CFR Ch. V

21 CFR Ch. I

27 CFR Ch. II

28 CFR Chs. I, V

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its fall 2018 regulatory agenda pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW, Washington, DC 20530, (202) 514–8059.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda. The Department of Justice's Statement of Regulatory Priorities is included in the Plan.

Beginning with the fall 2007 edition, the internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database. Members of the public who wish to comment on proposed regulations that are open for comment may do so at the government-wide website *www.regulations.gov.*

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice's printed agenda entries include only:

Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including the Department of Justice's regulatory plan.

Dated: July 27, 2018.

Beth A. Williams,

Assistant Attorney General, Office of Legal Policy.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
318	Bump-Stock-Type Devices **(Reg Plan Seq No. 92)**	1140–AA52

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

DEPARTMENT OF JUSTICE (DOJ)

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

Final Rule Stage

318. Bump-Stock-Type Devices

Regulatory Plan: This entry is Seq. No. 92 in part II of this issue of the **Federal Register**.

RIN: 1140–AA52

[FR Doc. 2018–24090 Filed 11–15–18; 8:45 am]

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FEDERAL REGISTER

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Part X

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual regulatory agenda.

SUMMARY: The internet has become the means for disseminating the entirety of the Department of Labor's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This **Federal Register** notice contains the regulatory flexibility agenda.

FOR FURTHER INFORMATION CONTACT: Laura M. Dawkins, Director, Office of Regulatory and Programmatic Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW, Room S–2312, Washington, DC 20210; (202) 693–5959. *Note:* Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at *www.reginfo.gov.*

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory flexibility agenda. The Department's Regulatory Flexibility Agenda, published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities, and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda. The Department's Regulatory Flexibility Agenda does not include section 610 items at this time.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved, and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

R. Alexander Acosta,

Secretary of Labor.

EMPLOYMENT AND TRAINING ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
319	Temporary Employment of H–2B Foreign Workers in Certain Itinerant Occupations in the United States	1205–AB93

EMPLOYEE BENEFITS SECURITY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
320	Definition of an "Employer" Under Section 3(5) of ERISA—Association Health Plans	1210–AB85

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
321	Communication Tower Safety	1218–AC90
322	Emergency Response and Preparedness	1218–AC91
323	Tree Care Standard	1218–AD04
324	Prevention of Workplace Violence in Health Care and Social Assistance	1218–AD08

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
325	Infectious Diseases	1218–AC46
326	Process Safety Management and Prevention of Major Chemical Accidents	1218–AC82

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Proposed Rule Stage

319. • Temporary Employment of H–2B Foreign Workers in Certain Itinerant Occupations in the United States

E.O. 13771 Designation: Regulatory.
Legal Authority: 8 U.S.C. 1184; 8 U.S.C. 1103
Abstract: The United States Department of Labor's (DOL), Employment and Training Administration and Wage and Hour Division, and the United States Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services, are jointly amending regulations regarding the H–2B non-immigrant visa program at 20 CFR part 655, subpart A. The Notice of Proposed Rulemaking (NPRM) will establish standards and procedures for employers seeking to hire foreign temporary nonagricultural workers for certain itinerant job opportunities, including entertainers and carnivals and utility vegetation management.
Timetable:

Action	Date	FR Cite
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: William W. Thompson, II, Administrator, Office of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Box #12–200, Washington, DC 20210, *Phone:* 202 513–7350.
RIN: 1205–AB93

DEPARTMENT OF LABOR (DOL)

Employee Benefits Security Administration (EBSA)

Completed Actions

320. Definition of an ''Employer'' Under Section 3(5) of ERISA—Association Health Plans

E.O. 13771 Designation: Deregulatory.
Legal Authority: 29 U.S.C. 3(1), 3(5), and 505
Abstract: This regulatory action establishes criteria for an employer group or association to act as an ''employer'' within the meaning of section 3(5) of ERISA and sponsor an association health plan that is an employee welfare benefit plan and a group health plan under title I of ERISA.
Timetable:

Action	Date	FR Cite
NPRM	01/05/18	83 FR 614
NPRM Comment Period End.	03/06/18	
Final Rule	06/21/18	83 FR 28912
Final Rule Effective.	08/20/18	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Amy J. Turner, Director, Office of Health Plan Standards and Compliance Assistance, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW, FP Building, Room N–5653, Washington, DC 20210, *Phone:* 202 693–8335, *Fax:* 202 219–1942.
RIN: 1210–AB85

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Prerule Stage

321. Communication Tower Safety

E.O. 13771 Designation: Regulatory.
Legal Authority: 29 U.S.C. 655(b); 5 U.S.C. 609
Abstract: While the number of employees engaged in the communication tower industry remains small, the fatality rate is very high. Over the past 20 years, this industry has experienced an average fatality rate that greatly exceeds that of the construction industry. Due to recent FCC spectrum auctions and innovations in cellular technology, there will be a very high level of construction activity taking place on communication towers over the next few years. A similar increase in the number of construction projects needed to support cellular phone coverage triggered a spike in fatality and injury rates years ago. Based on information collected from an April 2016 Request for Information, OSHA concluded that current OSHA requirements such as those for fall protection and personnel hoisting, may not adequately cover all hazards of communication tower construction and maintenance activities. OSHA will use information collected from a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel to identify effective work practices and advances in engineering technology that would best address industry safety and health concerns. While this panel focus on communication towers, OSHA will consider also covering structures that have telecommunications equipment on or attached to them (*e.g.,* buildings, rooftops, water towers, billboards, etc.).
Timetable:

Action	Date	FR Cite
Request for Information (RFI).	04/15/15	80 FR 20185
RFI Comment Period End.	06/15/15	
Initiate SBREFA ..	01/04/17	
Initiate SBREFA ..	05/31/18	
Complete SBREFA.	10/00/18	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Dean McKenzie, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3468, Washington, DC 20210, *Phone:* 202 693–2020, *Fax:* 202 693–1689, *Email: mckenzie.dean@dol.gov.*
RIN: 1218–AC90

322. Emergency Response and Preparedness

E.O. 13771 Designation: Regulatory.
Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657; 5 U.S.C. 609
Abstract: OSHA currently regulates aspects of emergency response and preparedness; some of these standards were promulgated decades ago, and none were designed as comprehensive emergency response standards. Consequently, they do not address the full range of hazards or concerns currently facing emergency responders, nor do they reflect major changes in performance specifications for protective clothing and equipment. The Agency acknowledged that current OSHA standards also do not reflect all the major developments in safety and health practices that have already been accepted by the emergency response community and incorporated into industry consensus standards. OSHA is considering updating these standards with information gathered through an RFI and public meetings.
Timetable:

Action	Date	FR Cite
Stakeholder Meetings.	07/30/14	
Convene NACOSH Workgroup.	09/09/15	
NACOSH Review of Workgroup Report.	12/14/16	
Initiate SBREFA ..	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AC91

323. Tree Care Standard

E.O. 13771 Designation: Regulatory.

Legal Authority: Not Yet Determined

Abstract: There is no OSHA standard for tree care operations; the agency currently applies a patchwork of standards to address the serious hazards in this industry. The tree care industry previously petitioned the agency for rulemaking and OSHA issued an ANPRM (September 2008). Tree care continues to be a high-hazard industry.

Timetable:

Action	Date	FR Cite
Stakeholder Meeting.	07/13/16	
Initiate SBREFA ..	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AD04

324. Prevention of Workplace Violence in Health Care and Social Assistance

E.O. 13771 Designation: Regulatory.

Legal Authority: 29 U.S.C. 655(b); 5 U.S.C. 609

Abstract: The Request for Information (RFI) (published on December 7, 2016) provides OSHA's history with the issue of workplace violence in healthcare and social assistance, including a discussion of the Guidelines that were initially published in 1996, a 2014 update to the Guidelines, the Agency's use of 5(a)(1) in enforcement cases in healthcare. The RFI solicited information primarily from health care employers, workers and other subject matter experts on impacts of violence, prevention strategies, and other information that will be useful to the Agency. OSHA was petitioned for a standard preventing workplace violence in healthcare by a broad coalition of labor unions, and in a separate petition by the National Nurses United. On January 10, 2017, OSHA granted the petitions.

Timetable:

Action	Date	FR Cite
Request For Information (RFI).	12/07/16	81 FR 88147
RFI Comment Period End.	04/06/17	
Initiate SBREFA ..	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AD08

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Long-Term Actions

325. Infectious Diseases

E.O. 13771 Designation: Regulatory.

Legal Authority: 5 U.S.C. 533; 29 U.S.C. 657 and 658; 29 U.S.C. 660; 29 U.S.C. 666; 29 U.S.C. 669; 29 U.S.C. 673

Abstract: Employees in health care and other high-risk environments face long-standing infectious disease hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles (rubeola), as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS) and pandemic influenza. Health care workers and workers in related occupations, or who are exposed in other high-risk environments, are at increased risk of contracting TB, SARS, Methicillin-Resistant Staphylococcus Aureus (MRSA), and other infectious diseases that can be transmitted through a variety of exposure routes. OSHA is examining regulatory alternatives for control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: Health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories, which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	05/06/10	75 FR 24835
RFI Comment Period End.	08/04/10	
Analyze Comments.	12/30/10	
Stakeholder Meetings.	07/05/11	76 FR 39041
Initiate SBREFA ..	06/04/14	
Complete SBREFA.	12/22/14	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AC46

326. Process Safety Management and Prevention of Major Chemical Accidents

E.O. 13771 Designation: Regulatory.

Legal Authority: 29 U.S.C. 655; 29 U.S.C. 657

Abstract: In accordance with the Executive Order 13650, Improving Chemical Facility Safety and Security, Occupational Safety and Health Administration (OSHA) issued a Request for Information (RFI) on December 9, 2013 (78 FR 73756). The RFI identified issues related to modernization of the Process Safety Management standard and related standards necessary to meet the goal of preventing major chemical accidents.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	12/09/13	78 FR 73756
RFI Comment Period Extended.	03/07/14	79 FR 13006
RFI Comment Period Extended End.	03/31/14	
Initiate SBREFA ..	06/08/15	
SBREFA Report Completed.	08/01/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and

Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AC82

[FR Doc. 2018–24168 Filed 11–15–18; 8:45 am]

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Part XI

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I–III

23 CFR Chs. I–III

33 CFR Chs. I and IV

46 CFR Chs. I–III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I–VI, and Chs. X–XII

[DOT–OST–1999–5129]

Department Regulatory and Deregulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Unified Agenda of Federal Regulatory and Deregulatory Actions (Regulatory Agenda).

SUMMARY: The Regulatory and Deregulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The intent of the Agenda is to provide the public with information about the Department of Transportation's regulatory activity planned for the next 12 months. It is expected that this information will enable the public to more effectively participate in the Department's regulatory process. The public is also invited to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

You should direct all comments and inquiries on the Agenda in general to Jonathan Moss, Assistant General Counsel for Regulation, Office of General Counsel, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 366–4723.

Specific

You should direct all comments and inquiries on particular items in the Agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in appendix B.

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SUPPLEMENTARY INFORMATION:

Background

A primary goal of the Department of Transportation (Department or DOT) is to allow the public to understand how we make decisions, which necessarily includes being transparent in the way we measure the risks, costs, and benefits of engaging in—or deciding not to engage in—a particular regulatory action. As such, it is our policy to provide an opportunity for public comment on such actions to all interested stakeholders. Above all, transparency and meaningful engagement mandate that regulations should be straightforward, clear, and accessible to any interested stakeholder. The Department also embraces the notion that there should be no more regulations than necessary. We emphasize consideration of non-regulatory solutions and have rigorous processes in place for continual reassessment of existing regulations. These processes provide that regulations and other agency actions are periodically reviewed and, if appropriate, are revised to ensure that they continue to meet the needs for which they were originally designed, and that they remain cost-effective and cost-justified.

To help the Department achieve its goals and in accordance with Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' (58 FR 51735; Oct. 4, 1993) and the Department's Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979), the Department prepares a semiannual regulatory and deregulatory agenda. It summarizes all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the next 12 months or for which action has been completed since the last Agenda.

In addition, this Agenda was prepared in accordance with three Executive Orders issued by President Trump, which directed agencies to further scrutinize their regulations and other agency actions. On January 30, 2017, President Trump signed Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs. Under section 2(a) of the Executive order, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it must identify at least two existing regulations to be repealed. On February 24, 2017, President Trump signed Executive Order 13777, Enforcing the Regulatory Reform Agenda. Under this Executive order, each agency must establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations, and make recommendations for their repeal, replacement, or modification. On March 28, 2017, President Trump signed Executive Order 13783, Promoting Energy Independence and Economic Growth, requiring agencies to review all existing regulations, orders, guidance documents, policies, and other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

In response to the mandate in Executive Order 13777, the Department formed an RRTF consisting of senior career and non-career leaders, which has already conducted extensive reviews of existing regulations, and identified a number of rules to be repealed, replaced, or modified. As a result of the RRTF's work, since January 2017, the Department has issued deregulatory actions that reduce regulatory costs on the public by at least $882 million (in net present value cost savings). Even when the costs of significant regulatory actions are factored in, the Department's deregulatory actions in FY 2018 will still result in over $500 million in net cost savings (in net present value). With the RRTF's assistance, the Department has achieved these cost savings in a manner that is fully consistent with enhancing safety. For example, in March 2018, the FAA promulgated a rule titled Rotorcraft Pilot Compartment View, which will reduce the number of tests for nighttime operations, after the Agency carefully considered the safety data and determined the tests were unnecessary.

The Department has also significantly increased the number of deregulatory actions it is pursuing. Today, DOT is pursuing over 120 deregulatory rulemakings, up from just 16 in the fall of 2016.

While each regulatory and deregulatory action is evaluated on its own merits, the RRTF augments the Department's consideration of prospective rulemakings by conducting monthly reviews across all OAs to identify appropriate deregulatory

actions. The RRTF also works to ensure that any new regulatory action is rigorously vetted and non-regulatory alternatives are considered. Further information on the RRTF can be found online at: *https://www.transportation.gov/regulations/regulatory-reform-task-force-report.*

The Department's ongoing regulatory effort is guided by four fundamental principles—safety, innovation, enabling investment in infrastructure, and reducing unnecessary regulatory burdens. These priorities are grounded in our national interest in maintaining U.S. global leadership in safety, innovation, and economic growth. To accomplish our regulatory goals, we must create a regulatory environment that fosters growth in new and innovative industries without burdening them with unnecessary restrictions. At the same time, safety remains our highest priority; we must remain focused on managing safety risks and being sure that we do not regress from the successes already achieved. Our planned regulatory actions reflect a careful balance that emphasizes the Department's priority in fostering innovation while at the same time meeting the challenges of maintaining a safe, reliable, and sustainable transportation system.

For example, the National Highway Traffic Safety Administration (NHTSA) is working on reducing regulatory barriers to technology innovation, including the integration of automated vehicles. Automated vehicles are expected to increase safety significantly by reducing the likelihood of human error when driving, which today accounts for the overwhelming majority of accidents on our nation's roadways. NHTSA plans to issue regulatory actions that: (1) Design a pilot program for vehicles that may not meet FMVSS; (2) allow for permanent updates to current FMVSS reflecting new technology; and (3) allow for updates to NHTSA's regulations outlining the administrative processes for petitioning the agency for exemptions, rulemakings, and reconsiderations. Similarly, the Federal Aviation Administration (FAA) is working to enable, safely and efficiently, the integration of unmanned aircraft systems (UAS) into the National Airspace System. UAS are expected to continue to drive innovation and increase safety as operators and manufacturers find new and inventive uses for UAS. For instance, UAS are poised to assist human operators with a number of different mission sets such as inspection of critical infrastructure and search and rescue, enabling beneficial and lifesaving activities that would otherwise be difficult or even impossible for a human to accomplish unassisted. The Department has regulatory efforts underway to further integrate UAS safely and efficiently.

The Department is working on several rulemakings to facilitate a major transformation of our national space program from one in which the federal government has a primary role to one in which private industry drives growth in innovation and launches. The Department is also currently working on a rulemaking to facilitate a major transformation of our national space program that will enable private industry to drive growth in innovation and launches. The FAA is proposing a rule that will fundamentally change how FAA licenses launches and reentries of commercial space vehicles moving from prescriptive requirements to a performance based approach.

Explanation of Information in the Agenda

An Office of Management and Budget memorandum, dated June 18, 2018, establishes the format for this Agenda.

First, the Agenda is divided by initiating offices. Then the Agenda is divided into five categories: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) long-term actions; and (5) completed actions. For each entry, the Agenda provides the following information: (1) Its ''significance''; (2) a short, descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (*e.g.,* NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for when a rulemaking document may publish; (8) whether the rulemaking will affect small entities and/or levels of Government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (with minor exceptions, DOT requires an economic analysis for all its rulemakings); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the Agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; (15) the action's designation under Executive Order 13771 explaining whether the action will have a regulatory or deregulatory effect; and (16) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, we only include the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations; we do not list individual regulations.

In the ''Timetable'' column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which a rulemaking document may publish. In addition, these dates are based on current schedules. Information received after the issuance of this Agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the Agenda for the first time.

The internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database. A portion of the Agenda is published in the **Federal Register**, however, because the Regulatory Flexibility Act (5 U.S.C. 602) mandates publication for the regulatory flexibility agenda. Accordingly, DOT's printed Agenda entries include only:

1. The agency's Agenda preamble;
2. Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
3. Any rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's

Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list, see section heading ''Explanation of Information on the Agenda'') on these entries is available in the Unified Agenda published on the internet.

Request for Comments

General

Our Agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as making the Agenda easier to use. We would like you, the public, to make suggestions or comments on how the Agenda could be further improved.

Reviews

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in appendix D.

Regulatory Flexibility Act

The Department is especially interested in obtaining information on requirements that have a ''significant economic impact on a substantial number of small entities'' and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to us, along with your explanation of why they should be reviewed.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (sec. 610 Review) appears at the end of the title for these reviews. Please see appendix D for the Department's section 610 review plans.

Consultation With State, Local, and Tribal Governments

Executive Orders 13132 and 13175 require us to develop an account process to ensure ''meaningful and timely input'' by State, local, and tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive orders to include regulations that have ''substantial direct effects'' on States or Indian tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of Government or Indian tribes. Therefore, we encourage State and local Governments or Indian tribes to provide us with information about how the Department's rulemakings impact them.

Purpose

The Department is publishing this regulatory Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the Agenda. Regulatory action, in addition to the items listed, is not precluded.

Dated: July 27, 2018.

Elaine L. Chao,

Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the Agenda, you should communicate directly with the contact person listed with the regulation at the address below. We note that most, if not all, such documents, including the Semiannual Regulatory Agenda, are available through the internet at *http://www.regulations.gov.* See appendix C for more information.

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

FAA—Lirio Liu, Director, Office of Rulemaking, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–7833.

FHWA—Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–0761.

FMCSA—Steven J. LaFreniere, Regulatory Ombudsman, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–0596.

NHTSA—Steve Wood, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–2992.

FRA—Kathryn Gresham, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 493–6063.

FTA—Chaya Koffman, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–3101.

SLSDC—Carrie Mann Lavigne, Chief Counsel, 180 Andrews Street, Massena, NY 13662; telephone (315) 764–3200.

PHMSA—Stephen Gordon, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–1101.

MARAD—Gabriel Chavez, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–2621.

OST—Jonathan Moss, Assistant General Counsel for Regulation, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–4723.

Appendix C—Public Rulemaking Dockets

All comments via the internet are submitted through the Federal Docket Management System (FDMS) at the following address: *http://www.regulations.gov.* The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced internet address also allows the public to sign up to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at or deliver comments on proposed rulemakings to the Dockets Office at 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, 1–800–647–5527. Working Hours: 9:00 a.m. to 5:00 p.m.

Appendix D—Review Plans for Section 610 and Other Requirements

Part I—The Plan

General

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866, ''Regulatory Planning and Review,'' Executive Order 13563, ''Improving Regulation and Regulatory Review,'' 76 FR 3821 (January 18, 2011), Executive Order 13771 ''Reducing Regulation and Controlling Regulatory Costs,'' Executive Order 13777, ''Enforcing the Regulatory Agenda,'' and

section 610 of the Regulatory Flexibility Act to conduct such reviews. This includes the designation of a Regulatory Reform Officer, the establishment of a Regulatory Reform Task Force, and the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources to revise them. We are committed to continuing our reviews of existing rules and, if it is needed, will initiate rulemaking actions based on these reviews. The Department will begin a new 10-year review cycle with the Fall 2018 Agenda.

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that: (1) Have been published within the last 10 years; and (2) have a ''significant economic impact on a substantial number of small entities'' (SEISNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

Changes to the Review Plan

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a presidentially mandated review. If there is any change to the review plan, we will note the change in the following Agenda. For any section 610 review, we will provide the required notice prior to the review.

Part II—The Review Process

The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the Agenda. Most agencies provide historical information about the reviews that have occurred over the past 10 years. Thus, Year 1 (2018) begins in the fall of 2018 and ends in the fall of 2019; Year 2 (2019) begins in the fall of 2019 and ends in the fall of 2020, and so on. The exception to this general rule is the FAA, which provides information about the reviews it completed for this year and prospective information about the reviews it intends to complete in the next 10 years. Thus, for FAA Year 1 (2017) begins in the fall of 2017 and ends in the fall of 2018; Year 2 (2018) begins in the fall of 2018 and ends in the fall of 2019, and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or analyses should be submitted to the regulatory contacts listed in appendix B, General Rulemaking Contact Persons.

Section 610 Review

The agency will analyze each of the rules in a given year's group to determine whether any rule has a SEISNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall Agenda, the agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEISNOSE, we will give a short explanation (*e.g.,* ''these rules only establish petition processes that have no cost impact'' or ''these rules do not apply to any small entities''). For parts, subparts, or other discrete sections of rules that do have a SEISNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the pre-rulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

The agency will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each fall Agenda, the agency will also publish information on the results of the examinations completed during the previous year.

Part III—List of Pending Section 610 Reviews

The Agenda identifies the pending DOT section 610 Reviews by inserting ''(Section 610 Review)'' after the title for the specific entry. For further information on the pending reviews, see the Agenda entries at *www.reginfo.gov.* For example, to obtain a list of all entries that are in section 610 Reviews under the Regulatory Flexibility Act, a user would select the desired responses on the search screen (by selecting ''advanced search'') and, in effect, generate the desired ''index'' of reviews.

Office of the Secretary

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 91 through 99 14 CFR parts 200 through 212 48 CFR parts 1201 through 1224	2018	2019
2	48 CFR parts 1227 through 1253 and new parts and subparts	2019	2020
3	14 CFR parts 213 through 232	2020	2021
4	14 CFR parts 234 through 254	2021	2022
5	14 CFR parts 255 through 298 and 49 CFR part 40	2022	2023
6	14 CFR parts 300 through 373	2023	2024
7	14 CFR parts 374 through 398	2024	2025
8	14 CFR part 399 and 49 CFR parts 1 through 15	2025	2026
9	49 CFR parts 17 through 28	2026	2027

Year	Regulations to be reviewed	Analysis year	Review year
10	49 CFR parts 29 through 39 and parts 41 through 89	2027	2028

Year 10 (2017) List of Rules Analyzed and a Summary of Results

49 CFR part 30—Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 31—Program Fraud Civil Remedies

• *Section 610:* OST conducted a review of this part and found no SEISNOSE.

• *General:* Changes are needed to this part to remove obsolete references; update the Civil Penalties in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74, section 701), including adding reference to the Act in the footnotes to append to the amounts of those penalties; correct and/or remove certain phrases and terms throughout the part; and to clarify the meaning of ''designated by the party's representative'' found in 31.33(f)(2)(ii). OST's plain language review of this part indicates no need for substantial revision.

49 CFR part 32—Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)

• *Section 610:* OST conducted review of this part and found no SEISNOSE.

• *General:* No changes are needed to this part of the regulation. OST's plain language review of this part indicates no need for substantial revision.

49 CFR part 33—Transportation Priorities and Allocation System

• *Section 610:* OST conducted review of this part and found no SEISNOSE.

• *General:* Review of this part indicates that Schedule 1 of the appendix needs to be updated to include current approved programs. Additionally, Form OST F 1254—Appendix I needs to be updated with an OMB Control Number. OST's plain language review of this part indicates no need for substantial revision.

49 CFR part 37—Transportation Services for Individuals With Disabilities (ADA)

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 38—Americans With Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 39—Transportation for Individuals With Disabilities: Passenger Vessels

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 41—Seismic Safety

• *Section 610:* OST conducted review of this part and found no SEISNOSE.

• *General:* Review of this part indicates that this part needs to be updated for consistency with Executive Order 13717, February 2, 2016, which repealed the underlying Executive Order 12699. OST's plain language review of this part indicates no need for substantial revision.

49 CFR part 71—Standard Time Zone Boundaries

• *Section 610:* No SEISNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 79—Medals of Honor

• *Section 610:* OST conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 80—Credit Assistance for Surface Transportation Projects

• *Section 610:* OST conducted a section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. This regulation is cost effective and imposes the least burden. OST's plain language review of this rule indicates no need for substantial revision.

49 CFR part 89—Implementation of Federal Claims Collection Act

• *Section 610:* OST conducted review of this part and found no SEISNOSE.

• *General:* Review of this part outlined that numerous cross-references to statutes and regulations should be updated to ensure the references are current and that the DOT's regulations are consistent with those references; this includes removing any obsolete references to regulations or statutes that have been rescinded. OST's plain language review of this part indicates no need for substantial revision.

Year 1 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 91—International Air Transportation Fair Competitive Practices

49 CFR part 92—Recovering Debts to the United States by Salary Offset

49 CFR part 93—Aircraft Allocation

49 CFR part 98—Enforcement of Restrictions on Post-Employment Activities

49 CFR part 99—Employee Responsibilities and Conduct

14 CFR part 200—Definitions and Instructions

14 CFR part 201—Air Carrier Authority under Subtitle VII of Title 49 of the United States Code [Amended]

14 CFR part 203—Waiver of Warsaw Convention Liability Limits and Defenses

14 CFR part 204—Data to Support Fitness Determinations

14 CFR part 205—Aircraft Accident Liability Insurance

14 CFR part 206—Certificates of Public Convenience and Necessity: Special Authorizations and Exemptions

14 CFR part 207—Charter Trips by U.S. Scheduled Air Carriers

14 CFR part 208—Charter Trips by U.S. Charter Air Carriers

14 CFR part 211—Applications for Permits to Foreign Air Carriers

14 CFR part 212—Charter Rules for U.S. and Foreign Direct Air Carriers

48 CFR part 1201—Federal Acquisition Regulations System

48 CFR part 1202—Definitions of Words and Terms

48 CFR part 1203—Improper Business Practices and Personal Conflicts of Interest
48 CFR part 1204—Administrative Matters
48 CFR part 1205—Publicizing Contract Actions
48 CFR part 1206—Competition Requirements
48 CFR part 1207—Acquisition Planning
48 CFR part 1208–1210—[Reserved]
48 CFR part 1211—Describing Agency Needs
48 CFR part 1212—[Reserved]
48 CFR part 1213—Simplified Acquisition Procedures
48 CFR part 1214—Sealed Bidding
48 CFR part 1215—Contracting by Negotiation
48 CFR part 1216—Types of Contracts
48 CFR part 1217—Special Contracting Methods
48 CFR part 1218—[Reserved]
48 CFR part 1219—Small Business Programs
48 CFR part 1220–1221—[Reserved]
48 CFR part 1222—Application of Labor Laws to Government Acquisitions
48 CFR part 1223—Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace
48 CFR part 1224—Protection of Privacy and Freedom of Information

Federal Aviation Administration

Section 610 and Other Reviews

The Federal Aviation Administration (FAA) has elected to use the two-step, two-year process used by most Department of Transportation (DOT) modes in past plans. As such, the FAA has divided its rules into 10 groups as displayed in the table below. During the first year (the ''*analysis year*''), all rules published during the previous 10 years within a 10% block of the regulations will be *analyzed* to identify those with a significant economic impact on a substantial number of small entities (SEISNOSE). During the second year (the ''*review year*''), each rule identified in the analysis year as having a SEISNOSE will be *reviewed* in accordance with Section 610(b) to determine if it should be continued without change or changed to minimize impact on small entities. Results of those reviews will be published in the DOT Semiannual Regulatory Agenda.

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR parts 119 through 129 and parts 150 through 156	2018	2019
2	14 CFR parts 133 through 139 and parts 157 through 169	2019	2020
3	14 CFR parts 141 through 147 and parts 170 through 187	2020	2021
4	14 CFR parts 189 through 198 and parts 1 through 16	2021	2022
5	14 CFR parts 17 through 33	2022	2023
6	14 CFR parts 34 through 39 and parts 400 through 405	2023	2024
7	14 CFR parts 43 through 49 and parts 406 through 415	2024	2025
8	14 CFR parts 60 through 77	2025	2026
9	14 CFR parts 91 through 105	2026	2027
10	14 CFR parts 417 through 460	2027	2028

Background on the Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 as amended (RFA), (sections 601 through 612 of title 5, United States Code (5 U.S.C.)) requires Federal regulatory agencies to analyze all proposed and final rules to determine their economic impact on small entities, which includes small businesses, small organizations, and small governmental jurisdictions. The primary purpose of the RFA is to establish as a principle of regulatory issuance that Federal agencies endeavor, consistent with the objectives of the rule and applicable statutes, to fit regulatory and informational requirements to the scale of entities subject to the regulation. The FAA performed the required RFA analyses of each final rulemaking action and amendment it has initiated since enactment of the RFA in 1980.

Section 610 of 5 U.S.C. requires government agencies to periodically review all regulations that will have a SEISNOSE. The FAA must analyze each rule within 10 years of its publication date.

Defining SEISNOSE

The RFA does not define ''significant economic impact.'' Therefore, there is no clear rule or number to determine when a significant economic impact occurs. However, the Small Business Administration (SBA) states that significance should be determined by considering the size of the business, the size of the competitor's business, and the impact the same regulation has on larger competitors.

Likewise, the RFA does not define ''substantial number.'' However, the legislative history of the RFA suggests that a substantial number must be at least one but does not need to be an overwhelming percentage such as more than half. The SBA states that the substantiality of the number of small businesses affected should be determined on an industry-specific basis.

This analysis consisted of the following three steps:

1. Review of the number of small entities affected by the amendments to parts 119 through 129 and parts 150 through 156.

2. Identification and analysis of all amendments to parts 119 through 129 and parts 150 through 156 since 2008 to determine whether any still have or now have a SEISNOSE.

3. Review of the FAA's regulatory flexibility assessment of each amendment performed as required by the RFA.

Year 2 (2019) List of Rules To Be Analyzed the Next Year

14 CFR part 133—Rotorcraft External-Load Operations
14 CFR part 135—Operating Requirements: Commuter and On Demand Operations and Rules Governing Persons on Board Such Aircraft
14 CFR part 136—Commercial Air Tours and National Parks Air Tour Management
14 CFR part 137—Agricultural Aircraft Operations
14 CFR part 139—Certification of Airports
14 CFR part 157—Notice of Construction, Alteration, Activation, and Deactivation of Airports
14 CFR part 158—Passenger Facility Charges
14 CFR part 161—Notice and Approval of Airport Noise and Access Restrictions
14 CFR part 169—Expenditure of Federal Funds for Nonmilitary Airports or Air Navigation Facilities Thereon

Year 1 (2018) List of Rules Analyzed and Summary of Results

14 CFR part 119—Certification: Air Carriers and Commercial Operators

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR part 120—Drug and Alcohol Testing Programs

• *Section 610:* The agency conducted a Section 610 review of this part and found Docket No. FAA–2008–0937, 74 FR 22653, May 14, 2009, as amended by Amendment 120–2, 79 FR 9973, Feb. 21, 2014 of section 120.105, Employees Who Must Be Tested, and Docket No. FAA–2008–0937, 74 FR 22653, May 14, 2009, as amended by Amendment 120–2, 79 FR 9973, Feb. 21, 2014 of section 120.215, Covered Employees in CFR 120, trigger SEISNOSE within the meaning of the RFA.

• *General:* No revisions are needed. The FAA has considered a number of alternatives and has taken steps to minimize the impact on small entities in attempts to lower compliance costs for small entities, but could not go forward without compromising the safety for the industry.

14 CFR part 121—Operating Requirements: Domestic, Flag, and Supplemental Operations

• *Section 610:* The agency conducted a Section 610 review of this part and found Docket No. FAA–2008–0677, 78 FR 67836, Nov. 12, 2013; Docket No. 9509, 35 FR 90, Jan. 3, 1970, as amended by Amendment 121–366, 78 FR 67836, Nov. 12, 2013; Docket No. FAA–2008–0677, 78 FR 67837, Nov. 12, 2013; Amendment 121–366, 78 FR 67837, Nov. 12, 2013; 62 FR 3739, Jan. 24, 1997, as amended by Amendment 121–366, 78 FR 67838, Nov. 12, 2013; Docket No. FAA–2010–0100, 78 FR 42377, July 15, 2013, as amended by Amendment 121–366, 78 FR 67839, Nov. 12, 2013; Amendment 121–357, 77 FR 402, Jan. 4, 2012; Docket No. FAA–2009–1093, 77 FR 402, Jan. 4, 2012; Docket No. FAA–2002–12461, 71 FR 63640, Oct. 30, 2006, as amended by Amendment 121–365, 78 FR 42379, July 15, 2013 in CFR 121 trigger SEISNOSE within the meaning of the RFA.

• *General:* No revisions are needed. The FAA has considered a number of alternatives and has taken steps to minimize the impact on small entities in attempts to lower compliance costs for small entities, but could not go forward without compromising the safety for the industry.

14 CFR part 125—Certification and Operations: Airplanes Having a Seating Capacity of 20 or More Passengers or a Maximum Payload Capacity of 6,000 Pounds or More, and Rules Governing Persons on Board Such Aircraft

• *Section 610:*

• *General:*

14 CFR part 129—Operations: Foreign Air Carriers and Foreign Operators of U.S.-Registered Aircraft Engaged in Common Carriage

• *Section 610:*

• *General:*

14 CFR part 150—Airport Noise Compatibility Planning

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR part 151—Federal Aid to Airports

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.

14 FR part 152—Airport Aid Program

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR part 153—Airport Operations

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR part 155—Release of Airport Property from Surplus Property Disposal Restrictions

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR part 156—State Block Grant Pilot Program

• *Section 610:* The agency conducted a Section 610 review of this part and found no SEISNOSE.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden.

Federal Highway Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	None	2018	2019
2	23 CFR parts 1 to 260	2019	2020
3	23 CFR parts 420 to 470	2020	2021
4	23 CFR part 500	2021	2022
5	23 CFR parts 620 to 637	2022	2023
6	23 CFR parts 645 to 669	2023	2024
7	23 CFR parts 710 to 924	2024	2025
8	23 CFR parts 940 to 973	2025	2026
9	23 CFR parts 1200 to 1252	2026	2027
10	New parts and subparts	2027	2028

Federal-Aid Highway Program

The Federal Highway Administration (FHWA) has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highways is chapter I of title 23 of the U.S.C. 145, which expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic

impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

Year 10 (Fall 2017) List of Rules Analyzed and a Summary of Results

23 CFR part 490—National Performance Management Measures

• *Section 610:* No SEISNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision. The FHWA recently repealed one of the original performance measures on May 31, 2018, at 83 FR 24920.

23 CFR part 505—Projects of National and Regional Significance Evaluation and Rating

• *Section 610:* No SEISNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 FR part 511—Real-Time System Management Information Program

• *Section 610:* No SEISNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 515—Asset Management Plans

• *Section 610:* No SEISNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 635—Subpart E—Construction Manager/General Contractor (CM/GC) Contracting

• *Section 610:* No SEISNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 650—Subpart E—National Tunnel Inspection Standards

• *Section 610:* No SEISNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 667—Periodic Evaluation of Facilities Repeatedly Requiring Repair and Reconstruction Due to Emergency Events

• *Section 610:* No SEISNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 950—Electronic Toll Collection

• *Section 610:* No SEISNOSE. No small entities are affected.

• *General:* No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

Year 1 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year

None.

Federal Motor Carrier Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 386 and 395	2018	2019
2	49 CFR part 385	2019	2020
3	49 CFR part 382	2020	2021
4	49 CFR parts 380 and 383	2021	2022
5	49 CFR part 387	2022	2023
6	49 CFR part 398	2023	2024
7	49 CFR part 392	2024	2025
8	49 CFR part 375	2025	2026
9	49 CFR part 367	2026	2027
10	49 CFR part 395	2027	2028

Year 1 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 395—Hours of Service (HOS) of Drivers

(*Note:* The analysis of this regulation is continued from year 10 (fall 2017) to year 1 (fall 2018) of the new review schedule.

• *Section 610:* There is a SEIOSNOSE. The Federal HOS regulations promote safe driving of commercial motor vehicles by limiting on-duty driving time, thereby improving the likelihood that drivers have adequate time for restorative rest. Although this rule drives a SEISNOSE, it also drives significant benefits to small business. Tangible benefits include streamlined operations, reduced operational cost, maximized productivity, lower insurance, improved vehicle diagnostics, reduced administrative burden, and increased profits.

• *General:* The regulatory value of restricting fatigue-related operations will save lives and reduce injuries. These regulations are written consistent with plain language guidelines, and uses clear and unambiguous language. The Agency is currently considering changes to the hours of service regulations that would improve operational flexibilities for motor carriers without a deleterious effect on safety.

49 CFR part 386—Rules of practice for motor carrier, intermodal equipment provider, broker, freight forwarder, and hazardous materials proceedings

National Highway Traffic Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 571.214 through 571.219, except 571.217 49 FR parts 591 through 595 and new parts and subparts	2018	2019
2	23 CFR parts 1200 and 1300 49 CFR parts 571.223 through 571.500, 575 and 579.23	2019	2020

Year	Regulations to be reviewed	Analysis year	Review year
3	49 CFR parts 501 through 526 and 571.213	2020	2021
4	49 CFR parts 571.131, 571.217, 571.220, 571.221, and 571.222	2021	2022
5	49 CFR parts 571.101 through 571.110, and 571.135, 571.136, 571.138 and 571.139	2022	2023
6	49 CFR parts 571.141, 529 through 578, except parts 571 and 575	2023	2024
7	49 CFR parts 571.111 through 571.129 and 580 through 588	2024	2025
8	49 parts CFR 571.201 through 571.212	2025	2026
9	49 parts CFR 571.214 through 571.219, except 571.217	2026	2027
10	49 CFR parts 591 through 595 and new parts and subparts	2027	2028

Year 1 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 571.214—Side Impact Protection

49 CFR part 571.215—[Reserved]

49 CFR part 571.216—Roof Crush Resistance; Applicable Unless a Vehicle Is Certified to 571.216a

49 CFR part 571.216a—Roof Crush Resistance; Upgraded Standard

49 CFR part 571.218—Motorcycle Helmets

49 CFR part 571.219—Windshield Zone Intrusion

49 CFR part 591—Importation of Vehicles and Equipment Subject to Federal Safety, Bumper and Theft Prevention Standards

49 CFR part 592—Registered Importers of Vehicles Not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards

49 CFR part 593—Determinations That a Vehicle Not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards is Eligible for Importation

49 CFR part 594—Schedule of Fees Authorized by 49 U.S.C. 30141

49 CFR part 595—Make Inoperative Exemptions

Federal Railroad Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 200, 207, 209, and 210	2018	2019
2	49 CFR parts 211, 212, 213, 214, and 215	2019	2020
3	49 CFR parts 216, 217, 218, 219, and 220	2020	2021
4	49 CFR parts 221, 222, 223, 224, and 225	2021	2022
5	49 CFR parts 227, 228, 229, 230, and 231	2022	2023
6	49 CFR parts 232, 233, 234, 235, and 236	2023	2024
7	49 CFR parts 237, 238, 249, 240, and 241	2024	2025
8	49 CFR parts 242, 243, 244, 250, and 256	2025	2026
9	49 CFR parts 261, 262, 264, 266, and 268	2026	2027
10	49 CFR parts 269, 270, and 272	2027	2028

Year 10 (Fall 2017) List of Rules Analyzed and a Summary of Results

49 FR part 213—Track Safety Standards

• *Section 610:* This rule appears to have a significant economic impact on a substantial number of small entities (SEISNOSE). These small entities are approximately 735 short line railroads. However, the FRA will conduct a formal review to identify whether opportunities may exist to reduce the burden on small railroads without compromising safety standards.

• *General:* The rule prescribes minimum safety requirements for railroad track that is part of the general railroad system of transportation. The objective of the rule is to enhance the safety of rail transportation, protecting both those traveling and working on the system and those off the system who might be adversely affected by a rail incident. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 220—Railroad Communications

• *Section 610:* This rule has significant economic impact on a substantial number of small entities. However, the actual burden on most of these railroads varies because of their different operating characteristics. Entities that are not subject to this rule include railroads that do not operate on the general railroad system of transportation. The communication requirements of this rule have been designed to minimize the impact on small railroads. For instance, while large railroads are required to have a working radio and wireless communication redundancy in every train, small railroads are only required to comply with this standard for trains used to transport passengers. However, the FRA will conduct a formal review to identify whether opportunities may exist to reduce the burden on small railroads without compromising safety standards.

• *General:* The rule prescribes minimum requirements governing the use of wireless communications in connection with railroad operations. Uniform standard communications procedures and requirements throughout the railroad industry are necessary to ensure the protection and safety of railroad employees and the general public, and to minimize the number of casualties. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 230—Steam Locomotive Inspection and Maintenance Records

• *Section 610:* There is no SEISNOSE.

• *General:* The rule prescribes minimum Federal safety standards of inspection and maintenance for all steam locomotive operated on railroads. These requirements are necessary to ensure the protection and safety of railroad employees and the general public and to minimize the number of casualties. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 232—Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End of Train Devices

• *Section 610:* This rule has significant economic impact on a substantial number of small entities. About 700 small railroads are subject to this rule. However, the actual burden on most of these small entities varies depending on their operating

characteristics. FRA is currently evaluating this rule to determine if changes need to be made because of technological developments in the systems affected by this rule.

• *General:* The rule prescribes minimum Federal safety standards for freight and other non-passenger train brake systems, as well as requirements for all trains that use end-of-train devices. This rule governs critical safety systems of the train and therefore continues to be needed. To FRA's knowledge, it does not overlap or conflict with other rules. Furthermore, FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 239—Passenger Train Emergency Preparedness

• *Section 610:* There is no SEISNOSE.

• *General:* The rule prescribes minimum Federal safety standards for the preparation, adoption and implementation of emergency preparedness plans by railroads. These requirements are necessary to ensure the protection and safety of railroad passengers and employees, as well as the general public, and to minimize the number of casualties. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 240—Qualification and Certification of Locomotive Engineers

• *Section 610:* There is no SEISNOSE.

• *General:* The purpose of this rule is to prescribes minimum Federal safety standards for the eligibility, training, testing, certification and monitoring of locomotive engineers. FRA's plain language review of this rule indicates no need of substantial revision.

Year 1 (Fall 2018) List of Rule(s) That Will Be Analyzed During Next Year

49 CFR part 200—Informal Rules of Practice for Passenger Service
49 CFR part 207—Railroad Police Officers
49 CFR part 209—Railroad Safety Enforcement Procedures
49 CFR part 210—Railroad Noise Emission Compliance

Federal Transit Administration

Section 610 and Other Reviews

The Regulatory Flexibility Act of 1980 (RFA), as amended (sections 601 through 612 of title 5, United States Code), requires Federal regulatory agencies to analyze all proposed and final rules to determine their economic impact on small entities, which include small businesses, organizations, and governmental jurisdictions. Section 610 requires government agencies to periodically review all regulations that will have a significant economic impact on a substantial number of small entities (SEISNOSE).

In complying with this section, the Federal Transit Administration (FTA) has elected to use the two-step, two-year process used by most Department of Transportation (DOT) modes. As such, FTA has divided its rules into 10 groups as displayed in the table below. During the analysis year, the listed rules will be analyzed to identify those with a SEISNOSE. During the review year, each rule identified in the analysis year as having a SEISNOSE will be reviewed in accordance with Section 610(b) to determine if it should be continued without change or changed to minimize the impact on small entities.

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 604, 605, and 624	2018	2019
2	49 CFR parts 609 and 640	2019	2020
3	49 CFR part 633	2020	2021
4	49 CFR part 611	2021	2022
5	49 CFR part 655	2022	2023
6	49 CFR parts 602 and 614	2023	2024
7	49 CFR parts 661 and 663	2024	2025
8	49 CFR parts 625, 630, and 665	2025	2026
9	49 CFR parts 613, 622, 670 and 674	2026	2027
10	49 CFR parts 650, 672 and 673	2027	2028

Year 10 (2018) List of Rules Analyzed and Summary of Results

49 CFR part 665—Bus Testing

• *Section 610*: Pursuant to Section 20014 of the Moving Ahead for Progress in the 21st Century Act (MAP–21), FTA issued a new pass/fail standard and new aggregated scoring system for buses and modified vans that are subject to FTA's bus testing program. FTA conducted a Section 610 review of part 665, as amended (81 FR 50637, August 1, 2016), and determined that it would not result in a SEISNOSE within the meaning of the RFA. In evaluating the likely effects of the rule, FTA acknowledged the compliance costs to bus manufacturers, some of whom may meet the definition of ''small entity,'' but noted that Congress authorized FTA to pay 80% of a bus manufacturer's testing fee, defraying the direct financial impact on these small entities.

• *General:* No changes are needed. The regulation implements the requirements of 49 U.S.C. 5318. FTA estimated the costs and projected benefits of the rule and believes it is cost-effective and imposes the least burden for statutory compliance. FTA's plain language review of this rule indicates no need for substantial revision.

Year 1 (2019) List of Rules To Be Analyzed the Next Year

49 CFR part 604—Charter Service
49 CFR part 605—School Bus Operations
49 CFR part 624—Clean Fuels Grant Program

Maritime Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	46 CFR parts 201 through 205, 46 CFR parts 315 through 340, 46 CFR part 345 through 347, and 46 CFR parts 381 and 382.	2018	2019
2	46 CFR parts 221 through 232	2019	2020
3	46 CFR parts 249 through 296	2020	2021
4	46 CFR parts 221, 298, 308, and 309	2021	2022
5	46 CFR parts 307 through 309	2022	2023
6	46 CFR part 310	2023	2024

Year	Regulations to be reviewed	Analysis year	Review year
7	46 CFR parts 315 through 340	2024	2025
8	46 CFR parts 345 through 381	2025	2026
9	46 CFR parts 382 through 389	2026	2027
10	46 CFR parts 390 through 393	2027	2028

Year 10 (2017) List of Rules Analyzed and a Summary of Results

46 CFR part 390—Capital Construction Fund Implementing Regulations

• *Section 610:* There is no SEIOSNOSE.

• *General:* The purpose of this rule is to govern the capital construction fund program authorized by 46 U.S.C. 53501. The Agency has determined that the rule is cost-effective and imposes the least possible burden on small entities. MARAD's plain language review of this rule indicates no need of substantial revision.

46 CFR part 391—Federal Income Tax Aspects of the Capital Construction Fund.

• *Section 610:* There is no SEIOSNOSE.

• *General:* The purpose of this rule is to govern tax aspects of the capital construction fund program. The Agency has determined that the rule is cost-effective and imposes the least possible burden on small entities. MARAD's plain language review of this rule indicates no need of substantial revision.

46 CFR part 392—Reserved

46 CFR part 393—America's Marine Highway Program

• *Section 610 review:* There is no SEIOSNOSE.

• *General:* The Agency published a final rule to implement statutory updates and clarify applicant procedures. MARAD's plain language review of this rule indicated that a substantial revision to the part was needed.

Year 1 (2018) List of Rules That Will Be Analyzed During the Next Year

46 CFR part 201—Rules of Practice And Procedure

46 CFR part 202—Procedures relating to review by Secretary of Transportation of actions by Maritime Subsidy Board

46 CFR part 203—Procedures relating to conduct of certain hearings under the Merchant Marine Act, 1936, as amended

46 CFR part 204—Claims against the Maritime Administration under the Federal Tort Claims Act

46 CFR part 205—Audit Appeals; Policy and Procedure

46 CFR part 315—Agency Agreements and Appointment of Agents

46 CFR part 317—Bonding of Ship's Personnel

46 CFR part 324—Procedural Rules for Financial Transactions Under Agency Agreements

46 CFR part 325—Procedure to Be Followed by General Agents in Preparation of Invoices and Payment of Compensation Pursuant To Provisions of NSA Order No. 47

46 CFR part 326—Marine Protection and Indemnity Insurance Under Agreements with Agents

46 CFR part 327—Seamen's Claims; Administrative Action and Litigation

46 CFR part 328— Slop Chests

46 CFR part 329—Voyage Data

46 CFR part 330—Launch Services

46 CFR part 332—Repatriation of Seamen

46 CFR part 335—Authority and Responsibility of General Agents to Undertake Emergency Repairs in Foreign Ports

46 CFR part 336—Authority and Responsibility of General Agents to Undertake in Continental United States Ports Voyage Repairs and Service Equipment of Vessels Operated for the Account of The National Shipping Authority Under General Agency Agreement

46 CFR part 337—General Agent's Responsibility in Connection with Foreign Repair Custom's Entries

46 CFR part 338—Procedure for Accomplishment of Vessel Repairs Under National Shipping Authority Master Lump Sum Repair Contract—NSA-Lumpsumrep

46 CFR part 339—Procedure for Accomplishment of Ship Repairs Under National Shipping Authority Individual Contract for Minor Repairs—NSA-Worksmalrep

46 CFR part 340—Priority Use and Allocation of Shipping Services, Containers and Chassis, and Port Facilities and Services for National Security and National Defense Related Operations

46 CFR part 345—Restrictions Upon the Transfer or Change in Use or in Terms Governing Utilization of Port Facilities

46 CFR part 346—Federal Port Controllers

46 CFR part 347—Operating Contract

46 CFR part 381—Cargo Preference—U.S.-Flag Vessels

46 CFR part 382—Determination of Fair and Reasonable Rates for the Carriage of Bulk and Packaged Preference Cargoes on U.S.-Flag Commercial Vessels

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 178	2018	2019
2	49 CFR parts 178 through 180	2019	2020
3	49 CFR parts 172 and 175	2020	2021
4	49 CFR part 171, sections 171.15 and 171.16	2021	2022
5	49 CFR parts 106, 107, 171, 190, and 195	2022	2023
6	49 CFR parts 174, 177, and 199	2023	2024
7	49 CFR parts 176, 191 and 192	2024	2025
8	49 CFR parts 172 and 178	2025	2026
9	49 CFR parts 172, 173, 174, 176, 177, and 193	2026	2027
10	49 CFR parts 173 and 194	2027	2028

Year 10 (Fall 2018) List of Rules Analyzed and a Summary of Results

49 CFR part 173—Shippers—General Requirements for Shipments and Packaging

• *Section 610:* PHMSA conducted a review of this part and found no SEISNOSE.

• *General:* PHMSA has reviewed this part and found that while the part does not have a SEISNOSE, it could be streamlined to reflect new technologies and harmonize with certain international references. Therefore, even though the review indicated that the economic impact on small entities is not significant, PHMSA has initiated multiple new deregulatory rulemakings to reduce the compliance burdens of part 173. Further, PHMSA's plain language review of this part indicates no need for substantial revision. Where confusing or wordy language has been identified, PHMSA plans to propose revisions in the upcoming biennial international harmonization rulemaking or other deregulatory rulemakings.

For example, the 2137–AF32 rulemaking action is part of PHMSA's ongoing biennial process to harmonize the HMR with international regulations and standards. Federal law and policy strongly favor the harmonization of domestic and international standards for hazardous materials transportation. The Federal hazardous materials transportation law (Federal hazmat law; 49 U.S.C. 5101 *et seq.*) directs PHMSA to participate in relevant international standard-setting bodies and promotes consistency of the HMR with international transport standards to the extent practicable. Federal hazmat law permits PHMSA to depart from international standards where appropriate, including to promote safety or other overriding public interests. However, Federal hazmat law otherwise encourages domestic and international harmonization (see 49 U.S.C. 5120).

Harmonization facilitates international trade by minimizing the costs and other burdens of complying with multiple or inconsistent safety requirements for transportation of hazardous materials. Safety is enhanced by creating a uniform framework for compliance, and as the volume of hazardous materials transported in international commerce continues to grow, harmonization becomes increasingly important.

The impact that the 2137–AF32 rulemaking will have on small entities is not expected to be significant. The rulemaking will clarify provisions based on PHMSA's initiatives and correspondence with the regulated community and domestic and international stakeholders. The changes are generally intended to provide relief and, as a result, positive economic benefits to shippers, carriers, and packaging manufacturers and testers, including small entities.

49 CFR part 194—Response Plans for Onshore Oil Pipelines

• *Section 610:* PHMSA conducted a Section 610 review of this part and has initiated a regulatory reform rulemaking that includes provisions that are expected to reduce the compliance burden of part 194. The rulemaking is considered a deregulatory action that is expected to have the net effect of streamlining the program requirements, established in response to the Oil Pollution Act of 1990, by targeting the highest risk locations. The revisions are expected to clarify that part 194 is focused on hazardous liquid pipelines that could affect navigable waters and to create a new harm category for lower-risk areas.

• *General:* This part contains requirements for oil spill response plans to reduce the environmental impact of oil discharged from onshore oil pipelines. The regulation under this part is cost effective and imposes the least burden.

Year 1 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 178—Specifications for Packaging

Saint Lawrence Seaway Development Corporation

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	* 33 CFR parts 401 through 403	2018	2019

* The review for these regulations is recurring each year of the 10-year review cycle (currently 2018 through 2027).

Year 1 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year

33 CFR part 401—Seaway Regulations and Rules

33 CFR part 402—Tariff of Tolls

33 CFR part 403—Rules of Procedure of the Joint Tolls Review Board

Office of the Secretary—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
327	+ Defining Unfair or Deceptive Practices	2105–AE72
328	+ Processing Buy America Waivers Based on Non availability **(Section 610 Review) (Reg Plan Seq No. 104)**.	2105–AE79

+ DOT-designated significant regulation.
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

Federal Aviation Administration—Prerule Stage

Sequence No.	Title	Regulation Identifier No.
329	+ Applying the Flight, Duty, and Rest Rules of 14 CFR Part 135 to Tail-End Ferry Operations (FAA Re-authorization).	2120–AK26

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
330	Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States.	2120–AK09
331	+ Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Domestic, Flag, or Supplemental All-Cargo Operations (Reauthorization).	2120–AK22
332	+ Pilot Records Database (HR 5900)	2120–AK31
333	+ Aircraft Registration and Airmen Certification Fees	2120–AK37
334	+ Requirements to File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (**Section 610 Review**).	2120–AK77
335	+ Operations of Small Unmanned Aircraft Over People	2120–AK85

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
336	+ Airport Safety Management System	2120–AJ38
337	+ Registration and Marking Requirements for Small Unmanned Aircraft (**Reg Plan Seq No. 105**)	2120–AK82

+ DOT-designated significant regulation.
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FEDERAL AVIATION ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
338	+ Regulation of Flight Operations Conducted by Alaska Guide Pilots	2120–AJ78
339	+ Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization)	2120–AK57

+ DOT-designated significant regulation.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
340	Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits (**Section 610 Review**).	2126–AC01
341	Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Downgrade of Commercial Driver's License (**Section 610 Review**).	2126–AC11

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
342	Commercial Learner's Permit Validity (**Section 610 Review**)	2126–AB98

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
343	+ Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States.	2126–AA35

+ DOT-designated significant regulation.

FEDERAL RAILROAD ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
344	+ Passenger Equipment Safety Standards Amendments (**Reg Plan Seq No. 108**)	2130–AC46

+ DOT-designated significant regulation.
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FEDERAL RAILROAD ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
345	+ Train Crew Staffing and Location	2130–AC48

+ DOT-designated significant regulation.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
346	Seaway Regulations and Rules: Periodic Update, Various Categories (**Rulemaking Resulting From a Section 610 Review**).	2135–AA45
347	Tariff of Tolls (**Rulemaking Resulting From a Section 610 Review**)	2135–AA46

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
348	+ Pipeline Safety: Amendments to Parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards.	2137–AF06

+ DOT-designated significant regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
349	+ Pipeline Safety: Safety of Hazardous Liquid Pipelines (**Reg Plan Seq No. 111**)	2137–AE66
350	+ Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry	2137–AE93
351	+ Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains (FAST Act) (**Reg Plan Seq No. 113**).	2137–AF08

+ DOT-designated significant regulation.
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Proposed Rule Stage

327. +Defining Unfair or Deceptive Practices

E.O. 13771 Designation: Deregulatory.
Legal Authority: 49 U.S.C. 41712

Abstract: This rulemaking would define the phrase ''unfair or deceptive practice'' found in the Department's aviation consumer protection statute. The Department's statute is modeled after a similar statute granting the Federal Trade Commission (FTC) the authority to regulate unfair or deceptive practices. Using the FTC's policy statements as a guide, the Department has found a practice to be unfair if it causes or is likely to cause substantial harm, the harm cannot reasonably be avoided, and the harm is not outweighed by any countervailing benefits to consumers or to competition. Likewise, the Department has found a practice to be deceptive if it misleads or is likely to mislead a consumer acting reasonably under the circumstances with respect to a material issue (one that is likely to affect the consumer's decision with regard to a product or service). This rulemaking would codify the Department's existing interpretation of ''unfair or deceptive practice'' and seek comment on whether any changes are needed. The rulemaking is not expected to impose monetary costs, and will benefit regulated entities by providing a clearer understanding of the Department's interpretation of the statute.

Timetable:

Action	Date	FR Cite
NPRM	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blane A. Workie, Assistant General Counsel, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–9342, *Fax:* 202–366–7153, *Email: blane.workie@ost.dot.gov*.

RIN: 2105–AE72

328. • +Processing Buy America Waivers Based on Non Availability (Section 610 Review)

Regulatory Plan: This entry is Seq. No. 104 in part II of this issue of the **Federal Register**.
RIN: 2105–AE79

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Prerule Stage

329. +Applying the Flight, Duty, and Rest Rules of 14 CFR Part 135 to Tail-End Ferry Operations (FAA Reauthorization)

E.O. 13771 Designation: Regulatory.
Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1153; 49 U.S.C. 40101; 49 U.S.C. 40102; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44105; 49 U.S.C. 44106; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903; 49 U.S.C. 44904; 49 U.S.C.

44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46103

Abstract: This rulemaking would require a flightcrew member who is employed by an air carrier conducting operations under part 135, and who accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135, to apply the period of the additional assignment toward any limitation applicable to the flightcrew member relating to duty periods or flight times under part 135.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Roberts, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–5749, *Email: dale.roberts@faa.gov*.

RIN: 2120–AK26

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Proposed Rule Stage

330. Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 14 CFR; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44707; 49 U.S.C. 44709; 49 U.S.C. 44717

Abstract: This rulemaking would require controlled substance testing of some employees working in repair stations located outside the United States. The intended effect is to increase participation by companies outside of the United States in testing of employees who perform safety critical functions and testing standards similar to those used in the repair stations located in the United States. This action is necessary to increase the level of safety of the flying public. This rulemaking is a statutory mandate under section 308(d) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95).

Timetable:

Action	Date	FR Cite
ANPRM	03/17/14	79 FR 14621
Comment Period Extended.	05/01/14	79 FR 24631
ANPRM Comment Period End.	05/16/14	
Comment Period End.	07/17/14	
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicky Dunne, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–8522, *Email: vicky.dunne@faa.gov*.

RIN: 2120–AK09

331. +Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Domestic, Flag, or Supplemental All-Cargo Operations (Reauthorization)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716; 49 U.S.C. 44717

Abstract: This rulemaking would apply the flight, duty, and rest requirements for domestic, flag and supplemental operations to ferry flights that follow domestic, flag or supplemental all-cargo operations. A ferry flight that follows a domestic, flag or supplemental all-cargo operation would be subject to the same flight, duty, and rest rules as the all-cargo operation it follows. This rule is necessary as it would make part 121 flight, duty, and rest limits applicable to tail-end ferry flights that follow an all-cargo flight.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Roberts, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–5749, *Email: dale.roberts@faa.gov*.

RIN: 2120–AK22

332. +Pilot Records Database (HR 5900)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1155; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 40120; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44705; 49 U.S.C. 44709 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315; 49 U.S.C. 46316; 49 U.S.C. 46504; 49 U.S.C. 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531

Abstract: This rulemaking would implement a Pilot Records Database as required by Public Law 111–216 (Aug. 1, 2010). Section 203 amends the Pilot Records Improvement Act by requiring the FAA to create a pilot records database that contains various types of pilot records. These records would be provided by the FAA, air carriers, and other persons who employ pilots. The FAA must maintain these records until it receives notice that a pilot is deceased. Air carriers would use this database to perform a record check on a pilot prior to making a hiring decision.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christopher Morris, Department of Transportation, Federal Aviation Administration, 6500 S MacArthur Blvd., Oklahoma City, OK 73169, *Phone:* 405–954–4646, *Email: christopher.morris@faa.gov*.

RIN: 2120–AK31

333. +Aircraft Registration and Airmen Certification Fees

E.O. 13771 Designation: Other.

Legal Authority: 31 U.S.C. 9701; 4 U.S.T. 1830; 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 106(l)(6); 49 U.S.C. 40104; 49 U.S.C. 40105; 49 U.S.C. 40109; 49 U.S.C. 40113; 49 U.S.C. 40114; 49 U.S.C. 44101 to 44108; 49 U.S.C. 44110 to 44113; 49 U.S.C. 44701 to 44704; 49 U.S.C. 44707; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 45102; 49 U.S.C. 45103; 49 U.S.C. 45301; 49 U.S.C. 45302; 49 U.S.C. 45305; 49 U.S.C. 46104; 49 U.S.C. 46301; Pub. L. 108–297, 118 Stat. 1095

Abstract: This rulemaking would establish fees for airman certificates, medical certificates, and provision of legal opinions pertaining to aircraft registration or recordation. This rulemaking also would revise existing fees for aircraft registration, recording of security interests in aircraft or aircraft parts, and replacement of an airman certificate. This rulemaking addresses provisions of the FAA Modernization and Reform Act of 2012. This rulemaking is intended to recover the

estimated costs of the various services and activities for which fees would be established or revised.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Isra Raza, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–8994, *Email: isra.raza@faa.gov*.

RIN: 2120–AK37

334. +Requirements To File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 40103

Abstract: This rulemaking would add specific requirements for proponents who wish to construct meteorological evaluation towers at a height of 50 feet above ground level (AGL) up to 200 feet AGL to file notice of construction with the FAA. This rule also requires sponsors of wind turbines to provide certain specific data when filing notice of construction with the FAA. This rulemaking is a statutory mandate under section 2110 of the FAA Extension, Safety, and Security Act of 2016 (Pub. L. 114–190).

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Sheri Edgett-Baron, Air Traffic Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–9354.

RIN: 2120–AK77

335. +Operations of Small Unmanned Aircraft Over People

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 40101; 49 U.S.C. 40103(b); 49 U.S.C. 44701(a)(5); Pub. L. 112–95, sec. 333

Abstract: This rulemaking would address the performance-based standards and means-of-compliance for operation of small unmanned aircraft systems (sUAS) over people not directly participating in the operation or not under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling small unmanned aircraft. This rule would provide relief from certain operational restrictions implemented in the Operation and Certification of Small Unmanned Aircraft Systems final rule (RIN 2120–AJ60).

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Guido Hassig, Department of Transportation, Federal Aviation Administration, 1 Airport Way, Rochester, NY 14624, *Phone:* 585–436–3880, *Email: guido.hassig@faa.gov*.

RIN: 2120–AK85

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Final Rule Stage

336. +Airport Safety Management System

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 44706; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701 to 44706; 49 U.S.C. 44709; 49 U.S.C. 44719

Abstract: This rulemaking would require certain airport certificate holders to develop, implement, maintain, and adhere to a safety management system (SMS) for its aviation related activities. An SMS is a formalized approach to managing safety by developing an organization-wide safety policy, developing formal methods of identifying hazards, analyzing and mitigating risk, developing methods for ensuring continuous safety improvement, and creating organization-wide safety promotion strategies.

Timetable:

Action	Date	FR Cite
NPRM	10/07/10	75 FR 62008
NPRM Comment Period Extended.	12/10/10	75 FR 76928
NPRM Comment Period End.	01/05/11	
End of Extended Comment Period.	03/07/11	
Second Extension of Comment Period.	03/07/11	76 FR 12300
End of Second Extended Comment Period.	07/05/11	
Second NPRM	07/14/16	81 FR 45871
Second NPRM Comment Period End.	09/12/16	
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Keri Lyons, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–8972, *Email: keri.lyons@faa.gov*.

RIN: 2120–AJ38

337. +Registration and Marking Requirements for Small Unmanned Aircraft

Regulatory Plan: This entry is Seq. No. 105 in part II of this issue of the **Federal Register**.

RIN: 2120–AK82

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Long-Term Actions

338. +Regulation of Flight Operations Conducted by Alaska Guide Pilots

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g) ; 49 U.S.C. 1153; 49 U.S.C. 1155; 49 U.S.C. 40101 to 40103; 49 U.S.C. 40113; 49 U.S.C. 40120; 49 U.S.C. 44101; 49 U.S.C. 44105 to 44016; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903 to 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 46103; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315 to 46316; 49 U.S.C. 46504; 49 U.S.C. 46506 to 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531; Articles 12 and 29 of 61 Statue 1180; P.L. 106–181, Sec. 732

Abstract: The rulemaking would establish regulations concerning Alaska guide pilot operations. The rulemaking would implement Congressional legislation and establish additional safety requirements for the conduct of these operations. The intended effect of this rulemaking is to enhance the level of safety for persons and property transported in Alaska guide pilot operations. In addition, the rulemaking would add a general provision applicable to pilots operating under the general operating and flight rules concerning falsification, reproduction, and alteration of applications, logbooks,

reports, or records. This rulemaking is a statutory mandate under section 732 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, (Pub. L. 106–181).

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20785, *Phone:* 202 385–9615, *Email: jeffrey.smith@faa.gov*.

RIN: 2120–AJ78

339. +Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709; 49 U.S.C. 44711 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44730; 49 U.S.C. 45101 to 45105

Abstract: This rulemaking would develop training requirements for crew resource management, flight risk evaluation, and operational control of the pilot in command, as well as standards for the use of flight simulation training devices and line-oriented flight training. Additionally, it would establish requirements for the use of safety equipment for flight crewmembers and flight nurses. These changes will aide in the increase in aviation safety and increase survivability in the event of an accident. Without these changes, the Helicopter Air Ambulance industry may continue to see the unacceptable high rate of aircraft accidents. This rulemaking is a statutory mandate under section 306(e) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95).

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chris Holliday, Department of Transportation, Federal Aviation Administration, 801 Pennsylvania Ave. NW, Washington, DC 20024, *Phone:* 202–267–4552, *Email: chris.holliday@faa.gov*.

RIN: 2120–AK57

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Proposed Rule Stage

340. Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits (Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 49 U.S.C. 5105; 49 U.S.C. 5109

Abstract: This action will update an existing Incorporation by Reference (by the Commercial Vehicle Safety Alliance) of the North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Stephanie Dunlap, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–3536, *Email: stephanie.dunlap@dot.gov*.

RIN: 2126–AC01

341. Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Downgrade of Commercial Driver's License (Section 610 Review)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 49 U.S.C. 31136(a); 49 U.S.C. 31305(a)

Abstract: The Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) final rule (81 FR 87686 (December 5, 2016) requires State Driver's Licensing Agencies (SDLAs) to check the Clearinghouse before issuing, renewing, transferring, or upgrading a commercial driver's license (CDL) to determine whether the driver is qualified to operate a commercial motor vehicle. FMCSA proposes to require State Driver's Licensing Agencies (SDLAs) to remove the commercial learner's permit (CLP) or commercial driver's license (CDL) privilege from the driver license of individuals who, under current regulations, are prohibited from operating a commercial motor vehicle (CMV) due to controlled substance (drug) and alcohol program violations. At a minimum, States would be required to downgrade the driver's license by changing the commercial status from ''licensed'' to ''eligible'' on the CDLIS driver record. Under the proposed rule, States could not restore the CLP or CDL privilege to the license until the driver completes the return-to-duty (RTD) requirements that would allow the resumption of safety-sensitive functions, such as operating a CMV. SDLAs would rely on applicable State law and procedures to accomplish the downgrade and any subsequent reinstatement of the CLP or CDL privilege. In addition, under this proposal, SDLAs could not issue, renew, upgrade, or transfer the CDL, or issue, renew, or upgrade the CLP, of any driver who is prohibited from operating a CMV due to drug and alcohol program violations. This Notice of Proposed Rulemaking (NPRM) will improve roadway safety by helping to ensure that CLP and CDL holders who engage in prohibited drug or alcohol-related conduct complete the necessary RTD requirements before resuming operation of a CMV on public roads. This NPRM does not propose any other changes to the Clearinghouse final rule, nor does it propose any changes to the drug and alcohol testing requirements in part 382 and part 40.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Juan Moya, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE, Washington, DC 20590, *Phone:* 202–366–4844, *Email: Juan.Moya@dot.gov*.

RIN: 2126–AC11

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Final Rule Stage

342. Commercial Learner's Permit Validity (Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 31305; 49 U.S.C. 31308

Abstract: This rulemaking would amend Commercial Driver's License (CDL) regulations to allow a commercial learner's permit to be issued for 1 year,

without renewal. This rule would not require a State to revise its current CLP issuance practices, unless it chooses to do so. This change would reduce costs to CDL applicants who are unable to complete the required training and testing within the current validity period, with no expected negative safety benefits.

Timetable:

Action	Date	FR Cite
NPRM	06/12/17	82 FR 26888
NPRM Comment Period End.	08/11/17	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Thomas Yager, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4325, *Email: tom.yager@dot.gov*.

RIN: 2126–AB98

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Long-Term Actions

343. +Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Pub. L. 107–87, sec 350; 49 U.S.C. 113; 49 U.S.C. 31136; 49 U.S.C. 31144; 49 U.S.C. 31502; 49 U.S.C. 504; 49 U.S.C. 5113; 49 U.S.C. 521(b)(5)(A)

Abstract: This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM but which are necessary to comply with the FY 2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the Agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA originally planned to publish a final rule by November 28, 2003.

Timetable:

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415
NPRM Comment Period End.	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
Interim Final Rule Comment Period End.	04/18/02	
Interim Final Rule Effective.	05/03/02	
Notice of Intent To Prepare an EIS.	08/26/03	68 FR 51322
EIS Public Scoping Meetings.	10/08/03	68 FR 58162
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dolores Macias, Acting Division Chief, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE, Washington, DC 20590, *Phone:* 202 366–2995, *Email: dolores.macias@dot.gov*.

RIN: 2126–AA35

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Final Rule Stage

344. +Passenger Equipment Safety Standards Amendments

Regulatory Plan: This entry is Seq. No. 108 in part II of this issue of the **Federal Register**.

RIN: 2130–AC46

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Long-Term Actions

345. +Train Crew Staffing and Location

E.O. 13771 Designation: Regulatory.

Legal Authority: 28 U.S.C. 2461, note; 49 CFR 1.89; 49 U.S.C. 20103; 49 U.S.C. 20107; 49 U.S.C. 21301 and 21302; 49 U.S.C. 21304

Abstract: This rule would establish requirements to appropriately address known safety risks posed by train operations that use fewer than two crewmembers. FRA is considering options based on public comments on the proposed rule and other information.

Timetable:

Action	Date	FR Cite
NPRM	03/15/16	81 FR 13918
NPRM Comment Period End.	05/16/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathryn Gresham, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 493–6063, *Email: kathryn.gresham@dot.gov*.

RIN: 2130–AC48

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION (DOT)

Saint Lawrence Seaway Development Corporation (SLSDC)

Long-Term Actions

346. • Seaway Regulations and Rules: Periodic Update, Various Categories (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 981 *et seq.*

Abstract: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Seaway Regulations and Rules in various categories.

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: No.

Agency Contact: Carrie Lavigne, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Ave. SE,

Washington, DC 20590, *Phone:* 315–764–3231, *Email: Carrie.Mann@dot.gov*.

RIN: 2135–AA45

347. • Tariff of Tolls (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 981 *et seq.*

Abstract: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC.

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: No.

Agency Contact: Carrie Lavigne, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Ave. SE, Washington, DC 20590, *Phone:* 315–764–3231, *Email: Carrie.Mann@dot.gov*.

RIN: 2135–AA46

BILLING CODE 4910–61–P

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Proposed Rule Stage

348. +Pipeline Safety: Amendments to Parts 192 and 195 To Require Valve Installation and Minimum Rupture Detection Standards

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: PHMSA is proposing to revise the Pipeline Safety Regulations applicable to newly constructed or entirely replaced natural gas transmission and hazardous liquid pipelines to improve rupture mitigation and shorten pipeline segment isolation times in high consequence and select non-high consequence areas. The proposed rule defines certain pipeline events as ''ruptures'' and outlines certain performance standards related to rupture identification and pipeline segment isolation. PHMSA also proposes specific valve maintenance and inspection requirements, and 9–1–1 notification requirements to help operators achieve better rupture response and mitigation. These proposals address Congressional mandates, incorporate recommendations from the National Transportation Safety Board, and are necessary to reduce the serious consequences of large-volume, uncontrolled releases of natural gas and hazardous liquids.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Jagger, Technical Writer, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, Washington, DC 20590, *Phone:* 202–366–4595, *Email: robert.jagger@dot.gov*.

RIN: 2137–AF06

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Final Rule Stage

349. +Pipeline Safety: Safety of Hazardous Liquid Pipelines

Regulatory Plan: This entry is Seq. No. 111 in part II of this issue of the **Federal Register**.

RIN: 2137–AE66

350. +Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: PHMSA is amending the Federal Pipeline Safety Regulations that govern the use of plastic piping systems in the transportation of natural and other gas. These amendments are necessary to enhance pipeline safety, adopt innovative technologies and best practices, and respond to petitions from stakeholders. The amendments include an increased design factor for polyethylene (PE) pipe, stronger mechanical fitting requirements, new and updated riser standards, new accepted uses of Polyamide-11 (PA–11) thermoplastic pipe, authorization to use Polyamide-12 (PA–12) thermoplastic pipe, and new or updated consensus standards for pipe, fittings, and other components.

Timetable:

Action	Date	FR Cite
NPRM	05/21/15	80 FR 29263
NPRM Comment Period End.	07/31/15	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cameron H. Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–8553, *Email: cameron.satterthwaite@dot.gov*.

RIN: 2137–AE93

351. +Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains (Fast Act)

Regulatory Plan: This entry is Seq. No. 113 in part II of this issue of the **Federal Register**.

RIN: 2137–AF08

[FR Doc. 2018–24091 Filed 11–15–18; 8:45 am]

BILLING CODE 4910–60–P

FEDERAL REGISTER

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Part XII

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY

31 CFR Subtitles A and B

Semiannual Agenda and Fiscal Year 2017 Regulatory Plan

AGENCY: Department of the Treasury.

ACTION: Semiannual regulatory agenda and annual regulatory plan.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act and Executive Order (E.O.) 12866 (''Regulatory Planning and Review''), which require the publication by the Department of a semiannual agenda of regulations. E.O. 12866 also requires the publication by the Department of a regulatory plan for the upcoming fiscal year. The purpose of the agenda is to provide advance information about pending regulatory activities and encourage public participation in the regulatory process.

FOR FURTHER INFORMATION CONTACT: The Agency contact identified in the item relating to that regulation.

SUPPLEMENTARY INFORMATION: The semiannual regulatory agenda includes regulations that the Department has issued or expects to issue and rules currently in effect that are under departmental or bureau review. For this edition of the regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** publication that includes the Unified Agenda.

Beginning with the fall 2007 edition, the internet has been the primary medium for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* and *www.regulations.gov* in a format that offers users an enhanced ability to obtain information from the Agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agenda required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury's printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years.

The Department has listed in this agenda all regulations and regulatory reviews pending at the time of publication, except for technical, minor, and routine actions. On occasion, a regulatory matter may be inadvertently left off of the agenda or an emergency may arise that requires the Department to initiate a regulatory action not yet on the agenda. There is no legal significance to the omission of an item from this agenda. For most entries, Treasury includes a projected date for the next rulemaking action; however, the date is an estimate and is not a commitment to publish on the projected date. In addition, some agenda entries are marked as ''withdrawn'' when there has been no publication activity. Withdrawal of a rule from the agenda does not necessarily mean that a rule will not be included in a future agenda but may mean that further consideration is warranted and that the regulatory action is unlikely in the next 12 months.

Public participation in the rulemaking process is the foundation of effective regulations. For this reason, the Department invites comments on all regulatory and de-regulatory items included in the agenda and invites input on items that should be included in the semiannual agenda.

Michal Briskin,

Deputy Assistant General Counsel for General Law and Regulation.

CUSTOMS REVENUE FUNCTION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
352	Enforcement of Copyrights and the Digital Millennium Copyright Act	1515–AE26

INTERNAL REVENUE SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
353	Section 42 Average Income Test	1545–BO92

DEPARTMENT OF THE TREASURY (TREAS)

Customs Revenue Function (CUSTOMS)

Proposed Rule Stage

352. Enforcement of Copyrights and the Digital Millennium Copyright Act

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: Not Yet Determined

Abstract: This rule amends the U.S. Customs and Border Protection (CBP) regulations pertaining to importations of merchandise that violate or are suspected of violating the copyright laws in accordance with title III of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) and certain provisions of the Digital Millennium Copyright Act (DMCA).

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Steuart, Chief, Intellectual Property Rights Branch, Department of the Treasury, Customs Revenue Function, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, *Phone:* 202 325–0093, *Fax:* 202 325–0120, *Email: charles.r.steuart@cbp.dhs.gov.*

RIN: 1515–AE26

BILLING CODE 9111–14–P

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Long-Term Actions

353. • Section 42 Average Income Test

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 26 U.S.C. 7805; 26 U.S.C. 42

Abstract: The Consolidated Appropriations Act of 2018 added a new applicable minimum set-aside test under section 42(g) of the Internal Revenue Code known as the average income test. This proposed regulation will implement requirements related to the average income test.

Timetable:

Action	Date	FR Cite
NPRM	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dillon J. Taylor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Room 5107, Washington, DC 20224, *Phone:* 202 317–4137, *Fax:* 855 591–7867, *Email:* *dillon.j.taylor@irscounsel.treas.gov*.

RIN: 1545–BO92

[FR Doc. 2018–24092 Filed 11–15–18; 8:45 am]

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Part XIII

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised by the agency during the coming months as a result of action taken by the Board.

ADDRESSES: Architectural and Transportation Barriers Compliance Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Gretchen Jacobs, General Counsel (202) 272–0040 (voice) or (202) 272–0062 (TTY).

David M. Capozzi,

Executive Director.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
354	Americans With Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles; Rail Vehicles	3014–AA42

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Prerule Stage

354. Americans With Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles; Rail Vehicles

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 12204

Abstract: This rulemaking would update the Access Board's existing accessibility guidelines for transportation vehicles that operate on fixed guideway systems (*e.g.,* rapid rail, light rail, commuter rail, and intercity rail) and are covered by the Americans with Disabilities Act. The existing ''rail vehicles'' guidelines, which are located at 36 CFR part 1192, subparts C to F and H, were initially promulgated in 1991, and are in need of an update to, among other things, keep pace with newer accessibility-related technologies, harmonize with recently-developed national and international consensus standards, and incorporate recommendations from the Board's Rail Vehicles Access Advisory Committee's 2015 Report. Revisions or updates to the rail vehicles guidelines would be intended to ensure that ADA-covered rail vehicles are readily accessible to and usable by individuals with disabilities. Compliance with any revised rail vehicles guidelines would not be required until these guidelines are adopted by the U.S. Department of Transportation in a separate rulemaking.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish Advisory Committee.	02/14/13	78 FR 10581
Notice of Establishment of Advisory Committee; Appointment of Members.	05/23/13	78 FR 30828
ANPRM	12/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Gretchen Jacobs, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–0062, *Fax:* 202 272–0081, *Email: jacobs@access-board.gov.*

RIN: 3014–AA42

[FR Doc. 2018–24093 Filed 11–15–18; 8:45 am]

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Part XIV

Committee for Purchase From People Who Are Blind or Severely Disabled

Semiannual Regulatory Agenda

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

41 CFR Ch. 51

Semiannual Regulatory Agenda

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This document sets forth the regulatory agenda of the Committee for Purchase From People Who Are Blind or Severely Disabled. This agenda is issued in accordance with Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or review or that the Committee expects to have under development or review during the next 12 months. The purpose for publishing this agenda is to advise the public of the Committee's current and future regulatory actions.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Shelly Hammond, Director, Contracting and Policy, Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, VA 22202; (703) 603–2127.

SUPPLEMENTARY INFORMATION: Under Executive Order 12866 (58 FR 51735, October 4, 1993), each agency is required to prepare an agenda of all regulations under development or review. The Regulatory Flexibility Act (5 U.S.C. 601–612) has a similar agenda requirement (5 U.S.C. 602). Under the law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next 12 months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

Dated: August 02, 2018.

Kim Zeich,

Deputy Executive Director.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
355	Significant Revisions of Part 51, Committee for Purchase From People Who Are Blind or Severely Disabled (**Rulemaking Resulting From a Section 610 Review**).	3037–AA12

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED (CPBSD)

Proposed Rule Stage

355. • Significant Revisions of Part 51, Committee for Purchase From People Who Are Blind or Severely Disabled (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Independent agency.

Legal Authority: 41 U.S.C. 85

Abstract: We are issuing a notice of proposed rulemaking (NPRM) to solicit public comments on the potential cost and benefits of certain corrections and clarifications to 41 CFR 51 to significant changes within the chapter or with the Federal Acquisition Regulation addressing the Javits-Wagner-O'Day Act or the AbilityOne Program. This regulation was originally published in 1991 and changes in Committee practices and concepts have occurred which need to be reflected in this section to the CFR. The revisions should clarify the roles and responsibilities of the Committee, Central Nonprofit, and Nonprofit Agencies.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Shelly Hammond, Director, Policy and Programs, Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, VA 22202, *Phone:* 703 603–2127, *Email: shammond@abilityone.gov*.

RIN: 3037–AA12

[FR Doc. 2018–24094 Filed 11–15–18; 8:45 am]

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FEDERAL REGISTER

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Part XV

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL–9981–53–OP]

Fall 2018 Unified Agenda of Regulatory and Deregulatory Actions

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the Semiannual Agenda of Regulatory and Deregulatory Actions online at *https://www.reginfo.gov* and at *https://www.regulations.gov* to update the public. This document contains information about regulations in the Semiannual Agenda that are under development, completed, or canceled since the last agenda.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the Agency contact listed in each agenda entry. If you have general questions about the Semiannual Agenda, please contact: Caryn Muellerleile (*muellerleile.caryn@epa.gov;* 202–564–2855).

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IV. Thank You for Collaborating With Us

SUPPLEMENTARY INFORMATION:

I. Introduction

EPA is committed to a regulatory strategy that effectively achieves the Agency's mission of protecting the environment and the health, welfare, and safety of Americans while also supporting economic growth, job creation, competitiveness, and innovation. EPA publishes the Semiannual Agenda of Regulatory and Deregulatory Actions to update the public about regulatory activity undertaken in support of this mission. In the Semiannual Agenda, EPA provides notice of our plans to review, propose, and issue regulations.

Additionally, EPA's Semiannual Agenda includes information about rules that may have a significant economic impact on a substantial number of small entities, and review of those regulations under the Regulatory Flexibility Act, as amended.

In this document, EPA explains in greater detail the types of actions and information available in the Semiannual Agenda and actions that are currently undergoing review specifically for impacts on small entities.

A. EPA's Regulatory Information

''E-Agenda,'' ''online regulatory agenda,'' and ''semiannual regulatory agenda'' all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register**. Currently, this information is only available through an online database, at both *https://www.reginfo.gov/* and *https://www.regulations.gov.*

''Regulatory Flexibility Agenda'' refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities. We continue to publish this document in the **Federal Register** pursuant to the Regulatory Flexibility Act of 1980. This document is available at *https://www.gpo.gov/fdsys/search/home.action.*

''Unified Regulatory Agenda'' refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center facilitated by the General Service Administration.

''Regulatory Agenda Preamble'' refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both EPA's Regulatory Flexibility Agenda and the e-Agenda.

''610 Review'' as required by the Regulatory Flexibility Act means a periodic review within ten years of promulgating a final rule that has or may have a significant economic impact on a substantial number of small entities. EPA maintains a list of these actions at *https://www.epa.gov/reg-flex/section-610-reviews.*

B. What key statutes and Executive Orders guide EPA's rule and policymaking process?

A number of environmental laws authorize EPA's actions, including but not limited to:

- Clean Air Act (CAA),
- Clean Water Act (CWA),
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund),
- Emergency Planning and Community Right-to-Know Act (EPCRA),
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
- Resource Conservation and Recovery Act (RCRA),
- Safe Drinking Water Act (SDWA), and
- Toxic Substances Control Act (TSCA).

Not only must EPA comply with environmental laws, but also administrative legal requirements that apply to the issuance of regulations, such as: The Administrative Procedure Act (APA), the Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Unfunded Mandates Reform Act (UMRA), the Paperwork Reduction Act (PRA), the National Technology Transfer and Advancement Act (NTTAA), and the Congressional Review Act (CRA).

EPA also meets a number of requirements contained in numerous Executive Orders: 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (82 FR 9339, Feb. 3, 2017); 12866, ''Regulatory Planning and Review'' (58 FR 51735, Oct. 4, 1993), as supplemented by Executive Order 13563, ''Improving Regulation and Regulatory Review'' (76 FR 3821, Jan. 21, 2011); 12898, ''Environmental Justice'' (59 FR 7629, Feb. 16, 1994); 13045, ''Children's Health Protection'' (62 FR 19885, Apr. 23, 1997); 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999); 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, Nov. 9, 2000); and 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

C. How can you be involved in EPA's rule and policymaking process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. EPA encourages you to participate as early in the process as possible. You may also participate by commenting on proposed rules published in the **Federal Register** (FR).

Instructions on how to submit your comments through *https://www.regulations.gov* are provided in each Notice of Proposed Rulemaking (NPRM). To be most effective, comments should contain information and data that support your position and you also should explain why EPA should incorporate your suggestion in the rule or other type of action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternative(s) to that proposed by EPA.

EPA believes its actions will be more cost effective and protective if the development process includes stakeholders working with us to help identify the most practical and effective solutions to environmental problems. EPA encourages you to become involved in its rule and policymaking process. For more information about EPA's efforts to increase transparency, participation and collaboration in EPA activities, please visit *https://www.epa.gov/open.*

II. Semiannual Agenda of Regulatory and Deregulatory Actions

A. What actions are included in the E-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the CAA: Revisions to state implementation plans, equivalent methods for ambient air quality monitoring, deletions from the new source performance standards source categories list, delegations of authority to states, and area designations for air quality planning purposes;
- Under FIFRA: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under RCRA: Authorization of State solid waste management plans, and hazardous waste delisting petitions;
- Under the CWA: State Water Quality Standards, deletions from the section 307(a) list of toxic pollutants, suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES), and delegations of NPDES authority to States;
- Under SDWA: Actions on State underground injection control programs.

Meanwhile, the Regulatory Flexibility Agenda includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for periodic review under section 610 of the RFA.

EPA has no 610 reviews in this Agenda.

B. How is the E-Agenda organized?

Online, you can choose how to sort the agenda entries by specifying the characteristics of the entries of interest in the desired individual data fields for both the *https://www.reginfo.gov* and *https://www.regulations.gov* versions of the e-Agenda. You can sort based on the following characteristics: EPA subagency (such as Office of Water); stage of rulemaking as described in the following paragraphs; alphabetically by title; or the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. Prerule Stage—EPA's prerule actions generally are intended to determine whether the Agency should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking; this would include Advance Notices of Proposed Rulemaking (ANPRMs), studies or analyses of the possible need for regulatory action.

2. Proposed Rule Stage—Proposed rulemaking actions include EPA's Notice of Proposed Rulemakings (NPRMs); these proposals are scheduled to publish in the **Federal Register** within the next year.

3. Final Rule Stage—Final rulemaking actions are those actions that EPA is scheduled to finalize and publish in the **Federal Register** within the next year.

4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action (such as publication of a NPRM or final rule) is twelve or more months into the future. We urge you to explore becoming involved even if an action is listed in the Long-Term category.

5. Completed Actions—EPA's completed actions are those that have been promulgated and published in the **Federal Register** since publication of the spring 2018 Agenda. The term completed actions also includes actions that EPA is no longer considering and has elected to withdraw and also the results of any RFA section 610 reviews.

C. What information is in the Regulatory Flexibility Agenda and the E-Agenda?

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** Agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule and Contact Person. Note that the electronic version of the Agenda (E-Agenda) replicates each of these actions with more extensive information, described below.

E-Agenda entries include:

Title: a brief description of the subject of the regulation. The notation ''Section 610 Review'' follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the RFA (5 U.S.C. 610).

Priority: Each entry is placed into one of the five following categories:

a. Economically Significant: Under Executive Order 12866, a rulemaking that may have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

b. Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or

3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

c. Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

d. Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (*e.g.,* certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management Program actions, and Pesticide Tolerances and Tolerance Exemptions).

If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget (OMB) under E.O. 12866, then we would classify the action as either ''Economically Significant'' or ''Other Significant.''

e. Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of Executive Order 12866.

Executive Order 13771 Designation: Each entry is placed into one of the following categories:

a. Deregulatory: When finalized, an action is expected to have total costs less than zero.

b. Regulatory: The action is either:

(i) A significant regulatory action as defined in section 3(f) of Executive Order 12866, or

(ii) a significant guidance document (*e.g.,* significant interpretive guidance) reviewed by OMB's Office of Information and Regulatory Affairs (OIRA) under the procedures of Executive Order 12866 that, when finalized, is expected to impose total costs greater than zero.

c. Fully or Partially Exempt: the action has been granted, or is expected to be granted, a full or partial waiver under one or more of the following circumstances:

(i) It is expressly exempt by Executive Order 13771 (issued with respect to a ''military, national security, or foreign affairs function of the United States''; or related to ''agency organization, management, or personnel''),

(ii) it addresses an emergency such as critical health, safety, financial, or non-exempt national security matters (offset requirements may be exempted or delayed),

(iii) it is required to meet a statutory or judicial deadline (offset requirements may be exempted or delayed), or

(iv) it is expected to generate de minimis costs.

d. Not subject to, not significant: Is a NPRM or final rule AND is neither an Executive Order 13771 regulatory action nor an Executive Order 13771 deregulatory action.

e. Other: At the time of designation, either the available information is too preliminary to determine Executive Order 13771 status or other reasonable circumstances preclude a preliminary Executive Order 13771 designation.

f. Independent agency: Is an action an independent agency anticipates issuing and thus is not subject to Executive Order 13771.

Major: a rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) if it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act.

Unfunded Mandates: Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, the Agency prepare a written statement on federal mandates addressing costs, benefits, and intergovernmental consultation.

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (Pub. L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action.

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 10/00/19 means the agency is predicting the month and year the action will take place but not the day it will occur. For some entries, the timetable indicates that the date of the next action is ''to be determined.''

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether the rule is anticipated to have any effect on small businesses, small governments or small nonprofit organizations.

Government Levels Affected: Indicates whether the rule may have any effect on levels of government and, if so, whether the affected governments are State, local, Tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Energy Impacts: Indicates whether the action is a significant energy action under E.O. 13211.

Sectors Affected: Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and email address, if available, of a person who is knowledgeable about the regulation.

Additional Information: Other information about the action including docket information.

URLs: For some actions, the internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part. (*Note:* To submit comments on proposals, you can go to the associated electronic docket, which is housed at *https://www.regulations.gov.* Once there, follow the online instructions to access the docket in question and submit comments. A docket identification [ID] number will assist in the search for materials.)

RIN: The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN identify the EPA office with lead responsibility for developing the action.

D. What tools are available for mining Regulatory Agenda data and for finding more about EPA rules and policies?

1. Federal Regulatory Dashboard

The *https://www.reginfo.gov/* searchable database, maintained by the Regulatory Information Service Center and OIRA, allows users to view the Regulatory Agenda database (*https://www.reginfo.gov/public/do/eAgendaMain*), which includes search, display, and data transmission options.

2. Subject Matter EPA Websites

Some actions listed in the Agenda include a URL for an EPA-maintained website that provides additional information about the action.

3. Deregulatory Actions and Regulatory Reform

EPA maintains a list of its deregulatory actions under development, as well as those that are completed, at *https://www.epa.gov/laws-regulations/epa-deregulatory-actions.* Additional information about EPA's regulatory reform activity is available to the public at *https://www.epa.gov/laws-regulations/regulatory-reform.*

4. Public Dockets

When EPA publishes either an Advance Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, the Agency typically establishes a docket to accumulate materials developed throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to that particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for RFA section 610 reviews of rules with significant economic impacts on a substantial number of small entities and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the PRA, and other non-rule activities. Docket information should be in that action's agenda entry. All of EPA's public dockets can be located at *https://www.regulations.gov.*

III. Review of Regulations Under 610 of the Regulatory Flexibility Act

A. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. At this time, EPA has no 610 reviews.

B. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?

For each of EPA's rulemakings, consideration is given to whether there will be any adverse impact on any small entity. EPA attempts to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under the RFA as amended by SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing the RFA/SBREFA, please visit EPA's RFA/SBREFA website at *https://www.epa.gov/reg-flex.*

IV. Thank You for Collaborating With Us

Finally, we would like to thank those of you who choose to join with us in making progress on the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a valuable tool for addressing the problems we face, and the regulatory agenda is an important part of that process.

Dated: July 25, 2018.

Brittany Bolen,

Associate Administrator, Office of Policy.

35—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
356	Methylene Chloride; Rulemaking Under TSCA Section 6(a)	2070–AK07

35—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
357	Trichloroethylene (TCE); Rulemaking Under TSCA Section 6(a); Vapor Degreasing	2070–AK11
358	N-Methylpyrrolidone; Regulation of Certain Uses Under TSCA Section 6(a)	2070–AK46

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Final Rule Stage

356. Methylene Chloride; Rulemaking Under TSCA Section 6(A)

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 2605, Toxic Substances Control Act; 15 U.S.C. 2625 TSCA 26

Abstract: Section 6(a) of the Toxic Substances Control Act provides authority for EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemical substances, as well as any manner or method of disposal. Section 26(l)(4) of TSCA authorizes EPA to issue rules under TSCA section 6 for chemicals listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which EPA published completed risk assessments prior to June 22, 2016, consistent with the scope of the completed risk assessment. Methylene chloride is used in paint and coating removal in commercial processes and consumer products. In the August 2014 TSCA Work Plan Chemical Risk Assessment for methylene chloride, EPA characterized risks from use of these chemicals in paint and coating removal. On January 19, 2017, EPA preliminarily determined that the use of methylene chloride in paint and coating removal poses an unreasonable risk of injury to health. EPA also proposed prohibitions and restrictions on the manufacture, processing, and distribution in commerce of methylene chloride for all consumer and most types of commercial paint and coating removal and on the use of methylene chloride in commercial paint and coating removal in specified sectors. While EPA proposed to identify the use of methylene chloride in commercial furniture refinishing as presenting an unreasonable risk, EPA intends to further evaluate the commercial furniture refinishing use and develop an

appropriate regulatory risk management approach under the process for risk evaluations for existing chemicals under TSCA. Although N-methylpyrrolidone (NMP) was included in the January 2017 proposed rule, EPA intends to address NMP use in paint and coating removal in the risk evaluation for NMP and to consider any resulting risk reduction requirements in a separate regulatory action (RIN 2070–AK46).

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 7464
NPRM Comment Period Extended.	05/01/17	82 FR 20310
Notice	08/30/17	82 FR 41256
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ana Corado, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7408M, Washington, DC 20460, *Phone:* 202 564–0140, *Email: corado.ana@epa.gov.*

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 564–2228, *Fax:* 202 566–0471, *Email: wolf.joel@epa.gov.*

RIN: 2070–AK07

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Long-Term Actions

357. Trichloroethylene (TCE); Rulemaking Under TSCA Section 6(A); Vapor Degreasing

E.O. 13771 Designation: Regulatory

Legal Authority: 15 U.S.C. 2605, Toxic Substances Control Act

Abstract: Section 6(a) of the Toxic Substances Control Act (TSCA) provides authority for EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemical substances, as well as any manner or method of disposal. Section 26(l)(4) of TSCA authorizes EPA to issue rules under TSCA section 6 for chemicals listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which EPA published completed risk assessments prior to June 22, 2016, consistent with the scope of the completed risk assessment. In the June 2014 TSCA Work Plan Chemical Risk Assessment for TCE, EPA characterized risks from the use of TCE in commercial degreasing and in some consumer uses. EPA has preliminarily determined that these risks are unreasonable risks. On January 19, 2017, EPA proposed to prohibit the manufacture, processing, distribution in commerce, or commercial use of TCE in vapor degreasing. A separate action (RIN 2070–AK03), published on December 16, 2016, proposed to address the unreasonable risks from TCE when used as a spotting agent in dry cleaning and in commercial and consumer aerosol spray degreasers.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 7432
NPRM Comment Period Extended.	02/15/17	82 FR 10732
NPRM Comment Period Extended.	05/01/17	82 FR 20310
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Toni Krasnic, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC 20460, *Phone:* 202 564–0984, *Email: krasnic.toni@epa.gov.*

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202–564–2228, *Fax:* 202–566–0471, *Email: wolf.joel@epa.gov.*

RIN: 2070–AK11

358. • N-Methylpyrrolidone; Regulation of Certain Uses Under TSCA Section 6(A)

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 2605, Toxic Substances Control Act

Abstract: Section 6(a) of the Toxic Substances Control Act provides authority for EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemical substances, as well as any manner or method of disposal. Section 26(l)(4) of TSCA authorizes EPA to issue rules under TSCA section 6 for chemicals listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which EPA published completed risk assessments prior to June 22, 2016, consistent with the scope of the completed risk assessment. N-methylpyrrolidone (NMP) is used in paint and coating removal in commercial processes and consumer products. In the March 2015 TSCA Work Plan Chemical Risk Assessment for NMP, EPA characterized risks from use of this chemical in paint and coating removal. On January 19, 2017, EPA preliminarily determined that the use of NMP in paint and coating removal poses an unreasonable risk of injury to health. EPA also co-proposed two options for NMP in paint and coating removal. The first co-proposal would prohibit the manufacture, processing, and distribution in commerce of NMP for all consumer and most commercial paint and coating removal and the use of NMP for most commercial paint and coating removal. The second co-proposal would require commercial users of NMP for paint and coating removal to establish a worker protection program and not use paint and coating removal products that contain greater than 35% NMP by weight, with certain exceptions; and require processors of products containing NMP for paint and coating removal to reformulate products such that they do not exceed 35% NMP by weight, to identify gloves that provide effective protection for the formulation, and to provide warnings and instructions on any paint and coating removal products containing NMP.

Timetable:

Action	Date	FR Cite
NPRM	01/17/17	82 FR 7464
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ana Corado, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7408M, Washington, DC 20460, *Phone:* 202–564–0140, *Email: corado.ana@epa.gov.*

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202–564–2228, *Fax:* 202–566–0471, *Email: wolf.joel@epa.gov.*

RIN: 2070–AK46

[FR Doc. 2018–23914 Filed 11–15–18; 8:45 am]

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FEDERAL REGISTER

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Part XVI

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION

40 CFR 1900

41 CFR Chapters 101, 102, 105, 300, 301, and 302

48 CFR Chapter 5

48 CFR 6101 and 6102

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the spring 2018 edition. This agenda was developed under the guidelines of Executive Orders (E.O.) 12866, ''Regulatory Planning and Review,'' as amended, Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review.'' GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated. Published proposed and final rules may be reviewed in their entirety at the Government's rulemaking website at *http://www.regulations.gov.*

The complete Unified Agenda will be available online at *www.reginfo.gov.*

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA's regulatory plan.

FOR FURTHER INFORMATION CONTACT: Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street NW, 2nd Floor, Washington, DC 20405–0001, 202–501–2735.

Dated: July 27, 2018.

Jessica Salmoiraghi,

Associate Administrator, Office of Government-wide Policy.

GENERAL SERVICES ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
359	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G506, Adoption of Construction Project Delivery Method Involving Early Industry Engagement (**Reg Plan Seq No. 146**).	3090–AJ64
360	General Services Acquisition Regulation (GSAR); GSAR Case 2016–G511, Contract Requirements for GSA Information Systems (**Reg Plan Seq No. 147**).	3090–AJ84
361	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2016–G515, Cyber Incident Reporting (**Reg Plan Seq No. 148**).	3090–AJ85
362	Federal Permitting Improvement Steering Council (FPISC); FPISC Case 2018–001; Fees for Governance, Oversight, and Processing of Environmental Reviews and Authorizations (**Reg Plan Seq No. 149**).	3090–AJ88

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

GENERAL SERVICES ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
363	GSAR Case 2008–G517, Cooperative Purchasing—Acquisition of Security and Law Enforcement Related Goods and Services (Schedule 84) by State and Local Governments Through Federal Supply Schedules (**Reg Plan Seq No. 150**).	3090–AI68
364	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contract Administration (**Reg Plan Seq No. 151**).	3090–AJ41
365	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G503, Construction Contract Administration.	3090–AJ63
366	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2019–G501, Ordering Procedures for Commercial e-Commerce Portals (**Reg Plan Seq No. 152**).	3090–AK03
367	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2019–G502, Contractual Arrangements for Commercial e-Commerce Portals.	3090–AK04

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acquisition Policy

Proposed Rule Stage

359. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G506, Adoption of Construction Project Delivery Method Involving Early Industry Engagement

Regulatory Plan: This entry is Seq. No. 146 in part II of this issue of the **Federal Register**.

RIN: 3090–AJ64

360. General Services Acquisition Regulation (GSAR); GSAR Case 2016–G511, Contract Requirements for GSA Information Systems

Regulatory Plan: This entry is Seq. No. 147 in part II of this issue of the **Federal Register**.

RIN: 3090–AJ84

361. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2016–G515, Cyber Incident Reporting

Regulatory Plan: This entry is Seq. No. 148 in part II of this issue of the **Federal Register**.

RIN: 3090–AJ85

OFFICE OF GOVERNMENTWIDE POLICY

362. Federal Permitting Improvement Steering Council (FPISC); FPISC Case 2018–001; Fees for Governance, Oversight, and Processing of Environmental Reviews and Authorizations

Regulatory Plan: This entry is Seq. No. 149 in part II of this issue of the **Federal Register**.

RIN: 3090–AJ88

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acquisition Policy

Final Rule Stage

363. GSAR Case 2008–G517, Cooperative Purchasing—Acquisition of Security and Law Enforcement Related Goods and Services (Schedule 84) by State and Local Governments Through Federal Supply Schedules

Regulatory Plan: This entry is Seq. No. 150 in part II of this issue of the **Federal Register**.

RIN: 3090–AI68

364. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contract Administration

Regulatory Plan: This entry is Seq. No. 151 in part II of this issue of the **Federal Register**.

RIN: 3090–AJ41

365. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G503, Construction Contract Administration

E.O. 13771 Designation: Other.

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

Abstract: 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 related parts, to maintain consistency with the Federal Acquisition Regulation (FAR) and to incorporate updated construction contract administration policies and procedures.

The changes fall into five categories: (1) Incorporating existing Agency policy previously issued through other means, (2) reorganizing to better align with the FAR, (3) incorporating Agency unique clauses, (4) incorporating supplemental material, and (5) editing for clarity.

Timetable:

Action	Date	FR Cite
NPRM	09/09/16	81 FR 62434
NPRM Comment Period End.	11/08/16	
Final Rule	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tony Hubbard, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 357–5810, *Email: tony.hubbard@gsa.gov*.

RIN: 3090–AJ63

366. • General Services Administration Acquisition Regulation (GSAR); GSAR Case 2019–G501, Ordering Procedures for Commercial E-Commerce Portals

Regulatory Plan: This entry is Seq. No. 152 in part II of this issue of the **Federal Register**.

RIN: 3090–AK03

367. • General Services Administration Acquisition Regulation (GSAR); GSAR Case 2019–G502, Contractual Arrangements for Commercial E-Commerce Portals

E.O. 13771 Designation: Other.

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

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to reflect a deviation from the Federal Acquisition Regulation (FAR) requirements applicable to acquisitions of commercial items and commercially available off-the-shelf items. The deviation will be applicable to the arrangements GSA enters into under the program required by section 846 of the National Defense Authorization Act for Fiscal Year 2018, Procurement Through Commercial e-Commerce Portals. The rule will establish the streamlined and simplified terms and conditions that will apply to GSA's contracts with providers of commercial e-commerce portals, as well as to the suppliers selling on the portals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/19	
Interim Final Rule Comment Period End.	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew McFarland, Legislative and Regulatory Advisor, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 301 758–5880, *Email: matthew.mcfarland@gsa.gov*.

RIN: 3090–AK04

[FR Doc. 2018–24197 Filed 11–15–18; 8:45 am]

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FEDERAL REGISTER

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Part XVII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: NASA's regulatory agenda describes those regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of the knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

The regulatory plan is a statement of the Agency's priorities that describe legislative and programmatic activities, highlight rulemaking that streamline's regulations and report requirements, identify regulations that are of particular concern to small businesses, include preliminary estimates of the anticipated costs and benefits of each rule, and provide specific citation of actions required by statue or court order.

ADDRESSES: Deputy Associate Administrator, Office Mission Support Directorate, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Cheryl E. Parker, (202) 358–0252.

SUPPLEMENTARY INFORMATION: OMB guidelines dated June 18, 2018, ''Fall 2017 Data Call for the Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,'' require a regulatory agenda of those regulations under development and review to be published in the **Federal Register** each spring and fall.

Dated: July 27, 2018.

Verron Brade,

Deputy Associate Administrator, Office of the Mission Support Directorate.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
368	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (**Section 610 Review**).	2700–AE49

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Final Rule Stage

368. • Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 51 U.S.C. 20113

Abstract: In December, 2014, OMB together with NASA and the other Federal awarding agencies, issued a joint interim rule to implement the new guidance at 2 CFR 200 titled ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).'' OMB used the rulemaking procedure when promulgating this common rule on grants and cooperative agreements and required each agency to adopt OMB's common rule on grants and cooperative agreements. Although statutorily unnecessary, NASA used rulemaking procedures in 2015 to incorporate portions of the Uniform Guidance into the Federal Regulations because the NASA Grants Management function was affiliated with Procurement Operations at the time. For example, a review of all Federal grant awarding agencies of their handling of 2 CFR 200 subtitle B indicated that only 2700–AE49 NASA of the 32 Agencies and Offices of the federal government included Terms and Conditions in Federal Regulations. The below requested change will reduce burden by having unnecessary requirements in the Federal Regulations removed as well as allow NASA to streamline its practices to comport with other Federal grant awarding agencies. NASA is issuing a direct final rule to:

1. Remove the Certifications, Assurances, and Representations Appendix A from 2 CFR 1800.
2. Remove the Terms and Conditions Appendix B from 2 CFR 1800.
3. Change section 1800.208 and take out ''the certification and representations for NASA may be found at Appendix A of this part.''
4. Change section 1800.210 and take out ''the terms and conditions for NASA may be found at Appendix A of this part.''

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Pillai Chandran, Staff Accountant, National Aeronautics and Space Administration, 300 E Street SW, Washington, DC 20546, *Phone:* 202 358–705, *Email: chandran.pillai-1@nasa.gov.*

RIN: 2700–AE49

[FR Doc. 2018–24163 Filed 11–15–18; 8:45 am]

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Part XVIII

Railroad Retirement Board

Semiannual Regulatory Agenda

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda contains a list of regulations that the Board is developing or proposes to develop in the next 12 months and regulations that are scheduled to be reviewed in that period.

ADDRESSES: 844 North Rush Street, Chicago, IL 60611–1275.

FOR FURTHER INFORMATION CONTACT: Marguerite P. Dadabo, Assistant General Counsel, Office of General Counsel, Railroad Retirement Board, (312) 751–4945, Fax (312) 751–7102, TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or which pertain solely to internal Agency management have not been included in the agenda.

Dated: July 27, 2018.

By Authority of the Board.

Martha P. Rico-Parra,

Secretary to the Board.

RAILROAD RETIREMENT BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
369	Proposed Amendment to Update the Titles of Various Executive Committee Members Whose Office Titles Have Changed (**Section 610 Review**).	3220–AB72

RAILROAD RETIREMENT BOARD (RRB)

Long-Term Actions

369. • Proposed Amendment To Update the Titles of Various Executive Committee Members Whose Office Titles Have Changed (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: Not Yet Determined

Abstract: The Railroad Retirement Board proposes to amend its regulations to update 20 CFR 375.5(b), which will change the titles of various Executive Committee members whose office titles have changed. The Railroad Retirement Board (Board) proposes to amend its regulations governing the Board's policy on delegation of authority in case of national emergency. The regulation to be amended is contained in section 375.5. In section 375.5(b) of the Board's regulations, the Board proposes to remove the language that refers to the ''Director of Supply and Service'' and the ''Regional Directors,'' to update the title of Director of Administration to ''Director of Administration/COOP Executive,'' and to add the positions of ''Chief Financial Officer'' and ''Director of Field Service'' to the delegation of authority chain. Finally, the delegation of authority chain will be updated to reflect the addition of the updated titles and the removal of outdated positions.

Timetable:

Action	Date	FR Cite
Proposed Rule	10/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, Office of General Counsel, 844 North Rush Street, Room 811, Chicago, IL 60611, *Phone:* 312 751–4945, *TDD Phone:* 312 751–4701, *Fax:* 312 751–7102.

RIN: 3220–AB72

[FR Doc. 2018–24164 Filed 11–15–18; 8:45 am]

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Part XIX

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This semiannual Regulatory Agenda (Agenda) is a summary of current and projected regulatory and deregulatory actions and completed actions of the Small Business Administration (SBA). This summary information is intended to enable the public to be more aware of, and effectively participate in, SBA's regulatory and deregulatory activities. Accordingly, SBA invites the public to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General: Please direct general comments or inquiries to Imelda A. Kish, Law Librarian, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416, (202) 205–6849, *imelda.kish@sba.gov.*

Specific: Please direct specific comments and inquiries on individual regulatory activities identified in this Agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) requires SBA to publish in the **Federal Register** a semiannual regulatory flexibility agenda describing those Agency rules that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). The summary information published in the **Federal Register** is limited to those rules. Additional information regarding all of the rulemakings SBA expects to consider in the next 12 months is included in the Federal Government's complete Regulatory Agenda, which will be available online at *www.reginfo.gov* in a format that offers users enhanced ability to obtain information about SBA's rules.

SBA is fully committed to implementing the Administration's regulatory reform policies, as established by Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs (January 30, 2017) and Executive Order 13777, Enforcing the Regulatory Reform Agenda (February 24, 2017). In order to fully implement the goal of these executive orders, SBA seeks feedback from the public in identifying any SBA regulations affected parties believe impose unnecessary burdens or costs that exceed their benefits; eliminate jobs or inhibit job creation; or are ineffective or outdated.

Dated: July 27, 2018.

Linda E. McMahon,

Administrator.

SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
370	Small Business Development Center Program Revisions	3245–AE05
371	Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs	3245–AG16
372	Small Business HUBZone Program and Government Contracting Programs (**Reg Plan Seq No. 157**)	3245–AG38
373	Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification (**Reg Plan Seq No. 158**).	3245–AG75
374	National Defense Authorization Acts of 2016 and 2017, RISE After Disaster Act of 2015, and Other Small Business Government Contracting Amendments.	3245–AG86
375	Small Business Size Standards: Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation; Accommodation and Food Services; Other Services.	3245–AG88
376	Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction.	3245–AG89
377	Small Business Size Standards: Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing.	3245–AG90
378	Small Business Size Standards: Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support, Waste Management and Remediation Services.	3245–AG91
379	Streamlining and Modernizing Certified Development Company Program (504 Loan Program) Corporate Governance Requirements.	3245–AG97
380	Streamlining and Modernizing the 7(a), Microloan, and 504 Loan Programs to Reduce Unnecessary Regulatory Burden.	3245–AG98

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
381	Small Business Timber Set-Aside Program	3245–AG69

SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
382	Ownership and Control of Service-Disabled Veteran-Owned Small Business Concerns	3245–AG85

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

370. Small Business Development Center Program Revisions

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 634(b)(6); 15 U.S.C. 648

Abstract: Updates the Small Business Development Center (SBDC) program regulations by proposing to amend: (1) Procedures for approving applications for new Host SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S. territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (4) requirements for new or renewal applications for SBDC grants, including electronic submission through the approved electronic Government submission facility; (5) procedures regarding the determination to affect suspension, termination or non-renewal of an SBDC's cooperative agreement; and (6) provisions regarding the collection and use of the individual SBDC client data.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/15	80 FR 17708
ANPRM Comment Period End.	06/01/15	
NPRM	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bruce D. Purdy, Deputy Associate Administrator for Small Business Development Centers, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7532, *Email: bruce.purdy@sba.gov.*

RIN: 3245–AE05

371. Small Business Size Standards; Alternative Size Standard for 7(A), 504, and Disaster Loan Programs

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 111–240, sec. 1116

Abstract: SBA will request public comment on options to amend its size eligibility criteria for Business Loans, certified development company (CDC) loans under title V of the Small Business Investment Act (504) and economic injury disaster loans (EIDL). For the SBA 7(a) Business Loan Program and the 504 program, the eventual amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until SBA's Administrator establishes other alternative size standards. For the disaster loan program, the amendments will provide an alternative size standard for loan applicants that do not meet the Small Business Size Standard for their industries. SBA loan program alternative size standards do not affect other Federal Government programs, including Federal procurement.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/18	83 FR 12506
ANPRM Comment Period End.	05/21/18	
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG16

372. Small Business Hubzone Program and Government Contracting Programs

Regulatory Plan: This entry is Seq. No. 157 in part II of this issue of the **Federal Register**.

RIN: 3245–AG38

373. Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification

Regulatory Plan: This entry is Seq. No. 158 in part II of this issue of the **Federal Register**.

RIN: 3245–AG75

374. National Defense Authorization Acts of 2016 and 2017, Rise After Disaster Act of 2015, and Other Small Business Government Contracting Amendments

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 637(d)(17); Pub. L. 114–328, sec. 1811, sec. 1821; Pub. L. 114–92, sec. 863; Pub. L. 114–88, sec. 2108

Abstract: Section 1811 of the National Defense Authorization Act (NDAA) for Fiscal Year 2017, Public Law 114–328, Dec. 23, 2016, (NDAA) of 2017 limits the scope of review of Procurement Center Representatives for certain Department of Defense procurements performed outside of the United States. Section 1821 of the NDAA of 2017 establishes that failure to act in good faith in providing timely subcontracting reports shall be considered a material breach of the contract. Section 863 of the NDAA for FY 2016, Public Law 114–92, Nov. 25, 2015, establishes procedures for the publication of acquisition strategies if the acquisition involves consolidation or substantial bundling. SBA also intends to request comment on various proposed changes requested by industry or other agencies, including those pertaining to exclusions from calculating compliance with the limitations on subcontracting, an agency's ability to set aside orders under set-aside contracts, and a contracting officer's authority to request reports on a prime contractor's compliance with the limitations on subcontracting. Section 2108 of Public Law 114–88 provides agencies with double credit when they award to a local small business in a disaster area.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, Director, Office of Policy, Planning and Liaison, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 619–1766, *Fax:* 202 481–2950, *Email: kenneth.dodds@sba.gov.*

RIN: 3245–AG86

375. Small Business Size Standards: Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation; Accommodation and Food Services; Other Services

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate size standards for all industries in North American Industry Classification System (NAICS) Sector 61 (Educational Services), Sector 62 (Health Care and Social Assistance), Sector 71 (Arts, Entertainment and Recreation), Sector 72 (Accommodation and Food Services), and Sector 81 (Other Services) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its

Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG88

376. Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 11 (Agriculture, Forestry, Fishing and Hunting), Sector 21 (Mining, Quarrying, and Oil and Gas Extraction), Sector 22 (Utilities), and Sector 23 (Construction), and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG89

377. Small Business Size Standards: Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 48–49 (Transportation and Warehousing), Sector 51 (Information), Sector 52 (Finance and Insurance), and Sector 53 (Real Estate and Rental and Leasing) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG90

378. Small Business Size Standards: Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support, Waste Management and Remediation Services

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 54 (Professional, Scientific and Technical Services), Sector 55 (Management of Companies and Enterprises), and Sector 56 (Administrative and Support, Waste Management and Remediation Services) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG91

379. Streamlining and Modernizing Certified Development Company Program (504 Loan Program) Corporate Governance Requirements

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 695 *et seq.*

Abstract: SBA is proposing to simplify, streamline, and update SBA's regulations relating to CDC operational and organizational requirements in order to improve efficiencies and achieve costs savings without compromising performance in the 504 Loan Program. The proposed changes include lowering the number of directors required for the CDC's Board; clarifying that members of the Board must live or work in the CDC's Area of Operations; eliminating the requirement that one Board member represent the economic, community or workforce development fields; eliminating the requirement that limits the number of Board members in the commercial lending field to less than 50 percent of the Board; increasing the 504 loan portfolio balance above which each CDC must have its financial statements audited annually by a certified public accountant, resulting in increased savings to CDCs without creating undue risk; eliminating the requirement that a Multi-State CDC establish a Loan Committee in each State into which it expands; allowing a CDC to make a 504 loan outside its Area of Operation to an affiliate of a business that the CDC previously assisted; allowing CDCs that participate in the Premier Certified Lenders Program to base the balance it is required to maintain in its Loan Loss Reserve Fund on a declining balance methodology instead of the original principal amount; and allowing CDCs to provide greater assistance to each other than currently authorized under certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Reilly, Chief, 504 Loan Program, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–9949, *Email: linda.reilly@sba.gov.*

RIN: 3245–AG97

380. Streamlining and Modernizing the 7(A), Microloan, and 504 Loan Programs To Reduce Unnecessary Regulatory Burden

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 636(a); 15 U.S.C. 636(m); 15 U.S.C. 695 *et seq.*

Abstract: SBA is proposing to streamline the regulations in part 120 of chapter 13 of the Code of Federal Regulations that apply to the 7(a), Microloan, and 504 Loan Programs by eliminating the provisions that are obsolete, ineffective or unnecessary. The proposed changes include removing regulations related to programs that are either no longer in effect or have not been funded for many years, such as America's Recovery Capital Loan Program, direct loans, or a veteran's loan program; and clarifying the factors that SBA will consider when seeking the appointment of a receiver and the scope of the receivership with respect to Certified Development Companies, Small Business Lending Companies, and Non-Federally Regulated Lenders.

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Reilly, Chief, 504 Loan Program, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–9949, *Email: linda.reilly@sba.gov.*

RIN: 3245–AG98

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

381. Small Business Timber Set-Aside Program

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 631; 15 U.S.C. 644(a)

Abstract: The U.S. Small Business Administration (SBA or Agency) is amending its Small Business Timber Set-Aside Program (the Program) regulations. The Small Business Timber Set-Aside Program is rooted in the Small Business Act, which tasked SBA with ensuring that small businesses receive a fair proportion of the total sales of government property. Accordingly, the Program requires Timber sales to be set aside for small business when small business participation falls below a certain amount. SBA considered comments received during the Advance Notice of Proposed Rulemaking and Notice of Proposed Rulemaking processes, including on issues such as, but not limited to, whether the saw timber volume purchased through stewardship timber contracts should be included in calculations, and whether the appraisal point used in set-aside sales should be the nearest small business mill. In addition, SBA is considering data from the timber industry to help evaluate the current program and economic impact of potential changes.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/15	80 FR 15697
ANPRM Comment Period End.	05/26/15	
NPRM	09/27/16	81 FR 66199
NPRM Comment Period End.	11/28/16	
Final Rule	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David W. Loines, Area Director, Office of Government Contracting, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7311, *Email: david.loines@sba.gov.*

RIN: 3245–AG69

SMALL BUSINESS ADMINISTRATION (SBA)

Completed Actions

382. Ownership and Control of Service-Disabled Veteran-Owned Small Business Concerns

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 114–328, sec. 1832, sec. 1835

Abstract: Section 1832 of the National Defense Authorization Act for Fiscal Year 2017 (NDAA), Public Law 114–328, Dec. 23, 2016, provides for a government-wide, uniform definition of a small business concern owned and controlled by a service-disabled veteran. Section 1835 requires the Small Business Administration (SBA) and the Department of Veterans Affairs (VA) to issue guidance, not later than 180 days after the date of enactment of the NDAA of 2017. The rule will amend SBA's regulations to create a uniform definition of a small business owned and controlled by a service-disabled veteran to be used for purposes of eligibility for government procurements by agencies other than the VA under the authority of 15 U.S.C. 657f, and by the VA for VA procurements in accordance with 38 U.S.C. 8127. These changes will include addressing ownership by an employee stock ownership plan (ESOP) and ownership and control by a surviving spouse.

Completed:

Reason	Date	FR Cite
Final Rule	09/28/18	83 FR 48908
Final Rule Effective.	10/01/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, *Phone:* 202 619–1766, *Fax:* 202 481–2950, *Email: kenneth.dodds@sba.gov.*

RIN: 3245–AG85

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Part XX

Department of Defense
General Services Administration
National Aeronautics and Space Administration

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (1993), with particular adherence to Executive Order 13771, ''Reducing Regulation and Controlling Costs,'' 82 FR 9339 (2017); Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' 82 FR 12285, and the Regulatory Flexibility Act, 5 U.S.C. 601 to 612. The purpose of publishing this agenda is to give notice of regulatory activity being undertaken by the FAR Council in order to provide the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street NW, 2nd Floor, Washington, DC 20405–0001, 202–501–2735.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under the Office of Federal Procurement Policy (OFPP) Act (41 U.S.C. 1303) and the Agencies' several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR website at *http://www.acquisition.gov/far.*

The information provided in the Unified Agenda (Agenda) previews the rulemaking activities that we expect to undertake in the immediate future. The Agenda focuses primarily on those actions expected to result in publication of Advanced Notices of Proposed Rulemaking, Notices of Proposed Rulemaking, or Final Rules within the next 12 months.

A fully searchable e-Agenda is available for viewing in its entirety at *www.reginfo.gov.* Agenda information is also available at *www.regulations.gov,* the Governmentwide website for submission of comments on proposed regulations. Our fall 2018 agenda follows.

Dated: July 27, 2018.

William F. Clark,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
383	Federal Acquisition Regulation (FAR); FAR Case 2015–021; Determination of Fair and Reasonable Prices on Orders Under Multiple Award Contracts.	9000–AM94
384	FAR Acquisition Regulation (FAR); FAR Case 2015–038, Reverse Auction Guidance	9000–AN31
385	Federal Acquisition Regulation (FAR); FAR Case 2017–005, Whistleblower Protection for Contractor Employees.	9000–AN32
386	Federal Acquisition Regulation; FAR Case 2016–002, Applicability of Small Business Regulations Outside the United States.	9000–AN34
387	Federal Acquisition Regulation (FAR); FAR Case 2016–011, Revision of Limitations on Subcontracting	9000–AN35
388	Federal Acquisition Regulation (FAR); FAR Case 2016–013, Tax on Certain Foreign Procurement	9000–AN38
389	Federal Acquisition Regulation (FAR); FAR Case 2017–003; Individual Sureties	9000–AN39
390	Federal Acquisition Regulations (FAR); FAR Case 2015–002, Requirements for DD Form 254, Contract Security Classification Specification.	9000–AN40
391	Federal Acquisition Regulation (FAR); FAR Case 2017–014, Use of Acquisition 360 to Encourage Vendor Feedback.	9000–AN43
392	Federal Acquisition Regulation (FAR); FAR Case 2017–013, Breaches of Personally Identifiable Information.	9000–AN44
393	Federal Acquisition Regulation (FAR); FAR Case 2017–011, Section 508-Based Standards in Information and Communication Technology.	9000–AN46
394	Federal Acquisition Regulation (FAR); FAR Case 2016–012, Incremental Funding of Fixed-Price Contracting Actions.	9000–AN47
395	Federal Acquisition Regulation (FAR); FAR Case 2017–010, Evaluation Factors for Multiple-Award Contracts.	9000–AN54
396	Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI)	9000–AN56
397	Federal Acquisition Regulation (FAR); FAR Case 2017–020, Ombudsman for Indefinite-Delivery Contracts	9000–AN58
398	Federal Regulation Acquisition (FAR); FAR Case 2017–019, Policy on Joint Ventures	9000–AN59
399	Federal Acquisition Regulation (FAR); FAR Case 2018–003, Credit for Lower-Tier Small Business Subcontracting.	9000–AN61
400	Federal Acquisition Regulation (FAR); FAR Case 2018–002, Protecting Life in Global Health Assistance	9000–AN62
401	Federal Acquisition Regulation (FAR); FAR Case 2017–017, Rental Cost Analysis in Equipment Acquisitions.	9000–AN63
402	Federal Acquisition Regulation (FAR); FAR Case 2018–004; Increased Micro-Purchase and Simplified Acquisition Thresholds.	9000–AN65
403	Federal Acquisition Regulation (FAR); FAR Case 2018–006; Provisions and Clauses for Commercial Items and Simplified Acquisitions.	9000–AN66
404	Federal Acquisition Regulation (FAR); FAR Case 2018–005, Modifications to Cost or Pricing Data and Reporting Requirements.	9000–AN69
405	Federal Acquisition Regulation (FAR); FAR Case 2018–012, Rights to Federally Funded Inventions and Licensing of Government-Owned Inventions.	9000–AN71
406	Federal Acquisition Regulation (FAR); FAR Case 2018–013, Exemption of Commercial and COTS Item Contracts from Certain Laws and Regulations.	9000–AN72

DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
407	Federal Acquisition Regulation (FAR); FAR Case 2018–014, Increasing Task-Order Level Competition	9000–AN73
408	Federal Acquisition Regulation (FAR); FAR Case 2018–016, Lowest Price Technically Acceptable Source Selection Process.	9000–AN75
409	Federal Acquisition Regulation (FAR); FAR Case 2018–018, Revision of Definition of "Commercial Item"	9000–AN76
410	Federal Acquisition Regulation (FAR); FAR Case 2018–019, Review of Commercial Clause Requirements and Flowdown.	9000–AN77
411	Federal Acquisition Regulation (FAR); FAR Case 2018–020, Construction Contract Administration	9000–AN78
412	Federal Acquisition Regulation (FAR); FAR Case 2018–021, Reserve Officer Training Corps and Military Recruiting on Campus.	9000–AN79
413	Federal Acquisition Regulation (FAR); FAR Case 2018–022; Orders Issued Via Fax or Electronic Commerce.	9000–AN80
414	Federal Acquisition Regulation (FAR); FAR Case 2018–023, Taxes—Foreign Contracts in Afghanistan	9000–AN81
415	Federal Acquisition Regulation (FAR); FAR Case 2018–024; Use of Interagency Fleet Management System Vehicles and Related Services.	9000–AN82

DOD/GSA/NASA (FAR)—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
416	Federal Acquisition Regulation (FAR); FAR Case 2013–002; Reporting of Nonconforming Items to the Government-Industry Data Exchange Program.	9000–AM58
417	Federal Acquisition Regulation (FAR); FAR Case 2014–002; Set-Asides Under Multiple Award Contracts	9000–AM93
418	Federal Acquisition Regulation (FAR); FAR Case 2015–017; Combating Trafficking in Persons—Definition of "Recruitment Fees".	9000–AN02
419	Federal Acquisition Regulation: FAR Case 2016–005; Effective Communication Between Government and Industry.	9000–AN29
420	Federal Acquisition Regulation (FAR); FAR Case 2017–009, Special Emergency Procurement Authority	9000–AN45
421	Federal Acquisition Regulation (FAR); FAR Case 2017–006, Exception From Certified Cost or Pricing Data Requirements—Adequate Price Competition.	9000–AN53
422	Federal Acquisition Regulation (FAR); FAR Case 2017–018, Violation of Arms Control Treaties or Agreements With the United States.	9000–AN57
423	Federal Acquisition Regulation (FAR); FAR Case 2018–010, Use of Product and Services of Kaspersky Lab.	9000–AN64
424	Federal Acquisition Regulation (FAR); FAR Case 2018–017, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.	9000–AN83

DOD/GSA/NASA (FAR)—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
425	Federal Acquisition Regulation (FAR); FAR Case 2016–007, Non-Retaliation for Disclosure of Compensation Information.	9000–AN10
426	Federal Acquisition Regulation (FAR); FAR Case 2015–005, System for Award Management Registration	9000–AN19
427	Federal Acquisition Regulation (FAR); FAR Case 2015–039, Audit of Settlement Proposals	9000–AN26
428	Federal Acquisition Regulation (FAR); FAR Case 2017–001, Paid Sick Leave for Federal Contractors	9000–AN27
429	Federal Acquisition Regulation (FAR); FAR Case 2017–004, Liquidated Damages Rate Adjustment	9000–AN37
430	Federal Acquisition Regulation (FAR); FAR Case 2017–007, Task- and Delivery-Order Protests	9000–AN41
431	Federal Acquisition Regulation (FAR); FAR Case 2018–009, One Dollar Coins	9000–AN70

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

383. Federal Acquisition Regulation (FAR); FAR Case 2015–021; Determination of Fair and Reasonable Prices on Orders Under Multiple Award Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to direct ordering activity contracting officers to make a determination of fair and reasonable pricing when placing an order against GSA's Federal Supply Schedules (FSS). The Federal Acquisition Streamlining Act (FASA) of 1994 established a preference for the types of information used to assess price reasonableness.

This rule establishes a practice that will ensure that prices are fair and reasonable at the time the order is placed under the GSA's FSS. This Government-wide FAR rule will ensure uniform implementation of this FAR change across FAR-based contracts and avoid the proliferation of agency-wide rules and actions (*e.g.,* revisions to FAR supplements or issuance of policy guidance) implementing this requirement.

Timetable:

Action	Date	FR Cite
NPRM	06/00/19	
NPRM Comment Period End.	08/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AM94

384. Far Acquisition Regulation (FAR); FAR Case 2015–038, Reverse Auction Guidance

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement policies addressing the effective use of reverse auctions. Reverse auctions involve offerors lowering their pricing over multiple rounds of bidding in order to win Federal contracts. This change incorporates guidance from the Office of Federal Procurement Policy (OFPP) memorandum, ''Effective Use of Reverse Auctions,'' which was issued in response to recommendations from the GAO report, *Reverse Auctions: Guidance is Needed to Maximize Competition and Achieve Cost Savings* (GAO–14–108). Reverse auctions are one tool used by Federal agencies to increase competition and reduce the cost of certain items. Reverse auctions differ from traditional auctions in that sellers compete against one another to provide the lowest price or highest-value offer to a buyer. This change to the FAR will include guidance that will standardize agencies' use of reverse auctions to help agencies maximize competition and savings when using reverse auctions.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	
NPRM Comment Period End.	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN31

385. Federal Acquisition Regulation (FAR); FAR Case 2017–005, Whistleblower Protection for Contractor Employees

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement 41 U.S.C. 4712, ''Enhancement of Contractor Protection From Reprisal for Disclosure of Certain Information'' and makes the pilot program permanent. The pilot was enacted on January 2, 2013, by section 828 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013. The rule clarifies that contractors and subcontractors are prohibited from discharging, demoting, or otherwise discriminating against an employee as a reprisal for disclosing, to any of the entities such as agency Inspector Generals and Congress, information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract; a gross waste of Federal funds; an abuse of authority relating to a Federal contract; a substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a Federal contract (including, the competition for or negotiation of a contract). This rule enhances whistleblower protections for contractor employees, by making permanent the protection for disclosure of the aforementioned information, and ensuring that the prohibition on reimbursement for legal fees accrued in defense against reprisal claims applies to both contractors and subcontractors.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	
NPRM Comment Period End.	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AN32

386. Federal Acquisition Regulation; FAR Case 2016–002, Applicability of Small Business Regulations Outside the United States

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) consistent with SBA's regulation at 13 CFR 125.2 as finalized in its rule ''Acquisition Process: Task and Delivery Order Contracts, Bundling, Consolidation'' issued on October 2, 2013, to clarify that overseas contracting is not excluded from agency responsibilities to foster small business participation.

In its final rule, SBA has clarified that, as a general matter, its small business contracting regulations apply regardless of the place of performance. In light of these changes, there is a need to amend the FAR both to bring its coverage into alignment with SBA's regulation and to give agencies the tools they need, especially the ability to use set-asides to maximize opportunities for small businesses overseas.

SBA has included contracts performed outside of the United States in agencies' prime contracting goals since FY 2016. Although inclusion for goaling purposes is not dependent on FAR changes, amending FAR part 19 will allow agencies to take advantage of the tools authorized for providing small business opportunities for contracts awarded outside of the United States.

This will make it easier for small businesses to receive additional opportunities for contracts performed outside of the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	
NPRM Comment Period End.	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov.*

RIN: 9000–AN34

387. Federal Acquisition Regulation (FAR); FAR Case 2016–011, Revision of Limitations on Subcontracting

E.O. 13771 Designation: Regulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to revise and standardize the limitations on subcontracting, including the nonmanufacturer rule, that apply to small business concerns under FAR part 19 procurements. This proposed rule incorporates SBA's final rule that implemented the statutory requirements

of section 1651 of the National Defense Authorization Act (NDAA) for Fiscal Year 2013. This action is necessary to meet the Congressional intent of clarifying the limitations on subcontracting with which small businesses must comply, as well as the ways in which they can comply. The rule will benefit both small businesses and Federal agencies. The rule will allow small businesses to take advantage of subcontracts with similarly situated entities. As a result, these small businesses will be able to compete for larger contracts, which would positively affect their potential for growth as well as that of their potential subcontractors.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	
NPRM Comment Period End.	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov*.

RIN: 9000–AN35

388. Federal Acquisition Regulation (FAR); FAR Case 2016–013, Tax on Certain Foreign Procurement

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 37; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement a final rule issued by the Department of the Treasury that implements section 301 of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111347. This section imposes on any foreign person that receives a specified Federal procurement payment a tax equal to two percent of the amount of such payment. This rule applies to foreign persons that are awarded Federal Government contracts to provide goods or services.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	
NPRM Comment Period End.	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN38

389. Federal Acquisition Regulation (FAR); FAR Case 2017–003; Individual Sureties

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to change the kinds of assets that individual sureties must use as security for their individual surety bonds. This change implements section 874 of the National Defense Authorization Act (NDAA) for FY 2016 (Pub. L. 114–92), codified at 31 U.S.C. 9310, Individual Sureties. Individual sureties will no longer be able to pledge real property, corporate stocks, corporate bonds, or irrevocable letters of credit. The requirements of 31 U.S.C. 9310 are intended to strengthen the assets pledged by individual sureties, thereby mitigating risk to the Government.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	
NPRM Comment Period End.	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov*.

RIN: 9000–AN39

390. Federal Acquisition Regulations (FAR); FAR Case 2015–002, Requirements for DD Form 254, Contract Security Classification Specification

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to require the use of Department of Defense (DoD) Wide Area Workflow (WAWF) for the electronic submission of the DD Form 254, ''Contract Security Classification Specification.'' This form is used to convey security requirements regarding classified information to contractors and subcontractors and must be submitted to the Defense Security Services (DSS) when contractors or subcontractors require access to classified information under contracts awarded by agencies that are covered by the National Industrial Security Program (NISP). By changing the submittal process of the form from a manual process to an automated one, the Government will reduce the cost of maintaining the forms, while also providing a centralized repository for classified contract security requirements and supporting data.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	
NPRM Comment Period End.	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AN40

391. Federal Acquisition Regulation (FAR); FAR Case 2017–014, Use of Acquisition 360 To Encourage Vendor Feedback

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to address the solicitation of contractor feedback on both contract formation and contract administration activities. Agencies would consider this feedback, as appropriate, to improve the efficiency and effectiveness of their acquisition activities. The rule would create FAR policy to encourage regular feedback in accordance with agency practice (both for contract formation and administration activities) and a standard FAR solicitation provision to support a sustainable model for broadened use of the Acquisition 360 survey to elicit feedback on the pre-award and debriefing processes in a consistent and standardized manner. Agencies would be able to use the solicitation provision to notify interested sources that a procurement is part of the Acquisition 360 survey and encourage stakeholders to voluntarily provide feedback on their experiences on the pre-award process.

Timetable:

Action	Date	FR Cite
ANPRM	07/23/18	83 FR 34820
ANPRM Comment Period End.	09/21/18	
NPRM	03/00/19	
NPRM Comment Period End.	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AN43

392. Federal Acquisition Regulation (FAR); FAR Case 2017–013, Breaches of Personally Identifiable Information

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to create and implement appropriate contract clauses and regulatory coverage to address contractor requirements for a breach response consistent with the requirements. This FAR change will implement the requirements outlined in the Office of Management and Budget (OMB) Memorandum, M–17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information,'' section V part B.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	
NPRM Comment Period End.	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN44

393. Federal Acquisition Regulation (FAR); FAR Case 2017–011, Section 508-Based Standards in Information and Communication Technology

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to incorporate revisions and updates to standards in section 508 of the Rehabilitation Act of 1973, developed by the Architectural and Transportation Barriers Compliance Board (also referred to as the ''Access Board''). This FAR change incorporates the U.S. Access Board's final rule, ''Information and Communication Technology (ICT) Standards and Guidelines,'' published on January 18, 2017, which implemented revisions and updates to the section 508-based standards and section 255-based guidelines. This rule is expected to impose additional costs on Federal agencies. The purpose is to increase productivity for Federal employees with disabilities, time savings due to improved accessibility of federal websites for members of the public with disabilities, and reduced call volumes to Federal agencies. Additionally, this rule harmonizes standards with national and international consensus standards this would assist American ICT companies by helping them to achieve economies of scale created by a wider use of these technical standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	
NPRM Comment Period End.	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN46

394. Federal Acquisition Regulation (FAR); FAR Case 2016–012, Incremental Funding of Fixed-Price Contracting Actions

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to allow for incremental funding of certain fixed-price contracting actions to help minimize disruptions to agency operations, and to provide Federal acquisition professionals with new funding flexibility for fixed-price contracting actions. The FAR addresses incremental funding on cost reimbursement contracts, however, it does not provide coverage on fixed price contracts. Because the FAR is silent on the incremental funding of fixed-price contracts, contracting professionals endorse the full funding of fixed-price contracts as a best practice; however, in many cases full funding is not possible. Implementing this policy will provide the flexibility sought by several agencies. Although individual agencies have implemented their own policy changes in this regard, making this FAR change will provide consistency across all Government agencies.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	
NPRM Comment Period End.	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN47

395. Federal Acquisition Regulation (FAR); FAR Case 2017–010, Evaluation Factors for Multiple-Award Contracts

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 825 of the National Defense Authorization Act (NDAA) for FY 17 (Pub. L. 114–328). Section 825 amends 10 U.S.C. 2305(a)(3) to change the requirement regarding the consideration of cost or price to the Government as a factor in the evaluation of proposals for certain multiple-award task order contracts awarded by DoD, NASA, or the Coast Guard. At the Government's discretion, solicitations for multiple-award contracts, which intend to award the same or similar services to each qualifying offeror, do not require price or cost as an evaluation factor for the base contract award. This rule will streamline the award of contracts for DoD, NASA, and the Coast Guard because they will not be required to consider cost or price in the evaluation of the award decision. Relieving the requirement to account for cost or price when evaluating proposals for these types of contracts, which feature competitive orders, will enable procurement officials to focus their energy on establishing and evaluating the non-price factors that will result in more meaningful distinctions among offerors.

Timetable:

Action	Date	FR Cite
NPRM	09/24/18	83 FR 48271
NPRM Comment Period End.	11/23/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN54

396. Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI)

E.O. 13771 Designation: Regulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the National Archives and Records Administration (NARA) Controlled Unclassified Information (CUI) program of Executive Order 13556 of November 4, 2010. As the executive agent designated to oversee the Governmentwide CUI program, NARA issued implementing regulations in late 2016 designed to address Federal agency policies for designating, safeguarding, disseminating, marking, decontrolling and disposing of CUI. The NARA rule, which is codified at 32 CFR 2002, affects contractors that handle, possess, use, share or receive CUI. This FAR rule helps to ensure uniform implementation of the requirements of the CUI program in contracts across Government agencies.

Timetable:

Action	Date	FR Cite
NPRM	03/00/19	
NPRM Comment Period End.	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN56

397. Federal Acquisition Regulation (FAR); FAR Case 2017–020, Ombudsman for Indefinite-Delivery Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) by providing a new clause with contact information for the agency task and delivery order ombudsman as required by the FAR. Specifically, FAR 16.504(a)(4)(v) requires that the name, address, telephone number, facsimile number, and email address of the agency task and delivery order ombudsman be included in solicitations and contracts for an indefinite quantity requirement, if multiple awards may be made for uniformity and consistency.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	
NPRM Comment Period End.	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN58

398. Federal Regulation Acquisition (FAR); FAR Case 2017–019, Policy on Joint Ventures

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement regulatory changes made by the Small Business Administration (SBA), Small Business Mentor Protégé Programs, published on July 25, 2016 (81 FR 48557), regarding joint ventures and to clarify policy on 8(a) joint ventures. The regulatory changes provide industry with a new way to compete for small business or socioeconomic set-asides using a joint venture made up of a mentor and a protégé. The 8(a) joint venture clarification prevents confusion on an 8(a) joint venture's eligibility to compete for an 8(a) competitive procurement.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	
NPRM Comment Period End.	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov*.

RIN: 9000–AN59

399. Federal Acquisition Regulation (FAR); FAR Case 2018–003, Credit for Lower-Tier Small Business Subcontracting

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to implement section 1614 of the National Defense Authorization Act (NDAA) of Fiscal Year 2014, as implemented in the Small Business Administration's final rule issued on December 23, 2016. Section 1614 allows other than small business prime contractors to receive small business subcontracting credit for subcontracts their subcontractors award to small businesses.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	
NPRM Comment Period End.	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov*.

RIN: 9000–AN61

400. Federal Acquisition Regulation (FAR); FAR Case 2018–002, Protecting Life in Global Health Assistance

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement Presidential Memorandum, entitled ''The Mexico City Policy,'' issued on January 13, 2017, in accordance with the Department of State's implementation plan dated May 9, 2017. This rule would extend requirements of the memorandum and plans to new funding agreements for global health assistance furnished by all Federal departments or agencies. This expanded policy will cover global health assistance to include funding for international health programs, such as those for HIV/AIDS, maternal and child health, malaria, global health security, and certain family planning and reproductive health.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	
NPRM Comment Period End.	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN62

401. Federal Acquisition Regulation (FAR); FAR Case 2017–017, Rental Cost Analysis in Equipment Acquisitions

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch.137; 51 U.S. C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to ensure short-term rental agreements are considered as part of the decision whether to lease or purchase equipment. This rule proposes to amend the FAR to add a factor to consider the cost-effectiveness of short-term versus long-term agreements (*e.g.,* leases and rentals) to the list of minimum factors to be considered when an agency is deciding whether to lease or purchase equipment.

Timetable:

Action	Date	FR Cite
NPRM	09/05/18	83 FR 45072
NPRM Comment Period End.	11/05/18	
Final Rule	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN63

402. Federal Acquisition Regulation (FAR); FAR Case 2018–004; Increased Micro-Purchase and Simplified Acquisition Thresholds

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a proposed rule to amend the FAR to implement sections 805, 806, and 1702(a) of the National Defense Authorization Act (NDAA) for FY 2018. Section 805 increases the micro-purchase threshold (MPT) to $10,000 and limits the use of convenience checks to not more than one half of the MPT amount (*i.e.*, $5,000). Section 806 increases the simplified acquisition threshold (SAT) to $250,000. Section 1702(a) amends section 15(j)(1) of the Small Business Act (15 U.S.C. 644(j)(1)) to replace specific dollar thresholds with the terms micro-purchase threshold and simplified acquisition threshold.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	
NPRM Comment Period End.	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN65

403. Federal Acquisition Regulation (FAR); FAR Case 2018–006; Provisions and Clauses for Commercial Items and Simplified Acquisitions

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C.20113

Abstract: DoD, GSA, and NASA are proposing to implement section 820 of the National Defense Authorization Act (NDAA) for FY 2018. Section 820 amends 41 U.S.C. 1906(c)(1) to change the definition of ''subcontract'' in certain circumstances. This rule also implements a new approach to the prescription and flowdown for provisions and clauses applicable to acquisitions of commercial items or acquisitions that do not exceed the simplified acquisition threshold.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	
NPRM Comment Period End.	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN66

404. Federal Acquisition Regulation (FAR); FAR Case 2018–005, Modifications to Cost or Pricing Data and Reporting Requirements

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to increase the Truth in Negotiation Act (TINA) threshold to $2 million and require other than certified cost or pricing data. The rule reduces the burden on contractors because they would not be required to certify their cost or pricing data between $750,000 and $2 million. This change implements section 811 of the National Defense Authorization Act (NDAA) for FY 2018. Section 811 modifies 10 U.S.C. 2306a and 41 U.S.C. 3502.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	
NPRM Comment Period End.	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov.*

RIN: 9000–AN69

405. • Federal Acquisition Regulation (FAR); FAR Case 2018–012, Rights to Federally Funded Inventions and Licensing of Government-Owned Inventions

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the FAR to implement the changes to 37 CFR parts 401 and 404, ''Rights to Federally Funded Inventions and Licensing of Government Owned Inventions,'' dated May 14, 2018. The changes reduce regulatory burdens, provide greater clarity to large businesses by codifying the applicability of Bayh-Dole as directed in Executive Order 12591, and provide greater clarity to all federal funding recipients by updating regulatory provisions to align with provisions of the Leahy-Smith America Invents Act in terms of definitions and time frames.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	
NPRM Comment Period End.	04/00/19	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AN71

406. • Federal Acquisition Regulation (FAR); FAR Case 2018–013, Exemption of Commercial and COTS Item Contracts From Certain Laws and Regulations

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch.137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement paragraph (a) of section 839 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019. Paragraph (a) requires the FAR Council to review each past determination made not to exempt contacts and subcontracts for commercial products, commercial

services, and commercially available off-the-shelf (COTS) items from certain laws when these contracts would otherwise have been exempt under 41 U.S.C. 1906(d) or 41 U.S.C. 1907(b). The FAR Council or the Administrator for Federal Procurement Policy has to determine whether there still exists specific reason not to provide exemptions from certain laws. If no determination is made to continue to exempt commercial contracts and subcontracts from certain laws, paragraph (a) requires that revisions to the FAR be proposed, to reflect exemptions from those laws. Paragraph (a) requires these revisions to be proposed within one year of the date of enactment of section 839.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	
NPRM Comment Period End.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov*.

RIN: 9000–AN72

407. • Federal Acquisition Regulation (FAR); FAR Case 2018–014, Increasing Task-Order Level Competition

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement Section 876 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which would provide civilian agencies with an exception to the existing statutory requirement to include price to the Federal Government as an evaluation factor that must be considered in the evaluation of proposals for all contracts. The exception would only apply to IDIQ contracts and to Federal Supply Schedule contracts for services that are priced at an hourly rate. Furthermore, the exception would only apply in those instances where the Government intends to make a contract award to all qualifying offerors, thus affording maximum opportunity for effective competition at the task order level. An offeror would be qualified only if it is a responsible source and submits a proposal that conforms to the requirements of the solicitation, meets any technical requirements, and is otherwise eligible for award.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	
NPRM Comment Period End.	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AN73

408. • Federal Acquisition Regulation (FAR); FAR Case 2018–016, Lowest Price Technically Acceptable Source Selection PROCESS

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement Section 880 of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 to avoid using lowest price technically acceptable source selection criteria in circumstances that would deny the Government the benefits of cost and technical tradeoffs in the source selection process.

Timetable:

Action	Date	FR Cite
NPRM	03/00/19	
NPRM Comment Period End.	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN75

409. • Federal Acquisition Regulation (FAR); FAR Case 2018–018, Revision of Definition of ''Commercial Item''

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C.121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to separate the commercial item definition into definitions of commercial product and commercial service. Section 836 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115–232) set the effective date of the new definitions to January 1, 2020. This is consistent with the recommendations by the independent panel created by Section 809 of the NDAA for FY 2016 (Pub. L. 11492). This case implements amendment to 41 U.S.C. 103.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	
NPRM Comment Period End.	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov*.

RIN: 9000–AN76

410. • Federal Acquisition Regulation (FAR); FAR Case 2018–019, Review of Commercial Clause Requirements and Flowdown

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement paragraphs (b) and (c) of section 839 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

Paragraph (b) requires the FAR Council to review the FAR to assess every regulation that requires a specific clause in contracts for commercial products or commercial services, unless the regulation is required by law or Executive Order. Paragraph (b) also requires that revisions to the FAR be proposed to eliminate those regulations unless the FAR Council makes a determination not to eliminate a regulation.

Paragraph (c) requires the FAR Council to review the FAR to assess every regulation that requires a prime contractor to include specific clause in subcontracts for commercially available off-the-shelf items, unless the clause is required by law or Executive Order. Paragraph (c) also requires that revisions to the FAR be proposed to eliminate those regulations unless the FAR Council makes a determination not to eliminate a regulation.

Paragraphs (b) and (c) require these revisions to be proposed within one year of the date of the enactment of section 839.

Timetable:

Action	Date	FR Cite
NPRM	07/00/19	
NPRM Comment Period End.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov*.

RIN: 9000–AN77

411. • Federal Acquisition Regulation (FAR); FAR Case 2018–020, Construction Contract Administration

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: Implements section 855 of the NDAA for FY 2019 (Pub. L. 115–232). Section 855 requires, for solicitations for construction contracts anticipated to be awarded to a small business, notification to prospective offerors regarding agency policies or practices in complying with FAR requirements relating to the timely definitization of requests for equitable adjustment and agency past performance in definitizing such requests.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	
NPRM Comment Period End.	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, *Email: marilyn.chambers@gsa.gov*.

RIN: 9000–AN78

412. • Federal Acquisition Regulation (FAR); FAR Case 2018–021, Reserve Officer Training Corps and Military Recruiting on Campus

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the requirements at 10 U.S.C. 983, which prohibits the award of certain Federal contracts or grants to institutions of higher education that prohibit Senior Reserve Officer Training Corps units or military recruiting on campus.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	
NPRM Comment Period End.	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN79

413. • Federal Acquisition Regulation (FAR); FAR Case 2018–022; Orders Issued Via Fax or Electronic Commerce

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amend the Federal Acquisition Regulation (FAR) clause 52.216–18, Ordering, to authorize issuance of orders via fax or email and clarify when an order is considered to be issued when utilizing these methods.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	
NPRM Comment Period End.	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN80

414. • Federal Acquisition Regulation (FAR); FAR Case 2018–023, Taxes—Foreign Contracts in Afghanistan

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the provisions on taxes, duties, and fees contained in the Security and Defense Cooperation Agreement (dated 2014) and the North Atlantic Treaty Organization Status of Forces Agreement (dated 2014) with Afghanistan.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	
NPRM Comment Period End.	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov*.

RIN: 9000–AN81

415. • Federal Acquisition Regulation (FAR); FAR Case 2018–024; Use of Interagency Fleet Management System Vehicles and Related Services

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amends the Federal Acquisition Regulation (FAR) clause 52.251–1, Interagency Fleet Management System Vehicles and Related Services, to provide contractors that have been authorized to use fleet vehicles with additional information on how to request the vehicles from the Government.

Timetable:

Action	Date	FR Cite
NPRM	05/00/19	
NPRM Comment Period End.	07/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AN82

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

416. Federal Acquisition Regulation (FAR); FAR Case 2013–002; Reporting of Nonconforming Items to the Government-Industry Data Exchange Program

E.O. 13771 Designation: Regulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to expand Government and contractor requirements for the reporting of nonconforming items. This rule partially implements section 818 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012 and implement requirements of the Office of Federal Procurement Policy (OFPP) Policy Letter 91–3, entitled ''Reporting Nonconforming Products,'' dated April 9, 1991. This change will help mitigate the growing threat that counterfeit items pose when used in systems vital to an

agency's mission. The primary benefit of this rule is to reduce the risk of counterfeit items entering the supply chain by ensuring that contractors report suspect items to a widely available database. This will allow the contracting officer to provide disposition instructions for counterfeit or suspect counterfeit items in accordance with agency policy. In some cases, agency policy may require the contracting officer to direct the contractor to retain such items for investigative or evidentiary purposes.

Timetable:

Action	Date	FR Cite
NPRM	06/10/14	79 FR 33164
NPRM Comment Period End.	08/11/14	
Final Rule	01/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7185, Email: *marilyn.chambers@gsa.gov*.

RIN: 9000–AM58

417. Federal Acquisition Regulation (FAR); FAR Case 2014–002; Set-Asides Under Multiple Award Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement regulatory changes regarding procedures for the use of small business partial set-asides, reserves, and orders placed under multiple-award contracts. This rule incorporates statutory requirements in section 1331 of the Small Business Jobs Act of 2010 (15 U.S.C. 644(r)) and regulatory requirements in the Small Business Administration's final rule dated October 2, 2013.

Due to their inherent flexibility, competitive nature, and administrative efficiency, multiple award contracts are commonly used in Federal procurement. They have proven to be an effective means of contracting for large quantities of supplies and services for which the quantity and delivery requirements cannot be definitively determined at contract award. However, prior to 2011, the FAR was largely silent on the use of acquisition strategies to promote small business participation in conjunction with multiple-award contracts. This rule increases small business participation in Federal prime contracts by ensuring that small businesses have greater access to multiple award contracts, clarifying the procedures for partially setting aside and reserving multiple-award contracts for small business; and setting aside orders placed under multiple-award contracts for small business. This rule ensures that small businesses will have greater access to these commonly used vehicles.

Timetable:

Action	Date	FR Cite
NPRM	12/06/16	81 FR 88072
NPRM Comment Period End.	02/06/17	
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov*.

RIN: 9000–AM93

418. Federal Acquisition Regulation (FAR); FAR Case 2015–017; Combating Trafficking in Persons—Definition of ''Recruitment Fees''

E.O. 13771 Designation: Regulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement Executive Order 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts, and title XVII of the National Defense Authorization Act for Fiscal Year 2013. The rule adds a definition of ''recruitment fees'' to FAR subpart 22.17, Combating Trafficking in Persons, and the associated clauses to provide a standardized definition that clarifies what prohibited recruitment fees are in order to help prevent human trafficking.

Timetable:

Action	Date	FR Cite
NPRM	05/11/16	81 FR 29244
NPRM Comment Period End.	07/11/16	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN02

419. Federal Acquisition Regulation: FAR Case 2016–005; Effective Communication Between Government and Industry

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement section 887 of the NDAA for FY 2016 (Pub. L. 114–92). This law provides that Government acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry. This change will permit and encourage Government acquisition personnel to engage in responsible and constructive exchanges with industry as part of market research as long as those exchanges are consistent with existing laws and regulations, and promote a fair competitive environment.

Timetable:

Action	Date	FR Cite
NPRM	11/29/16	81 FR 85914
NPRM Comment Period End.	03/02/17	
Final Rule	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN29

420. Federal Acquisition Regulation (FAR); FAR Case 2017–009, Special Emergency Procurement Authority

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement sections of the National Defense Authorization Act (NDAA) for Fiscal Year 2017 to expand special emergency procurement authorities for acquisitions of supplies or services that facilitate defense against or recovery from a cyber attack, provide international disaster assistance under the Foreign Assistance Act of 1961, or support response to an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Timetable:

Action	Date	FR Cite
NPRM	06/26/18	83 FR 29736

Action	Date	FR Cite
NPRM Comment Period End.	08/27/18	
Final Rule	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN45

421. Federal Acquisition Regulation (FAR); FAR Case 2017–006, Exception from Certified Cost or Pricing Data Requirements—Adequate Price Competition

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement section 822 of the National Defense Authorization Act (NDAA) for FY 2017 (Pub. L. 114–328). This rule applies to DoD, NASA, and the Coast Guard, and implements exceptions for these agencies at FAR 15.403(c)(1) from certified cost or pricing data requirements when price is based on adequate price competition. This rule also limits the exception for price based on adequate price competition to circumstances in which there is adequate competition that results in at least two or more responsive and viable competing bids.

Timetable:

Action	Date	FR Cite
NPRM	06/12/18	83 FR 27303
NPRM Comment Period End.	08/13/18	
Final Rule	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN53

422. Federal Acquisition Regulation (FAR); FAR Case 2017–018, Violation of Arms Control Treaties or Agreements with the United States

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement section 1290(c)(3) of the National Defense Authorization Act (NDAA) for FY 2017, which requires an offeror or any of its subsidiaries to certify that it does not engage in any activity that contributed to or is a significant factor in the determination that a country is not in full compliance with its obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments in which the United States is a participating state.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/15/18	83 FR 28145
Interim Final Rule Comment Period End.	08/14/18	
Final Rule	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN57

423. Federal Acquisition Regulation (FAR); FAR Case 2018–010, Use of Product and Services of Kaspersky Lab

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement section 1634 of the National Defense Authorization Act (NDAA) of Fiscal Year 2018 to prohibit any department, agency, organization, or other element of the Federal government from using products and services developed or provided by Kaspersky Lab or any entity in which Kaspersky Lab has a majority ownership.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/15/18	83 FR 28141
Interim Final Rule Comment Period End.	08/14/18	
Final Rule	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN64

424. • Federal Acquisition Regulation (FAR); FAR Case 2018–017, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 889 of the National Defense Authorization Act (NDAA) for FY 19 (Pub. L. 115–232). Section 889 prohibits the procurement or use of covered telecommunications equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company or Dahua Technology Company, to include any subsidiaries or affiliates. This FAR rule is needed to protect U.S. networks against cyber activities conducted through Chinese Government-supported telecommunications equipment and services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/19	
Interim Final Rule Comment Period End.	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN83

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

425. Federal Acquisition Regulation (FAR); FAR Case 2016–007, Non-Retaliation for Disclosure of Compensation Information

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a final rule amending the Federal Acquisition Regulation (FAR) to implement Executive Order 13665, entitled ''Non-Retaliation for Disclosure of Compensation Information,'' and the final rule issued by the Office of Federal Contract Compliance Programs (OFCCP)

of the Department of Labor (DOL) entitled, ''Government Contractors, Prohibitions Against Pay Secrecy Policies and Actions.''

This rule provides for a uniform Federal Government policy to prohibit Federal contractors from discriminating against their employees and job applicants who inquire about, discuss, or disclose their own compensation or the compensation of other employees or applicants.

Completed:

Reason	Date	FR Cite
Final Rule	08/22/18	83 FR 42570
Final Action Effective.	08/22/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN10

426. Federal Acquisition Regulation (FAR); FAR Case 2015–005, System for Award Management Registration

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to update the instructions for System for Award Management (SAM) registration requirements and to correct an inconsistency with offeror representation and certification requirements. The language in the FAR was not consistent with respect to whether offerors are required to register in SAM prior to submitting an offer or prior to being awarded a contract. This rule clarifies and makes the language consistent by requiring offerors to register in SAM prior to submitting an offer. The rule does not place any new requirements on businesses and is considered administrative because the only change is clarifying when an offeror must register in SAM. Registering in SAM eliminates the need for offerors to complete representations and certifications multiple times a year when responding to solicitations, which reduces the burden on both the contractor and the Government.

Completed:

Reason	Date	FR Cite
Final Rule	09/26/18	83 FR 48691
Final Rule Effective.	10/26/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN19

427. Federal Acquisition Regulation (FAR); FAR Case 2015–039, Audit of Settlement Proposals

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to raise the dollar threshold requirement for the audit of prime contract settlement proposals and subcontract settlements from $100,000 to align with the threshold for obtaining certified cost or pricing data.

Completed:

Reason	Date	FR Cite
Final Rule	05/01/18	83 FR 19149
Final Rule Effective.	05/31/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN26

428. Federal Acquisition Regulation (FAR); FAR Case 2017–001, Paid Sick Leave for Federal Contractors

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a final rule to amend the Federal Acquisition Regulation (FAR) requiring Federal Government contractors to ensure that its employees working on those contracts can earn up to seven days or more of paid sick leave annually, including paid sick leave for family care. This rule implements the objective of Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors, and the Department of Labor's final rule.

Completed:

Reason	Date	FR Cite
Final Rule	08/22/18	83 FR 42569
Final Action Effective.	08/22/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN27

429. Federal Acquisition Regulation (FAR); FAR Case 2017–004, Liquidated Damages Rate Adjustment

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a final rule amending the Federal Acquisition Regulation (FAR) to adjust the civil monetary penalties for inflation pursuant to the Inflation Adjustment Act Improvements Act. This Act requires agencies to adjust the levels of civil monetary penalties with an initial catch-up adjustment, followed by the annual adjustment for inflation.

This rule implements the Department of Labor (DOL) interim final rule published in the **Federal Register** on July 1, 2016 and finalized on January 18, 2017. The DOL rule adjusted the civil monetary penalties for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74).

Completed:

Reason	Date	FR Cite
Final Rule	05/01/18	83 FR 19148
Final Rule Effective.	05/31/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN37

430. Federal Acquisition Regulation (FAR); FAR Case 2017–007, Task- and Delivery-Order Protests

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a final rule amending the Federal Acquisition Regulation (FAR) to raise the dollar threshold for task- and delivery-order protests from $10 million to $25 million for DoD contracts and to make permanent the General Accountability Office's authority to hear protests on civilian task or delivery contracts valued in excess of $10 million. The rule implements sections 835 of the National Defense Authorization Act (NDAA) for FY 2017 (Pub. L. 114–328) and Public Law 114–260, section 835(a).

Completed:

Reason	Date	FR Cite
Final Rule	05/01/18	83 FR 19145

Reason	Date	FR Cite
Final Rule Effective.	05/31/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN41

431. Federal Acquisition Regulation (FAR); FAR Case 2018–009, One Dollar Coins

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to implement section 885 of the National Defense Authorization Act (NDAA) for FY 2018. Section 885 amends 31 U.S.C. 5112(p) to provide an exception for business operations from requirements to accept $1 coins.

Completed:

Reason	Date	FR Cite
Direct Final Rule	09/26/18	83 FR 48700
Direct Final Rule Effective.	10/26/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN70

[FR Doc. 2018–23933 Filed 11–15–18; 8:45 am]

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Part XXI

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Commodity Futures Trading Commission (Commission), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of rulemakings that the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

FOR FURTHER INFORMATION CONTACT: Christopher J. Kirkpatrick, Secretary of the Commission, (202) 418–5964, *ckirkpatrick@cftc.gov,* Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, *et seq.,* includes a requirement that each agency publish semiannually in the **Federal Register** a regulatory flexibility agenda. Such agendas are to contain the following elements, as specified in 5 U.S.C. 602(a):

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda, the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in the agenda.

Accordingly, the Commission has prepared an agenda of rulemakings that it presently expects may be considered during the course of the next year. Subject to a determination for each rule, it is possible as a general matter that some of these rules may have some impact on small entities.[1] The Commission notes also that, under the RFA, it is not precluded from considering or acting on a matter not included in the regulatory flexibility agenda, nor is it required to consider or act on any matter that is listed in the agenda. See 5 U.S.C. 602(d).

The Commission's Fall 2018 regulatory flexibility agenda is included in the Unified Agenda of Federal Regulatory and Deregulatory Actions. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that offers users enhanced ability to obtain information from the Agenda database.

Issued in Washington, DC, on July 26, 2018, by the Commission.

Christopher J. Kirkpatrick,

Secretary of the Commission.

COMMODITY FUTURES TRADING COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
432	Regulation Automated Trading	3038–AD52

COMMODITY FUTURES TRADING COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
433	Indemnification Rulemaking	3038–AE44

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Proposed Rule Stage

432. Regulation Automated Trading

E.O. 13771 Designation: Independent agency.

Legal Authority: 7 U.S.C. 1a(23), 7 U.S.C. 6c(a); 7 U.S.C. 7(d); and 7 U.S.C. 12(a)(5)

Abstract: On November 7, 2016, the Commodity Futures Trading Commission (''Commission'') approved a supplemental notice of proposed rulemaking for Regulation AT (''Supplemental NPRM''). The Supplemental NPRM modifies certain rules proposed in the Commission's December 2015, notice of proposed rulemaking for Regulation AT. The Supplemental NPRM was published in the **Federal Register** on November 25, 2016, with a 90-day comment period closing on January 24, 2017. The Commission subsequently extended the comment period until May 1, 2017.

Timetable:

Action	Date	FR Cite
ANPRM	09/12/13	78 FR 56542
ANPRM Comment Period End.	12/11/13	
ANPRM Comment Period Extended.	01/24/14	79 FR 4104
ANPRM Comment Period Extended End.	02/14/14	
NPRM	12/17/15	80 FR 78824
NPRM Comment Period End.	03/16/16	
NPRM Comment Period Reopened.	06/10/16	81 FR 36484
NPRM Comment Period Reopened End.	06/24/16	
Supplemental NPRM.	11/25/16	81 FR 85334

[1] The Commission published its definition of a ''small entity'' for purposes of rulemaking proceedings at 47 FR 18618 (April 30, 1982). Pursuant to that definition, the Commission is not required to list—but nonetheless does—many of the items contained in this regulatory flexibility agenda. See also 5 U.S.C. 602(a)(1). Moreover, for certain items listed in this agenda, the Commission has previously certified, under section 605 of the RFA, 5 U.S.C. 605, that those items will not have a significant economic impact on a substantial number of small entities. For these reasons, the listing of a rule in this regulatory flexibility agenda should not be taken as a determination that the rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. Rather, the Commission has chosen to publish an agenda that includes significant and other substantive rules, regardless of their potential impact on small entities, to provide the public with broader notice of new or revised regulations the Commission may consider and to enhance the public's opportunity to participate in the rulemaking process.

Action	Date	FR Cite
Supplemental NPRM Comment Period End.	01/24/17	
Supplemental NPRM Comment Period Extended.	01/26/17	82 FR 8502
Supplemental NPRM Comment Period Extended End.	05/01/17	
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilee Dahlman, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, *Phone:* 202 418–5264, *Email: mdahlman@cftc.gov.*

RIN: 3038–AD52

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Completed Actions

433. Indemnification Rulemaking

E.O. 13771 Designation: Independent agency.

Legal Authority: 7 U.S.C. 12a and 24a

Abstract: The FAST Act repealed CEA section 21(d)(2), added to the CEA by Dodd-Frank section 728, which provided that domestic and foreign regulators that are otherwise eligible to, and that do, request data from an SDR (collectively, Regulators) agree to indemnify the SDR and the CFTC for expenses resulting from litigation relating to the information provided. When considered in light of the CFTC's current regulations addressing Regulators' access to SDR data, the removal of the indemnification requirement presented a number of issues, primarily related to the scope of Regulators' access to SDR data, and maintaining the confidentiality of such data consistent with CEA section 8. The Commission addressed these issues in a final rule that, among other things, revise the current approach to Regulators' access to SDRs' swap data and sets forth more information regarding the confidentiality agreement that is required by CEA section 21(d).

Completed:

Action	Date	FR Cite
Final Rule	06/12/18	83 FR 27410
Final Rule Effective.	08/13/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel J. Bucsa, *Phone:* 202 418–5435, *Email: dbucsa@cftc.gov.*

David E. Aron, *Phone:* 202 418–6621, *Email: daron@cftc.gov.*

Owen Kopon, *Phone:* 202 418–5360, *Email: okopon@cftc.gov.*

RIN: 3038–AE44.

[FR Doc. 2018–24166 Filed 11–15–18; 8:45 am]

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Part XXII

Bureau of Consumer Financial Protection

Semiannual Regulatory Agenda

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR CH. X

Semiannual Regulatory Agenda

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is publishing this agenda as part of the Fall 2018 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Bureau reasonably anticipates having the regulatory matters identified below under consideration during the period from October 1, 2018 to September 30, 2019. The next agenda will be published in spring 2019 and will update this agenda through spring 2020. Publication of this agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

DATES: This information is current as of August 30, 2018.

ADDRESSES: Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: A staff contact is included for each regulatory item listed herein. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: The Bureau is publishing its Fall 2018 Agenda as part of the Fall 2018 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda lists the regulatory matters that the Bureau reasonably anticipates having under consideration during the period from October 1, 2018 to September 30, 2019, as described further below.[1] The Bureau's participation in the Unified Agenda is voluntary. The complete Unified Agenda is available to the public at the following website: *http://www.reginfo.gov.*

Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (Dodd-Frank Act), the Bureau has rulemaking, supervisory, enforcement, and other authorities relating to consumer financial products and services. These authorities include the authority to issue regulations under more than a dozen Federal consumer financial laws, which transferred to the Bureau from seven Federal agencies on July 21, 2011. The Bureau's general purpose, as specified in section 1021 of the Dodd-Frank Act, is to implement and enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive.

The Bureau is working on various initiatives to address issues in markets for consumer financial products and services that are not reflected in this notice because the Unified Agenda is limited to rulemaking activities. Section 1021 of the Dodd-Frank Act specifies the objectives of the Bureau, including ensuring that, with respect to consumer financial products and services, consumers are provided with timely and understandable information to make responsible decisions about financial transactions; consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination; outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens; that Federal consumer financial law is enforced consistently, without regard to the status of a person as a depository institution, in order to promote fair competition; and markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

The Bureau is under interim leadership pending the confirmation of a permanent director. The Bureau is also in the process of implementing various provisions in the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA), Public Law 115–174, 132 Stat. 1297, which was signed into law in May 2018, and of conducting its first assessments of the effectiveness of prior ''significant'' Bureau rulemakings as required by section 1022(d) of the Dodd-Frank Act. In addition, the Bureau is analyzing more than 86,000 comments received in response to its ''Call for Evidence'' initiative seeking feedback on Bureau operations and regulations. The comment period for the last of that initiative's twelve Requests for Information closed in July 2018.

This Agenda largely focuses on the continuation of projects from the Spring 2018 Agenda and the addition of rulemakings to implement EGRRCPA requirements. The Bureau is carefully considering the feedback received through the Call for Evidence, prior Requests for Information released in conjunction with the section 1022(d) assessments, and other sources in setting its future priorities. Following this consideration, the Bureau expects to refine its priorities no later than the Spring 2019 Agenda and will publish a statement of priorities at that time.

Implementing Statutory Directives

Much of the Bureau's rulemaking work is focusing on implementing directives mandated in the EGRRCPA, the Dodd-Frank Act, and other statutes. As part of these rulemakings, the Bureau is working to achieve the consumer protection objectives of the statutes while minimizing regulatory burden on financial services providers, including facilitating industry compliance with rules.

For example, the Bureau issued two rules to facilitate the implementation of the EGRRCPA. The first was an interim final rule that adjusts certain model forms under the Fair Credit Reporting Act in light of EGRRCPA amendments to strengthen consumers' ability to protect themselves from identity theft. To reduce compliance costs and disruption in light of the September 21, 2018 effective date of this amendment, the rule provides various options for amending the affected disclosures to inform consumers that the EGRRCPA created a right to obtain a free ''security freeze'' from nationwide consumer reporting agencies and extended the length of ''fraud alerts'' that consumers may place on their files with nationwide consumer reporting agencies from 90 days to one year. The interim final rule takes effect on September 21, 2018, but the Bureau is seeking comment on the changes and underlying disclosures.

The second issuance in August 2018 was an interpretive and procedural rule that provides clarification regarding EGRRCPA amendments to the Home Mortgage Disclosure Act (HMDA), which requires financial institutions to report certain mortgage information to federal financial regulators and the public. The scope of HMDA reporting was expanded by the Dodd-Frank Act and by the Bureau via rule in 2015. The EGRRCPA creates a partial exemption to allow certain insured depository institutions and insured credit unions not to report certain data points for certain transactions. The August 2018 interpretive and procedural rule provides clarification as to which loans and lines of credit count toward the EGRRCPA exemption thresholds and which data points are covered by the partial exemptions. As indicated in the

[1] The listing does not include certain routine, frequent, or administrative matters. Further, certain of the information fields for the listing are not applicable to independent regulatory agencies, including the Bureau, and, accordingly, the Bureau has indicated responses of ''no'' for such fields.

rule and discussed further below, the Bureau anticipates commencing an additional notice-and-comment rulemaking in spring 2019 to incorporate the August interpretations and procedures into Regulation C, further implement the EGRRCPA amendments to HMDA, and conduct the Bureau's own reconsideration of the 2015 HMDA rule.

The Bureau has also added three additional EGRRCPA projects to the agenda, in addition to engaging in a range of other non-rulemaking activities to reflect the statute's passage and to provide guidance to industry on implementation issues. The first two projects reflect directives in sections 108 and 307 of EGRRCPA that require the Bureau to engage in rulemakings to (1) exempt certain creditors with assets of $10 billion or less from certain mortgage escrow requirements under the Dodd-Frank Act; and (2) develop standards for assessing consumers' ability to repay ''Property Assessed Clean Energy'' financing (PACE), which results in a tax assessment on a consumer's home and covers the costs of home improvements, often to increase energy efficiency. The third project contemplates that notice-and-comment rulemaking may be helpful to implement or clarify other provisions of EGRRCPA that do not require Bureau rulemaking to take effect,[2] particularly with regard to various provisions that address mortgage requirements under the Dodd-Frank Act and its implementing regulations.

The Bureau has also added a new rulemaking to its agenda to facilitate further implementation of a statutory directive in the 2010 Dodd-Frank Act amendments to HMDA that the Bureau modify or require modification of the public HMDA data for the purpose of protecting consumer privacy interests. In the 2015 final rule to implement the Dodd-Frank Act amendments, the Bureau adopted a balancing test to determine whether and how HMDA data should be modified prior to its disclosure to the public in order to protect applicant and borrower privacy while also fulfilling HMDA's public disclosure purpose. The Bureau sought comment in 2017 on its proposed application of the balancing test to the 2018 data to be collected and reported by lenders, and expects to issue final guidance in the next few months to govern the disclosure of the 2018 data. After consideration of stakeholder comments urging that determinations concerning the disclosure of loan-level HMDA data be effectuated through more formal processes, the Bureau has decided to add the new notice-and-comment rulemaking to govern the disclosure of HMDA data in future years.

In light of the need to focus additional resources on various HMDA initiatives discussed elsewhere in this agenda, the Bureau has adjusted its timeline for implementing an additional statutory directive contained in section 1071 of the Dodd-Frank Act. Section 1071 amended the Equal Credit Opportunity Act (ECOA) to require financial institutions to collect, report, and make public certain information concerning credit applications made by women-owned, minority-owned, and small businesses. The Bureau delayed implementation of this provision pending implementation of the Dodd-Frank Act amendments to HMDA, which creates a similar regime for mortgages, and then accelerated work on the project after the HMDA rules were issued in 2015. In light of current resource constraints and priority accorded to HMDA implementation, the Bureau has now reclassified the section 1071 project from pre-rule status to longer-term action status. The Bureau intends to continue certain market monitoring and research activities to facilitate resumption of the rulemaking.

Continuation of Other Rulemakings

The Bureau is continuing certain other rulemakings described in its Spring 2018 Agenda to ensure that markets for consumer financial products and services operate transparently and efficiently and to address potential unwarranted regulatory burdens.

For example, the Bureau announced in January 2018 that it intends to engage in a rulemaking to reconsider a 2017 rule titled Payday, Vehicle Title, and Certain High-Cost Installment Loans. The rule has a compliance date in August 2019. The Bureau expects to issue a Notice of Proposed Rulemaking by no later than early 2019 that will address reconsideration of the rule on the merits as well as address changes to its compliance date.

In addition, prior to the enactment of the EGRRCPA, the Bureau had already taken action in August 2017 to temporarily increase the threshold for collecting and reporting HMDA data with respect to open-end lines of credit so that the Bureau could assess whether to make a permanent adjustment to that threshold. In December 2017, the Bureau announced that it intended to open a rulemaking to reconsider its 2015 HMDA rule more generally, for instance by potentially revisiting such issues as the institutional and transactional coverage tests and the rule's discretionary data points. In addition, as noted above, the Bureau anticipates engaging in notice-and-comment rulemaking to incorporate the EGRRCPA interpretative and procedural rule issued in August 2018 into Regulation C and to further implement the Act. The Bureau is considering these various HMDA projects in conjunction with each other and expects to issue a Notice of Proposed Rulemaking in spring 2019 to address some or all of the issues related to them.

Finally, the Bureau has continued to engage in research and pre-rulemaking activities regarding the debt collection market, which remains a top source of complaints to the Bureau. The Bureau has also received encouragement from industry and consumer groups to engage in rulemaking to address how to apply the 40-year old Fair Debt Collection Practices Act (FDCPA) to modern collection practices. The Bureau released an outline of proposals under consideration in July 2016 concerning practices by companies that are debt collectors under the FDCPA. This outline was released in advance of convening a panel in August 2016 under the Small Business Regulatory Enforcement Fairness Act in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy to consult with representatives of small businesses that might be affected by the rulemaking. The Bureau expects to issue a Notice of Proposed Rulemaking addressing such issues as communication practices and consumer disclosures by spring 2019.

Further Planning

As noted above, the Bureau has a number of workstreams underway that could affect planning and prioritization of rulemaking activity, as well as the way in which it conducts rulemakings and related processes. First, by January 2019, the Bureau will have completed three assessments prior ''significant'' Bureau rulemakings. These are the first assessments the Bureau has conducted to comply with section 1022(d) of the Dodd-Frank Act. These assessments focus on rules that the Bureau issued to implement Dodd-Frank Act requirements concerning international remittance transfers, the assessment of consumers' ability to repay mortgage loans, and mortgage servicing. The Bureau will consider the results of these assessments and stakeholder feedback on the rules in determining whether

[2] *See, e.g.,* Economic Growth, Regulatory Relief, and Consumer Protection Act, Public Law 115–174, 132 Stat. 1296, §§ 101, 104, 106, 107, 109(a), 301, 601 (2018).''

additional rulemaking or other policy initiatives are warranted. The Bureau also expects to begin work in 2019 on an assessment of its rules implementing a Dodd-Frank Act mandate to consolidate various mortgage origination disclosures under the Truth in Lending Act and Real Estate Settlement Procedures Act.

In addition, as noted above, the Bureau issued twelve Requests for Information in 2018 seeking feedback on a wide variety of Bureau practices and procedures, as well as regulations that it had inherited from other agencies and issued under its own authority. The Bureau is assessing the suggestions for substantive rulemakings received in response to the RFIs along with suggestions from other sources, such as ideas gathered by an internal task force on burden reduction and projects that have previously been listed on the Bureau's agenda for potential rulemaking.[3]

The Bureau is also considering future activity with regard to specific areas of consumer financial law of significant public interest. For example, the Bureau announced in May 2018 that it is reexamining the requirements of the Equal Credit Opportunity Act concerning the disparate impact doctrine in light of recent Supreme Court case law and the Congressional disapproval of a prior Bureau bulletin concerning indirect auto lender compliance with ECOA and its implementing regulations.[4] The Bureau is also considering whether rulemaking or other activities may be helpful to further clarify the meaning of ''abusiveness'' under the section 1031 of the Dodd-Frank Act. Section 1031 and other provisions of the Dodd-Frank Act authorize the Bureau to take enforcement, supervision, and rulemaking action concerning unfair, deceptive, or abusive acts and practices. While statutory language, regulations, policy statements, and case law have provided important clarifications as to the meaning of unfairness and deception under federal consumer protection law over several decades, the Dodd-Frank Act was the first federal law to define and prohibit ''abusive'' acts and practices with respect to consumer financial products and services generally.

The Bureau is also considering refinements to the ways in which it conducts processes related to rulemakings, both in response to comments received in response to the Call for Evidence and other considerations. For example, the Bureau has decided to create an Office of Cost Benefit Analysis as part of an ongoing initiative to improve its analysis of the impacts of potential and adopted rules on consumers, financial services providers, and broader markets.[5] The Bureau is also refining and expanding its processes for conducting retrospective reviews of regulations to identify and address potential unwarranted regulatory burdens on an ongoing basis.[6]

Finally, as required by the Dodd-Frank Act, the Bureau is continuing to monitor markets for consumer financial products and services to identify risks to consumers and the proper functioning of such markets. The Bureau expects by no later than the Spring 2019 Agenda to issue a more comprehensive statement of priorities to reflect this market monitoring and the Bureau's other activities discussed above.

Kelly Thompson Cochran,

Assistant Director for Regulations, Bureau of Consumer Financial Protection.

CONSUMER FINANCIAL PROTECTION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
434	Business Lending Data (Regulation B)	3170–AA09

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Long-Term Actions

434. Business Lending Data (Regulation B)

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 1691c–2

Abstract: Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amends the Equal Credit Opportunity Act (ECOA) to require financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. The amendments to ECOA made by the Dodd-Frank Act require that certain data be collected, maintained, and reported, including the number of the application and date the application was received; the type and purpose of the loan or credit applied for; the amount of credit applied for and approved; the type of action taken with regard to each application and the date of such action; the census tract of the principal place of business; the gross annual revenue of the business; and the race, sex, and ethnicity of the principal owners of the business. The Dodd-Frank Act also provides authority for the Bureau to require any additional data that the Bureau determines would aid in fulfilling the purposes of this section. The Bureau issued a Request for Information in 2017 seeking public comment on, among other things, the types of credit products offered and the types of data currently collected by lenders in this market, and the potential complexity, cost of, and privacy issues related to, small business data collection. The information received will help the Bureau determine how to implement the rule efficiently while minimizing burdens on lenders. In light of other responsibilities, the Bureau has moved this rulemaking from pre-rule to long-term action status. The Bureau intends to continue certain market monitoring and research activities to facilitate resumption of the rulemaking.

Timetable:

Action	Date	FR Cite
Request for Information.	05/15/17	82 FR 22318

[3] In spring 2018, the Bureau reclassified certain projects that had previously been listed on the Bureau's active and longer-term agenda as ''inactive'' pending a decision by the Bureau's next permanent director as to whether and when to proceed with the projects. The Bureau noted that the reclassification was not intended as a decision on the merits. The Bureau has made no further adjustments to the projects that were retained on the longer-term agenda for the Spring 2018 edition except to note where some projects have been reclassified as active rulemakings.

[4] *https://www.consumerfinance.gov/about-us/newsroom/statement-bureau-consumer-financial-protection-enactment-sj-res-57/.*

[5] *https://www.consumerfinance.gov/about-us/the-bureau/bureau-structure/.*

[6] See, *e.g.,* the Regulatory Flexibility Act, 5 U.S.C. 610 (requiring agencies to review certain regulations within ten years after publication for purposes of minimizing their impacts on small businesses).

Action	Date	FR Cite
Request for Information Comment Period End.	09/14/17	
Next action undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elena Grigera Babinecz, Office of Regulations, Consumer Financial Protection Bureau *Phone:* 202 435–7700.

RIN: 3170–AA09

[FR Doc. 2018–24167 Filed 11–15–18; 8:45 am]

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FEDERAL REGISTER

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Part XXIII

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Semiannual Regulatory Agenda

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions that the Commission expects to be under development or review by the Agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866. The Commission welcomes comments on the agenda and on the individual agenda entries.

DATES: Comments should be received in the Office of the Secretary on or before December 17, 2018.

ADDRESSES: Comments on the regulatory flexibility agenda should be captioned ''Regulatory Flexibility Agenda,'' and emailed to: *cpsc-os@cpsc.gov.* Comments may also be mailed or delivered to the Division of the Secretariat, U.S. Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814–4408.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda, in general, contact Adrienne Layton, Directorate for Health Sciences, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville MD 20805, email: *alayton@cpsc.gov.* For further information regarding a particular item on the agenda, consult the individual listed in the column headed, ''Contact'' for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 to 612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish, twice each year, a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated, which is likely to have a ''significant economic impact'' on a ''substantial number'' of small entities.

The agency must also provide a summary of the nature of the rule and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda also is required to contain the name and address of the agency official knowledgeable about the items listed. Furthermore, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12866 requires each agency to publish, twice each year, a regulatory agenda of regulations under development or review during the next year, and the Executive order states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda lists the regulatory activities expected to be under development or review during the next 12 months. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that appeared in the spring 2018 agenda and have been completed by the Commission prior to publication of this agenda. Although CPSC, as an independent regulatory agency, is not required to comply with Executive Orders, the Commission does follow Executive Order 12866 regarding the publication of its regulatory agenda.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda.

The internet is the basic means through which the Unified Agenda is disseminated. The complete Unified Agenda will be available online at: *www.reginfo.gov,* in a format that offers users the ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Commission's printed agenda entries include only:

(1) Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet.

The agenda reflects an assessment of the likelihood that the specified event will occur during the next year; the precise dates for each rulemaking are uncertain. New information, changes of circumstances, or changes in law may alter anticipated timing. In addition, no final determination by staff or the Commission regarding the need for, or the substance of, any rule or regulation should be inferred from this agenda.

Dated: July 25, 2018.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

CONSUMER PRODUCT SAFETY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
435	Flammability Standard for Upholstered Furniture	3041–AB35
436	Regulatory Options for Table Saws (**Reg Plan Seq No. 173**)	3041–AC31
437	Portable Generators (**Reg Plan Seq No. 174**)	3041–AC36

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

CONSUMER PRODUCT SAFETY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
438	Recreational Off-Road Vehicles	3041–AC78

CONSUMER PRODUCT SAFETY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
439	Standard for High Chairs	3041–AD33
440	Standard for Baby Changing Products	3041–AD48
441	Standard for Booster Seats	3041–AD58
442	Determinations Regarding Third Party Testing of Manufactured Wood	3041–AD63

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Final Rule Stage

435. Flammability Standard for Upholstered Furniture

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 1193; 5 U.S.C. 801

Abstract: In October 2003, the Commission issued an advance notice of proposed rulemaking (ANPRM) to address the risk of fire associated with cigarette and small open-flame ignitions of upholstered furniture. The Commission published a notice of proposed rulemaking (NPRM) in March 2008, and received public comments. The Commission's proposed rule would require that upholstered furniture have cigarette-resistant fabrics or cigarette and open flame-resistant barriers. The proposed rule would not require flame-resistant chemicals in fabrics or fillings. Since the Commission published the NPRM, CPSC staff has conducted testing of upholstered furniture, using both full-scale furniture and bench-scale models, as proposed in the NPRM. In FY 2016, staff was directed to prepare a briefing package summarizing the feasibility of adopting California's Technical Bulletin 117–2013 (TB 117–2013) as a mandatory standard. Staff submitted this briefing package to the Commission in September 2016 with staff suggestions to continue developing the ASTM and NFPA voluntary standards. In the FY 2017 Operating Plan, the Commission directed staff to work with the California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI), as well as voluntary standards development organizations, to improve upon and further refine the technical aspects of TB 117–2013.

Currently, staff is working with voluntary standards organizations, both ASTM and NFPA, and BEARHFTI to evaluate new provisions and improve the existing consensus standards related to upholstered furniture flammability. Depending upon progress of the various standards, in FY 2019, staff plans to prepare a status report on recent activities.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/94	59 FR 30735
Commission Hearing May 5 & 6, 1998 on Possible Toxicity of Flame-Retardant Chemicals.	03/17/98	63 FR 13017
Meeting Notice	03/20/02	67 FR 12916
Notice of Public Meeting.	08/27/03	68 FR 51564
Public Meeting	09/24/03	
ANPRM	10/23/03	68 FR 60629
ANPRM Comment Period End.	12/22/03	
Staff Held Public Meeting.	10/28/04	
Staff Held Public Meeting.	05/18/05	
Staff Sent Status Report to Commission.	01/31/06	
Staff Sent Status Report to Commission.	11/03/06	
Staff Sent Status Report to Commission.	12/28/06	
Staff Sent Options Package to Commission.	12/22/07	
Commission Decision to Direct Staff to Prepare Draft NPRM.	12/27/07	
Staff Sent Draft NPRM to Commission.	01/22/08	
Commission Decision to Publish NPRM.	02/01/08	
NPRM	03/04/08	73 FR 11702
NPRM Comment Period End.	05/19/08	
Staff Published NIST Report on Standard Test Cigarettes.	05/19/09	
Staff Publishes NIST Report on Standard Research Foam.	09/14/12	
Notice of April 25 Public Meeting and Request for Comments.	03/20/13	78 FR 17140
Staff Holds Upholstered Furniture Fire Safety Technology Meeting.	04/25/13	
Comment Period End.	07/01/13	
Staff Sends Briefing Package to Commission on California's TB 117–2013.	09/08/16	
Staff Sends Status Briefing Package to the Commission.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew Lock, Project Manager, Directorate for Laboratory Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2099, *Email: alock@cpsc.gov.*

RIN: 3041–AB35

436. Regulatory Options for Table Saws

Regulatory Plan: This entry is Seq. No. 173 in part II of this issue of the **Federal Register**.

RIN: 3041–AC31

437. Portable Generators

Regulatory Plan: This entry is Seq. No. 174 in part II of this issue of the **Federal Register**.

RIN: 3041–AC36

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Long-Term Actions

438. Recreational Off-Road Vehicles

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 2056; 15 U.S.C. 2058

Abstract: The Commission is considering whether recreational off-road vehicles (ROVs) present an unreasonable risk of injury that should be regulated. ROVs are motorized vehicles having four or more low-pressure tires designed for off-road use and intended by the manufacturer primarily for recreational use by one or more persons. The salient characteristics of an ROV include a steering wheel for steering control, foot controls for throttle and braking, bench or bucket seats, a roll-over protective structure, and a maximum speed greater than 30 mph. On October 21, 2009, the Commission voted to publish an advance notice of proposed rulemaking (ANPRM) in the **Federal Register**. The ANPRM was published in the **Federal Register** on October 28, 2009, and the comment period ended December 28, 2009. The Commission received two letters requesting an extension of the comment period. The Commission extended the comment period until March 15, 2010. Staff conducted testing and evaluation programs to develop performance requirements addressing vehicle stability, vehicle handling, and occupant protection. On October 29, 2014, the Commission voted to publish an NPRM proposing standards addressing vehicle stability, vehicle handling, and occupant protection. The NPRM was published in the **Federal Register** on November 19, 2014. On January 23, 2015, the Commission published a notice of extension of the comment period for the NPRM, extending the comment period to April 8, 2015. Congress directed in fiscal year 2016 and reaffirmed in subsequent fiscal year appropriations, that none of the amounts made available by the Appropriations Bill may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the CPSC in the **Federal Register** on November 19, 2014 (79 FR 68964) (ROV NPRM) until after the National Academy of Sciences completes a study to determine specific information as set forth in the Appropriations Bill. Staff ceased work on a Final Rule briefing package in FY 2015 and instead engaged the Recreational Off-Highway Vehicle Association (ROHVA) and Outdoor Power Equipment Institute (OPEI) in the development of voluntary standards for ROVs. Staff conducted dynamic and static tests on ROVs, shared test results with ROHVA and OPEI, and participated in the development of revised voluntary standards to address staff's concerns with vehicle stability, vehicle handling, and occupant protection. The voluntary standards for ROVs were revised and published in 2016 (ANSI/ROHVA 1–2016 and ANSI/OPEI B71.9–2016). Staff assessed the new voluntary standard requirements and prepared a termination of rulemaking briefing package that was submitted to the Commission on November 22, 2016. The Commission voted not to terminate the rulemaking associated with ROVs. Staff continues to monitor and participate in voluntary standards activity related to ROVs.

Timetable:

Action	Date	FR Cite
Staff Sends ANPRM Briefing Package to Commission.	10/07/09	
Commission Decision.	10/21/09	
ANPRM	10/28/09	74 FR 55495
ANPRM Comment Period Extended.	12/22/09	74 FR 67987
Extended Comment Period End.	03/15/10	
Staff Sends NPRM Briefing Package to Commission.	09/24/14	
Staff Sends Supplemental Information on ROVs to Commission.	10/17/14	
Commission Decision.	10/29/14	
NPRM Published in **Federal Register**.	11/19/14	79 FR 68964
NPRM Comment Period Extended.	01/23/15	80 FR 3535
Extended Comment Period End.	04/08/15	
Staff Sends Briefing Package Assessing Voluntary Standards to Commission.	11/22/16	
Commission Decision Not to Terminate.	01/25/17	
Staff is Evaluating Voluntary Standards.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2225, *Email: cpaul@cpsc.gov.*

RIN: 3041–AC78

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Completed Actions

439. Standard for High Chairs

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 110–314, sec. 104

Abstract: Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to issue consumer product safety standards for durable infant or toddler products. The Commission is directed to assess the effectiveness of applicable voluntary standards and, in accordance with the Administrative Procedure Act, promulgate consumer product safety standards that are substantially the same as the voluntary standard or more stringent than the voluntary standard if the Commission determines that more stringent standards would further reduce the risk of injury associated with the product. The CPSIA requires that not later than August 14, 2009, the Commission begin rulemaking for at least two categories of durable infant or toddler products and promulgate two such standards every six months thereafter. On October 7, 2015, CPSC sent a notice of proposed rulemaking (NPRM) briefing package for high chairs to the Commission for consideration, as part of this series of standards for durable infant and toddler products. The proposed standard was based on ASTM F404–15, *Standard Consumer Safety Specification for High Chairs,* with additions. On October 30, 2015, the Commission voted to approve publication of the NPRM in the **Federal Register** . The Commission published the NPRM in the **Federal Register** on November 9, 2015. On January 21, 2016, the Commission published a correction to the NPRM, correcting an error in the proposed regulatory text. The comment period closed on January 25, 2016.

Staff reviewed the comments received and on May 30, 2018, sent a draft final rule briefing package for high chairs to the Commission for consideration. The draft incorporated by reference ASTM

F404–18, *Standard Consumer Safety Specifications for High Chairs,* as the mandatory federal safety standard for high chairs, with no modifications. The updated standard included the changes the Commission proposed in the NPRM. On June 8, 2018, the Commission voted unanimously to approve publication of the final rule in the **Federal Register**. The Commission published the final rule in the **Federal Register** on June 19, 2018. The rule will take effect on June 19, 2019.

Timetable:

Action	Date	FR Cite
Staff Sends NPRM Briefing Package to Commission.	10/07/15	
Commission Decision.	10/30/15	
NPRM	11/09/15	80 FR 69144
NPRM Correction	01/21/16	81 FR 3354
NPRM Comment Period End.	01/25/16	
Staff Sends Final Rule Briefing Package to Commission.	05/30/18	
Commission Decision.	06/08/18	
Final Rule	06/19/18	83 FR 29358
Final Rule Effective.	06/19/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stefanie Marques, Project Manager, Division of Pharmacology and Physiology Assessment, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2581, *Email: smarques@cpsc.gov.*

RIN: 3041–AD33

440. Standard for Baby Changing Products

E.O. 13771 Designation: Independent agency

Legal Authority: Pub. L. 110–314, sec. 104

Abstract: Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to issue consumer product safety standards for durable infant or toddler products. The Commission is directed to assess the effectiveness of applicable voluntary standards, and in accordance with the Administrative Procedure Act, promulgate consumer product safety standards that are substantially the same as the voluntary standard or more stringent than the voluntary standard if the Commission determines that more stringent standards would further reduce the risk of injury associated with the product. The CPSIA requires that no later than August 14, 2009, the Commission begin rulemaking for at least two categories of durable infant or toddler products and promulgate two such standards every six months thereafter. On August 17, 2016, CPSC staff sent a notice of proposed rulemaking (NPRM) briefing package for baby changing products to the Commission for consideration as part of this series of standards for durable infant or toddler products. The proposed standard was based on ASTMF 2388–16, *Standard Consumer Safety Specification for Baby Changing Tables for Domestic Use,* with additions. On September 14, 2016, the Commission held a public decisional meeting to consider the NPRM briefing package, at which the Commission voted to approve publication of the NPRM in the **Federal Register**. The Commission published the NPRM in the **Federal Register** on September 29, 2016. The comment period ended on December 13, 2016. After reviewing comments, staff sent a draft final rule briefing package to the Commission on June 13, 2018. The draft final rule incorporated by reference ASTM F2388–18, *Standard Consumer Safety Specification for Baby Changing Products for Domestic Use,* without changes. The updated standard included the changes the Commission proposed in the NPRM. On June 19, 2018, the Commission voted unanimously to approve publication of the final rule in the **Federal Register**. The Commission published the final rule in the **Federal Register** on June 26, 2018. The final rule will take effect on June 26, 2019.

Timetable:

Action	Date	FR Cite
Staff Sends NPRM Briefing Package to Commission.	08/17/16	
Commission Decision.	09/14/16	
NPRM	09/29/16	81 FR 66881
NPRM Comment Period End.	12/13/16	
Staff Sends Final Rule Briefing Package to Commission.	06/13/18	
Commission Decision.	06/19/18	
Final Rule	06/26/18	83 FR 29672
Final Rule Effective.	06/26/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Kumagai, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2234, *Email: mkumagai@cpsc.gov.*

RIN: 3041–AD48

441. Standard for Booster Seats

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 110–314, sec. 104

Abstract: Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to issue consumer product safety standards for durable infant or toddler products. The Commission is directed to assess the effectiveness of applicable voluntary standards, and in accordance with the Administrative Procedure Act, promulgate consumer product safety standards that are substantially the same as the voluntary standard or more stringent than the voluntary standard if the Commission determines that more stringent standards would further reduce the risk of injury associated with the product. The CPSIA requires that no later than August 14, 2009, the Commission begin rulemaking for at least two categories of durable infant or toddler products and promulgate two such standards every six months thereafter. The Commission proposed a consumer product safety standard for booster seats as part of this series of standards for durable infant and toddler products that was published in the **Federal Register** on May 19, 2017. The comment period closed on August 2, 2017. Staff prepared a final rule briefing package for Commission consideration. On June 26, 2018, The Commission voted to approve the final rule. The Commission published the final rule in the **Federal Register** on July 2, 2018. The final rule will take effect on January 2, 2020.

Timetable:

Action	Date	FR Cite
Staff Sends NPRM Briefing Package to Commission.	05/03/17	
Commission Decision.	05/09/17	
NPRM	05/19/17	82 FR 22925
NPRM Comment Period End.	08/02/17	
Staff Sends Final Rule Briefing Package to Commission.	06/20/18	
Commission Decision.	06/26/18	
Final Rule	07/02/18	83 FR 30849

Action	Date	FR Cite
Final Rule Effective.	01/02/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Celestine Kish, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2547, *Email: ckish@cpsc.gov.*

RIN: 3041–AD58

442. Determinations Regarding Third Party Testing of Manufactured Wood

E.O. 13771 Designation: Independent agency.

Legal Authority: Sec. 3, Pub. L. 110–314; 122 Stat. 3016; 15 U.S.C. 2063(d)(3)(B)

Abstract: Section 14(i)(3) of the Consumer Product Safety Act requires the Commission to seek opportunities to reduce the cost of third party testing requirements consistent with assuring compliance with any applicable children's product safety rule. Staff prepared a briefing package for Commission consideration with a draft notice of proposed rulemaking (NPRM) regarding third party testing of certain manufactured wood/engineered wood products for lead, the ASTM F963 elements, and the specified phthalates. The comment period ended on December 27, 2017. On June 6, 2018, staff sent a final rule briefing package to the Commission. On June 15, 2018, the Commission voted to approve publication of the final rule in the **Federal Register**, which published on June 22, 2018.

Timetable:

Action	Date	FR Cite
Staff Sends NPRM to Commission.	09/27/17	
NPRM	10/13/17	82 FR 47645
NPRM Comment Period End.	12/27/17	
Staff Sends NPRM Briefing Package to Commission.	06/06/18	
Commission Decision.	06/15/18	
Final Rule	06/22/18	83 FR 28983
Final Rule Effective.	07/23/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jacqueline Campbell, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2024, *Email: jcampbell@cpsc.gov.*

RIN: 3041–AD63

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Part XXIV

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions—Fall 2018

AGENCY: Federal Communications Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Twice a year, in spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act (U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings. The complete Unified Agenda will be published on the internet in a searchable format at *www.reginfo.gov.*

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

FOR FURTHER INFORMATION CONTACT: Maura McGowan, Telecommunications Policy Specialist, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, (202) 418–0990.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

Docket Number—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (*e.g.,* Docket No. 15–1 or Docket No. 17–1). The abbreviation for the responsible bureau usually precedes the docket number, as in ''MB Docket No. 17–289,'' which indicates that the responsible bureau is the Media Bureau. A docket number consisting of only five digits (*e.g.,* Docket No. 29622) indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM)—issued by the Commission when it is proposing a specific change to Commission rules and regulations. Before any changes are actually made, interested parties may submit written comments on the proposed revisions.

Further Notice of Proposed Rulemaking (FNPRM)—issued by the Commission when additional comment in the proceeding is sought.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or address a petition for reconsideration of a decision.

Rulemaking (RM) Number—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the Commission rules and regulations will not be revised.

Marlene H. Dortch,

Secretary, Federal Communications Commission.

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
443	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123).	3060–AI15
444	Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24.	3060–AK01

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
445	Implementation of the Subscriber Selection Changes Provision of the Telecommunications Act of 1996 (CC Docket No. 94–129, CG Docket No. 17–169).	3060–AG46
446	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278).	3060–AI14
447	Closed-Captioning of Video Programming; CG Docket Nos. 05–231 and 06–181 (**Section 610 Review**) ...	3060–AI72
448	Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (''Cramming'') (CC Docket No. 98–170; CG Docket Nos. 09–158, 11–116, 17–169).	3060–AJ72
449	Transition From TTY to Real-Time Text Technology (GN Docket No. 15–178; CG Docket No. 1645)	3060–AK58
450	Advanced Methods to Target and Eliminate Unlawful Robocalls (CG Docket No. 17–59)	3060–AK62

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
451	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)	3060–AI52
452	Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)	3060–AJ46
453	Federal Earth Stations—Non-Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115.	3060–AK09
454	Authorization of Radiofrequency Equipment; ET Docket No. 13–44	3060–AK10
455	Spectrum Access for Wireless Microphone Operations (GN Docket Nos. 14–166 and 12–268)	3060–AK30

INTERNATIONAL BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
456	International Settlements Policy Reform (IB Docket No. 11–80)	3060–AJ77
457	Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)	3060–AJ98
458	Update to Parts 2 and 25 Concerning NonGeostationary, Fixed-Satellite Service Systems and Related Matters; IB Docket No. I6–408.	3060–AK59

MEDIA BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
459	Broadcast Ownership Rules	3060–AH97
460	Promoting Diversification of Ownership in the Broadcast Services (MB Docket Nos. 07–294 and 17–289)	3060–AJ27
461	Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154).	3060–AJ67
462	Authorizing Permissive Use of the ''Next Generation'' Broadcast Television Standard (GN Docket No. 16–142).	3060–AK56
463	FCC Form 325 Data Collection (MB Docket No. 17–290)	3060–AK69
464	Electronic Delivery of MVPD Communications (MB Docket No. 17–317)	3060–AK70
465	Filing of Paper Broadcast Contracts (MB Docket No. 18–4)	3060–AK71

OFFICE OF MANAGING DIRECTOR—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
466	Assessment and Collection of Regulatory Fees	3060–AK64

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
467	Enhanced 911 Services for Wireline and Multi-Line Telephone Systems; PS Docket Nos. 10–255 and 07–114.	3060–AG60
468	Commission Rules Concerning Disruptions to Communications (PS Docket No. 11–82)	3060–AI22
469	Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114	3060–AJ52
470	Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHz Bands; PS Docket No. 13–87.	3060–AK19
471	Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206.	3060–AK39
472	Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 15–80.	3060–AK40
473	New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35	3060–AK41
474	Wireless Emergency Alerts (WEA); PS Docket No. 15–91	3060–AK54
475	Blue Alert EAS Event Code	3060–AK63

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
476	Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)	3060–AI35
477	Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility.	3060–AJ47
478	Universal Service Reform Mobility Fund (WT Docket No. 10–208)	3060–AJ58

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
479	Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz.	3060–AJ59
480	Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268).	3060–AJ82
481	Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands (WT Docket No. 12–357).	3060–AJ86
482	Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4).	3060–AJ87
483	Promoting Technological Solutions to Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111.	3060–AK06
484	Promoting Investment in the 3550–3700 MHz Band; GN Docket No. 17–258	3060–AK12
485	800 MHz Cellular Telecommunications Licensing Reform; Docket No. 12–40	3060–AK13
486	Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170)	3060–AK28
487	Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers; WT Docket 10–112	3060–AK44
488	Transforming the 2.5 GHz Band	3060–AK75

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
489	Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket no. 96–115).	3060–AG43
490	Numbering Resource Optimization	3060–AH80
491	Jurisdictional Separations	3060–AJ06
492	Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans.	3060–AJ15
493	Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)	3060–AJ32
494	Implementation of Section 224 of the Act; A National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51).	3060–AJ64
495	Rural Call Completion; WC Docket No. 13–39	3060–AJ89
496	Rates for Inmate Calling Services; WC Docket No. 12–375	3060–AK08
497	Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)	3060–AK20
498	Restoring Internet Freedom (WC Docket No. 17–108); Protecting and Promoting the Open Internet (GN Docket No. 14–28).	3060–AK21
499	Technology Transitions; GN Docket No 13–5, WC Docket No. 05–25; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; WC Docket No. 17–84.	3060–AK32
500	Modernizing Common Carrier Rules, WC Docket No 15–33	3060–AK33
501	Numbering Policies for Modern Communications, WC Docket No. 13–97	3060–AK36
502	Implementation of the Universal Service Portions of the 1996 Telecommunications Act	3060–AK57

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Consumer and Governmental Affairs Bureau

Proposed Rule Stage

443. Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This proceeding continues the Commission's inquiry into improving the quality of telecommunications relay service (TRS) and furthering the goal of functional equivalency, consistent with Congress' mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues related to payments from the Interstate TRS Fund.

Timetable:

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50993
R&O, Order on Reconsideration.	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/Interpretation.	02/25/05	70 FR 9239
Public Notice	03/07/05	70 FR 10930
Order	03/23/05	70 FR 14568
Public Notice/Announcement of Date.	04/06/05	70 FR 17334
Order	07/01/05	70 FR 38134
Order on Reconsideration.	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Order	09/14/05	70 FR 54294
Order	09/14/05	70 FR 54298
Public Notice	10/12/05	70 FR 59346
R&O/Order on Reconsideration.	12/23/05	70 FR 76208
Order	12/28/05	70 FR 76712
Order	12/29/05	70 FR 77052
NPRM	02/01/06	71 FR 5221
Declaratory Ruling/Clarification.	05/31/06	71 FR 30818
FNPRM	05/31/06	71 FR 30848
FNPRM	06/01/06	71 FR 31131
Declaratory Ruling/Dismissal of Petition.	06/21/06	71 FR 35553
Clarification	06/28/06	71 FR 36690
Declaratory Ruling on Reconsideration.	07/06/06	71 FR 38268
Order on Reconsideration.	08/16/06	71 FR 47141
MO&O	08/16/06	71 FR 47145

Action	Date	FR Cite
Clarification	08/23/06	71 FR 49380
FNPRM	09/13/06	71 FR 54009
Final Rule; Clarification.	02/14/07	72 FR 6960
Order	03/14/07	72 FR 11789
R&O	08/06/07	72 FR 43546
Public Notice	08/16/07	72 FR 46060
Order	11/01/07	72 FR 61813
Public Notice	01/04/08	73 FR 863
R&O/Declaratory Ruling.	01/17/08	73 FR 3197
Order	02/19/08	73 FR 9031
Order	04/21/08	73 FR 21347
R&O	04/21/08	73 FR 21252
Order	04/23/08	73 FR 21843
Public Notice	04/30/08	73 FR 23361
Order	05/15/08	73 FR 28057
Declaratory Ruling	07/08/08	73 FR 38928
FNPRM	07/18/08	73 FR 41307
R&O	07/18/08	73 FR 41286
Public Notice	08/01/08	73 FR 45006
Public Notice	08/05/08	73 FR 45354
Public Notice	10/10/08	73 FR 60172
Order	10/23/08	73 FR 63078
2nd R&O and Order on Reconsideration.	12/30/08	73 FR 79683
Order	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
NPRM	05/21/09	74 FR 23815
Public Notice	05/21/09	74 FR 23859
Public Notice	06/12/09	74 FR 28046
Order	07/29/09	74 FR 37624
Public Notice	08/07/09	74 FR 39699
Order	09/18/09	74 FR 47894
Order	10/26/09	74 FR 54913
Public Notice	05/12/10	75 FR 26701
Order Denying Stay Motion (Release Date).	07/09/10	
Order	08/13/10	75 FR 49491
Order	09/03/10	75 FR 54040
NPRM	11/02/10	75 FR 67333
NPRM	05/02/11	76 FR 24442
Order	07/25/11	76 FR 44326
Final Rule (Order)	09/27/11	76 FR 59551
Final Rule; Announcement of Effective Date.	11/22/11	76 FR 72124
Proposed Rule (Public Notice).	02/28/12	77 FR 11997
Proposed Rule (FNPRM).	02/01/12	77 FR 4948
First R&O	07/25/12	77 FR 43538
Public Notice	10/29/12	77 FR 65526
Order on Reconsideration.	12/26/12	77 FR 75894
Order	02/05/13	78 FR 8030
Order (Interim Rule).	02/05/13	78 FR 8032
NPRM	02/05/13	78 FR 8090
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/13/13	
FNPRM	07/05/13	78 FR 40407
FNPRM Comment Period End.	09/18/13	
R&O	07/05/13	78 FR 40582
R&O	08/15/13	78 FR 49693
FNPRM	08/15/13	78 FR 49717
FNPRM Comment Period End.	09/30/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/03/13	78 FR 54201
NPRM	10/23/13	78 FR 63152
FNPRM Comment Period End.	11/18/13	
Petiton for Reconsideration; Request for Comment.	12/16/13	78 FR 76096
Petition for Reconsideration; Request for Comment.	12/16/13	78 FR 76097
Request for Clarification; Request for Comment; Correction.	12/30/13	78 FR 79362
Petition for Reconsideration Comment Period End.	01/10/14	
NPRM Comment Period End.	01/21/14	
Announcement of Effective Date.	07/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
Public Notice	09/15/14	79 FR 54979
R&O and Order	10/21/14	79 FR 62875
FNPRM	10/21/14	79 FR 62935
FNPRM Comment Period End.	12/22/14	
Final Action (Announcement of Effective Date).	10/30/14	79 FR 64515
Final Rule Effective.	10/30/14	
FNPRM	11/08/15	80 FR 72029
FNPRM Comment Period End.	01/01/16	
Public Notice	01/20/16	81 FR 3085
Public Notice Comment Period End.	02/16/16	
R&O	03/21/16	81 FR 14984
FNPRM	08/24/16	81 FR 57851
FNPRM Comment Period End.	09/14/16	
NOI and FNPRM	04/12/17	82 FR 17613
NOI and FNPRM Comment Period End.	05/30/17	
R&O	04/13/17	82 FR 17754
R&O	04/27/17	82 FR 19322
FNPRM	04/27/17	82 FR 19347
FNPRM Comment Period End.	07/11/17	
R&O	06/23/17	82 FR 28566
Public Notice	07/21/17	82 FR 33856
Public Notice—Correction.	07/25/17	82 FR 34471
Public Notice Comment Period End.	07/31/17	
Public Notice—Correction Comment Period End.	08/17/17	
R&O	08/22/17	82 FR 39673
Announcement of Effective Date.	10/17/17	82 FR 48203
Public Notice; Petition for Reconsideration.	10/25/17	82 FR 49303
Oppositions Due Date.	11/20/17	
R&O and Declaratory Ruling.	06/27/18	83 FR 30082
FNPRM	07/18/18	83 FR 33899
FNPRM Comment Period End.	11/15/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov.*

RIN: 3060–AI15

444. Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: The FCC initiated this proceeding in its effort to ensure that Internet-Protocol Captioned Telephone Service (IP CTS) is available for eligible users only. In doing so, the FCC adopted rules to address certain practices related to the provision and marketing of IP CTS. IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. To ensure that IP CTS is provided efficiently to persons who need to use this service, the Commission adopted rules establishing several requirements and issued an FNPRM to address additional issues.

Timetable:

Action	Date	FR Cite
NPRM	02/05/13	78 FR 8090
Order (Interim Rule).	02/05/13	78 FR 8032
Order	02/05/13	78 FR 8030
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/12/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/03/13	78FR 54201
FNPRM Comment Period End.	11/18/13	

Action	Date	FR Cite
Petition for Reconsideration Request for Comment.	12/16/13	78 FR 76097
Petiton for Reconsideration Comment Period End.	01/10/14	
Announcement of Effective Date.	07/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
R&O and Declaratory Ruling.	06/27/18	83 FR 30082
FNPRM	07/18/18	83 FR 33899
FNPRM Comment Period End.	11/15/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov.*

RIN: 3060–AK01

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Consumer and Governmental Affairs Bureau

Long-Term Actions

445. Implementation of the Subscriber Selection Changes Provision of the Telecommunications Act of 1996 (CC Docket No. 94–129, CG Docket No. 17–169)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 201; 47 U.S.C. 258

Abstract: Section 258 of the Communications Act of 1934, as amended, makes it unlawful for any telecommunications carrier to submit or execute a change in a subscriber's selection of a provider of telecommunications exchange service or telephone toll service except in accordance with verification procedures that the Commission prescribes. Failure to comply with such procedures is known as ''slamming.'' In CC Docket No. 94–129 and CG Docket No. 17–169, the Commission implements and interprets section 258 by adopting rules, policies, and declaratory rulings.

Timetable:

Action	Date	FR Cite
MO&O on Recon and FNPRM.	08/14/97	62 FR 43493
FNPRM Comment Period End.	09/30/97	
Second R&O and Second FNPRM.	02/16/99	64 FR 7745
First Order on Recon.	04/13/00	65 FR 47678
Third R&O and Second Order on Recon.	11/08/00	65 FR 66934
Third FNPRM	01/29/01	66 FR 8093
Order	03/01/01	66 FR 12877
First R&O and Fourth R&O.	06/06/01	66 FR 30334
Second FNPRM	03/17/03	68 FR 19176
Third Order on Recon.	03/17/03	68 FR 19152
Second FNPRM Comment Period End.	06/17/03	
First Order on Recon & Fourth Order on Recon.	03/15/05	70 FR 12605
Fifth Order on Recon.	03/23/05	70 FR 14567
Order	02/04/08	73 FR 6444
Fourth R&O	03/12/08	73 FR 13144
NPRM	08/14/17	82 FR 37830
R&O	07/17/18	83 FR 33140
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kimberly Wild, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1324, *Email: kimberly.wild@fcc.gov.*

RIN: 3060–AG46

446. Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 227

Abstract: In this docket, the Commission considers rules and policies to implement the Telephone Consumer Protection Act of 1991 (TCPA). The TCPA places requirements on: Robocalls (calls using an automatic telephone dialing system an ''autodialer,'' a prerecorded or an artificial voice), telemarketing calls, and unsolicited fax advertisements.

Timetable:

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62667
FNPRM	04/03/03	68 FR 16250
Order	07/25/03	68 FR 44144
Order Effective	08/25/03	
Order on Reconsideration.	08/25/03	68 FR 50978
Order	10/14/03	68 FR 59130
FNPRM	03/31/04	69 FR 16873
Order	10/08/04	69 FR 60311
Order	10/28/04	69 FR 62816
Order on Reconsideration.	04/13/05	70 FR 19330
Order	06/30/05	70 FR 37705
NPRM	12/19/05	70 FR 75102
Public Notice	04/26/06	71 FR 24634
Order	05/03/06	71 FR 25967
NPRM	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O	07/14/08	73 FR 40183
Order on Reconsideration.	10/30/08	73 FR 64556
NPRM	03/22/10	75 FR 13471
R&O	06/11/12	77 FR 34233
Public Notice	06/30/10	75 FR 34244
Public Notice (Reconsideration Petitions Filed).	10/03/12	77 FR 60343
Announcement of Effective Date.	10/16/12	77 FR 63240
Opposition End Date.	10/18/12	
Rule Corrections	11/08/12	77 FR 66935
Declaratory Ruling (release date).	11/29/12	
Declaratory Ruling (release date).	05/09/13	
Declaratory Ruling and Order.	10/09/15	80 FR 61129
NPRM	05/20/16	81 FR 31889
Declaratory Ruling	07/05/16	
R&O	11/16/16	81 FR 80594
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristi Thornton, Associate Division Chief, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2467, *Email: kristi.thornton@fcc.gov.*

RIN: 3060–AI14

447. Closed-Captioning of Video Programming; CG Docket Nos. 05–231 and 06–181 (Section 610 Review)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 613

Abstract: The Commission's closed-captioning rules are designed to make video programming more accessible to deaf and hard-of-hearing Americans. This proceeding has resolved issues regarding the quality of closed-captioning. Further action is required to resolve a petition that has been filed regarding video programmer registration and certification rules.

Timetable:

Action	Date	FR Cite
NPRM	02/03/97	62 FR 4959
R&O	09/16/97	62 FR 48487
Order on Reconsideration.	10/20/98	63 FR 55959

Action	Date	FR Cite
NPRM	09/26/05	70 FR 56150
Order and Declaratory Ruling.	01/13/09	74 FR 1594
NPRM	01/13/09	74 FR 1654
Final Rule Correction.	09/11/09	74 FR 46703
Final Rule (Announcement of Effective Date).	02/19/10	75 FR 7370
Order	02/19/10	75 FR 7368
Order Suspending Effective Date.	02/19/10	75 FR 7369
Waiver Order	10/04/10	75 FR 61101
Public Notice	11/17/10	75 FR 70168
Interim Final Rule (Order).	11/01/11	76 FR 67376
Final Rule (MO&O).	11/01/11	76 FR 67377
NPRM	11/01/11	76 FR 67397
NPRM Comment Period End.	12/16/11	
Public Notice	05/04/12	77 FR 26550
Public Notice	12/15/12	77 FR 72348
Final Rule Effective.	03/16/15	
FNPRM	03/27/14	79 FR 17094
R&O	03/31/14	79 FR 17911
FNPRM Comment Period End.	07/25/14	
Final Action (Announcement of Effective Date).	12/29/14	79 FR 77916
2nd FNPRM	12/31/14	79 FR 78768
Comment Period End.	01/30/15	
2nd R&O	08/23/16	81 FR 57473
Announcement of Effective Date.	12/22/17	82 FR 60679
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov.*

RIN: 3060–AI72

448. Empowering Consumers To Prevent and Detect Billing for Unauthorized Charges (''Cramming'') (CC Docket No. 98–170; CG Docket Nos. 09–158, 11–116, 17–169).

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: Cramming is the placement of unauthorized charges on a telephone bill, an unlawful practice under the Communications Act. In these dockets, the Commission considers rules and policies to help consumers detect and prevent cramming.

Timetable:

Action	Date	FR Cite
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Extends Reply Comment Period).	11/30/11	76 FR 74017
NPRM Comment Period End.	12/05/11	
FNPRM	05/24/12	77 FR 30972
R&O	05/24/12	77 FR 30915
FNPRM Comment Period End.	07/09/12	
Order (Extends Reply Comment Period).	07/17/12	77 FR 41955
FNPRM Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71354
Correction of Final Rule.	11/30/12	77 FR 71353
NPRM	08/14/17	82 FR 37830
NPRM Comment Period End.	09/13/17	
R&O	07/17/18	83 FR 33140
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ72

449. Transition From TTY to Real-Time Text Technology (GN Docket No. 15–178; CG Docket No. 1645)

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–260, sec. 106; 47 U.S.C. 154(i); 47 U.S.C. 225; 47 U.S.C. 255; 47 U.S.C. 151; 47 U.S.C. 301; 47 U.S.C. 303(r); 47 U.S.C. 316; 47 U.S.C. 403; 47 U.S.C. 615(c); 47 U.S.C. 616; 47 U.S.C. 617

Abstract: The Commission amended its rules to facilitate a transition from text telephone (TTY) technology to real-time text (RTT) as a reliable and interoperable universal text solution over wireless internet protocol (IP) enabled networks for people who are deaf, hard of hearing, deaf-blind, or have a speech disability. RTT, which allows text characters to be sent as they are being created, can be sent simultaneously with voice, and permits the use of off-the-shelf end user devices to make text telephone calls. The Commission also sought comment on the application of RTT to telecommunications relay services (TRS) and sought further comment on a sunset date for TTY support, as well as other matters pertaining to the deployment of RTT.

Timetable:

Action	Date	FR Cite
NPRM	05/25/16	81 FR 33170
NPRM Comment Period End.	07/25/16	
FNPRM	01/23/17	82 FR 7766
R&O	01/23/17	82 FR 7699
Public Notice	03/16/17	82 FR 13972
FNPRM Comment Period End.	03/24/17	
Public Notice Comment Period End.	04/10/17	
Announcement of Effective Date.	12/21/17	82 FR 60562
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK58

450. Advanced Methods To Target and Eliminate Unlawful Robocalls (CG Docket No. 17–59)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 202; 47 U.S.C. 227; 47 U.S.C. 251(e)

Abstract: The Telephone Consumer Protection Act of 1991 restricts the use of robocalls autodialed or prerecorded calls in certain instances. In CG Docket No. 17–59, the Commission considers rules and policies aimed at eliminating unlawful robocalling. Among the issues it examines in this docket are whether to allow carriers to block calls that purport to be from unallocated or unassigned phone numbers through the use of spoofing; whether to allow carriers to block calls based on their own analyses of which calls are likely to be unlawful; and whether to establish a database of reassigned phone numbers to help prevent robocalls to consumers who did not consent to such calls.

Timetable:

Action	Date	FR Cite
NPRM/NOI	05/17/17	82 FR 22625
2nd NOI	07/13/17	
NPRM Comment Period End.	07/31/17	
FNPRM	01/08/18	83 FR 770
R&O	01/12/18	83 FR 1566
2nd FNPRM	04/23/18	83 FR 17631

Action	Date	FR Cite
2nd FNPRM Comment Period End.	06/07/18	
2nd FNPRM Reply Comment Period End.	07/09/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK62

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

Long-Term Actions

451. Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(e) and 303(f); 47 U.S.C. 303(r); 47 U.S.C. 307

Abstract: The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services. (This unused TV spectrum is often termed ''white spaces.'') This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid and if necessary, correct any interference that may occur. The Second Memorandum Opinion and Order finalizes rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This particular spectrum has excellent propagation characteristics that allow signals to reach farther and penetrate walls and other structures. Access to this spectrum could enable more powerful public internet connections—super Wi-Fi hot spots—with extended range, fewer dead spots, and improved individual speeds as a result of reduced congestion on existing networks. This type of ''opportunistic use'' of spectrum has great potential for enabling access to other spectrum bands and improving spectrum efficiency. The Commission's actions here are expected to spur investment and innovation in applications and devices that will be used not only in the TV band, but eventually in other frequency bands as well. This Order addressed five petitions for reconsideration of the Commission's decisions in the Second Memorandum Opinion and Order (''Second MO&O'') in this proceeding and modified rules in certain respects. In particular, the Commission: (1) Increased the maximum height above average terrain (HAAT) for sites where fixed devices may operate; (2) modified the adjacent channel emission limits to specify fixed rather than relative levels; and (3) slightly increased the maximum permissible power spectral density (PSD) for each category of TV bands device. These changes will result in decreased operating costs for fixed TVBDs and allow them to provide greater coverage, thus increasing the availability of wireless broadband services in rural and underserved areas without increasing the risk of interference to incumbent services. The Commission also revised and amended several of its rules to better effectuate the Commission's earlier decisions in this docket and to remove ambiguities.

Timetable:

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
First R&O	11/17/06	71 FR 66876
FNPRM	11/17/06	71 FR 66897
R&O and MO&O	02/17/09	74 FR 7314
Petitions for Reconsideration.	04/13/09	74 FR 16870
Second MO&O	12/06/10	75 FR 75814
Petitions for Reconsideration.	02/09/11	76 FR 7208
3rd MO&O and Order.	05/17/12	77 FR 28236
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email: hugh.vantuyl@fcc.gov*.

RIN: 3060–AI52

452. Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i) and 301; 47 U.S.C. 303(c) and 303(f); 47 U.S.C. 303(r) and 303(y); 47 U.S.C. 310

Abstract: The Notice of Proposed Rulemaking proposed to take a number of actions to further the provision of terrestrial broadband services in the MSS bands. In the 2 GHz MSS band, the Commission proposed to add co-primary fixed and mobile allocations to the existing mobile-satellite allocation. This would lay the groundwork for providing additional flexibility in use of the 2 GHz spectrum in the future. The Commission also proposed to apply the terrestrial secondary market spectrum leasing rules and procedures to transactions involving terrestrial use of the MSS spectrum in the 2 GHz, Big LEO, and L-bands in order to create greater certainty and regulatory parity with bands licensed for terrestrial broadband service. The Commission also asked, in a notice of inquiry, about approaches for creating opportunities for full use of the 2 GHz band for standalone terrestrial uses. The Commission requested comment on ways to promote innovation and investment throughout the MSS bands while also ensuring market-wide mobile satellite capability to serve important needs like disaster recovery and rural access.

In the Report and Order, the Commission amended its rules to make additional spectrum available for new investment in mobile broadband networks while also ensuring that the United States maintains robust mobile satellite service capabilities. First, the Commission adds co-primary fixed and mobile allocations to the Mobile Satellite Service (MSS) 2 GHz band, consistent with the International Table of Allocations, allowing more flexible use of the band, including for terrestrial broadband services, in the future. Second, to create greater predictability and regulatory parity with the bands licensed for terrestrial mobile broadband service, the Commission extends its existing secondary market spectrum manager spectrum leasing policies, procedures, and rules that

currently apply to wireless terrestrial services to terrestrial services provided using the Ancillary Terrestrial Component (ATC) of an MSS system. Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding concerning Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz, and published pursuant to 47 CFR 1.429(e). See 1.4(b)(1) of the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	08/16/10	75 FR 49871
NPRM Comment Period End.	09/15/10	
Reply Comment Period End.	09/30/10	
R&O	05/31/11	76 FR 31252
Petitions for Reconsideration.	08/10/11	76 FR 49364
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ46

453. Federal Earth Stations—Non-Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 336

Abstract: The Notice of Proposed Rulemaking proposes to make spectrum allocation proposals for three different space-related purposes. The Commission makes two alternative proposals to modify the Allocation Table to provide interference protection for Fixed-Satellite Service (FSS) and Mobile-Satellite Service (MSS) earth stations operated by Federal agencies under authorizations granted by the National Telecommunications and Information Administration (NTIA) in certain frequency bands. The Commission also proposes to amend a footnote to the Allocation Table to permit a Federal MSS system to operate in the 399.9 to 400.05 MHz band; it also makes alternative proposals to modify the Allocation Table to provide access to spectrum on an interference protected basis to Commission licensees for use during the launch of launch vehicles (*i.e.,* rockets). The Commission also seeks comment broadly on the future spectrum needs of the commercial space sector. The Commission expects that, if adopted, these proposals would advance the commercial space industry and the important role it will play in our Nation's economy and technological innovation now and in the future.

Timetable:

Action	Date	FR Cite
NPRM	07/01/13	78 FR 39200
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK09

454. Authorization of Radiofrequency Equipment; ET Docket No. 13–44

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Commission is responsible for an equipment authorization program for radiofrequency (RF) devices under part 2 of its rules. This program is one of the primary means that the Commission uses to ensure that the multitude of RF devices used in the United States operate effectively without causing harmful interference and otherwise comply with the Commission rules. All RF devices subject to equipment authorization must comply with the Commission's technical requirement before they can be imported or marketed. The Commission or a Telecommunication Certification Body (TCB) must approve some of these devices before they can be imported or marketed, while others do not require such approval. The Commission last comprehensively reviewed its equipment authorization program more than 10 years ago. The rapid innovation in equipment design since that time has led to ever-accelerating growth in the number of parties applying for equipment approval. The Commission therefore believes that the time is now right for us to comprehensively review our equipment authorization processes to ensure that they continue to enable this growth and innovation in the wireless equipment market. In May 2012, the Commission began this reform process by issuing an Order to increase the supply of available grantee codes. With this Notice of Proposed Rulemaking (NPRM), the Commission continues its work to review and reform the equipment authorization processes and rules. This Notice of Proposed Rulemaking proposes certain changes to the Commission's part 2 equipment authorization processes to ensure that they continue to operate efficiently and effectively. In particular, it addresses the role of TCBs in certifying RF equipment and post-market surveillance, as well as the Commission's role in assessing TCB performance. The NPRM also addressed the role of test laboratories in the RF equipment approval process, including accreditation of test labs and the Commission's recognition of laboratory accreditation bodies, and measurement procedures used to determine RF equipment compliance. Finally, it proposes certain modifications to the rules regarding TCBs that approve terminal equipment under part 68 of the rules that are consistent with our proposed modifications to the rules for TCBs that approve RF equipment. Specifically, the Commission proposes to recognize the National Institute for Standards and Technology (NIST) as the organization that designates TCBs in the United States and to modify the rules to reference the current International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) guides used to accredit TCBs.

This Report and Order updates the Commission's radiofrequency (RF) equipment authorization program to build on the success realized by its use of Commission-recognized Telecommunications Certification Bodies (TCBs). The rules the Commission is adopting will facilitate the continued rapid introduction of new and innovative products to the market while ensuring that these products do not cause harmful interference to each other or to other communications devices and services.

Timetable:

Action	Date	FR Cite
NPRM	05/03/13	78 FR 25916
R&O	06/12/15	80 FR 33425
Memorandum, Opinion & Order.	06/29/16	81 FR 42264
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK10

455. Spectrum Access for Wireless Microphone Operations (GN Docket Nos. 14–166 and 12–268)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Notice of Proposed Rule Making initiated a proceeding to address how to accommodate the long-term needs of wireless microphone users. Wireless microphones play an important role in enabling broadcasters and other video programming networks to serve consumers, including as they cover breaking news and broadcast live sports events. They enhance event productions in a variety of settings including theaters and music venues, film studios, conventions, corporate events, houses of worship, and internet webcasts. They also help create high quality content that consumers demand and value. Recent actions by the Commission, and in particular the repurposing of broadcast television band spectrum for wireless services set forth in the Incentive Auction R&O, will significantly alter the regulatory environment in which wireless microphones operate, which necessitates our addressing how to accommodate wireless microphone users in the future.

In the Report and Order, the Commission takes several steps to accommodate the long-term needs of wireless microphone users. Wireless microphones play an important role in enabling broadcasters and other video programming networks to serve consumers, including as they cover breaking news and live sports events. They enhance event productions in a variety of settings including theaters and music venues, film studios, conventions, corporate events, houses of worship, and internet webcasts. They also help create high quality content that consumers demand and value. In particular, the Commission provide additional opportunities for wireless microphone operations in the TV bands following the upcoming incentive auction, and the Commission provide new opportunities for wireless microphone operations to access spectrum in other frequency bands where they can share use of the bands without harming existing users.

In the Order on Reconsideration, we address the four petitions for reconsideration of the Wireless Microphones R&O concerning licensed wireless microphone operations in the TV bands, the 600 MHz duplex gap and several other frequency bands, as well as three petitions for reconsideration of the TV bands part 15 R&O concerning unlicensed wireless microphone operations in the TV bands, the 600 MHz guard bands and duplex gap, and the 600 MHz service band. Because these petitions involve several overlapping technical and operational issues concerning wireless microphones, we consolidate our consideration of them in this one order.

In the Further Notice, we propose to permit certain professional theater, music, performing arts, or similar organizations that operate wireless microphones on an unlicensed basis and that meet certain criteria to obtain a part 74 license to operate in the TV bands (and the 600 MHz service band during the post-auction transition period), thereby allowing them to register in the white spaces databases for interference protection from unlicensed white space devices at venues where their events/productions are performed. In addition, we propose to permit these same users, based on demonstrated need, also to obtain a part 74 license to operate on other bands available for use by part 74 wireless microphone licensees provided that they meet the applicable requirements for operating in those bands.

Timetable:

Action	Date	FR Cite
NPRM	11/21/14	79 FR 69387
NPRM Comment Period End.	01/05/15	
NPRM Reply Comment Period End.	01/26/15	
R&O	11/17/15	80 FR 71702
FNPRM	09/01/17	82 FR 41583
Order on Recon	09/01/17	82 FR 41549
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK30

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Long-Term Actions

456. International Settlements Policy Reform (IB Docket No. 11–80)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154; 47 U.S.C. 201 to 205; 47 U.S.C. 208; 47 U.S.C. 211; 47 U.S.C. 214; 47 U.S.C. 303(r); 47 U.S.C. 309; 47 U.S.C. 403

Abstract: The FCC is reviewing the International Settlements Policy (ISP). It governs how U.S. carriers negotiate with foreign carriers for the exchange of international traffic, and is the structure by which the Commission has sought to respond to concerns that foreign carriers with market power are able to take advantage of the presence of multiple U.S. carriers serving a particular market. In 2011, the FCC released an NPRM which proposed to further deregulate the international telephony market and enable U.S. consumers to enjoy competitive prices when they make calls to international destinations. First, it proposed to remove the ISP from all international routes except Cuba. Second, the FCC sought comment on a proposal to enable the Commission to better protect U.S. consumers from the effects of anticompetitive conduct by foreign carriers in instances necessitating Commission intervention. In 2012, the FCC adopted a Report and Order which eliminated the ISP on all routes, but maintained the nondiscrimination requirement of the ISP on the U.S.-Cuba route and codified it at 47 CFR 63.22(f). In the Report and Order, the FCC also adopted measures to protect U.S. consumers from anticompetitive conduct by foreign carriers. In 2016, the FCC released an FNPRM seeking comment on removing the discrimination requirement on the U.S.-Cuba route.

Timetable:

Action	Date	FR Cite
NPRM	05/13/11	76 FR 42625
NPRM Comment Period End.	09/02/11	
Report and Order	02/15/13	78 FR 11109
FNPRM	03/04/16	81 FR 11500
FNPRM Comment Period End.	04/18/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ77

457. Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 161; 47 U.S.C. 303(c); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) to initiate a comprehensive review of part 25 of the Commission's rules, which governs the licensing and operation of space stations and earth stations. The Commission proposed amendments to modernize the rules to better reflect evolving technology, to eliminate unnecessary technical and information filing requirements, and to reorganize and simplify existing requirements. In the ensuing Report and Order, the Commission adopted most of its proposed changes and revised more than 150 rule provisions. Several proposals raised by commenters in the proceeding, however, were not within the scope of the original NPRM. To address these and other issues, the Commission released a Further Notice of Proposed Rulemaking (FNPRM). The FNPRM proposed additional rule changes to facilitate international coordination of proposed satellite networks, to revise system implementation milestones and the associated bond, and to expand the applicability of routine licensing standards. Following the FNPRM, the Commission issued a Second Report and Order adopting most of its proposals in the FNPNRM. Among other changes, the Commission established a two-step licensing procedure for most geostationary satellite applicants to facilitate international coordination, simplified the satellite development milestones, adopted an escalating bond requirement to discourage speculation, and refined the two-degree orbital spacing policy for most geostationary satellites to protect existing services. In addition, in May 2016, the International Bureau published a Public Notice inviting comment on the appropriate implementation schedule for a Carrier Identification requirement adopted in the first Report and Order in this proceeding. In July 2017, the Commission adopted a waiver of the Carrier Identification requirement for certain earth stations that cannot be suitably upgraded.

Timetable:

Action	Date	FR Cite
NPRM	11/08/12	77 FR 67172
NPRM Comment Period End.	02/13/13	
Report and Order	02/12/14	79 FR 8308
FNPRM	10/31/14	79 FR 65106
FNPRM Comment Period End.	03/02/15	
Public Notice	05/31/16	81 FR 34301
2nd R&O	08/18/16	81 FR 55316
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ98

458. Update to Parts 2 and 25 Concerning Nongeostationary, Fixed-Satellite Service Systems and Related Matters; IB Docket No. I6–408

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 316

Abstract: On January 11, 2017, the Commission began a rulemaking to update its rules and policies concerning non-geostationary-satellite orbit (NGSO), fixed-satellite service (FSS) systems and related matters. The proposed changes would, among other things, provide for more flexible use of the 17.8–20.2 GHz bands for FSS, promote shared use of spectrum among NGSO FSS satellite systems, and remove unnecessary design restrictions on NGSO FSS systems. The Commission subsequently adopted a Report and Order establishing new sharing criteria among NGSO FSS systems and providing additional flexibility for FSS spectrum use. The Commission also released a Further Notice of Proposed Rulemaking proposing to remove the domestic coverage requirement for NGSO FSS systems.

Timetable:

Action	Date	FR Cite
NPRM	01/11/17	82 FR 3258
NPRM Comment Period End.	04/10/17	
FNPRM	11/15/17	82 FR 52869
R&O	12/18/17	82 FR 59972
FNPRM Comment Period End.	01/02/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK59

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Long-Term Actions

459. Broadcast Ownership Rules

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310

Abstract: Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its ownership rules every four years and determine whether any such rules are necessary in the public interest as the result of competition. Accordingly, every four years, the Commission undertakes a comprehensive review of its broadcast multiple and cross-ownership limits examining: Cross-ownership of TV and radio stations; local TV ownership limits; national TV cap; and dual network rule. The last review undertaken was the 2014 review. The Commission incorporated the record of the 2010 review and sought additional data on market conditions and competitive indicators. The Commission also sought comment on whether to eliminate restrictions on newspaper/radio combined ownership and whether to eliminate the radio/television cross-ownership rule in favor of reliance on the local radio rule and the local television rule. In 2016, the Commission retained the existing rules with modifications to account for the digital television transition. Upon reconsideration, it repealed and modified several ownership rules. Specifically repealed were the newspaper/broadcast cross-ownership rule, the radio/television cross-ownership rule, and the attributions rule for television joint-sales agreements.

Timetable:

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50991
R&O	08/05/03	68 FR 46286
Public Notice	02/19/04	69 FR 9216
FNPRM	08/09/06	71 FR 4511
Second FNPRM	08/08/07	72 FR 44539
R&O and Order on Reconsideration.	02/21/08	73 FR 9481
Notice of Inquiry	06/11/10	75 FR 33227
NPRM	01/19/12	77 FR 2868
NPRM Comment Period End.	03/19/12	
FNPRM	05/20/14	79 FR 29010
2nd R&O	11/01/16	81 FR 76220
Order on Reconsideration.	01/08/18	83 FR 733
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AH97

460. Promoting Diversification of Ownership in the Broadcast Services (MB Docket Nos. 07–294 and 17–289)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i) and (j); 47 U.S.C. 257; 47 U.S.C. 303(r); 47 U.S.C. 307 to 310; 47 U.S.C. 336; 47 U.S.C. 534 and 535

Abstract: Diversity and competition are longstanding and important Commission goals. The measures proposed, as well as those adopted in this proceeding, are intended to promote diversity of ownership of media outlets. In the Report and Order and Third FNPRM, measures are enacted to increase participation in the broadcasting industry by new entrants and small businesses, including minority- and women-owned businesses. In the Report and Order and Fourth FNPRM, the Commission adopts improvements to its data collection in order to obtain an accurate and comprehensive assessment of minority and female broadcast ownership in the United States. In 2016, the Commission made improvements to the collection of data reported on Forms 323 and 323–E. On reconsideration in 2017, the Commission provided NCE filers with alternative means to file required Form 323–E without submitting personal information.

Pursuant to a remand from the Third Circuit, the measures adopted in the 2009 Diversity Order were put forth for comment in the NPRM for the 2010 review of the Commission's Broadcast Ownership rules. The Commission sought additional comment in 2014. The Commission addressed the remand in the 2016 Second Report and Order in the Broadcast Ownership proceeding. The Commission developed a revenue-based definition of eligible entity in order to promote small business participation in the broadcast industry. The Commission failed to adopt a race or gender conscious eligible entity standard. The Commission found the record was not sufficient to satisfy the constitutional standards to adopt race or gender conscious measures. In the 2017 Notice of Proposed Rulemaking, the Commission seeks comment on an incubator program to promote ownership diversity.

Timetable:

Action	Date	FR Cite
R&O	05/16/08	73 FR 28361
Third FNPRM	05/16/08	73 FR 28400
R&O	05/27/09	74 FR 25163
Fourth FNPRM	05/27/09	74 FR 25305
MO&O	10/30/09	74 FR 56131
NPRM	01/19/12	77 FR 2868
5th NPRM	01/15/13	78 FR 2934
6th FNPRM	01/15/13	78 FR 2925
FNPRM	05/20/14	79 FR 29010
7th FNPRM	02/26/15	80 FR 10442
Comment Period End.	03/30/15	
Reply Comment Period End.	04/30/15	
R&O	04/04/16	81 FR 19432
2nd R&O	11/01/16	81 FR 76220
Order on Recon	05/10/17	82 FR 21718
NPRM	01/08/18	83 FR 774
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2757, *Email: brendan.holland@fcc.gov.*

RIN: 3060–AJ27

461. Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 303; 47 U.S.C. 330(b); 47 U.S.C. 613; 47 U.S.C. 617

Abstract: Pursuant to the Commission's responsibilities under the Twenty-First Century Communications and Video Accessibility Act of 2010, this proceeding was initiated to adopt rules to govern the closed captioning requirements for the owners, providers, and distributors of video programming delivered using internet protocol.

Timetable:

Action	Date	FR Cite
NPRM	09/28/11	76 FR 59963
R&O	03/20/12	77 FR 19480
Order on Recon, FNPRM.	07/02/13	78 FR 39691
2nd Order on Recon.	08/05/14	79 FR 45354
2nd FNPRM	08/05/14	79 FR 45397
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Maria Mullarkey, Attorney, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1067, *Email: maria.mullarkey@fcc.gov.*

RIN: 3060–AJ67

462. Authorizing Permissive Use of the ''Next Generation'' Broadcast Television Standard (GN Docket No. 16–142)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 325(b); 47 U.S.C. 336; 47 U.S.C. 399(b); 47 U.S.C. 403; 47 U.S.C. 534; 47 U.S.C. 535

Abstract: In this proceeding, the Commission seeks to authorize television broadcasters to use the ''Next Generation'' ATSC 3.0 broadcast television transmission standard on a voluntary, market-driven basis, while they continue to deliver current-generation digital television broadcast service to their viewers. In the Report and Order, the Commission adopted rules to afford broadcasters flexibility to deploy ATSC 3.0-based transmissions, while minimizing the impact on, and costs to, consumers and other industry stakeholders.

The FNPRM sought comment on three topics: (1) Issues related to the local simulcasting requirement, (2) whether to let broadcasters use vacant channels in the broadcast band, and (3) the import of the Next Gen standard on simulcasting stations.

Timetable:

Action	Date	FR Cite
NPRM	03/10/17	82 FR 13285
NPRM Comment Period End.	05/09/17	
FNPRM	12/20/17	82 FR 60350

Action	Date	FR Cite
R&O	02/02/18	83 FR 4998
FNPRM Comment Period End.	02/20/18	
FNPRM Reply Comment Period End.	03/20/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Evan Baranoff, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7142, *Email: evan.baranoff@fcc.gov.*

RIN: 3060–AK56

463. FCC Form 325 Data Collection (MB Docket No. 17–290)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C., sec. 151

Abstract: In this proceeding, the Commission seeks comment on whether to eliminate Form 325, Annual Report of Cable Television Systems, or, in the alternative, on ways to modernize and streamline the form. Form 325 collects operational information from cable television systems nationwide, including their network structure, system-wide capacity, programming, and number of subscribers.

Timetable:

Action	Date	FR Cite
NPRM	12/12/17	82 FR 58365
NPRM Comment Period End.	02/12/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Martha Heller, Chief, Policy, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2120, *Email: martha.heller@fcc.gov.*

RIN: 3060–AK69

464. Electronic Delivery of MVPD Communications (MB Docket No. 17–317)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C., sec. 151

Abstract: In this proceeding, the Commission addresses ways to modernize certain notice provisions in part 76 of the Commission's rules governing multichannel video and cable television service. The Commission considers allowing various types of written communications from cable operators to subscribers to be delivered electronically. Additionally, the Commission considers permitting cable operators to reply to consumer requests or complaints by email in certain circumstances. The Commission also evaluates updating the requirement in the Commission's rules that requires broadcast television stations to send carriage election notices via certified mail.

Timetable:

Action	Date	FR Cite
NPRM	01/16/18	83 FR 2119
NPRM Comment Period End.	02/15/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Martha Heller, Chief, Policy, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2120, *Email: martha.heller@fcc.gov.*

RIN: 3060–AK70

465. Filing of Paper Broadcast Contracts (MB Docket No. 18–4)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C., sec. 151

Abstract: In this proceeding, the Commission considers whether and how to modernize section 73.3613 of the Commission's rules, which requires each licensee or permittee of a commercial and noncommercial AM, FM, television, or international broadcast station to file certain contracts and other documents with the Commission within 30 days after execution.

Timetable:

Action	Date	FR Cite
NPRM (release date).	01/30/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2757, *Email: brendan.holland@fcc.gov.*

RIN: 3060–AK71

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Managing Director

Long-Term Actions

466. Assessment and Collection of Regulatory Fees

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 159

Abstract: Section 9 of the Communications Act of 1934, as amended, 47 U.S.C. 159, requires the FCC to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

Timetable:

Action	Date	FR Cite
NPRM	06/06/17	82 FR 26019
R&O	09/22/17	82 FR 44322
NPRM (Release Date).	05/22/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roland Helvajian, Office of the Managing Director, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0444, *Email: roland.helvajian@fcc.gov.*

RIN: 3060–AK64

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Long-Term Actions

467. Enhanced 911 Services for Wireline and Multi-Line Telephone Systems; PS Docket Nos. 10–255 and 07–114

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201; 47 U.S.C. 222; 47 U.S.C. 251

Abstract: The policies set forth in the Report and Order will assist State governments in drafting legislation that will ensure that multi-line telephone systems are compatible with the enhanced 911 network. The public notice seeks comment on whether the Commission, rather than States, should regulate multiline telephone systems and whether part 68 of the Commission's rules should be revised.

Timetable:

Action	Date	FR Cite
NPRM	10/11/94	59 FR 54878
FNPRM	01/23/03	68 FR 3214
Second FNPRM	02/11/04	69 FR 6595
R&O	02/11/04	69 FR 6578
Public Notice	01/13/05	70 FR 2405
Comment Period End.	03/29/05	
NOI	01/13/11	76 FR 2297
NOI Comment Period End.	03/14/11	
Public Notice (Release Date).	05/21/12	
Public Notice Comment Period End.	08/06/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Boykin, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2062, *Email: brenda.boykin@fcc.gov.*

RIN: 3060–AG60

468. Commission Rules Concerning Disruptions to Communications (PS Docket No. 11–82)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C.155; 47 U.S.C. 154; 47 U.S.C. 201; 47 U.S.C. 251

Abstract: The 2004 Report and Order extended the Commission's outage reporting requirements to non-wireline carriers and streamlined reporting through a new electronic template. A Further Notice of Proposed Rulemaking regarding the unique communications needs of airports also remains pending. The 2012 Report and Order extended the Commission's outage reporting requirements to interconnected Voice over internet Protocol (VOIP) services where there is a complete loss of connectivity that has the potential to affect at least 900,000 user minutes. Interconnected VoIP services providers must now file outage reports through the same electronic mechanism as providers of other services. The Commission indicated that the technical issues involved in identifying and reporting significant outages of broadband internet services require further study. In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see also dockets 04–35 and 15–80). The FNPRM proposed rules to extend part 4 outage reporting to broadband services. Comments and replies were received by the Commission in August and September 2016.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
FNPRM	11/26/04	69 FR 68859
R&O	12/03/04	69 FR 70316
Announcement of Effective Date and Partial Stay.	12/30/04	69 FR 78338
Petition for Reconsideration.	02/15/05	70 FR 7737
Amendment of Delegated Authority.	02/21/08	73 FR 9462
Public Notice	08/02/10	
NPRM	06/09/11	76 FR 33686
NPRM Comment Period End.	08/08/11	
R&O	04/27/12	77 FR 25088
Final Rule; Correction.	01/30/13	78 FR 6216
R&O	07/12/16	81 FR 45055
FNPRM	07/12/16	81 FR 45095
Order Denying Reply Comment Deadline Extension Request.	09/08/16	
FNPRM Comment Period End.	09/12/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Finley, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7835, *Email: robert.finley@fcc.gov.*

RIN: 3060–AI22

469. Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 332

Abstract: This is related to the proceedings in which the FCC has previously acted to improve the quality of all emergency services. Wireless carriers must provide specific automatic location information in connection with 911 emergency calls to Public Safety Answering Points (PSAPs). Wireless licensees must satisfy enhanced 911 location accuracy standards at either a county-based or a PSAP-based geographic level.

Timetable:

Action	Date	FR Cite
NPRM	06/20/07	72 FR 33948
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
FNPRM; NOI	11/02/10	75 FR 67321
Public Notice	11/18/09	74 FR 59539
2nd R&O	11/18/10	75 FR 70604
Second NPRM	08/04/11	76 FR 47114
Second NPRM Comment Period End.	11/02/11	
Final Rule	04/28/11	76 FR 23713
NPRM, 3rd R&O, and 2nd FNPRM.	09/28/11	76 FR 59916
3rd FNPRM	03/28/14	79 FR 17820
Order Extending Comment Period.	06/10/14	79 FR 33163
3rd FNPRM Comment Period End.	07/14/14	
Public Notice (Release Date).	11/20/14	
Public Notice Comment Period End.	12/17/14	
4th R&O	03/04/15	80 FR 11806
Final Rule	08/03/15	80 FR 45897
Order Granting Waiver.	07/10/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Boykin, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2062, *Email: brenda.boykin@fcc.gov.*

RIN: 3060–AJ52

470. Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHz Bands; PS Docket No. 13–87

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 303; 47 U.S.C. 337(a); 47 U.S.C. 403

Abstract: This proceeding seeks to amend the Commission's rules to promote spectrum efficiency, interoperability, and flexibility in 700 MHz public safety narrowband operations (769–775 and 799–805 MHz).

Timetable:

Action	Date	FR Cite
NPRM	04/19/13	78 FR 23529
Final Rule	12/20/14	79 FR 71321
Final Rule Effective.	01/02/15	
FNPRM	09/29/16	81 FR 65984
Order on Recon	09/29/16	81 FR 66830
2nd R&O and Order on Recon.	07/30/18	83 FR 30364

Action	Date	FR Cite
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Marenco, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0838, *Email: brian.marenco@fcc.gov.*

RIN: 3060–AK19

471. Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 34 to 39; 47 U.S.C. 301

Abstract: This proceeding takes steps toward assuring the reliability and resiliency of submarine cables, a critical piece of the Nation's communications infrastructure, by proposing to require submarine cable licensees to report to the Commission when outages occur and communications are disrupted. The Commission's intent is to enhance national security and emergency preparedness by these actions.

Timetable:

Action	Date	FR Cite
NPRM (Release Date).	09/17/15	
R&O	06/24/16	81 FR 52354
Petitions for Recon.	09/08/16	
Petitions for Recon—Public Comment.	10/31/16	81 FR 75368
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Villanueva, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7005, *Email: brenda.villanueva@fcc.gov.*

RIN: 3060–AK39

472. Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 15–80

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 CFR 0; 47 CFR 4; 47 CFR 63

Abstract: The 2004 Report and Order extended the Commission's communication disruptions reporting rules to non-wireline carriers and streamlined reporting through a new electronic template (see docket ET Docket 04–35). In 2015, this proceeding, PS Docket 15–80, was opened to amend the original communications disruption reporting rules from 2004 in order to reflect technology transitions observed throughout the telecommunications sector. The Commission seeks to further study the possibility to share the reporting database information and access with State and other Federal entities. In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see also Dockets 11–82 & 04–35). The R&O adopted rules to update the part 4 requirements to reflect technology transitions. The FNPRM sought comment on sharing information in the reporting database. Comments and replies were received by the Commission in August and September 2016.

Timetable:

Action	Date	FR Cite
NPRM	06/16/15	80 FR 34321
NPRM Comment Period End.	07/31/15	
FNPRM	07/12/16	81 FR 45095
R&O	07/12/16	81 FR 45055
FNPRM Comment Period End.	09/12/16	
Order Denying Reply Comment Deadline Extension Request.	09/18/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Finley, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7835, *Email: robert.finley@fcc.gov.*

RIN: 3060–AK40

473. New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154 to 155; 47 U.S.C. 201; 47 U.S.C. 251; 47 U.S.C. 307; 47 U.S.C. 316

Abstract: The proceeding creates a new part 4 in title 47, and amends part 63.100. The proceeding updates the Commission's communication disruptions reporting rules for wireline providers formerly found in 47 CFR 63.100, and extends these rules to other non-wireline providers. Through this proceeding, the Commission streamlines the reporting process through an electronic template. The Report and Order received several petitions for reconsideration, of which two were eventually withdrawn. In 2015, seven were addressed in an Order on Reconsideration and in 2016 another petition was addressed in an Order on Reconsideration. One petition (CPUC Petition) remains pending regarding NORS database sharing with states, which is addressed in a separate proceeding, PS Docket 15–80. To the extent the communication disruption rules cover VoIP, the Commission studies and addresses these questions in a separate docket, PS Docket 11–82.

In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see Dockets 11–82 & 15–80). The Order on Reconsideration addressed outage reporting for events at airports, and the FNPRM sought comment on database sharing. Comments and replies were received by the Commission in August and September 2016.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
R&O	11/26/04	69 FR 68859
Denial for Petition for Partial Stay.	12/02/04	
Seek Comment on Petition for Recon.	02/02/10	
Reply Period End	03/19/10	
Seek Comment on Broadband and Interconnected VOIP Service Providers.	07/02/10	
Reply Period End	08/16/12	
R&O and Order on Recon.	06/16/15	80 FR 34321
FNPRM	07/12/16	81 FR 45095
R&O	07/12/16	81 FR 45055
Order Denying Extension of Time to File Reply Comments.	09/08/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Finley, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7835, *Email: robert.finley@fcc.gov.*

RIN: 3060–AK41

474. Wireless Emergency Alerts (WEA); PS Docket No. 15–91

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 109–347, title VI; 47 U.S.C. 151; 47 U.S.C. 154(i)

Abstract: This proceeding was initiated to improve WEA messaging, ensure that WEA alerts reach only those individuals to whom they are relevant, and establish an end-to-end testing program based on advancements in technology.

Timetable:

Action	Date	FR Cite
NPRM	11/19/15	80 FR 77289
NPRM Comment Period End.	01/13/16	
NPRM Reply Comment Period End.	02/12/16	
Order	11/01/16	81 FR 75710
FNPRM	11/08/16	81 FR 78539
Comment Period End.	12/08/16	
Reply Comment Period End.	01/07/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lisa Fowlkes, Bureau Chief, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7452, *Email: lisa.fowlkes@fcc.gov.*

RIN: 3060–AK54

475. Blue Alert EAS Event Code

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 154(o); 47 U.S.C. 301; 47 U.S.C. 303(r) and (v); 47 U.S.C. 307; 47 U.S.C. 309 ; 47 U.S.C. 335; 47 U.S.C. 403; 47 U.S.C.544(g); 47 U.S.C. 606 and 615

Abstract: In 2015, Congress adopted the Blue Alert Act to help the States provide effective alerts to the public and law enforcement when police and other law enforcement officers are killed or are in danger. To ensure that these state plans are compatible and integrated throughout the United States as envisioned by the Blue Alert Act, the Blue Alert Coordinator made a series of recommendations in a 2016 Report to Congress. Among these recommendations, the Blue Alert Coordinator identified the need for a dedicated EAS event code for Blue Alerts, and noted the alignment of the EAS with the implementation of the Blue Alert Act. On June 22, 2017, the FCC released an NPRM proposing to revise the EAS rules to adopt a new event code, which would allow transmission of ''Blue Alerts'' to the public over the EAS, and thus satisfy the stated need for a dedicated EAS event code.

Timetable:

Action	Date	FR Cite
NPRM	06/30/17	82 FR 29811
NPRM Comment Period End.	07/31/17	
NPRM Reply Comment Period End.	08/29/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Pintro, Attorney Advisor, Policy and Licensing Division, PSHSB, Federal Communications Commission, 445 12th Street SW, Washington, DC 21043, *Phone:* 202 418–7490, *Email: linda.pintro@fcc.gov.*

Gregory Cooke, Deputy Chief, Policy and Licensing Division, PSHSB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2351, *Email: gregory.cooke@fcc.gov.*

RIN: 3060–AK63

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Long-Term Actions

476. Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e)

Abstract: This proceeding is intended to streamline, consolidate, and revise our part 87 rules governing the Aviation Radio Service. The rule changes are designed to ensure these rules reflect current technological advances.

Timetable:

Action	Date	FR Cite
NPRM	10/16/01	66 FR 64785
NPRM Comment Period End.	03/14/02	
R&O and FNPRM	10/16/03	
FNPRM	04/12/04	69 FR 19140
FNPRM Comment Period End.	07/12/04	
R&O	06/14/04	69 FR 32577
NPRM	12/06/06	71 FR 70710
NPRM Comment Period End.	03/06/07	
Final Rule	12/06/06	71 FR 70671
3rd R&O	03/29/11	76 FR 17347
Stay Order	03/29/11	76 FR 17353
3rd FNPRM	01/30/13	78 FR 6276
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0680, *Email: jeff.tobias@fcc.gov.*

RIN: 3060–AI35

477. Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 157; 47 U.S.C. 160 and 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319 and 324; 47 U.S.C. 332 and 333

Abstract: In this document, the Commission commences a proceeding to remove regulatory barriers to the use of spectrum for wireless backhaul and other point-to-point and point-to-multipoint communications.

Timetable:

Action	Date	FR Cite
NPRM	08/05/10	75 FR 52185
NPRM Comment Period End.	11/22/10	
R&O	09/27/11	76 FR 59559
FNPRM	09/27/11	76 FR 59614
FNPRM Comment Period End.	10/25/11	
R&O	09/05/12	77 FR 54421
FNPRM	09/05/12	77 FR 54511
FNPRM Comment Period End.	10/22/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau,

445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov*.

RIN: 3060–AJ47

478. Universal Service Reform Mobility Fund (WT Docket No. 10–208)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 155; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 205; 47 U.S.C. 225; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 309; 47 U.S.C. 310

Abstract: This proceeding establishes the Mobility Fund which provides an initial infusion of funds toward solving persistent gaps in mobile services through targeted, one-time support for the build-out of current and next-generation wireless infrastructure in areas where these services are unavailable.

Timetable:

Action	Date	FR Cite
NPRM	10/14/10	75 FR 67060
NPRM Comment Period End.	01/18/11	
R&O	11/29/11	76 FR 73830
FNPRM	12/16/11	76 FR 78384
R&O	12/28/11	76 FR 81562
2nd R&O	07/03/12	77 FR 39435
4th Order on Recon.	08/14/12	77 FR 48453
FNPRM	07/09/14	79 FR 39196
R&O, Declaratory Ruling, Order, MO&O, and 7th Order on Recon.	07/09/14	79 FR 39163
FNPRM Comment Period End.	09/08/14	
R&O	10/07/16	81 FR 69696
FNPRM	10/07/16	81 FR 69772
FNPRM	03/13/17	82 FR 13413
R&O	03/28/17	82 FR 15422
R&O Correction	04/04/17	82 FR 16297
Order on Recon and 2nd R&O.	09/08/17	82 FR 42473
2nd Order on Recon.	04/25/18	83 FR 17934
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Audra Hale-Maddox, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2109, *Email: audra.hale-maddox@fcc.gov.*

RIN: 3060–AJ58

479. Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 303 and 310

Abstract: The Commission proposes steps making additional spectrum available for new investment in mobile broadband networks, while ensuring that the United States maintains robust mobile satellite service capabilities. Mobile broadband is emerging as one of America's most dynamic innovation and economic platforms. Yet tremendous demand growth soon will test the limits of spectrum availability. Some 90 megahertz of spectrum, allocated to the Mobile Satellite Service (MSS) in the 2 GHz band, Big LEO band, and L-band, are potentially available for terrestrial mobile broadband use. The Commission seeks to remove regulatory barriers to terrestrial use, and to promote additional investments, such as those recently made possible by a transaction between Harbinger Capital Partners and SkyTerra Communications, while retaining sufficient market-wide MSS capability. The Commission proposes to add co-primary Fixed and Mobile allocations to the 2 GHz band, consistent with the International Table of Allocations. This allocation modification is a precondition for more flexible licensing of terrestrial services within the band. Second, the Commission proposes to apply the Commission's secondary market policies and rules applicable to terrestrial services to all transactions involving the use of MSS bands for terrestrial services to create greater predictability and regulatory parity with bands licensed for terrestrial mobile broadband service. The Commission also requests comment on further steps we can take to increase the value, utilization, innovation, and investment in MSS spectrum generally.

Timetable:

Action	Date	FR Cite
NPRM	07/15/10	75 FR 49871
NPRM Comment Period End.	09/30/10	
R&O	04/06/11	76 FR 31252
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blaise Scinto, Chief, Broadband Division, WTB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1380, *Email: blaise.scinto@fcc.gov*.

RIN: 3060–AJ59

480. Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 309(j)(8)(G); 47 U.S.C. 1452

Abstract: In February 2012, the Middle Class Tax Relief and Job Creation Act was enacted (Pub. L. 112–96, 126 Stat. 156 (2012)). Title VI of that statute, commonly known as the Spectrum Act, provides the Commission with the authority to conduct incentive auctions to meet the growing demand for wireless broadband. Pursuant to the Spectrum Act, the Commission may conduct incentive auctions that will offer new initial spectrum licenses subject to flexible-use service rules on spectrum made available by licensees that voluntarily relinquish some or all of their spectrum usage rights in exchange for a portion, based on the value of the relinquished rights as determined by an auction, of the proceeds of bidding for the new licenses. In addition to granting the Commission general authority to conduct incentive auctions, the Spectrum Act requires the Commission to conduct an incentive auction of broadcast TV spectrum and sets forth special requirements for such an auction.

The Spectrum Act requires that the incentive auction consist of a reverse auction ''to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its spectrum usage rights and a forward auction'' that would allow mobile broadband providers to bid for licenses in the reallocated spectrum. Broadcast television licensees who elected to voluntarily participate in the auction had three basic options: Voluntarily go off the air, share spectrum, or move channels in exchange for receiving part of the proceeds from auctioning that spectrum to wireless providers.

In June 2014, the Commission adopted a Report and Order that laid out the general framework for the incentive auction. The incentive auction started on March 29, 2016, with the submission of initial commitments by eligible broadcast licensees that had submitted timely and complete applications. The incentive auction officially ended on April 13, 2017, with the release of the

Auction Closing and Channel Reassignment Public Notice that also marked the start of the 39-month transition period during which full power and Class A television stations will transition their stations to their post-auction channel assignments in the reorganized television bands. Pursuant to Congress' directive, the Commission will reimburse those stations for the reasonable costs associated with relocating to their post-auction channel assignments and will reimburse multichannel video programming distributors for their costs associated with continuing to carry the signals of those stations.

The March 2018 Consolidated Appropriations Act (Pub. L. 115–141, 132 Stat. 348 (2018)) authorizes the Commission to reimburse eligible entities for costs associated with the post-incentive auction transition through July 3, 2023, and also directed the Commission to reimburse costs reasonably incurred by low power television stations, TV translator stations, and FM broadcast stations as a result of the post-auction reorganization of the television band. The Commission will initiate a new rulemaking to establish eligibility requirements and develop procedures for reimbursing these additional entities, and to identify reasonable costs for reimbursement. This Notice of Proposed Rulemaking and Order is scheduled for consideration at the Commission's August 2018 meeting. The statute directed the Commission to complete this proceeding by March 2019.

Timetable:

Action	Date	FR Cite
NPRM	11/21/12	77 FR 69933
R&O	08/15/14	79 FR 48441
Final Rule	10/11/17	82 FR 47155
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Eberle, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, Washington, DC 20554, *Phone:* 202 418–2248, *Email: charles.eberle@fcc.gov.*

RIN: 3060–AJ82

481. Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands (WT Docket No. 12–357)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310

Abstract: The Commission proposes rules for the Advanced Wireless Services (AWS) H Block that would make available 10 megahertz of flexible use. The proposal would extend the widely deployed Personal Communications Services (PCS) band, which is used by the four national providers as well as regional and rural providers to offer mobile service across the nation. The additional spectrum for mobile use will help ensure that the speed, capacity, and ubiquity of the Nation's wireless networks keeps pace with the skyrocketing demand for mobile services.

Today's action is a first step to implement the congressional directive in the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) to grant new initial licenses for the 1915–1920 MHz and 1995–2000 MHz bands (the Lower H Block and Upper H Block, respectively) through a system of competitive bidding—unless doing so would cause harmful interference to commercial mobile service licenses in the 1930–1985 MHz (PCS downlink) band. The potential for harmful interference to the PCS downlink band relates only to the Lower H Block transmissions, and may be addressed by appropriate technical rules, including reduced power limits on H Block devices. We, therefore, propose to pair and license the Lower H Block and the Upper H Block for flexible use, including mobile broadband, aiming to assign the licenses through competitive bidding in 2013. In the event that we conclude that the Lower H Block cannot be used without causing harmful interference to PCS, we propose to license the Upper H Block for full power, and seek comment on appropriate use for the Lower H Block, including Unlicensed PCS.

Timetable:

Action	Date	FR Cite
NPRM	01/08/13	78 FR 1166
NPRM Comment Period End.	03/06/13	
R&O	08/16/13	78 FR 50213
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Deputy Division Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov.*

RIN: 3060–AJ86

482. Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules To Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4)

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 303(r)

Abstract: This action adopts new technical, operational, and registration requirements for signal boosters. It creates two classes of signal boosters—consumer and industrial—with distinct regulatory requirements for each, thereby establishing a two-step transition process for equipment certification for both consumer and industrial signal boosters sold and marketed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/10/11	76 FR 26983
R&O	04/11/13	78 FR 21555
Petition for Reconsideration.	06/06/13	78 FR 34015
Order on Reconsideration.	11/08/14	79 FR 70790
FNPRM	11/28/14	79 FR 70837
2nd R&O and 2nd FNPRM.	03/23/18	83 FR 17131
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amanda Huetinck, Attorney Advisor, WTB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7090, *Email: amanda.huetinck@fcc.gov.*

RIN: 3060–AJ87

483. Promoting Technological Solutions To Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 303(a); 47 U.S.C. 303(b); 47 U.S.C. 307 to 310; 47 U.S.C. 332; 47 U.S.C. 302(a)

Abstract: In the Report and Order, the Commission addresses the problem of illegal use of contraband wireless devices by inmates in correctional facilities by streamlining the process of deploying contraband wireless device interdiction systems (CIS)—systems that use radio communications signals

requiring Commission authorization—in correctional facilities. In particular, the Commission eliminates certain filing requirements and provides for immediate approval of the lease applications needed to operate these systems.

In the Further Notice, the Commission seeks comment on a process for wireless providers to disable contraband wireless devices once they have been identified. The Commission also seeks comment on additional methods and technologies that might prove successful in combating contraband device use in correctional facilities, and on various other proposals related to the authorization process for CISs and their deployment.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36469
NPRM Comment Period End.	08/08/13	
FNPRM	05/18/17	82 FR 22780
R&O	05/18/17	82 FR 22742
Final Rule Effective (Except for Rules Requiring OMB Approval).	06/19/17	
FNPRM Comment Period End.	07/17/17	
Final Rule Effective for 47 CFR 1.9020(n), 1.9030(m), 1.9035 (o), and 20.23(a).	10/20/17	82 FR 48773
Final Rule Effective for 47 CFR 1.902(d)(8), 1.9035(d)(4), 20.18(a), and 20.18(r).	02/12/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Conway, Attorney Advisor, Mobility Div., Wireless Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2887, *Email: melissa.conway@fcc.gov.*

RIN: 3060–AK06

484. Promoting Investment in the 3550–3700 MHz Band; GN Docket No. 17–258

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j) ; 47 U.S.C. 302(a); 47 U.S.C. 303 to 304; 47 U.S.C. 307(e); 47 U.S.C. 316

Abstract: The Report and Order and Second Further Notice of Proposed Rulemaking adopted by the Commission established a new Citizens Broadband Radio Service for shared wireless broadband use of the 3550 to 3700 MHz band. The Citizens Broadband Radio Service is governed by a three-tiered spectrum authorization framework to accommodate a variety of commercial uses on a shared basis with incumbent Federal and non-Federal users of the band. Access and operations will be managed by a dynamic spectrum access system. The three tiers are: Incumbent Access, Priority Access, and General Authorized Access. Rules governing the Citizens Broadband Radio Service are found in part 96 of the Commission's rules.

The Order on Reconsideration and Second Report and Order addressed several Petitions for Reconsideration submitted in response to the Report and Order and resolved the outstanding issues raised in the Second Further Notice of Proposed Rulemaking.

The 2017 NPRM sought comment on limited changes to the rules governing Priority Access Licenses in the band, adjacent channel emissions limits, and public release of base station registration information.

Timetable:

Action	Date	FR Cite
NPRM	01/08/13	78 FR 1188
NPRM Comment Period End.	03/19/13	
FNPRM	06/02/14	79 FR 31247
FNPRM Comment Period End.	08/15/14	
R&O and 2nd FNPRM.	06/15/15	80 FR 34119
2nd FNPRM Comment Period End.	08/14/15	
Order on Recon and 2nd R&O.	07/26/16	81 FR 49023
NPRM	11/28/17	82 FR 56193
NPRM Comment Period End.	01/29/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Powell, Assistant Chief, Mobility Division, WTB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1613, *Email: paul.powell@fcc.gov.*

RIN: 3060–AK12

485. 800 MHz Cellular Telecommunications Licensing Reform; Docket No. 12–40

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i) to 154(j); 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 309; 47 U.S.C. 332

Abstract: The proceeding was launched to revisit and update rules governing the 800 MHz Cellular Radiotelephone Service (Cellular Service). On November 10, 2014, the FCC released a Report and Order (R&O) and Further Notice of Proposed Rulemaking (FNPRM). In the R&O, the FCC eliminated or streamlined numerous regulatory requirements; in the FNPRM, the FCC sought comment on additional reforms of the cellular rules, including radiated power and other technical rules, to promote flexibility and help foster deployment of new technologies such as LTE. On March 24, 2017, the FCC released a Second Report and Order (2d R&O) and Second Further Notice of Proposed Rulemaking (2d FNPRM). In the 2d R&O, the FCC revised the cellular radiated power rules to permit compliance with limits based on power spectral density as an option for licensees deploying wideband technologies such as LTE, made conforming revisions to related technical rules, and adopted additional licensing reforms. In the 2d FNPRM, the FCC sought comment on other measures to give cellular and other part 22 commercial mobile services licensees more flexibility and administrative relief, and on ways to consolidate and simplify the rules for the Cellular Service and other geographically licensed wireless services. On July 13, 2018, the FCC released a Third Report and Order in which it deleted certain part 22 rules that imposed needless recordkeeping and reporting obligations; it also deleted certain Cellular Service-specific and part 22 rules that are duplicative of other rules and are thus no longer necessary. These revisions reduce regulatory burdens for Cellular and other part 22 licensees and provide them with enhanced flexibility, thereby freeing up more resources for investment in new technologies and greater spectrum efficiency to meet increasing consumer demand for advanced wireless services.

Timetable:

Action	Date	FR Cite
NPRM	03/16/12	77 FR 15665
NPRM Comment Period End.	05/15/12	
NPRM Reply Comment Period End.	06/14/12	
R&O	12/05/14	79 FR 72143
FNPRM	12/22/14	79FR 76268
Final Rule Effective (With 3 Exceptions).	01/05/15	
FNPRM Comment Period End.	01/21/15	

Action	Date	FR Cite
FNPRM Reply Comment Period End.	02/20/15	
2nd R&O	04/12/17	82 FR 17570
2nd FNPRM	04/14/17	82 FR 17959
Final Rule Effective (With 7 Exceptions).	05/02/17	
2nd FNPRM Comment Period End.	05/15/17	
2nd FNPRM Reply Comment Period End.	06/14/17	
Final Rule Effective.	12/01/17	
3rd R&O	08/02/18	83 FR 37760
Final Rule Effective.	09/04/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nina Shafran, Attorney Advisor, Wireless Bureau, Mobility Div., Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2781, *Email: nina.shafran@fcc.gov*.

RIN: 3060–AK13

486. Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309(j); 47 U.S.C. 316

Abstract: This proceeding was initiated to revise some of the Commission's general part 1 rules governing competitive bidding for spectrum licenses to reflect changes in the marketplace, including the challenges faced by new entrants, as well as to advance the statutory directive to ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services. In July 2015, the Commission revised its competitive bidding rules, specifically adopting revised requirements for eligibility for bidding credits, a new rural service provider bidding credit, a prohibition on joint bidding agreements and other changes.

Timetable:

Action	Date	FR Cite
NPRM	11/14/14	79 FR 68172
Public Notice	03/16/15	80 FR 15715
Public Notice	04/23/15	80 FR 22690
R&O	09/18/15	80 FR 56764
Public Notice on Petitions for Reconsideration.	11/10/15	80 FR 69630
Order on Recon	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0660, *Email: kelly.quinn@fcc.gov*.

RIN: 3060–AK28

487. Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers; WT Docket 10–112

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 154; 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 301 to 302; 47 U.S.C. 302(a); 47 U.S.C. 303 to 304; 47 U.S.C. 307; 47 U.S.C. 309 to 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 336; 47 U.S.C. 1302

Abstract: In this proceeding, the Commission adopted service rules for licensing of mobile and other uses for millimeter wave (mmW) bands. These high frequencies previously have been best suited for satellite or fixed microwave applications; however, recent technological breakthroughs have newly enabled advanced mobile services in these bands, notably including very high speed and low latency services. This action will help facilitate Fifth Generation mobile services and other mobile services. In developing service rules for mmW bands, the Commission will facilitate access to spectrum, develop a flexible spectrum policy, and encourage wireless innovation.

Timetable:

Action	Date	FR Cite
NPRM	01/13/16	81 FR 1802
NPRM Comment Period End.	02/26/16	
FNPRM	08/24/16	81 FR 58269
Comment Period End.	09/30/16	
FNPRM Reply Comment Period End.	10/31/16	
R&O	11/14/16	81 FR 79894
R&O	01/02/18	83 FR 37
FNPRM	01/02/18	83 FR 85
FNPRM Comment Period End.	01/23/18	
R&O	07/20/18	83 FR 34478
FNPRM	07/20/18	83 FR 34520
FNPRM Comment Period End.	09/28/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov*.

RIN: 3060–AK44

488. • Transforming the 2.5 GHz Band

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 153; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 304; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 1302

Abstract: The 2.5 GHz band (2496–2690 MHz) constitutes the single largest band of contiguous spectrum below 3 GHz and has been identified as prime spectrum for next generation mobile operations, including 5G uses. Significant portions of this band, however, currently lie fallow across approximately one-half of the United States, primarily in rural areas. Moreover, access to the Educational Broadband Service (EBS) has been strictly limited since 1995, and current licensees are subject to a regulatory regime largely unchanged from the days when educational TV was the only use envisioned for this spectrum. The Commission proposes to allow more efficient and effective use of this spectrum band by providing greater flexibility to current EBS licensees as well as providing new opportunities for additional entities to obtain unused 2.5 GHz spectrum to facilitate improved access to next generation wireless broadband, including 5G. The Commission also seeks comment on additional approaches for transforming the 2.5 GHz band, including by moving directly to an auction for some or all of the spectrum.

Timetable:

Action	Date	FR Cite
NPRM	06/07/18	83 FR 26396
NPRM Comment Period End.	09/07/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AK75

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Long-Term Actions

489. Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket No. 96–115)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 222; 47 U.S.C. 272; 47 U.S.C. 303(r)

Abstract: The Commission adopted rules implementing the new statutory framework governing carrier use and disclosure of customer proprietary network information (CPNI) created by section 222 of the Communications Act of 1934, as amended. CPNI includes, among other things, to whom, where, and when a customer places a call, as well as the types of service offerings to which the customer subscribes and the extent to which the service is used.

Timetable:

Action	Date	FR Cite
NPRM	05/28/96	61 FR 26483
Public Notice	02/25/97	62 FR 8414
Second R&O and FNPRM.	04/24/98	63 FR 20364
Order on Recon	10/01/99	64 FR 53242
Final Rule, Announcement of Effective Date.	01/26/01	66 FR 7865
Clarification Order and Second NPRM.	09/07/01	66 FR 50140
Third R&O and Third FNPRM.	09/20/02	67 FR 59205
NPRM	03/15/06	71 FR 13317
NPRM	06/08/07	72 FR 31782
Final Rule, Announcement of Effective Date.	06/08/07	72 FR 31948
Public Notice	07/13/12	77 FR 35336
Final Rule	09/21/17	82 FR 44188
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AG43

490. Numbering Resource Optimization

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 201 et seq.; 47 U.S.C. 251(e)

Abstract: In 1999, the Commission released the Numbering Resource Optimization Notice of Proposed Rulemaking (Notice) in CC Docket 99–200. The Notice examined and sought comment on several administrative and technical measures aimed at improving the efficiency with which telecommunications numbering resources are used and allocated. It incorporated input from the North American Numbering Council (NANC), a Federal advisory committee, which advises the Commission on issues related to number administration.

In the Numbering Resource Optimization First Report and Order and Further Notice of Proposed Rulemaking (NRO First Report and Order), released on March 31, 2000, the Commission adopted a mandatory utilization data reporting requirement, a uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and incentives to use numbers efficiently. In addition, the Commission adopted a single system for allocating numbers in blocks of 1,000, rather than 10,000, wherever possible, and established a plan for national rollout of thousands-block number pooling. The Commission also adopted numbering resource reclamation requirements to ensure that unused numbers are returned to the North American Numbering Plan (NANP) inventory for assignment to other carriers. Also, to encourage better management of numbering resources, carriers are required, to the extent possible, to first assign numbering resources within thousands blocks (a form of sequential numbering).

In the NRO Second Report and Order, the Commission adopted a measure that requires all carriers to use at least 60 percent of their numbering resources before they may get additional numbers in a particular area. That 60 percent utilization threshold increases to 75 percent over the next three years. The Commission also established a five-year term for the national pooling administrator and an auditing program to verify carrier compliance with the Commission's rules. Furthermore, the Commission declined to amend the existing Federal rules for area code relief or specify any new Federal guidelines for the implementation of area code relief. The Commission also declined to state a preference for either all-services overlays or geographic splits as a method of area code relief. Regarding mandatory nationwide ten-digit dialing, the Commission declined to adopt this measure at the present time. Furthermore, the Commission declined to mandate nationwide expansion of the ''D digit'' (the ''N'' of an NXX or central office code) to include zero or one, or to grant State commissions the authority to implement the expansion of the ''D'' digit as a numbering resource optimization measure presently.

In the NRO Third Report and Order, the Commission addressed national thousands-block number pooling administration issues, including declining to alter the implementation date for covered CMRS carriers to participate in pooling. The Commission also addressed Federal cost recovery for national thousands-block number pooling, and continued to require States to establish cost recovery mechanisms for costs incurred by carriers participating in pooling trials. The Commission reaffirmed the Months-To-Exhaust (MTE) requirement for carriers. The Commission declined to lower the utilization threshold established in the Second Report and Order, and declined to exempt pooling carriers from the utilization threshold. The Commission also established a safety valve mechanism to allow carriers that do not meet the utilization threshold in a given rate center to obtain additional numbering resources. In the NRO Third Report and Order, the Commission lifted the ban on technology-specific overlays (TSOs) and delegated authority to the Common Carrier Bureau, in consultation with the Wireless Telecommunications Bureau, to resolve any such petitions. Furthermore, the Commission found that carriers who violate our numbering requirements, or fail to cooperate with an auditor conducting either a ''for cause'' or random audit, should be denied numbering resources in certain instances. The Commission also reaffirmed the 180-day reservation period, declined to impose fees to extend the reservation period, and found that State commissions should be allowed password-protected access to the NANP Administrator database for data pertaining to NPAs located within their State. The measures adopted in the NRO orders will allow the Commission to monitor more closely the way

numbering resources are used within the NANP, and will promote more efficient allocation and use of NANP resources by tying a carrier's ability to obtain numbering resources more closely to its actual need for numbers to serve its customers.

In NRO Third Order on Recon in CC Docket No. 99–200, Third Further Notice of Proposed Rulemaking in CC Docket No. 99–200 and Second Further Notice of Proposed Rulemaking in CC Docket No, 95–116, the Commission reversed its clarification that those requirements extend to all carriers in the largest 100 MSAs, regardless of whether they have received a request from another carrier to provide LNP. The Commission also sought comment on whether the Commission should again extend the LNP requirements to all carriers in the largest 100 MSAs, regardless of whether they receive a request to provide LNP. The Commission also sought comment on whether all carriers in the top 100 MSAs should be required to participate in thousands-block number pooling, regardless of whether they are required to be LNP capable. In addition, the Commission sought comment on whether all MSAs included in Combined Metropolitan Statistical Areas (CMSAs) on the Census Bureau's list of the largest 100 MSAs should be included on the Commission's list of the top 100 MSAs.

In the NRO Fourth Report and Order and Further Notice of Proposed Rulemaking, the Commission reaffirmed that carriers must deploy LNP in switches within the 100 largest Metropolitan Statistical Areas (MSAs) for which another carrier has made a specific request for the provision of LNP. The Commission delegated the authority to state commissions to require carriers operating within the largest 100 MSAs that have not received a specific request for LNP from another carrier to provide LNP, under certain circumstances and on a case-by-case basis. The Commission concluded that all carriers, except those specifically exempted, are required to participate in thousands-block number pooling in accordance with the national rollout schedule, regardless of whether they are required to provide LNP, including commercial mobile radio service (CMRS) providers that were required to deploy LNP as of November 24, 2003. The Commission specifically exempted from the pooling requirement rural telephone companies and Tier III CMRS providers that have not received a request to provide LNP. The Commission also exempted from the pooling requirement carriers that are the only service provider receiving numbering resources in a given rate center. Additionally, the Commission sought further comment on whether these exemptions should be expanded to include carriers where there are only two service providers receiving numbering resources in the rate center. Finally, the Commission reaffirmed that the 100 largest MSAs are identified in the 1990 U.S. Census reports, as well as those areas included on any subsequent U.S. Census report of the 100 largest MSAs.

In the NRO Order and Fifth Further Notice of Proposed Rulemaking, the Commission granted petitions for delegated authority to implement mandatory thousands-block pooling filed by the Public Service Commission of West Virginia, the Nebraska Public Service Commission, the Oklahoma Corporation Commission, the Michigan Public Service Commission, and the Missouri Public Service Commission. In granting these petitions, the Commission permitted these states to optimize numbering resources and further extend the life of the specific numbering plan areas. In the Further Notice of Proposed Rulemaking, the Commission sought comment on whether it should delegate authority to all states to implement mandatory thousands-block number pooling consistent with the parameters set forth in the NRO Order.

In its 2013 Notice of Proposed Rulemaking, the Commission proposed to allow interconnected Voice over internet Protocol (VOIP) providers to obtain telephone numbers directly from the North American Numbering Plan Administrator and the Pooling Administrator, subject to certain requirements. The Commission also sought comment on a forward-looking approach to numbers for other types of providers and uses, including telematics and public safety, and the benefits and number exhaust risks of granting providers other than interconnected VoIP providers direct access.

In its 2015 Report and Order, the Commission established an authorization process to enable interconnected VoIP providers that choose to obtain access to North American Numbering Plan telephone numbers directly from the North American Numbering Plan Administrator and/or the Pooling Administrator (Numbering Administrators), rather than through intermediaries. The Order also set forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system. Specifically, the Commission required interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. The requirements included any state requirements pursuant to numbering authority delegated to the states by the Commission, as well as industry guidelines and practices, among others. The Commission also required interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. In addition, as conditions to requesting and obtaining numbers directly from the Numbering Administrators, the Commission required interconnected VoIP providers to (1) provide the relevant State commissions with regulatory and numbering contacts when requesting numbers in those states, (2) request numbers from the Numbering Administrators under their own unique OCN, (3) file any requests for numbers with the relevant state commissions at least 30 days prior to requesting numbers from the Numbering Administrators, and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area. Finally, the Order also modified Commission's rules in order to permit VoIP Positioning Center providers to obtain pseudo-Automatic Number Identification codes directly from the Numbering Administrators for purposes of providing E911 services.

Timetable:

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32471
R&O and FNPRM	06/16/00	65 FR 37703
Second R&O and Second FNPRM.	02/08/01	66 FR 9528
Third R&O and Second Order on Recon.	02/12/02	67 FR 643
Third O on Recon and Third FNPRM.	04/05/02	67 FR 16347
Fourth R&O and Fourth NPRM.	07/21/03	68 FR 43003
Order and Fifth FNPRM.	03/15/06	71 FR 13393
Order	06/19/13	78 FR 36679
NPRM & NOI	06/19/13	78 FR 36725
R&O	10/29/15	80 FR 66454
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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418–2357, *Fax:* 202 418–2345, *Email: marilyn.jones@fcc.gov.*

RIN: 3060–AH80

491. Jurisdictional Separations

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 205; 47 U.S.C. 221(c); 47 U.S.C. 254; 47 U.S.C. 403; 47 U.S.C. 410

Abstract: Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and marketplace changes warrant comprehensive reform of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' Joint Board's recommendation to impose an interim freeze on the part 36 category relationships and jurisdictional cost allocation factors for a period of five years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission issued an Order and Further Notice of Proposed Rulemaking that extended the separations freeze for a period of three years and sought comment on comprehensive reform. In 2009, the Commission issued a Report and Order extending the separations freeze an additional year to June 2010. In 2010, the Commission issued a Report and Order extending the separations freeze for an additional year to June 2011. In 2011, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2012. In 2012, the Commission issued a Report and Order extending the separations freeze for an additional two years to June 2014. In 2014, the Commission issued a Report and Order extending the separations freeze for an additional three years to June 2017.

In 2016, the Commission issued a Report and Order extending the separations freeze for an additional 18 months until January 1, 2018. In 2017, the Joint Board issued a Recommended Decision recommending changes to the part 36 rules designed to harmonize them with the Commission's previous amendments to its part 32 accounting rules. In February 2018, the Commission issued a Notice of Proposed Rulemaking proposing amendments to part 36 consistent with the Joint Board's recommendations. In July 2018, the Commission issued a Notice of Proposed Rulemaking proposing to extend the separations freeze for an additional 15 years and to provide rate-of-return carriers that had elected to freeze their category relationships a time limited opportunity to opt out of that freeze.

Timetable:

Action	Date	FR Cite
NPRM	11/05/97	62 FR 59842
NPRM Comment Period End.	12/10/97	
Order	06/21/01	66 FR 33202
Order and FNPRM.	05/26/06	71 FR 29882
Order and FNPRM Comment Period End.	08/22/06	
R&O	05/15/09	74 FR 23955
R&O	05/25/10	75 FR 30301
R&O	05/27/11	76 FR 30840
R&O	05/23/12	77 FR 30410
R&O	06/13/14	79 FR 36232
R&O	06/02/17	82 FR 25535
Recommended Decision.	10/27/17	
NPRM	03/13/18	83 FR 10817
NPRM Comment Period End.	04/27/18	
NPRM Released	07/15/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Kehoe, Assistant Division Chief, PPD, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7122, *Fax:* 202 418–1413, *Email: william.kehoe@fcc.gov.*

RIN: 3060–AJ06

492. Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 251; 47 U.S.C. 252; 47 U.S.C. 257; 47 U.S.C. 271; 47 U.S.C. 1302; 47 U.S.C. 160(b); 47 U.S.C. 161(a)(2)

Abstract: The Report and Order streamlined and reformed the Commission's Form 477 Data Program, which is the Commission's primary tool to collect data on broadband and telephone services.

Timetable:

Action	Date	FR Cite
NPRM	05/16/07	72 FR 27519
Order	07/02/08	73 FR 37861
Order	10/15/08	73 FR 60997
NPRM	02/08/11	76 FR 10827
Order	06/27/13	78 FR 49126
NPRM	08/03/17	82 FR 40118
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chelsea Fallon, Assistant Division Chief, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7991, *Email: chelsea.fallon@fcc.gov.*

RIN: 3060–AJ15

493. Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: In 2007, the Commission released a Notice of Proposed Rulemaking in WC Docket No. 07–244. The Notice sought comment on whether the Commission should adopt rules specifying the length of the porting intervals or other details of the porting process. It also tentatively concluded that the Commission should adopt rules reducing the porting interval for wireline-to-wireline and intermodal simple port requests, specifically, to a 48-hour porting interval.

In the Local Number Portability Porting Interval and Validation Requirements First Report and Order and Further Notice of Proposed Rulemaking, released on May 13, 2009, the Commission reduced the porting interval for simple wireline and simple intermodal port requests, requiring all entities subject to its local number portability (LNP) rules to complete simple wireline-to-wireline and simple intermodal port requests within one business day. In a related Further Notice of Proposed Rulemaking (FNPRM), the Commission sought comment on what further steps, if any, the Commission should take to improve the process of changing providers.

In the LNP Standard Fields Order, released on May 20, 2010, the Commission adopted standardized data fields for simple wireline and intermodal ports. The Order also adopts the NANC's recommendations for porting process provisioning flows and for counting a business day in the context of number porting.

Timetable:

Action	Date	FR Cite
NPRM	02/21/08	73 FR 9507

Action	Date	FR Cite
R&O and FNPRM	07/02/09	74 FR 31630
R&O	06/22/10	75 FR 35305
Public Notice	12/21/11	76 FR 79607
Public Notice	06/06/13	78 FR 34015
R&O	05/26/15	80 FR 29978
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michelle Sclater, Attorney, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0388, *Email: michelle.sclater@fcc.gov.*

RIN: 3060–AJ32

494. Implementation of Section 224 of the Act; a National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 224

Abstract: In 2010, the Commission released an Order and Further Notice of Proposed Rulemaking that implemented certain pole attachment recommendations of the National Broadband Plan and sought comment regarding others. On April 7, 2011, the Commission adopted a Report and Order and Order on Reconsideration that sets forth a comprehensive regulatory scheme for access to poles, and modifies existing rules for pole attachment rates and enforcement. In 2015, the Commission issued an Order on Reconsideration that further harmonized the pole attachment rates paid by telecommunications and cable providers.

The 2015 Order on Reconsideration was upheld on appeal before the U.S. Court of Appeals for the Eighth Circuit in *Ameren Corporation, et al.* v. *FCC,* Case No: 16–1683.

The U.S. Supreme Court denied writ of certiorari on April 30, 2018.

Timetable:

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6879
FNPRM	07/15/10	75 FR 41338
Declaratory Ruling	08/03/10	75 FR 45494
R&O	05/09/11	76 FR 26620
Order on Recon	02/03/16	81 FR 5605
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Ray, Attorney, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0357.

RIN: 3060–AJ64

495. Rural Call Completion; WC Docket No. 13–39

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 202(a); 47 U.S.C. 218; 47 U.S.C. 220(a); 47 U.S.C. 262; 47 U.S.C. 403; 47 U.S.C. 251(a); 47 U.S.C. 64.111; 47 U.S.C. 2113

Abstract: The Second Report and Order reorients our rural call completion rules to better reflect strategies that have worked to reduce rural call completion problems while at the same time reducing the overall burden of our rules on providers. The Second Report and Order adopts a new rule requiring ''covered providers''—entities that select the initial long-distance route for a large number of lines—to monitor the performance of the ''intermediate providers'' to which they hand off calls. The monitoring rule encourages covered providers to ensure that calls are completed, assigns clear responsibility for call completion issues, and enhances our ability to take enforcement action where needed to address persistent problems. To facilitate communication about problems that arise, the Second Report and Order requires covered providers to make available a point of contact to address rural call completion issues. The Order also eliminates the reporting requirement for covered providers established in 2013, concluding that the reporting rules were burdensome on covered providers, while the resulting Form 480 reports are of limited utility to us in discovering the source of rural call completion problems and a pathway to their resolution.

The Third FNPRM proposes and seeks comment on rules to implement the recently enacted RCC Act, which directs us to establish registration requirements and service quality standards for intermediate providers. The Third FNPRM also seeks comment on sunsetting the recording and retention rules established in 2013, and on further modification to our rural call completion rules. Per the RCC Act, the Commission must adopt rules establishing the registry by Aug. 25, 2018, and rules establishing service quality standards by Feb. 26, 2019.

Timetable:

Action	Date	FR Cite
NPRM	04/12/13	78 FR 21891
Public Notice	05/07/13	78 FR 26572
NPRM Comment Period End.	05/28/13	
R&O and FNPRM	12/17/13	78 FR 76218
PRA 60 Day Notice.	12/30/13	78 FR 79448
FNPRM Comment Period End.	02/18/14	
PRA Comments Due.	03/11/14	
Public Notice	05/06/14	79 FR 25682
Order on Reconsideration.	12/10/14	79 FR 73227
Erratum	01/08/15	80 FR 1007
Public Notice	03/04/15	80 FR 11593
2nd FNPRM	07/27/17	82 FR 34911
2nd FNPRM Comment Period End.	08/28/17	
Reply Comment Period End.	09/25/17	
2nd Order	04/17/18	83 FR 21723
3rd FNPRM	04/17/18	83 FR 21983
3rd FNPRM Comment Period End.	06/04/18	
3rd FNPRM Reply Comment Period End.	06/19/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zachary Ross, Attorney Advisor, Competiton Policy Division, WCB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1033, *Email: zachary.ross@fcc.gov.*

RIN: 3060–AJ89

496. Rates for Inmate Calling Services; WC Docket No. 12–375

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i) to (j); 47 U.S.C. 225; 47 U.S.C. 276; 47 U.S.C. 303(r); 47 CFR 64

Abstract: In the Report and Order portion of this document, the Federal Communications Commission adopts rule changes to ensure that rates for both interstate and intrastate inmate calling services (ICS) are fair, just, and reasonable, as required by statute, and limits ancillary service charges imposed by ICS providers. In the Report and Order, the Commission sets caps on all interstate and intrastate calling rates for ICS, establishes a tiered rate structure based on the size and type of facility being served, limits the types of ancillary services that ICS providers may charge for and caps the charges for permitted fees, bans flat-rate calling, facilitates access to ICS by people with disabilities by requiring providers to offer free or steeply discounted rates for calls using TTY, and imposes reporting

and certification requirements to facilitate continued oversight of the ICS market. In the Further Notice portion of the item, the Commission seeks comment on ways to promote competition for ICS, video visitation, and rates for international calls, and considers an array of solutions to further address areas of concern in the ICS industry. In an Order on Reconsideration, the Commission amends its rate caps and amends the definition of ''mandatory tax or mandatory fee.''

Timetable:

Action	Date	FR Cite
NPRM	01/22/13	78 FR 4369
FNPRM	11/13/13	78 FR 68005
R&O	11/13/13	78 FR 67956
FNPRM Comment Period End.	12/20/13	
Announcement of Effective Date.	06/20/14	79 FR 33709
2nd FNPRM	11/21/14	79 FR 69682
2nd FNPRM Comment Period End.	01/15/15	
2nd FNPRM Reply Comment Period End.	01/20/15	
3rd FNPRM	12/18/15	80 FR 79020
2nd R&O	12/18/15	80 FR 79136
3rd FNPRM Comment Period End.	01/19/16	
3rd FNPRM Reply Comment Period End.	02/08/16	
Order on Reconsideration.	09/12/16	81 FR 62818
Announcement of OMB Approval.	03/01/17	82 FR 12182
Correction to Announcement of OMB Approval.	03/08/17	82 FR 12922
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gil Strobel, Deputy Pricing Policy Division Chief, WCB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7084.

RIN: 3060–AK08

497. Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 219; 47 U.S.C. 220

Abstract: The Commission initiates a rulemaking proceeding to review the Uniform System of Accounts (USOA) to consider ways to minimize the compliance burdens on incumbent local exchange carriers while ensuring that the Agency retains access to the information it needs to fulfill its regulatory duties. In light of the Commission's actions in areas of price cap regulation, universal service reform, and intercarrier compensation reform, the Commission stated that it is likely appropriate to streamline the existing rules even though those reforms may not have eliminated the need for accounting data for some purposes. The Commission's analysis and proposals are divided into three parts. First, the Commission proposes to streamline the USOA accounting rules while preserving their existing structure. Second, the Commission seeks more focused comment on the accounting requirements needed for price cap carriers to address our statutory and regulatory obligations. Third, the Commission seeks comment on several related issues, including state requirements, rate effects, implementation, continuing property records, and legal authority.

On February 23, 2017, the Commission adopted an Report and Order that revised the part 32 USOA to substantially reduce accounting burdens for both price cap and rate-of-return carriers. First, the Order streamlines the USOA for all carriers. In addition, the USOA will be aligned more closely with generally accepted accounting principles, or GAAP. Second, the Order allows price cap carriers to use GAAP for all regulatory accounting purposes as long as they comply with targeted accounting rules, which are designed to mitigate any impact on pole attachment rates. Alternatively, price cap carriers can elect to use GAAP accounting for all purposes other than those associated with pole attachment rates and continue to use the part 32 accounts for pole attachment rates for up to 12 years. Third, the Order addresses several miscellaneous issues, including referral to the Federal-State Joint Board on Separations the issue of examining jurisdictional separations rules in light of the reforms adopted to part 32.

Timetable:

Action	Date	FR Cite
NPRM	09/15/14	79 FR 54942
NPRM Comment Period End.	11/14/14	
NPRM Reply Comment Period End.	12/15/14	
R&O	04/04/17	82 FR 20833
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK20

498. Restoring Internet Freedom (WC Docket No. 17–108); Protecting and Promoting the Open Internet (GN Docket No. 14–28)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) to (j); 47 U.S.C. 201(b)

Abstract: In December 2017, the Commission adopted the Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Restoring Internet Freedom Order), which restored the light-touch regulatory framework under which the internet had grown and thrived for decades by classifying broadband internet access service as an information service. The Restoring Internet Freedom Order ends title II regulation of the internet and returns broadband internet access service to its long-standing classification as an information service; reinstates the determination that mobile broadband internet access service is not a commercial mobile service, and returns it to its original classification as a private mobile service; finds that transparency, ISPs' economic incentives, and antitrust and consumer protection laws will protect the openness of the internet, and that title II regulation is unnecessary to do so; and adopts a transparency rule similar to that in the 2010 Open Internet Order, requiring disclosure of network management practices, performance characteristics, and commercial terms of service. Additionally, the transparency rule requires ISPs to disclose any blocking, throttling, paid prioritization, or affiliate prioritization; and eliminates the internet conduct standard and the bright-line conduct rules set forth in the 2015 title II Order.

Timetable:

Action	Date	FR Cite
NPRM	07/01/14	79 FR 37448
NPRM Comment Period End.	07/18/14	
NPRM Reply Comment Period End.	09/15/14	
R&O on Remand, Declaratory Ruling, and Order.	04/13/15	80 FR 19737
NPRM	06/02/17	82 FR 25568
NPRM Comment Period End.	07/03/17	

Action	Date	FR Cite
Declaratory Ruling, R&O, and Order.	02/22/18	83 FR 7852
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov*.

RIN: 3060–AK21

499. Technology Transitions; GN Docket No. 13–5, WC Docket No. 05–25; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; WC Docket No. 17–84

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 214; 47 U.S.C. 251

Abstract: On April 20, 2017, the Commission adopted a Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment (Wireline Infrastructure NPRM, NOl, and RFC) seeking input on a number of actions designed to accelerate: (1) The deployment of next-generation networks and services by removing barriers to infrastructure investment at the Federal, State, and local level; (2) the transition from legacy copper networks and services to next-generation fiber-based networks and services; and (3) the reduction of Commission regulations that raise costs and slow, rather than facilitate, broadband deployment.

On November 16, 2017, the Commission adopted a Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking (Wireline Infrastructure Order) that takes a number of actions and seeks comment on further actions designed to accelerate the deployment of next-generation networks and services through removing barriers to infrastructure investment.

The Wireline Infrastructure Order took a number of actions. First, the Report and Order revised the pole attachment rules to reduce costs for attachers, reforms the pole access complaint procedures to settle access disputes more swiftly, and increases access to infrastructure for certain types of broadband providers. Second, the Report and Order revised the section 214(a) discontinuance rules and the network change notification rules, including those applicable to copper retirements, to expedite the process for carriers seeking to replace legacy network infrastructure and legacy services with advanced broadband networks and innovative new services. Third, the Report and Order reversed a 2015 ruling that discontinuance authority is required for solely wholesale services to carrier-customers. Fourth, the Declaratory Ruling abandoned the 2014 ''functional test'' interpretation of when section 214 discontinuance applications are required, bringing added clarity to the section 214(a) discontinuance process for carriers and consumers alike. Finally, the Further Notice of Proposed Rulemaking sought comment on additional potential pole attachment reforms, reforms to the network change disclosure and section 214(a) discontinuance processes, and ways to facilitate rebuilding networks impacted by natural disasters.

On June 7, 2018, the Commission adopted a Second Report and Order (Wireline Infrastructure Second Report and Order) taking further actions designed to expedite the transition from legacy networks and services to next generation networks and advanced services that benefit the American public and to promote broadband deployment by further streamlining the section 214(a) discontinuance rules, network change disclosure processes, and part 68 customer notification process.

The Wireline Infrastructure NPRM, NOI, and RFC sought comment on additional issues not addressed in the November Wireline Infrastructure Order or the June Wireline Infrastructure Second Report and Order. It sought comment on changes to the Commission's pole attachment rules to: (1) Streamline the timeframe for gaining access to utility poles; (2) reduce charges paid by attachers for work done to make a pole ready for new attachments; and (3) establish a formula for computing the maximum pole attachment rate that may be imposed on an incumbent LEC.

The Wireline Infrastructure NPRM, NOI, and RFC also sought comment on whether the Commission should enact rules, consistent with its authority under section 253 of the Act, to promote the deployment of broadband infrastructure by preempting state and local laws that inhibit broadband deployment. It also sought comment on whether there are state laws governing the maintenance or retirement of copper facilities that serve as a barrier to deploying next-generation technologies and services that the Commission might seek to preempt.

Previously, in November 2014, the Commission adopted a Notice of Proposed Rulemaking and Declaratory Ruling that: (i) Proposed new backup power rules; (ii) proposed new or revised rules for copper retirements and service discontinuances; and (iii) adopted a functional test in determining what constitutes a service for purposes of section 214(a) discontinuance review. In August 2015, the Commission adopted a Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking that: (i) Lengthened and revised the copper retirement process; (ii) determined that a carrier must obtain Commission approval before discontinuing a service used as a wholesale input if the carrier's actions will discontinue service to a carrier-customer's retail end users; (iii) adopted an interim rule requiring incumbent LECs that seek to discontinue certain TDM-based wholesale services to commit to certain rates, terms, and conditions; (iv) proposed further revisions to the copper retirement discontinuance process; and (v) upheld the November 2014 Declaratory Ruling. In July 2016, the Commission adopted a Second Report and Order, Declaratory Ruling, and Order on Reconsideration that: (i) Adopted a new test for obtaining streamlined treatment when carriers seek Commission authorization to discontinue legacy services in favor of services based on newer technologies; (ii) set forth consumer education requirements for carriers seeking to discontinue legacy services in favor of services based on newer technologies; (iii) allowed notice to customers of discontinuance applications by email; (iv) required carriers to provide notice of discontinuance applications to Tribal entities; (v) made a technical rule change to create a new title for copper retirement notices and certifications; and (vi) harmonized the timeline for competitive LEC discontinuances caused by incumbent LEC network changes.

Timetable:

Action	Date	FR Cite
NPRM	01/06/15	80 FR 450
NPRM Comment Period End.	02/05/15	
NPRM Reply Comment Period End.	03/09/15	
FNPRM	09/25/15	80 FR 57768
R&O	09/25/15	80 FR 57768
FNPRM Comment Period End.	10/26/15	

Action	Date	FR Cite
FNPRM Reply Comment Period End.	11/24/15	
2nd R&O	09/12/16	81 FR 62632
NPRM	05/16/17	82 FR 224533
NPRM Comment Period End.	06/15/17	
NPRM Reply Comment Period End.	07/17/17	
R&O	12/28/17	82 FR 61520
FNPRM Comment Period End.	01/17/18	
FNPRM Reply Comment Period End.	02/16/18	
3rd R&O	07/09/18	83 FR 31659
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele Levy Berlove, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1477, *Email: michele.berlove@fcc.gov*.

RIN: 3060–AK32

500. Modernizing Common Carrier Rules, WC Docket No. 15–33

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(j); 47 U.S.C. 154(i); 47 U.S.C. 160 to 161; 47 U.S.C. 201 to 205; 47 U.S.C. 214; 47 U.S.C. 218 to 221; 47 U.S.C. 225 to 228; 47 U.S.C. 254; 47 U.S.C. 303; 47 U.S.C. 308; 47 U.S.C. 403; 47 U.S.C. 410; 47 U.S.C. 571; 47 U.S.C. 1302; 52 U.S.C. 30141

Abstract: The Notice of Proposed Rulemaking (Notice) sought to update our rules to better reflect current requirements and technology by removing outmoded regulations from the Code of Federal Regulations. The Notice proposed to update the CFR by (1) eliminating certain rules from which the Commission has forborn, and (2) eliminating references to telegraph service in certain rules. It proposed to eliminate several rules from which the Commission had granted unconditional forbearance for all carriers. These are: (1) Section 64.804(c)–(g), which governed a carrier's recordkeeping and other obligations when it extended to federal candidates unsecured credit for communications service; (2) sections 42.4, 42.5, and 42.7, which required carriers to preserve certain records; (3) section 64.301 which required carriers to provide communications service to foreign governments for international communications; (4) section 64.501, which governed telephone companies' obligations when recording telephone conversations; (5) section 64.5001(a)–(c)(2), and (c)(4), which imposed certain reporting and certification requirements for prepaid calling card providers; and (6) section 64.1, which governed traffic damage claims for carriers engaged in radio-telegraph, wire-telegraph, or ocean-cable service. It also proposed to remove references to telegraph from certain sections of the Commission's rules. This proposal was consistent with Recommendation 5.38 of the Process Reform Report. Specifically, it proposed to remove telegraph from: (1) Section 36.126 (separations); (2) section 54.706(a)(13) (universal service contributions); and (3) sections 63.60(c), 63.61, 63.62, 63.65(a)(4), 63.500(g), 63.501(g), and 63.504(k) (discontinuance).

The Report and Order (Order) updated the rules to remove outmoded regulations from the Code of Federal Regulations (CFR) that no longer reflected current requirements or technology. It eliminated certain rules from which the Commission had granted unconditional forbearance for all carriers, and eliminated references to telegraph service from certain sections of the Commission's rules. Specifically, the Order deleted the following CFR provisions from which the Commission has forborne: (1) Sections 42.4, 42.5, and 42.7, which required carriers to preserve certain records; (2) section 64.1, which governed traffic damage claims for carriers engaged in radio-telegraph, wire-telegraph, or ocean-cable service; (3) section 64.301, which required carriers to provide communications services to foreign governments for international communications; (4) section 64.501, which governed telephone companies' obligations when recording telephone conversations; (5) section 64.804(c)–(g), which governed a carrier's recordkeeping and other obligations when it extended unsecured credit for communications services to candidates for federal office; and (6) section 64.5001(a)–(c)(2), and (c)(4), which imposed certain reporting and certification requirements on prepaid calling card providers. The Order also found that references to telegraph service in other rules are unnecessary and deleted them from the CFR. Specifically, it removed telegraph from: (1) Section 36.126 (separations); (2) section 54.706(a)(13) (universal service contributions); and (3) sections 63.60(c), 63.61, 63.62, 63.65(a)(4), 63.500(g), 63.501(g), and 63.504(k) (discontinuance). It also granted forbearance from the application of all exit regulation pursuant to section 214(a) of the Communications Act, as amended, to telegraph service.

Timetable:

Action	Date	FR Cite
NPRM	05/06/15	80 FR 25989
R&O	10/20/17	82 FR 48774
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Terri Natoli, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2732, *Email: terri.natoli@fcc.gov*.

RIN: 3060–AK33

501. Numbering Policies for Modern Communications, WC Docket No. 13–97

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 153 to 154; 47 U.S.C. 201 to 205; 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: This Order establishes a process to authorize interconnected VoIP providers to obtain North American Numbering Plan (NANP) telephone numbers directly from the numbering administrators, rather than through intermediaries. Section 52.15(g)(2)(i) of the Commission's rules limits access to telephone numbers to entities that demonstrate they are authorized to provide service in the area for which the numbers are being requested. The Commission has interpreted this rule as requiring evidence of either a State certificate of public convenience and necessity (CPCN) or a Commission license. Neither authorization is typically available in practice to interconnected VoIP providers. Thus, as a practical matter, generally only telecommunications carriers are able to provide the proof of authorization required under our rules, and thus able to obtain numbers directly from the numbering administrators. This Order establishes an authorization process to enable interconnected VoIP providers that choose direct access to request numbers directly from the numbering administrators. Next, the Order sets forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system.

The Order requires interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. These requirements include any State requirements pursuant to numbering authority delegated to the

States by the Commission, as well as industry guidelines and practices, among others. The Order also requires interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. As conditions to requesting and obtaining numbers directly from the numbering administrators, interconnected VoIP providers are also required to: (1) Provide the relevant State commissions with regulatory and numbering contacts when requesting numbers in those states; (2) request numbers from the numbering administrators under their own unique OCN; (3) file any requests for numbers with the relevant State commissions at least 30 days prior to requesting numbers from the numbering administrators; and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area.

Finally, the Order also modifies Commission's rules in order to permit VoIP Positioning Center (VPC) providers to obtain pseudo-Automatic Number Identification (p-ANI) codes directly from the numbering administrators for purposes of providing E911 services.

Timetable:

Action	Date	FR Cite
NPRM	06/19/13	78 FR 36725
NPRM Comment Period End.	07/19/13	
R&O	10/29/15	80 FR 66454
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michelle Sclater, Attorney, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0388, *Email: michelle.sclater@fcc.gov*.

RIN: 3060–AK36

502. Implementation of the Universal Service Portions of the 1996 Telecommunications Act

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 *et seq.*

Abstract: The Telecommunications Act of 1996 expanded the traditional goal of universal service to include increased access to both telecommunications and advanced services such as high-speed internet for all consumers at just, reasonable and affordable rates. The Act established principles for universal service that specifically focused on increasing access to evolving services for consumers living in rural and insular areas, and for consumers with low-incomes. Additional principles called for increased access to high-speed internet in the nation's schools, libraries and rural health care facilities. The FCC established four programs within the Universal Service Fund to implement the statute: Connect America Fund (formally known as High-Cost Support) for rural areas; Lifeline (for low-income consumers), including initiatives to expand phone service for Native Americans; Schools and Libraries (E-rate); and Rural Health Care.

The Universal Service Fund is paid for by contributions from telecommunications carriers, including wireline and wireless companies, and interconnected Voice over internet Protocol (VoIP) providers, including cable companies that provide voice service, based on an assessment on their interstate and international end-user revenues. The Universal Service Administrative Company, or USAC, administers the four programs and collects monies for the Universal Service Fund under the direction of the FCC.

On April 19, 2018, the Commission decided the legacy support issue arising from the ongoing reform and modernization of the universal service fund and intercarrier compensation systems.

On May 29, 2018, the Commission approved additional funding to restore communications networks in Puerto Rico and the Virgin Islands and sought comment on almost $900 million in long-term funding for network expansion.

On June 25, 2018, the Commission addressed the current funding shortfall in the Rural Healthcare Program by raising the annual program budget cap to $571 million.

Timetable:

Action	Date	FR Cite
R&O and FNPRM	01/13/17	82 FR 4275
NPRM Comment Period End.	02/13/17	
NPRM Reply Comment Period End.	02/27/17	
R&O and Order on Recon.	03/21/17	82 FR 14466
Order on Recon	05/19/17	82 FR 22901
Order on Recon	06/08/17	82 FR 26653
Memorandum, Opinion & Order.	06/21/17	82 FR 228224
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nakesha Woodward, Program Support Assistant, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1502, *Email: kesha.woodward@fcc.gov*.

RIN: 3060–AK57

[FR Doc. 2018–24047 Filed 11–15–18; 8:45 am]

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FEDERAL REGISTER

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Part XXV

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period November 1, 2018, through April 30, 2019. The next agenda will be published in spring 2019.

DATES: Comments about the form or content of the agenda may be submitted any time during the next 6 months.

ADDRESSES: Comments should be addressed to Ann E. Misback, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its fall 2018 agenda as part of the Fall 2018 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following website: *www.reginfo.gov.* Participation by the Board, as an independent Agency, in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into four sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. The third section, Long-Term Actions, reports on matters where the next action is undetermined, 00/00/0000, or will occur more than 12 months after publication of the Agenda. And a fourth section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further. A dot (•) preceding an entry indicates a new matter that was not a part of the Board's previous agenda.

Yao-Chin Chao,

Assistant Secretary of the Board.

FEDERAL RESERVE SYSTEM—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
503	Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)	7100–AD68
504	Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429).	7100–AD80

FEDERAL RESERVE SYSTEM—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
505	Regulation YY—Single-Counterparty Credit Limits for Large Banking Organizations (Docket No: R–1534)	7100–AE48

FEDERAL RESERVE SYSTEM—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
506	Source of Strength **(Section 610 Review)**	7100–AE73
507	Short Form Call Reports (Docket No: R–1618)	7100–AF12

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

503. Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 4001 to 4010; 12 U.S.C. 5001 to 5018

Abstract: The Board of Governors of the Federal Reserve System (the Board) is amending Regulation CC, which implements the Expedited Funds Availability Act (EFAA), which governs the availability of funds after a check deposit, as well as check collection and return. In March 2011, the Board proposed amendments to Regulation CC to facilitate the banking industry's on-going transition to fully electronic interbank check collection and return, including proposed amendments to subpart C to encourage depository banks to receive and paying banks to send returned checks electronically and proposed amendments to subpart B's funds availability schedule provisions. Subsequently, section 1086 of the Dodd-Frank Wall Street Reform and Consumer Protection Act amended the EFAA to provide the Consumer Financial Protection Bureau (CFPB) with joint rulemaking authority with the Board over certain EFAA provisions, including those implemented by subpart B of Regulation CC. Based on its analysis of comments received, the Board revised its proposed amendments to subpart C of Regulation CC. The Board finalized its proposed amendments to subpart C in June 2017.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	03/25/11	76 FR 16862
Board Requested Comment on Revised Proposal.	02/04/14	79 FR 6673
Board Published Final Rule.	06/15/17	82 FR 27552
Board Expects Further Action on Subpart B.	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gavin Smith, Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–3474.

Ian Spear, Manager, Federal Reserve System, Division of Reserve Bank Operations and Payment Systems, Washington, DC 20551, *Phone:* 202 452–3959.

RIN: 7100–AD68

504. Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429)

E.O. 13771 Designation: Independent agency.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 559; 5 U.S.C. 1813; 5 U.S.C. 1817; 5 U.S.C. 1828

Abstract: The Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act) transferred responsibility for supervision of Savings and Loan Holding Companies (SLHCs) and their non-depository subsidiaries from the Office of Thrift Supervision (OTS) to the Board of Governors of the Federal Reserve System (the Board), on July 21, 2011. The Act also transferred supervisory functions related to Federal savings associations and State savings associations to the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), respectively. The Board on August 12, 2011, approved an interim final rule for SLHCs, including a request for public comment. The interim final rule transferred from the OTS to the Board the regulations necessary for the Board to supervise SLHCs, with certain technical and substantive modifications. The interim final rule has three components: (1) New Regulation LL (part 238), which sets forth regulations generally governing SLHCs; (2) new Regulation MM (part 239), which sets forth regulations governing SLHCs in mutual form; and (3) technical amendments to existing Board regulations necessary to accommodate the transfer of supervisory authority for SLHCs from the OTS to the Board. The structure of interim final Regulation LL closely follows that of the Board's Regulation Y, which governs bank holding companies, in order to provide an overall structure to rules that were previously found in disparate locations. In many instances, interim final Regulation LL incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation LL also reflects statutory changes made by the Dodd-Frank Act with respect to SLHCs, and incorporates Board precedent and practices with respect to applications processing procedures and control issues, among other matters. Interim final Regulation MM organized existing OTS regulations governing SLHCs in mutual form (MHCs) and their subsidiary holding companies into a single part of the Board's regulations. In many instances, interim final Regulation MM incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation MM also reflects statutory changes made by the Dodd-Frank Act with respect to MHCs. The interim final rule also made technical amendments to Board rules to facilitate supervision of SLHCs, including to rules implementing Community Reinvestment Act requirements and to Board procedural and administrative rules. In addition, the Board made technical amendments to implement section 312(b)(2)(A) of the Act, which transfers to the Board all rulemaking authority under section 11 of the Home Owner's Loan Act relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders. These amendments include revisions to parts 215 (Insider Transactions) and part 223 (Transactions with Affiliates) of Board regulations.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	09/13/11	76 FR 56508
Board Expects Further Action.	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: C. Tate Wilson, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–3696.

Claudia Von Pervieux, Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2552.

RIN: 7100–AD80

FEDERAL RESERVE SYSTEM (FRS)

Final Rule Stage

505. Regulation YY—Single-Counterparty Credit Limits for Large Banking Organizations (Docket No: R–1534)

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 321; 12 U.S.C. 1818; 12 U.S.C. 1844(b); 12 U.S.C. 1844(c); 12 U.S.C. 5365; . . .

Abstract: The final rule would implement section 165(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which requires the Board to impose limits on the amount of credit exposure that such a domestic or foreign bank holding company can have to an unaffiliated company in order to reduce the risks arising from the company's failure. The final rule, which build on earlier proposed rules by the Board to establish single-counterparty credit limits for large domestic and foreign banking organizations, would increase in stringency based on the systemic importance of the firms to which they apply.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	03/16/16	81 FR 14328
Board Adopted Final Rule.	08/06/18	83 FR 38460
Final Rule Effective.	10/05/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benjamin McDonough, Assistant General Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2036.

Laurie Schaffer, Associate General Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2272.

RIN: 7100–AE48

FEDERAL RESERVE SYSTEM (FRS)

Long-Term Actions

506. Source of Strength (Section 610 Review)

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 1831(o)

Abstract: The Board of Governors of the Federal Reserve System (Board), the Office of the Comptroller of the Currency (OCC), and the Federal Deposit Insurance Corporation (FDIC) plan to issue a proposed rule to implement section 616(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act by December 2019. Section 616(d) requires that bank holding companies, savings and loan holding companies, and other companies that directly or indirectly control an insured depository

institution serve as a source of strength for the insured depository institution.

Timetable:

Action	Date	FR Cite
Notice of Proposed Rulemaking.	12/00/19	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Conni Allen, Special Counsel, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 912–4334.

Melissa Clark, Sr. Supervisory Financial Analyst, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 452–2277.

Barbara Bouchard, Senior Associate Director, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 452–3072.

Jay Schwarz, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2970.

Will Giles, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–3351.

Claudia Von Pervieux, Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2552.

RIN: 7100–AE73

507. • Short Form Call Reports (Docket No: R–1618)

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 1817(a)(12)

Abstract: The Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation (collectively, the agencies) are jointly issuing and inviting comment on a proposed rule that would implement section 205 of the Economic Growth, Regulatory Relief, and Consumer Protection Act, which requires the agencies to provide a reduced reporting requirement for the first and third reports of condition for depository institutions that have less than $5 billion in total consolidated assets and satisfy other criteria determined by the agencies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Laura Bain, Senior Attorney, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 736–5546.

Claudia Von Pervieux, Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2552.

RIN: 7100–AF12

[FR Doc. 2018–23934 Filed 11–15–18; 8:45 am]

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Part XXVI

National Labor Relations Board

Semiannual Regulatory Agenda

NATIONAL LABOR RELATIONS BOARD

29 CFR Parts 101–103

Semiannual Regulatory Agenda

AGENCY: National Labor Relations Board (NLRB).

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of the National Labor Relations Board is published in accordance with Executive Order 12866, ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act.

The complete Unified Agenda is available online at *www.reginfo.gov.* Publication in the **Federal Register** is mandated only for regulatory flexibility agendas required under the RFA. Because the RFA does not require regulatory flexibility agendas for the regulations proposed and issued by the Board, the Board's agenda appears only on the internet at *www.reginfo.gov.*

The Board's agenda refers to *www.regulations.gov,* the Government website at which members of the public can find, review, and comment on Federal rulemakings that are published in the **Federal Register** and open for comment.

FOR FURTHER INFORMATION CONTACT: For further information concerning the regulatory actions listed in the agenda, contact Farah Z. Qureshi, Associate Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570; telephone: (202) 273–1949, TTY/TDD 1–800–315–6572; email: *Farah.Qureshi@nlrb.gov.*

Farah Z. Qureshi,

Associate Executive Secretary.

NATIONAL LABOR RELATIONS BOARD—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
508	Joint-Employer Rulemaking	3142–AA13

NATIONAL LABOR RELATIONS BOARD (NLRB)

Proposed Rule Stage

508. Joint-Employer Rulemaking

E.O. 13771 Designation: Independent agency.

Legal Authority: 29 U.S.C. 156

Abstract: The National Labor Relations Board will be engaging in rulemaking to establish the standard for determining joint-employer status under the National Labor Relations Act.

Timetable:

Action	Date	FR Cite
NPRM	09/14/18	83 FR 46681
NPRM Comment Period End.	11/13/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roxanne Rothschild, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570, *Phone:* 202 273–2917, *Email: roxanne.rothschild@nlrb.gov.*

Farah Qureshi, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570, *Phone:* 202 273–1949, *Email: farah.qureshi@nlrb.gov.*

RIN: 3142–AA13

[FR Doc. 2018–23932 Filed 11–15–18; 8:45 am]

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Part XXVII

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

[NRC–2018–0132]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: We are publishing our semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, ''The Regulatory Flexibility Act,'' and Executive Order 12866, ''Regulatory Planning and Review.'' The Agenda is a compilation of all rulemaking activities on which we have recently completed action or have proposed or are considering action. We have completed 5 rulemaking activities since publication of our last Agenda on June 11, 2018. This issuance of our Agenda contains 29 active and 17 long-term rulemaking activities: 4 are Economically Significant; 10 represent Other Significant agency priorities; 29 are Substantive, Nonsignificant rulemaking activities; and 3 are Administrative rulemaking activities. In addition, 2 rulemaking activities impact small entities. This issuance also contains our annual regulatory plan, which contains information on some of our most important regulatory actions that we are considering issuing in proposed or final form during Fiscal Year 2018. Our regulatory plan was submitted to OMB in June 2018; updates have been reflected in the Agenda abstract for each rulemaking. We are requesting comment on the rulemaking activities as identified in this Agenda.

DATES: Submit comments on rulemaking activities as identified in this Agenda by December 17, 2018.

ADDRESSES: Submit comments on any rulemaking activity in the Agenda by the date and methods specified in any **Federal Register** notice on the rulemaking activity. Comments received on rulemaking activities for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the **Federal Register** notice. You may submit comments on this Agenda through the Federal Rulemaking website by going to *http://www.regulations.gov* and searching for Docket ID NRC–2018–0132. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions on any rulemaking activity listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rulemaking activity.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Cindy Bladey, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3280; email: *Cindy.Bladey@nrc.gov.* Persons outside the Washington, DC, metropolitan area may call, toll-free: 1–800–368–5642. For further information on the substantive content of any rulemaking activity listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rulemaking activity.

SUPPLEMENTARY INFORMATION:

Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0132 when contacting the NRC about the availability of information for this document. You may obtain publically-available information related to this document by any of the following methods:

- *Reginfo.gov:*
  - For completed rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaHistory?showStage=completed,* select ''fall 2018 The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions'' from drop down menu, and select ''Nuclear Regulatory Commission'' from drop down menu.
  - For active rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaMain* and select ''Nuclear Regulatory Commission'' from drop down menu.
  - For long-term rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaMain,* select ''Current Long Term Actions'' link, and select ''Nuclear Regulatory Commission'' from drop down menu.
- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0132.
- *NRC's Public Website:* Go to *http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/unified-agenda.html* and select fall 2018.
- *NRC's Public Document Room:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0132 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into the Agencywide Documents Access and Management System (ADAMS). The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

Introduction

The Agenda is a compilation of all rulemaking activities on which an agency has recently completed action or has proposed or is considering action. The Agenda reports rulemaking activities in three major categories: Completed, active, and long-term. Completed rulemaking activities are those that were completed since publication of an agency's last Agenda; active rulemaking activities are those that an agency currently plans to have an Advance Notice of Proposed Rulemaking, a Proposed Rule, or a Final Rule issued within the next 12 months; and long-term rulemaking activities are rulemaking activities under development but for which an agency does not expect to have a regulatory action within the 12 months after publication of the current edition of the Unified Agenda.

We assign a ''Regulation Identifier Number'' (RIN) to a rulemaking activity when our Commission initiates a rulemaking and approves a rulemaking plan, or when the NRC staff begins work on a Commission delegated rulemaking [1] that does not require a rulemaking plan. The Office of

[1] For information on delegated rulemakings see ADAMS Accession No. ML16040A011.

Management and Budget uses this number to track all relevant documents throughout the entire ''lifecycle'' of a particular rulemaking activity. We report all rulemaking activities in the Agenda that have been assigned a RIN and meet the definition for a completed, an active, or a long-term rulemaking activity.

The information contained in this Agenda is updated to reflect any action that has occurred on a rulemaking activity since publication of our last Agenda on June 11, 2018 (83 FR 27276). Specifically, the information in this Agenda has been updated through July 27, 2018. The NRC provides additional information on planned rulemaking and petition for rulemaking activities, including priority and schedule, on our website at *https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html#cprlist.*

The date for the next scheduled action under the heading ''Timetable'' is the date the next regulatory action for the rulemaking activity is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The Agenda is intended to provide the public early notice and opportunity to participate in our rulemaking process. However, we may consider or act on any rulemaking activity even though it is not included in the Agenda.

Section 610 Periodic Reviews Under the Regulatory Flexibility Act

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies to conduct a review within 10 years of promulgation of those regulations that have or will have a *significant* economic impact on a *substantial* number of small entities. We undertake these reviews to decide whether the rules should be unchanged, amended, or withdrawn. At this time, we do not have any rules that have a *significant* economic impact on a *substantial* number of small entities; therefore, we have not included any RFA Section 610 periodic reviews in this edition of the Agenda. A complete listing of our regulations that impact small entities and related Small Entity Compliance Guides are available from the NRC's website at *http://www.nrc.gov/about-nrc/regulatory/rulemaking/flexibility-act/small-entities.html.*

Public Comments Received on NRC Unified Agenda

The comment period on the NRC's last Agenda (published on June 11, 2018 (83 FR 27276) closed on July 11, 2018. We did not receive any written comments on our spring 2018 Agenda.

Dated at Rockville, Maryland, this 27th day of July 2018.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Office of Nuclear Material Safety and Safeguards.

NUCLEAR REGULATORY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
509	Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032] **(Reg Plan Seq No. 180)**	3150–AJ99

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
510	Revision of Fee Schedules: Fee Recovery for FY 2020 [NRC–2017–0228]	3150–AK10

NUCLEAR REGULATORY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
511	Revision of Fee Schedules: Fee Recovery for FY 2018 [NRC–2017–0026]	3150–AJ95

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

509. Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032]

Regulatory Plan: This entry is Seq. No. 180 in part II of this issue of the **Federal Register**.

RIN: 3150–AJ99

NUCLEAR REGULATORY COMMISSION (NRC)

Long-Term Actions

510. Revision of Fee Schedules: Fee Recovery for FY 2020 [NRC–2017–0228]

E.O. 13771 Designation: Independent agency.

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rulemaking would amend the NRC's regulations for fee schedules. The NRC conducts this rulemaking annually to recover approximately 90 percent of its budget authority in a given fiscal year to implement the Omnibus Budget Reconciliation Act of 1990, as amended. This rulemaking would affect the fee schedules for licensing, inspection, and annual fees charged to the NRC's applicants and licensees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/20	
Final Rule	05/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele D. Kaplan, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–5256, *Email: michele.kaplan@nrc.gov.*

RIN: 3150–AK10

NUCLEAR REGULATORY COMMISSION (NRC)

Completed Actions

511. Revision of Fee Schedules: Fee Recovery for FY 2018 [NRC–2017–0026]

E.O. 13771 Designation: Independent agency.

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This proposed rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the NRC to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the NRC's cost of providing services to identifiable applicants and licensees. Examples of services provided by the NRC for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (*e.g.,* research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

Completed:

Action	Date	FR Cite
Final Rule	06/25/18	83 FR 29622
Final Rule Effective.	08/24/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele D. Kaplan, *Phone:* 301 415–5256, *Email: michele.kaplan@nrc.gov.*

RIN: 3150–AJ95

[FR Doc. 2018–23931 Filed 11–15–18; 8:45 am]

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FEDERAL REGISTER

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Part XXVIII

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33–10527, 34–83787, IA–4978, IC–33194, File No. S7–20–18]

Regulatory Flexibility Agenda

AGENCY: Securities and Exchange Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Securities and Exchange Commission is publishing the Chairman's agenda of rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 94 Stat. 1164) (Sep. 19, 1980). The items listed in the Regulatory Flexibility Agenda for fall 2018 reflect only the priorities of the Chairman of the U.S. Securities and Exchange Commission, and do not necessarily reflect the view and priorities of any individual Commissioner.

Information in the agenda was accurate on August 3, 2018, the date on which the Commission's staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of an RFA analysis is required.

The Commission's complete RFA agenda will be available online at *www.reginfo.gov.*

DATES: Comments should be received on or before December 17, 2018.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–20–18 on the subject line.

Paper Comments

Send paper comments to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. S7–20–18. This file number should be included on the subject line if email is used. To help us 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/other.shtml*). Comments are also 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. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Mykaila DeLesDernier, Office of the General Counsel, 202–551–5129.

SUPPLEMENTARY INFORMATION: The RFA requires each Federal agency, twice each year, to publish in the **Federal Register** an agenda identifying rules that the agency expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any matter that is included in the agenda (5 U.S.C. 602(d)). The Commission may consider or act on any matter earlier or later than the estimated date provided on the agenda. While the agenda reflects the current intent to complete a number of rulemakings in the next year, the precise dates for each rulemaking at this point are uncertain. Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

''Securities Act''—Securities Act of 1933

''Exchange Act''—Securities Exchange Act of 1934

''Investment Company Act''—Investment Company Act of 1940

''Investment Advisers Act''—Investment Advisers Act of 1940

''Dodd Frank Act''—Dodd-Frank Wall Street Reform and Consumer Protection Act

''JOBS Act''—Jumpstart Our Business Startups Act

''FAST Act''—Fixing America's Surface Transportation Act

The Commission invites public comment on the agenda and on the individual agenda entries.

By the Commission.

Dated: August 7, 2018.

Brent J. Fields,

Secretary.

DIVISION OF CORPORATION FINANCE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
512	Disclosure of Hedging by Employees, Officers and Directors	3235–AL49
513	Modernization of Property Disclosures for Mining Registrants	3235–AL81
514	Disclosure Update and Simplification	3235–AL82

DIVISION OF CORPORATION FINANCE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
515	Listing Standards for Recovery of Erroneously Awarded Compensation	3235–AK99
516	Pay Versus Performance	3235–AL00
517	Universal Proxy	3235–AL84
518	Form 10–K Summary	3235–AL89

DIVISION OF CORPORATION FINANCE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
519	Amendments to Interactive Data (XBRL) Program	3235–AL59
520	Amendments to Smaller Reporting Company Definition	3235–AL90

DIVISION OF INVESTMENT MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
521	Use of Derivatives by Registered Investment Companies and Business Development Companies	3235–AL60

DIVISION OF INVESTMENT MANAGEMENT—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
522	Reporting of Proxy Votes on Executive Compensation and Other Matters	3235–AK67

DIVISION OF INVESTMENT MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
523	Investment Company Reporting Modernization; Option for Website Transmission of Shareholder Reports	3235–AL42
524	Investment Company Liquidity Disclosure	3235–AM30

DIVISION OF TRADING AND MARKETS—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
525	Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934	3235–AL14

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Final Rule Stage

512. Disclosure of Hedging by Employees, Officers and Directors

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–203

Abstract: The Commission proposed rules to implement section 955 of the Dodd-Frank Act, which added section 14(j) to the Exchange Act to require annual meeting proxy statement disclosure of whether employees or members of the board of directors are permitted to engage in transactions to hedge or offset any decrease in the market value of equity securities granted to the employee or board member as compensation, or held directly or indirectly by the employee or board member.

Timetable:

Action	Date	FR Cite
NPRM	02/17/15	80 FR 8486
NPRM Comment Period End.	04/20/15	
Final Action	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carolyn Sherman, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3500, *Email: shermanc@sec.gov.*

RIN: 3235–AL49

513. Modernization of Property Disclosures for Mining Registrants

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77c(b); 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 78c(b); 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o(d)

Abstract: The Commission proposed rules to modernize and clarify the disclosure requirements for companies engaged in mining operations.

Timetable:

Action	Date	FR Cite
NPRM	06/27/16	81 FR 41652
NPRM Comment Period End.	08/26/16	
NPRM Comment Period Extended.	08/26/16	81 FR 58877
NPRM Comment Period Extended End.	09/26/16	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elliot Staffin, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3450, *Email: staffine@sec.gov.*

RIN: 3235–AL81

514. Disclosure Update and Simplification

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77a *et seq.;* 15 U.S.C. 78a *et seq.;* 15 U.S.C. 80a–1 *et seq.;* Pub. L. 114–94

Abstract: The Commission proposed rules to update certain disclosure

requirements in Regulations S–X and S–K that may have become redundant, duplicative, overlapping, outdated or superseded in light of other Commission disclosure requirements, U.S. Generally Accepted Accounting Principles, International Financial Reporting Standards, or changes in the information environment.

Timetable:

Action	Date	FR Cite
NPRM	08/04/16	81 FR 51607
NPRM Comment Period Extended.	09/29/16	81 FR 66898
NPRM Comment Period End.	10/03/16	
NPRM Comment Period Extended End.	11/02/16	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lindsay McCord, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3255, *Email: mccordl@sec.gov.*

RIN: 3235–AL82

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Long-Term Actions

515. Listing Standards for Recovery of Erroneously Awarded Compensation

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–203, sec. 954; 15 U.S.C. 78j–4

Abstract: The Commission proposed rules to implement section 954 of the Dodd-Frank Act, which requires the Commission to adopt rules to direct national securities exchanges to prohibit the listing of securities of issuers that have not developed and implemented a policy providing for disclosure of the issuer's policy on incentive-based compensation and mandating the clawback of such compensation in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	07/14/15	80 FR 41144
NPRM Comment Period End.	09/14/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anne M. Krauskopf, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3500.

RIN: 3235–AK99

516. Pay Versus Performance

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–203, sec. 953(a); 15 U.S.C. 78c(b); 15 U.S.C. 78n; 15 U.S.C. 78w(a); 15 U.S.C. 78mm

Abstract: The Commission proposed rules to implement section 953(a) of the Dodd-Frank Act, which added section 14(i) to the Exchange Act to require issuers to disclose information that shows the relationship between executive compensation actually paid and the financial performance of the issuer.

Timetable:

Action	Date	FR Cite
NPRM	05/07/15	80 FR 26329
NPRM Comment Period End.	07/06/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3430, *Email: hearnes@sec.gov.*

RIN: 3235–AL00

517. Universal Proxy

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 78n; 15 U.S.C. 78w(a)

Abstract: The Commission proposed to amend the proxy rules to expand shareholders' ability to vote by proxy to select among duly-nominated candidates in a contested election of directors.

Timetable:

Action	Date	FR Cite
NPRM	11/10/16	81 FR 79122
NPRM Comment Period End.	01/09/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3430, *Email: hearnes@sec.gov.*

RIN: 3235–AL84

518. Form 10–K Summary

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 114–94; 15 U.S.C. 78c; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o; 15 U.S.C. 78w

Abstract: The Commission adopted an interim final amendment to implement Section 72001 of the FAST Act by permitting an issuer to include a summary in its Form 10–K and also requested comment on the interim final amendment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/16	81 FR 37132
Interim Final Rule Effective.	06/09/16	
Interim Final Rule Comment Period End.	07/11/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean Harrison, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3430, *Fax:* 202 772–9207, *Email: harrisons@sec.gov.*

RIN: 3235–AL89

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Completed Actions

519. Amendments to Interactive Data (XBRL) Program

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77g; 15 U.S.C. 78w(a); 15 U.S.C. 80a–37

Abstract: The Commission adopted amendments to the XBRL rules to provide for companies to use Inline XBRL to file a single combined document.

Timetable:

Action	Date	FR Cite
NPRM	03/17/17	82 FR 14282
NPRM Comment Period End.	05/16/17	
Final Action	08/16/18	83 FR 40846
Final Action Effective.	09/17/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark W. Green, Division of Corporation Finance,

Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–0301, *Phone:* 202 551–3430, *Fax:* 202 772–9207.

RIN: 3235–AL59

520. Amendments to Smaller Reporting Company Definition

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77f to77h; 15 U.S.C. 77j; 15 U.S.C. 77s; 15 U.S.C. 77z–2 and 77z–3; 15 U.S.C. 77aa(25) and 77aa(26); 15 U.S.C. 77nn(25) and 77nn(26); 15 U.S.C. 78c; 15 U.S.C. 78j–1; 15 U.S.C. 78l to 78o(d); 15 U.S.C. 78q; 15 U.S.C. 78u–5; 15 U.S.C. 78w; 15 U.S.C. 78ll; 15 U.S.C. 78mm; 15 U.S.C. 80a–8; 15 U.S.C. 80a–20; 15 U.S.C. 80a–29 to 80a–31; 15 U.S.C. 80a–37(a); 15 U.S.C. 80–b3 and 80b–11; 15 U.S.C. 7202 and 7262; sec. 102(c), Pub. L. 112–106, 126 Stat. 310 (2012), unless otherwise noted

Abstract: The Commission proposed revisions to the ''smaller reporting company'' definitions and related provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/01/16	81 FR 43130
NPRM Comment Period End.	08/30/16	
Final Action	07/10/18	83 FR 31992
Final Action Effective.	09/10/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Reischauer, Securities and Exchange Commission, 110 F Street NE, Washington, DC 20549, *Phone:* 202 551–3460, *Email: reischauera@sec.gov.*

RIN: 3235–AL90

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Proposed Rule Stage

521. Use of Derivatives by Registered Investment Companies and Business Development Companies

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–31(a); 15 U.S.C. 80a–12(a); 15 U.S.C. 80a–38(a); 15 U.S.C. 80a–8; 15 U.S.C. 80a–30; 15 U.S.C. 80a–38

Abstract: The Division is considering recommending that the Commission re-propose a new rule designed to enhance the regulation of the use of derivatives by registered investment companies, including mutual funds, exchange-traded funds, closed-end funds and business development companies.

Timetable:

Action	Date	FR Cite
NPRM	12/28/15	80 FR 80884
NPRM Comment Period End.	03/28/16	
NPRM	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Johnson, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6740, *Email: johnsonbm@sec.gov.*

RIN: 3235–AL60

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Long-Term Actions

522. Reporting of Proxy Votes on Executive Compensation and Other Matters

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 78m; 15 U.S.C. 78w(a); 15 U.S.C. 78mm; 15 U.S.C. 78x; 15 U.S.C. 80a–8; 15 U.S.C. 80a–29; 15 U.S.C. 80a–30; 15 U.S.C. 80a–37; 15 U.S.C. 80a–44; Pub. L. 111–203, sec 951

Abstract: The Division is considering recommending that the Commission re-propose rule amendments to implement section 951 of the Dodd-Frank Act. The Commission previously proposed amendments to rules and Form N–PX that would require institutional investment managers subject to section 13(f) of the Exchange Act to report how they voted on any shareholder vote on executive compensation or golden parachutes pursuant to sections 14A(a) and (b) of the Exchange Act.

Timetable:

Action	Date	FR Cite
NPRM	10/28/10	75 FR 66622
NPRM Comment Period End.	11/18/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew DeLesDernier, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6792, *Email: delesdernierj@sec.gov.*

RIN: 3235–AK67

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Completed Actions

523. Investment Company Reporting Modernization; Option for Website Transmission of Shareholder Reports

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77 *et seq.;* 15 U.S.C. 77aaa *et seq.;* 15 U.S.C. 78a *et seq.;* 15 U.S.C. 80a *et seq.;* 44 U.S.C. 3506; 44 U.S.C. 3507

Abstract: The Commission adopted new rule 30e–3, which would permit but not require registered investment companies to transmit periodic reports to their shareholders by making the reports accessible on a website and satisfying certain other conditions. The Commission previously adopted new rules and forms as well as amendments to its rules and forms to modernize the reporting and disclosure of information by registered investment companies.

Timetable:

Action	Date	FR Cite
NPRM	06/12/15	80 FR 33590
NPRM Comment Period End.	08/11/15	
NPRM Comment Period Reopened.	10/12/15	80 FR 62274
NPRM Comment Period Reopened End.	01/13/16	
Final Action	11/18/16	81 FR 81870
Final Action Effective.	01/17/17	
Final Action	06/22/18	83 FR 29158
Final Action Effective.	01/01/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Johnson, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6740, *Email: johnsonbm@sec.gov.*

RIN: 3235–AL42

524. Investment Company Liquidity Disclosure

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77a *et seq.;* 15 U.S.C. 78a *et seq.;* 15 U.S.C. 80a *et seq.*

Abstract: The Commission adopted amendments to its forms designed to

improve the reporting and disclosure of liquidity information by registered investment companies.

Timetable:

Action	Date	FR Cite
NPRM	03/19/18	83 FR 11905
NPRM Comment Period End.	05/18/18	
Final Action	07/10/18	83 FR 31859
Final Action Effective.	09/10/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Thoreau Adrian Bartmann, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6745, *Email: bartmannt@sec.gov.*

RIN: 3235–AM30

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Long-Term Actions

525. Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–203, sec. 939A

Abstract: Section 939A of the Dodd-Frank Act requires the Commission to remove certain references to credit ratings from its regulations and to substitute such standards of creditworthiness as the Commission determines to be appropriate. The Commission amended certain rules and one form under the Exchange Act applicable to broker-dealer financial responsibility, and confirmation of transactions. The Commission has not yet finalized amendments to certain rules regarding the distribution of securities.

Timetable:

Action	Date	FR Cite
NPRM	05/06/11	76 FR 26550
NPRM Comment Period End.	07/05/11	
Final Action	01/08/14	79 FR 1522
Final Action Effective.	07/07/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Guidroz, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6439, *Email: guidrozj@sec.gov.*

RIN: 3235–AL14

[FR Doc. 2018–23929 Filed 11–15–18; 8:45 am]

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Part XXIX

Surface Transportation Board

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD

49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 45)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Chairman of the Surface Transportation Board is publishing the Regulatory Flexibility Agenda for fall 2018.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a Regulatory Flexibility Agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing the action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Chairman's best estimate of rules that may be considered over the next 12 months, but does not necessarily reflect the views of any other individual Board Member. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: ''Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a Regulatory Flexibility Agenda or requires an agency to consider or act on any matter listed in such agenda.''

The Chairman is publishing the Agency's Regulatory Flexibility Agenda for fall 2018 as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Orders 12866 and 13563. The Board is participating voluntarily in the program to assist OMB and has included rulemaking proceedings in the Unified Agenda beyond those required by the RFA.

Dated: July 18, 2018.

By the Board, Chairman Begeman.

Jeffrey Herzig,

Clearance Clerk.

SURFACE TRANSPORTATION BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
526	Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1)	2140–AB29

SURFACE TRANSPORTATION BOARD (STB)

Long-Term Actions

526. Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1)

E.O. 13771 Designation: Independent agency.

Legal Authority: 49 U.S.C. 10502; 49 U.S.C. 13301

Abstract: The Board proposed to revoke the class exemptions for the rail transportation of: (1) Crushed or broken stone or rip-rap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes, or tailings.

Timetable:

Action	Date	FR cite
NPRM	03/28/16	81 FR 17125
NPRM Comment Period End.	07/26/16	
NPRM Reply Comment Period End.	08/26/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott M. Zimmerman, Acting Director, Office of Proceedings, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, *Phone:* 202 245–0386, *Email: scott.zimmerman@stb.gov.*

Francis O'Connor, Section Chief, Chemical & Agricultural Transportation, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423–0001, *Phone:* 202 245–0331, *Email: francis.o'connor@stb.gov.*

RIN: 2140–AB29

[FR Doc. 2018–23930 Filed 11–15–18; 8:45 am]

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